

The Regular Meeting of the Meeker Town Board was held Tuesday, May 19, 2009 at Town Hall.

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| Members Present | Mayor | Etheridge |
| | Trustees | Gerloff Mills Omer Strate Waldref |
| Members Absent | | Halandras |
| Town Staff Present | Town Administrator | Day |
| | Town Planner | Smith |
| | Town Clerk | Cook |
| | Town Attorney | Viscardi |
| | Chief of Police | Hervey |
| | Admin. Assist. | Niemi |
| Citizens Present | Nikki Turner | RB Herald Times |
| | Martha Griffin- Library Board applicant | |
| | Terry Hood ó applicant | |
| | Patricia Thompson - applicant | |

CALL TO ORDER

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

ROLL CALL

All Trustees present, except for Trustee Halandras.

APPROVAL OF THE AGENDA

Mayor Etheridge asked if there were any changes to the agenda, with none noted.

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

APPROVAL OF THE PREVIOUS MINUTES

Mayor Etheridge asked for comments, questions or revisions to the May 5, 2009 minutes. Town Administrator Sharon Day stated the minutes needed some additional changes, asking if they could be tabled until the next meeting. The Board concurred.

APPROVAL OF VOUCHERS

Mayor Etheridge asked for questions or comments regarding the revised set of vouchers dated May 19, 2009. Mayor Etheridge inquired about Item #37 of the General Fund, Circle Park survey. Administrator Day stated it was completed and was for the fishing pond in Circle Park. Mayor Etheridge inquired if the survey was part of the grant, with Day stating no, it was funding the Town planned to spend. She stated the expenditure had been approved in 2008, along with some other projects. Mayor Etheridge inquired if the cost would come out of the line item "Feasibility Studies" with Day stating yes. Trustee Gerloff inquired about Item # 19 of the General Fund, what it was for. Day stated it was for the broom/street sweeper.

A motion to approve the revised set of vouchers dated May 19, 2009 was made by Trustee Mills, seconded by Trustee Waldref. All ayes, motion carried.

PUBLIC PARTICIPATION

None

NEW BUSINESS

Decision concerning choice of Energy Service Company to perform energy audits/energy performance contracting (join Rio Blanco County/Town of Meeker Project).

Administrator Day reported that the Town and County have been working together to choose an Energy Service Company (ESCO) to perform energy audits for both entities. A request for proposal (RFP) had been sent to State Certified ESCOs and three ESCOs had shown interest. She explained that there had been a non-mandatory pre-bid conference held in Meeker, of which two ESCOs attended ó Johnson Controls and Ennovate Corporation, with Long Energy Solutions not attending. After the pre-bid conference Johnson Controls had dropped out due to not a large enough scope of work. A team consisting of Pat Hooker, Diane Sorenson and Jeff Kumar, Rio Blanco County employees and Sharon Day, Carl Padilla, Town of Meeker employees had interviewed Ennovate Corporation and Long Energy Solutions. She said that references provided by Ennovate (including names and contact information) had been contacted by Sharon Day and Pat Hooker and those contacted had very positive recommendations including one company with which there had been some issues that Ennovate had worked through with them. She said that although Long Energy Solutions provided companies they had worked for, they had not provided names and contact information. Pat Hooker had contacted them for the information but had not been successful in reaching references provided by Long. She continued by explaining that Ennovate's proposal and presentation during the interview had been great and the Committee had recommended accepting Ennovate's proposal.

Trustee Gerloff explained that he was skeptical concerning the ESCOs and asked if the audits were mandated by State regulations? He said that he thought the energy audits should be performed by local companies, which might be more economical and reported that he had a poor experience with State approved Companies (not ESCOS) but in another area of State Government. He asked about costs for the audit

Administrator Day explained that the State of Colorado has approved 13 ESCOs, none of which are located on the Western Slope. She reported there is grant funding available for upgrading buildings to make them more energy efficient with the first required step being to conduct energy audits. She said she could find out if the audits had to be conducted by State approved ESCOS. She explained Ennovate had proposed to conduct the audits at ten cents a square foot and Long Energy Solutions at fifteen cents a square foot, that if the Town and County decided to enter into a contract for performance based or other company recommended projects, there would be no charge for the audits. She explained that the Town and County would be executing separate contracts with Ennovate. She said that Ennovate's only business is energy audits (and managing projects) and they had said they would work with local companies (if available) to perform recommended work.

