

The Regular Meeting of the Meeker Town Board was held Tuesday, May 5, 2009 at Town Hall.

Members Present	Mayor	Etheridge
	Trustees	Omer Mills Halandras Waldref Gerloff
Members Absent	Trustee	Mills
Town Staff Present	Town Administrator	Day
	Town Planner	Smith
	Town Clerk	Cook
	Town Attorney	Viscardi
	Chief of Police	Hervey
	Public Works Super.	Overton
	Admin. Assist.	Niemi
Citizens Present	Nikki Turner	RB Herald Times
	Margie Joy	Pioneers Medical Center
	Jesper & San Jonsson	The Bistro

CALL TO ORDER

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

ROLL CALL

All Trustees present, except for Trustee Mills.

APPROVAL OF THE AGENDA

Mayor Etheridge asked if there were any changes to the agenda, with Town Administrator Sharon Day requesting an Executive Session under other business, pursuant to State Statute 26.6.402(4)(b) to receive legal advice.

A motion was made by Trustee Omer to approve the revised agenda, seconded by Trustee Waldref. All ayes, motion carried.

APPROVAL OF THE PREVIOUS MINUTES

Mayor Etheridge asked for comments, questions or revisions to the April 21, 2009 minutes. She stated she had found one correction the word "with" was missing the "h".

A motion was made by Trustee Halandras to approve the April 21, 2009 minutes with the noted revision, seconded by Trustee Waldref. Ayes: Trustee Omer, Waldref, Halandras and Gerloff. Trustee Strate abstained. Motion carried.

APPROVAL OF VOUCHERS

Mayor Etheridge asked for questions or comments regarding the revised set of vouchers dated April 30, 2009. Trustee Halandras inquired about Item #44 under the General Fund for Atmos Energy, if the amount was for the Town Hall building only. Day stated the amount includes everything, the shop, the dog pound, as well as Town Hall.

A motion to approve the revised set of vouchers dated April 30, 2009 was made by Trustee Halandras seconded by Trustee Waldref. All ayes, motion carried.

PUBLIC PARTICIPATION

Margie Joy, co-chair of Rural Philanthropy Days (NW Region) stated she was on the committee for the upcoming Rural Philanthropy Days, which would be held at Steamboat Springs on September 16-18, 2009, and had a request of the Board. Ms. Joy outlined the work of the committee, stating the northwest area was comprised of five counties: Grand, Jackson, Moffat, Rio Blanco and Routt Counties, and the work of non-profits within the community. She stated the event was designed to help communities understand non-profits in rural communities and to get more grant dollars to those communities. Ms. Joy stated when the event first began only three percent of the grant money in Colorado came to rural areas and has now increased by 300 percent. Ms. Joy then outlined the events taking place at Rural Philanthropy Days as well as topics to be discussed; connecting with funders, community development, and health and wellness. She stated the event attracts about 400-500 attendees. Ms. Joy stated the event would also bring in a national speaker: Robert Egger, Founder of the D.C. Central Kitchen who is knowledgeable in working across boundaries and getting collaborative conversations started. She stated he is most recently known for his B-3 Campaign during the presidential election regarding the value non-profits have in the community.

Ms. Joy stated her request as co-chair and a member for the fund-raising committee, was to obtain 100 percent sponsorship from counties and municipalities. She outlined where funding had come from to date, and stated Rio Blanco County had just committed \$500 towards the event. Ms. Joy stated she was asking the Town of Meeker to commit funds to the event in what ever amount they felt comfortable with. She stated her second request would be for the Town and County to participate in getting the word out about the event to other groups and organizations, as well as possibly having Staff and Board members attend. Mayor Etheridge asked for questions or comments. Trustee Gerloff inquired as to how soon Ms. Joy would need an answer, with Ms. Joy stating in a couple of weeks.

Mayor Etheridge stated there was a line item for community donations or sponsorships and inquired if the Board wanted to discuss it at this time. Trustee Halandras stated he would be fine with the Town doing the bronze sponsorship of \$250.00, with Trustee Strate concurring. Mayor Etheridge inquired if the Board would consider the Silver sponsorship of \$500.00 with Trustee Gerloff stating he would consider it. Trustee Waldref inquired how much funding was budgeted in the line item, with Day stating \$15,000. Mayor Etheridge inquired again if the Board would approve the Silver sponsorship as it included advertising opportunities and booth space she thought would be beneficial for the Town. Discussion focused on local agencies and supporting non-profits in the community, the event being worthwhile, more visibility for the Town and County and other agencies within the community and the Town being more visible at similar events.

A motion was made by Trustee Gerloff to be a Silver Sponsor in the amount of \$500.00 for the 2009 NW Colorado Rural Philanthropy Days, seconded by Trustee Waldref. Ayes: Trustee Omer, Waldref, Strate, and Gerloff. Trustee Halandras abstained. Motion carried.

DEPARTMENTAL UPDATES

Public Works ó Public Works Superintendent Russell Overton stated both fences had been completed, except for staining, leak detection had been completed, and the leaks fixed, and they were now working on the water line at the well field. He also stated they had been sweeping streets and doing regular maintenance. Mayor Etheridge inquired about the leak detection work being extensive, with Mr. Overton explaining it had taken four days with two men to complete the leak detection, and then Staff had fixed the leaks. Trustee Gerloff inquired if the work being done was on the new well with Mr. Overton stating yes. Discussion focused on how the work on the well was progressing, when the well had been drilled and when it would be brought online. Mr. Overton stated it should be about one month as they were waiting on control wires and testing would need to be done.

Police Department ó Chief of Police Bob Hervey stated for the month of April there were 201 calls for service, nine traffic summons, six criminal summons were issued, and 10 arrests. He stated the person who had applied

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for the lieutenant's position had changed his mind, so they were still looking to fill that position and an police officer position. Trustee Halandras inquired if the department was seeing less calls with the decline of traffic in town. Chief Hervey stated it was steady with a slight decrease. Trustee Gerloff inquired as to how many staff the department had with Chief Hervey stating there were four at this time, including himself.

Planning/Building Department ó Planner Anna Smith stated the CT room at the hospital had been given authorization for operation, and a Certificate of Occupancy would be issued soon. She stated White River Electric Association had applied for a remodeling permit for an IT room and there had been one residential application for remodeling. Planner Smith stated there would be an upcoming special review for a day care facility. She also stated a Public Hearing is scheduled for May 19, 2009 for the Thompsons, rezoning of Parcel A from the Escondido Subdivision. Planner Smith stated there had been coordination with other applicants for variances and other special reviews which have not formally been submitted yet. Planner Smith stated work was still being done on the reviews for the school, including the floodplain and changes that occurred regarding the culvert. Trustee Halandras inquired about Surveyor Jim Joy's recommendations, with Day stating the workshop would be in June, as the one in May would be the drug workshop that had been postponed.

NEW BUSINESS

Request from The Bistro on Park Avenue for Liquor License renewal.

Liquor Clerk Kathy Sizemore stated the liquor license renewal was for The Bistro on Park Avenue, with San and Jesper Jonsson present. She stated there were no calls for service, the paperwork was in order, fees paid, and Staff recommended approval. Mayor Etheridge asked for questions or comments with none noted.

A motion was made by Trustee Omer to approve the Hotel and Restaurant Liquor License renewal for The Bistro on Park Avenue, seconded by Trustee Waldref. All ayes, motion carried.

Appointment of Library Board Member.

Town Administrator Sharon Day stated two applications had been received, one from Jason Taylor and one from Martha Griffin. Day stated she had contacted the librarian and they had recommended Ms. Griffin. She stated Ms. Griffin has served on the Planning Commission Board for several years and had done a good job. Day stated she recommended the Board go with the Library's recommendation for the appointment. Mayor Etheridge asked for comments or questions. Trustee Omer inquired if Mike (the librarian) had reviewed this with the Library Board and if this was their collective recommendation. Day stated she believed so, but hadn't asked specifically if it was the Board's recommendation.

Trustee Gerloff inquired how the Library Board worked, and if it was just one seat the Town appointed. Day replied the one made appointments are by State Statute, and two joint appointments, the County, and by the Town. Day stated the other member could be appointed by the Library Board. Trustee Gerloff inquired if there was any cursory representation to the Town. Day stated no and the Town did not fund them.

Mayor Etheridge inquired if the State Statute gave any requirements to base their decision, as it was difficult to choose based upon a recommendation and brief letters. Day stated she didn't know. Mayor Etheridge inquired if there was a time limit, with Day stating she was unsure but would check. Mayor Etheridge asked of the Board if they had any comments, if they would like to meet the applicants or take the recommendation. Discussion focused on the applicants. Trustee Omer asked if it would be helpful to carry the item over to the next meeting and invite the applicants to come and state their interest.