Mayor Etheridge said she understood Trustee Gerloff's concerns regarding utilizing local resources, but she would hate to start from square one since the Town had been working on this project for several months, or put the Town out financially and asked for questions or comments, with Trustee Mills inquiring if it was in writing that Ennovate would try to use local contractors, with Day stating she believed it was in their proposal. Trustee Gerloff explained that based on his concerns he would abstain from a vote. Trustee Waldref inquired as to how much square footage there was with Day stating 15,000 (sq. ft.) in the Town Hall facility. Trustee Omer inquired if the cost of the audit included travel and out of pocket expenses? Day stated it would be a square footage charge and nothing more.

A motion was made by Trustee Mills to accept Ennovate Corporation's proposal to the County and the Board of Trustees as the Energy Service Company to perform an energy audit, seconded by Trustee Strate. Ayes ó Trustee Omer, Waldref, Mills and Strate. Trustee Gerloff abstained. Motion carried.

PUBLIC HEARING

Approval of Ordinance #2, Series 2009. Request from Buddy and Patricia Thompson, 1449 Mountain View Road, Lots 2, 3, and 4, Block 5, Sage Hills Subdivision, to rezone Parcel A from RR-Rural Residential to Single Family Residential zoning. Parcel A, located adjacent to the Thompson's west property line, is a .08-acre tract of land created in the Escondido Subdivision, final plat recorded March 4, 2009. Parcel A has recently been purchased by the Thompson's who are seeking to consolidate Parcel A with Lots 2, 3, and 4, Block 5 of the Sage Hills Subdivision also currently owned by the Thompson's, to create one lot.

Mayor Etheridge opened the Public Hearing at 7:21 p.m. Planner Smith stated the applicant had been notified of the hearing, but had not heard if they had planned to attend. Day inquired of Attorney Viscardi if the applicant was required to attend, with Attorney Viscardi stating it normally was a requirement. Day left the meeting to call the applicant. The item was tabled until the applicant could be notified and the next item was considered.

Consideration of Planning Commission recommendation concerning a request from Terry Hood for approval of a Special Review Use permit to operate a home day care in her home located at 907 11th Street, Lots 8 & 9, Foothills Subdivision. The proposed hours of operation are Monday through Friday 7:30 a.m. to 5:30 p.m. with a maximum of 8 children.

Planner Smith gave the following report: The property is located in the R1-A Single Family Residential zoning district and is owned by Michael and Janet Boyd, but rented by Terry Hood. Included in the Special Review Use application is documentation from the Boyds granting permission for the home occupation of a daycare facility at the subject property. Ms. Hood has applied for a child care license from the State of Colorado but has not received it yet.

The Meeker Municipal Code identifies daycare facility as a Special Review Use within the R1-A zoning district. The daycare facility at this residence is also considered a home occupation, which also requires a Special Review Use permit. In accordance with 18.1.129(A)(VII) of the M.M.C., which states "The home occupation shall provide additional off-street parking adequate to accommodate all needs created by the home occupation, if the applicant has identified the graveled area in front of the garage as the off-street parking area, as well as the drop-off and pick-up point. Also, per M.M.C. 18.1.129(A)(I), a home occupation use shall be conducted entirely within a dwelling or accessory building and carried on by the inhabitants living on the property and no others." The applicant has included a diagram outlining the areas inside her home designated for the daycare facility and does not intend to hire an employee. Additionally, M.M.C. 18.1.129(A)(IV) states: "There shall be no advertising display or other indication of the home occupation on the premises other than a name sign, which shall be a maximum of one square foot in area." The applicant has stated she will not need a business sign, however, in the event the applicant changes her mind, a permit is not required for signs less than 2 square feet for residences. The adjacent land uses are an existing single family residence and vacant single-family residential lots. The submitted application includes signatures from the adjacent neighbor stating no objections to the proposed home occupation of a daycare facility.

The application with supporting material was received within the required time period and all appropriate fees have been paid. The request has been advertised as mandated by the Meeker Zoning Ordinance and all adjacent property owners were notified by mail in accordance with the requirements of the Meeker Municipal Code. No comments have been received to date.

Staff recommends approval of the applicant's request for a home occupation of operating a daycare facility at 907 11th Street, Lots 8 and 9, Foothills Subdivision, Monday through Friday, between the hours of 7:30 a.m. to 5:30 p.m. for a maximum of 8 children, contingent upon the following conditions:

1. The Applicant provides the Town a copy of her Colorado child care license prior to the Special Review Use permit becoming effective.
2. The Special Review Use permit is granted specifically to Ms. Terry Hood and will be in effect for the period

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of time Ms. Hood occupies 907 11th Street and has a valid Colorado child care license. The Special Review Use permit will be revoked by the Town upon Ms. Hood a) closing the home day care occupancy, b) not maintaining a valid Colorado child care license, and/or c) vacating the premises.

On May 12, 2009, the Planning Commission concurred with Staff's recommendation with the above mentioned conditions. Mayor Etheridge asked for questions or comments, with Trustee Gerloff inquiring about the gravel area by the garage. Ms. Hood, the applicant, replied that the area next to the gravel was paved parking.

A motion was made by Trustee Strate to approve Terry Hood's request for a home occupation of operating a daycare facility at 907 11th Street, Lots 8 and 9, Foothills Subdivision, Monday through Friday, between the hours of 7:30 a.m. to 5:30 p.m. for a maximum of 8 children, contingent upon the following conditions:

1. The Applicant provides the Town a copy of her Colorado child care license prior to the Special Review Use permit becoming effective.
2. The Special Review Use permit is granted specifically to Ms. Terry Hood and will be in effect for the period of time Ms. Hood occupies 907 11th Street and has a valid Colorado child care license. The Special Review Use permit will be revoked by the Town upon Ms. Hood a) closing the home day care occupancy, b) not maintaining a valid Colorado child care license, and/or c) vacating the premises.

Seconded by Trustee Omer. All ayes, motion carried.

Approval of Ordinance #2, Series 2009. Request from Buddy and Patricia Thompson, 1449 Mountain View Road, Lots 2, 3, and 4, Block 5, Sage Hills Subdivision, to rezone Parcel A from RR-Rural Residential to Single Family Residential zoning. Parcel A, located adjacent to the Thompson's west property line, is a .08-acre tract of land created in the Escondido Subdivision, final plat recorded March 4, 2009. Parcel A has recently been purchased by the Thompson's who are seeking to consolidate Parcel A with Lots 2, 3, and 4, Block 5 of the Sage Hills Subdivision also currently owned by the Thompson's, to create one lot.

The public hearing re-convened at 7:37 p.m. with applicant Patricia Thompson present. Planner Smith provided the following report: Buddy and Patricia Thompson at 1449 Mountain View Road (Lots 2, 3, and 4, Block 5, Sage Hills Subdivision) are requesting to rezone Parcel A from RR 6 Rural Residential to R1-A Single Family Residential. Parcel A, located west of the Thompsons' property, is a 0.8-acre tract of land created in the Escondido Subdivision (Final Plat recorded March 4, 2009). The Thompsons have purchased Parcel A and are seeking to consolidate it with the lots they currently own in the Sage Hill Subdivision (Lots 2, 3, and 4, Block 5 of the Sage Hills Subdivision).

M.M.C. 18.1.116 outlines that the R-1A Single Family Residential district was established for urban low-density single-family residential lots. Attached is the complete Town Code description of the R-1A zoning district uses and setbacks. Based on these current code standards, accessory structures would be allowed in the new rear yard of the consolidated properties (Parcel A and Lots 2, 3, 4, Block 5 Sage Hills). However, both the Escondido Subdivision and proposed Lot Consolidation Plat contain notes stating that "Parcel A, Escondido Subdivision is a non-buildable lot (no structures; living, accessory, or otherwise) and is intended to be consolidated into Sage Hills Subdivision as such." In order for successive property owners to have knowledge of the building restriction, Staff suggests the preparation and recording of a public notice prepared by the Town to notify future buyers of this use restriction.