Trustee Halandras stated he would be fine in letting the Library Board make the decision (recommendation). Trustee Omer inquired as to how long Ms. Griffin had served on the Planning Commission Board. Day stated she thought about five years. Trustee Strate stated he didn't feel a decision could be made at this time without knowing if it was the Library Board's or the librarian's recommendation to appoint Ms. Griffin. Consensus from

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the Board was to obtain more information from the Library Board and address the item at the next meeting

Consideration of Resolution 4, Series 2009 adopting a Town Identity Theft Prevention Program, mandated by Federal Trade Commission's Red Flags rule.

Attorney Viscardi addressed the Board stating the policy was pursuant to federal law as the Federal Trade Commission (FTC) adopted Identity Theft Rules requiring the creation of certain policies relating to the use of consumer reports, address discrepancy and the detection, prevention and mitigation of identity theft. FTC regulations include utility companies in the definition of creditor, and the Town of Meeker is a creditor by virtue of providing utility services or accepting payment for municipal services. FTC regulations require each creditor to adopt an Identity Theft Prevention Program which will use red flags to detect, prevent and mitigate identity theft related to information used in covered accounts.

Attorney Viscardi stated that he and staff had looked at the exposure regarding the water utility and a determination was then made about what type of policy would work best based upon the services provided and had come up with an uncomplicated system, based mainly on the minimal information obtained from users, such as name and address. Viscardi stated other information such as Social Security numbers, driver's license numbers and date of birth are not required of an applicant by the Town and there is no formal application on file, only a request for service that requires a name and address. He also stated at the present time, the Town does not have any at-risk information entered into the computer system and does not use a third party provider for collection work or for any services related to the water utility. Attorney Viscardi also stated the Town has had no reports that anyone had been subjected to identity theft through information they had provided to the Town. Viscardi stated the policy created follows Federal guidelines and the Town Administrator and Town Clerk will be responsible for implementation of the policy, training, an annual review, updates or changes needed in the policy, if any, and to report those changes to the Board. Trustee Omer stated the policy looked good as drafted.

Mayor Etheridge asked for comments or questions. Discussion focused on when the policy was due, and that the deadline had been extended, again, by a few months. Mayor Etheridge thanked Attorney Viscardi for his work in putting together the policy. Trustee Omer commented about the personnel side and training of employees on such a policy and the seriousness if the policy is violated by an employee.

A motion was made by Trustee Gerloff to approve Resolution #4, Series 2009 adopting a Red Flag Policy and establishing an Identity Theft Prevention Program for the Town of Meeker. Seconded by Trustee Strate. All ayes, motion carried.

Annual request for approval of quarterly payments to Pioneers Medical Center from the Walbridge Trust fund to defray nursing home expenditures.

Administrator Day stated this was the annual motion regarding the Walbridge Trust Fund, which had been bequeathed to the Town. Day stated the Town had an agreement with Pioneers Medical Center (PMC) to provide up to \$52,500 per year from income of the trust to help defray expenses of the nursing home, and a motion would be needed for the Town to make the quarterly payments to PMC. Wells Fargo manages the fund and the Town receives a monthly statement letting us know what the income is. She stated Pioneers Medical Center requests payment and the Town authorizes payment. Mayor Etheridge asked for questions or comments.

Attorney Viscardi stated the money originally came from a trust fund and is held now in the Meeker Hospital Fund. He stated the money came from the Wallbridge's will and was in trust, the money then came to the Town, the Town accepted the money and there was a court decision that interpreted the issues regarding the fund, but is no longer called a trust fund, it is officially called the Meeker Hospital Fund. He stated he wanted to make the distinction for the Board.

A motion was made by Trustee Halandras to approve the quarterly payments to Pioneers Hospital Center from

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the Meeker Hospital Fund, seconded by Trustee Strate. Ayes 6 Trustee Gerloff, Strate, Halandras, and Waldref. Trustee Omer abstained. Motion carried.

Consideration of Traffic Study of Ute Road and routes for pedestrians and bikers to new elementary school and other matters.

Administrator Day stated last week the engineer for Neenan Company had called regarding the easement for the water line. Day stated after some research, she found that when the town obtained the right-of-ways for the water line, they had traded out a water tap to each entity. She stated the school district had not used their water tap and would not have to pay for the tap because it is a trade.

Day stated that Rob from Stantec had provided a proposal to the Town, and had been laid out into different tasks per her request, and the Town could choose the tasks they wanted to complete. Day stated she had spoken with Rob about the primary task, which would be Task #5 and how important it was to move forward on it. She explained that Task #5 was to review several alternative locations for the school's entrance roadway. She also stated she had asked Rob to keep it to the two entrances the Town had identified, unless there was a red flag. Day stated he would be in Meeker on Wednesday to do measurements if the Board wanted to move forward with the study. She also stated Rob thought if he came on Wednesday to do the measurements, he could let the Town know the preferred alternate route by next Tuesday, May 12, 2009. Day stated she had spoken with Jack Kirtland from DOLA, regarding the Energy Impact grant and he stated they will work with the Town as things change, and won't start his reports until June which leaves time to fine tune the application.

Day stated when looking through the proposal and adding the figures, the proposed lump sum would be \$20,800 for the basic scope of the work and didn't include Task #8, Community Outreach. Day stated she explained to Rob that she didn't expect the Town to do that portion of the process as the Town would figure out other ways to involve the community and save funding. She stated Rob has also priced out Task #9, 30 percent engineering and cost estimate and which also was not included in the \$20,800 figure. Day stated she would recommend that the Board approve Task #5 to begin and the remainder could be decided later. Mayor Etheridge stated the tasks all seem to be intertwined, and was frustrated at the cost of \$900 to organize the project as it seemed a bit much. Discussion focused on what the proposal included (travel, etc)

Day stated she had spoken with Rob regarding the tube counts on Task #3 inquiring if it would be productive. She stated Stantec said it was very important as they have to establish the base traffic then they add a formula for the traffic from the school, and it needed to be done. Trustee Omer inquired if she recommended Tasks 1-3 and 5, with Day stating it would be Tasks 1-7 and would talk to Rob about Tasks #1 and #2 being combined and the Town being responsible to save costs. Mayor Etheridge stated she had a problem with the cost for a kick off meeting. Trustee Halandras inquired if the County or the School Board had seen the proposal with Day stating no. Trustee Halandras stated if it was this expensive, the others should look at the proposal. Day stated the problem then would be; who is the traffic engineer loyal to, and when more people are involved in funding there is more ownership, disagreements and problems trying to figure out who is in charge. She stated if it were to be a Town road, the Town should take the lead, and have it built and designed to the Town's standards. Day stated it looked like a lot of money and probably would require a contingency budget, but the study would be money well spent. She stated the worst thing that could happen is a new road goes in and then finding out later it won't work at all.

Trustee Halandras stated he had looked at the previous minutes and didn't find any discussion on costs. Mayor Etheridge inquired if the cost would come from the Feasibility Studies line item, with Day stating no, a contingency budget would be done, which is a public process, requiring an ordinance and a public hearing and falls under an "unforeseen expense." Discussion focused on what tasks to begin with, the costs associated with some of the tasks moving forward with three of the tasks and those costs, if the town has traffic counts, and information the Town may have already for the project. Day stated she would speak with Rob regarding omitting

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some of the tasks. Mayor Etheridge inquired if the contract was negotiable, with Day stating yes she felt it was, as Rob had laid it out in tasks for the Board.

Trustee Omer commented on Tasks #1 and 2 and if those could be negotiated on an hourly basis, or require that the task not exceed a certain amount. Day stated those conversations could be had. Trustee Gerloff inquired about the traffic tubes and their locations and if it was in the proposed traffic study. Day stated yes, and outlined where the tubes would be placed for average daily counts. Trustee Gerloff inquired if the study encompassed the whole area and around the existing school, with Day stating yes, as well as Sanderson and Wall Street. Mr. Overton stated they were told it would encompass the existing school, including counting of children walking and biking.

A motion was made by Trustee Halandras to move forward with Tasks #3, 4, and 5 with Tasks #1 and 2 to be negotiated, seconded by Trustee Omer. All ayes, motion carried.

Day stated there was an estimate from Chris Hale, Mountain Cross Engineering, who had been reviewing information for the Town (for costs associated with the new elementary school). She stated Mr. Hale's estimate was \$1,920.00 for review of the FEMA information. She stated the Town normally asked for a deposit in the amount of the estimate and would be used to review the site plan, construction plan, the floodplain and anything else that may come up. Day asked per the discussion at the previous meeting, if the Board wanted to move forward with an agreement to the school and ask for a deposit to cover the fees. Trustee Omer inquired if it would be paid by the school with Day stating yes, they would give the Town a deposit and outlined the process. Board consensus was to move forward with the agreement. Day stated that the Town would need to require the school to pay the \$100 floodplain permit fee, with Trustee Omer inquiring if that was standard practice. Day replied yes. The Board concurred.