In accordance with M.M.C. 18.1.148(C), the request has been advertised in the paper, a sign has been posted on the site, and letters were mailed to record mineral owners and all property owners within 300 feet. Town Staff did receive an inquiry via email from Regas Halandras, the seller of Parcel A, on whether the Lot Consolidation Plat notes did define Parcel A as non-buildable. Staff responded confirming the presence of the restrictive note on the

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plat. There were no other comments from the public.

Staff recommends approval of the request to rezone Parcel A from RR to R-1A and to amend the Town's Zoning Map in order to facilitate a lot consolidation of Parcel A with Lots 2, 3, & 4, Block 5 of Sage Hills Subdivision as requested in the submitted Lot Consolidation application. In addition, Staff also recommends the filing of a public notice by the Town concerning Parcel A's use restriction.

On April 27, 2009 the Planning Commission concurred with Staff's recommendation and recommended the Board of Trustees grant approval of the Thompson's request to rezone Parcel A from RR to R-1A and to amend the Town's Zoning Map in order to facilitate a lot consolidation of Parcel A with Lots 2, 3, & 4, Block 5 of Sage Hills Subdivision, as requested in the submitted Lot Consolidation application. In addition, Planning Commission recommends the Town Board authorize the filing of a public notice by the Town concerning Parcel A's use restriction.

Planner Smith stated the re-zoning Ordinance #2, Series 2009, which upon going into effect, will allow Staff to finalize the lot consolidation plat. Mayor Etheridge asked for questions or comments, with Attorney Viscardi stating part of the lot consolidation and re-zoning was contemplated at the time of the motion to approve the Escondido Subdivision and fulfills the actions of the approved subdivision. Trustee Omer inquired of Attorney Viscardi if it was understood there was a restriction? Attorney Viscardi replied the restriction had been noted the Escondido plat then carried over to the re-subdivision plat, with the language on both plats the same. He stated the reason for the public notice is because most perspective buyers don't look at a plat, but by having a separate document, with a separate title which is easily noticed as a specific document, the potential buyer would not have to go to the plat.

Motion #1: A motion was made by Trustee Mills that the Board of Trustees grant approval of Ordinance 2, Series 2009 to rezone Parcel A from RR to R-1A and to amend the Town's Zoning Map in order to facilitate a lot consolidation of Parcel A with Lots 2, 3, & 4, Block 5 of Sage Hills Subdivision, as requested in the submitted Lot Consolidation application, seconded by Trustee Waldref. All ayes, motion carried.

Motion #2: A motion was made by Trustee Gerloff that the Town Board authorizes the filing of a public notice by the Town concerning Parcel A's use restriction at the time of the recording Lot Consolidation Plat, seconded by Trustee Strate. All ayes, motion carried.

Update concerning Ute Road project.

Administrator Day stated traffic counts had been completed and the project was moving forward. She stated Rob from Stantec wanted to get a survey out to parents of elementary students, to find out how students would be traveling to the new school, i.e. biking, walking, or parents driving. Day stated the goal was to get the survey distributed next week.

Day stated Stantec needed a survey to do some work along Sulphur Creek, and the school had just completed an aerial survey, which the Town may be able to use. Mayor Etheridge stated she couldn't see a problem obtaining the information.

Mayor Etheridge inquired about the task that involved notifying the Town which of the two alternatives Stantec preferred, with Day stating the focus is the alternative new road site. Day stated White River Electric had provided a cost estimate to move the overhead power lines, underground along the new route. Mayor Etheridge inquired if the Energy Impact Grant could be amended to the alternative site, with Day stating Jack Kirtland (DOLA) had said as long as the road provides access from Sulphur Creek Road to the new school, there shouldn't be a problem. She stated the biggest problem would be getting the cost estimate as close as possible. Trustee Mills inquired if they would look at the top of the storm sceptor with Day stating yes. Mayor Etheridge inquired if there had been discussion with the School Board regarding where the Town was going with the project. Day

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stated she has been speaking with Dan Evig, Superintendent a couple of times per week and working with the County and Rec. District also. Trustee Omer inquired if the study, beside the traffic counts, was supposed to address the existing Ute Road and a new access road to the school and their proximity on Sulphur Creek Road was being addressed? Day stated the old Ute Road would have to be closed. Discussion focused on interest in keeping the road open, traffic engineering opinions, the Rec. District possibly having to shift their driveway.

Appointment to the Library Board.

Mayor Etheridge stated the Library Board had made their recommendation of Martha Griffin for the appointment, and the Board had also received more information from the two applicants, per the Town Board's request. Administrator Day provided the Board with some background information regarding Library Boards and how appointments were made. She stated she had also looked for by-laws for this library district and was informed by Mike (the librarian) that the library had bylaws but didn't include anything about appointments. She also stated the normal procedure for the Town to appoint was based upon a letter from the Library Board recommending who to appoint.

Trustee Omer inquired if it was the practice of the Board that the Town consider the recommendation by the Library Board, with Day replying yes and outlined the appointment process. Discussion focused on State statutes regarding Library Board appointments. Mayor Etheridge asked for questions or comments. Trustee Omer inquired if the Library Board had seen the responses to the questions from the applicants with Day stating she didn't think so, since the Library Board had made their recommendation prior to receiving the applicants' responses to the questions.

A motion was made by Trustee Mills to appoint Martha Griffin to the Library Board, per the recommendation of the Library Board, seconded by Trustee Strate. All ayes, motion carried.

MAYOR'S REPORTS

Mayor Etheridge informed the Board that the Smoking River Pow-wow Committee had contacted Rich Sales (University of Denver), to inquire if his interns would be willing to do a project design for a permanent arbor in Ute Park. Mayor Etheridge stated the committee member had inquired of her if it would be something the Board would be interested in. Mayor Etheridge stated she had relayed to the committee member that if it wouldn't cost the Town anything and was just a project to obtain a design, and if anything were to come about, it would be better to have a design to bring to the Board. Mayor Etheridge stated she thought it would be a great project for Mr. Sales' interns. The Board concurred.

MANAGER'S REPORTS

Board of Trustees Training: Administrator Day reminded the Board of their training to be held on Wednesday May 27, 2009 at 6:00 p.m.

Deer/Vehicle Collision: Day stated a deer had collided with Officer Jim Amick's vehicle (2003 Model), and the estimate to fix the vehicle was approximately \$5,000.00 She stated the car was about to be retired at the end of 2009 or early 2010 and she and Chief Hervey recommended not repairing Officer Amick's vehicle. She also stated for at the present time there are two unused vehicles, one of which Jim may use. If the department becomes fully staffed, the officers could share a vehicle or possibly obtain another one. The Board concurred.

Parks Master plan: Day stated she had received a memo from Scott Pierson of the Rec. District, who has scheduled a meeting May 21, 2009 at 10:00 a.m. to discuss a masterplan for parks, to which the Town had been invited. Trustee Mills stated he would like to attend and Day stated she would attend as soon as she returned from an earlier meeting scheduled that day.

County Justice Center: Day stated she was contacted by Pat Hooker; County Administrator who had asked if

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the County could meet with the Board in a workshop regarding a new justice center. Day stated she had relayed to Mr. Hooker that July was open but he had stated they would like to meet sooner if possible. Discussion focused on dates and Board availability. Board consensus was to meet with the County on June 2, 2009 in a workshop after the regular meeting, and to have two workshops for June.

CML Conference: Day inquired if any Board members were interested in attending the upcoming CML Workshop on June 17-19, 2009, and if so, the Town would pay their expenses. She stated if they were interested, to let her know so she could get them registered. Day stated Mayor Etheridge will be attending the CML Conference.

ATTORNEY’S REPORTS

None

OTHER TOWN BOARD BUSINESS

None

ADJOURNMENT

Mayor Etheridge adjourned the meeting at 8:00 p.m.

Mandi Etheridge, Mayor

Attest:

Lisa Cook, Town Clerk