MAYOR'S REPORTS

None

MANAGER'S REPORTS

Smoking River Pow-wow ó Day stated she had been contacted by the Smoking River Pow-wow, stating Clifford Duncan would be in town for a storytelling event for the children on May 21, 2009 and would like to host an adult story telling event at Circle Park with a small bonfire. She stated the Town had just gotten rid of the fire ring, and inquired if the Board would approve a special use in the park for one night. Trustee Gerloff inquired where the fire would be, with Mr. Overton stating they would put dirt in the park and they could build the fire upon that. Afterwards Public Works would go in and remove the ashes.

A motion was made by Trustee Halandras to approve a Special Use for a bonfire in Circle Park on May 21, 2009 for the Smoking River Pow-wow, seconded by Trustee Strate. All ayes, motion carried.

Housing Needs Assessment ó Day stated the contract for the Housing Needs Assessment had been received and the Taskforce would be moving forward once the contract was signed by the appropriate County and State officials and the executed contract was received, the project would begin.

Joint Meeting with Towns and County Officials ó Day reminded the Board that Monday, May 11, 2009 was the joint meeting with the Town of Rangely, and the County Commissioners. She stated supper would be served at 6:30 p.m. with the meeting to begin at 7 p.m.

Board Training ó Day stated the Board training by CIRSA would be held on May 27, 2009 and was needed to help keep premiums down. Consensus from the Board was to have the Board training at 6:00 p.m.

Economic Development Group ó Day stated there had been a meeting the previous night with a group that had

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meet to discuss economic development. She stated the group had a State Representative present at a previous meeting to speak about how the Office of Economic Development might help organize something. She stated Margie Joy had given a presentation to the group regarding the Town providing the Chamber funding each year for economic development and tourism. Day stated Ms. Joy did a great job explaining the many things the community needed to do before they could attract business entities into town and told the group the Chamber would be promoting tourism. Day stated there had been discussions regarding some of the State's recommendations and that the communities look at its strengths and weaknesses, and things that upset people. She stated during the discussion there was one thing that really stuck out, and it was a simple statement that "sometimes someone has a dream and they come to Town Hall/ County and immediately they begin." Day stated it was recommended to just listen and think more about suggestions on how to make it happen, instead of being quick to say no. Discussion focused on that process being a proven practice at many places, something that needs to be worked on and the possibility of having it as a topic at the upcoming meeting with the Commissioners and Rangely.

CNCC Sack Lunch Event Day stated Ellene Meece with the Chamber would be hosting a sack lunch and PowerPoint Presentation at noon on the book "Who Moved My Cheese?" She stated it would be broadcast to Craig and Rangely Campuses and encouraged the Board to attend if they had time.

ATTORNEY'S REPORTS

None

OTHER TOWN BOARD BUSINESS

Trustee Halandras stated he had been approached regarding the digital sign and sign application. He stated an applicant had brought it in to be reviewed to ensure it was correct, and was told by Staff that the Board's decision was "adamant" that nothing be reviewed or seen before May 18, 2009. Trustee Halandras stated regardless of what the reason was, he didn't remember the Board being adamant about anything and asked the Staff not to use his name as such. Day stated she thought Staff may have misunderstood but thought there had been a great deal of conversation about making it fair and everyone receiving the same treatment. Trustees Strate and Omer said it had been discussed (during the Public Hearing).

EXECUTIVE SESSION

A motion was made by Trustee Gerloff that the Board go into Executive Session pursuant to State Statute 26.6.402(4)(b) to obtain legal advice concerning litigation, seconded by Trustee Strate. All ayes, motion carried.

The Board went into Executive Session at 8:35 p.m.

The Board reconvened to its regular meeting at 8:53 p.m.

Attorney Viscardi stated the participants of the Executive Session, regarding litigation included the Board of Trustees and the Mayor, with the exception of Trustee Mills. The Executive Session was recorded and if any person participating in the Executive Session believed that there was a substantial discussion of matters not included in the motion to go into Executive Session, they could state their concerns for the record. There were no comments from Board members. The meeting was then back in regular session. Mayor Etheridge thanked Attorney Viscardi for his comments and inquired if there was any other business. None noted.

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ADJOURNMENT

Mayor Etheridge adjourned the meeting at 8:54 p.m.

Attest:

Mandi Etheridge, Mayor

Lisa Cook, Town Clerk