

The Regular Meeting of the Meeker Town Board was held Tuesday, August 4, 2009 at Town Hall.

Members Present	Mayor	Etheridge
Trustees		Cook Gerloff Halandras Mills Omer Strate
Town Staff Present	Town Administrator Town Attorney Town Clerk Police Chief Public Works Super. Admin. Assist.	Day Viscardi Cook Hervey Overton Niemi
Citizens Present	Nikki Turner Lynn Lockwood Liz Turner Dr. Bob Dorsett	RB Herald Times Smoking River Pow-wow Smoking River Pow-wow

CALL TO ORDER

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

ROLL CALL

All Trustees present.

APPROVAL OF THE AGENDA

Mayor Etheridge asked if there were any changes to the agenda, with Administrator Day requesting an Executive Session under Town Attorney's Reports. Attorney Viscardi stated the Executive Session regarded legal advice on a potential claim the Town had received. Day stated she would also like to postpone the Approval of the Previous Minutes until the next meeting.

A motion was made by Trustee Halandras to approve the revised agenda as noted, seconded by Trustee Cook. All ayes, motion carried.

APPROVAL OF THE PREVIOUS MINUTES

Postponed until next meeting.

APPROVAL OF VOUCHERS

Mayor Etheridge asked for questions or comments regarding the revised set of vouchers dated August 4, 2009. Trustee Gerloff inquired about Item #77 under the General Fund for dog food, asking if it was for the K-9 dog. Day stated no, it was dog food for the pound. She also stated the pound received a lot of donated food so the Town didn't have to purchase much.

Mayor Etheridge inquired about Item #32 under Water Fund 6 WREA #4 Quad in Conduit, Cold Shrink, asking what it was for. Public Works Superintendent Russell Overton explained it was the power cable to #6 well and was approximately 25 percent less than expected.

Trustee Halandras inquired about Item #37 under the Water Fund - Utility Notification Center, asking what it was

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for. Mr. Overton stated it was for line locates and all utility companies paid it so the private person wouldn't have to pay when they called for a line locate. Day stated the fee was based per call. Town Clerk Cook stated the amount was for the month of July, and was based on the number of locates.

Trustee Omer inquired about Item #24 under the Water Fund - Annual Loan Payment, asking what the loan was for. Administrator Day stated it was for the water line on Market Street. She explained DOLA gave funding for it in half loan and half grant, and only two payments were left. She stated the other loan would be paid in full in 2012 and the Town would be debt free. Mayor Etheridge asked if there were any additional questions or comments with none noted.

A motion to approve the revised set of vouchers dated August 4, 2009 was made by Trustee Omer, seconded by Trustee Cook. All ayes, motion carried.

PUBLIC PARTICIPATION

Lynn Lockwood thanked the Board for their support of the Pow-wow, and clarified a comment in the newspaper, stating it wasn't her initial response to the Board's decision.

NEW BUSINESS

Consideration of Resolution urging Congress to preserve the exemption for hydraulic fracturing in the Safe Drinking Water Act. Mayor Etheridge stated she had read several emails from Dr. Dorsett, Club 20, Sandy Kent ó ESI and various articles regarding hydraulic fracturing in the Safe Drinking Water Act. She said she had printed a couple of quotes that summed it up for her and read one from the Greeley newspaper, where Governor Ritter had asked Representatives to consider authorizing a comprehensive study of the issue instead of jumping directly into a potentially intrusive regulatory program. She stated her opinion after reading all the information provided was that it would be beneficial for the Town to pass the resolution as state controls seemed to be sufficient. She also stated she was not in support of any further bureaucratic regulations from the Federal government on the issue, but was in support of regulating the oil and gas industry so that it does protect the environment.

Dr. Dorsett stated he had some additional information to add since the last meeting. He stated he felt the Town's interests and concerns should be to provide safe drinking water, and if hydraulic fracturing would affect the Town's drinking water if it were done in the area. Dr. Dorsett reiterated the information he provided at the last meeting regarding the studies on hydraulic fracturing which indicated that coal and methane fracing, does affect aquifers and surface water. He stated he had contacted and received more information from Colorado Geological Survey, stating it was not likely that water for the area would be subjected to coal bed methane extraction, as it is out by the Piceance Creek area. However, he stated Meeker sits on three near surface formations that are known to contain gas. Dr. Dorsett stated there was a well located on Yellow Jacket that is producing gas and the Town was in a region that could eventually be subjected to near surface hydraulic fracturing, which could potentially affect the Town's water supply. He stated they don't know what future development would bring, but as the Town is sitting on formations containing gas, and fracing fluids are known to be toxic, if it were to get in the water, regardless of its concentration, it could affect the Town. He also stated he was awaiting information from the EPA regarding known instances of hydraulic fracturing effects on aquifers. Dr. Dorsett stated there are many instances in which surface activity has affected water supplies, i.e. spills, gas well blowouts, etc. He also noted he didn't think there would be significant economic impacts according to his studies.

Mayor Etheridge thanked Dr. Dorsett for his comments and inquired if the Board had any comments or questions. Trustee Gerloff agreed with Mayor Etheridge that he was not in favor of more regulations. He stated the process was being regulated and (the State) seemed to be doing a fair job. He also stated he had read a great deal of information and felt the Board should pursue support of the resolution, and not having Federal regulations. Trustee Strate stated he liked the idea of a study. He stated the Piceance area is so deep, and there supposedly is

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no affect to the aquifers, but what about the areas closer? Mayor Etheridge inquired of Day if what they had before them was a sample resolution and any resolution the Town were to pass could include a statement saying they want a study. The Mayor stated her thoughts were either to support a resolution opposing the Frac Act, or to do nothing, adding that she would not like to see the Board pass a resolution or make any political statement saying “yes, we support the Frac Act,” only because in response to some of Dr. Dorsett’s comments it didn’t appear that the particular legislation directly affected the process. Mayor Etheridge stated from what she understood, the legislation in question would add additional bureaucracy to the process and felt the Board should pass a resolution that stated the Town doesn’t support the Frac Act, or if more studies need to be done, to write a resolution stating as such. Dr. Dorsett stated if the Town did pass a resolution they were making a political statement. He stated disclosure (of materials used in the fracing process) was extremely important for monitoring, and is difficult to monitor water supplies if you don’t know what you are looking for.

Trustee Gerloff inquired about some of the information they had, asking if it stated that proprietary information be listed. Day stated that was her understanding. Discussion focused on the information given to the COGCC, the one percent that is kept proprietary. Mayor Etheridge inquired if the Board was in favor of making a statement that they are in opposition to more bureaucracy and want to see more research. Mayor Etheridge stated she felt she wasn’t getting enough information from the Board to say that they need to pass a resolution on the matter. Trustee Gerloff stated for him, they have spent a great deal of time debating the issue and could not see where it was a pertinent issue for the Town or for the Federal government to be involved with it since the State already regulates the process and felt if the Town had to make a political statement, then yes, and because the Town is vested to some degree by providing services for the people and there isn’t enough information to justify more regulation. The Board agreed with Trustee Gerloff’s statement. The Board concurred to have Staff draw up a resolution they could review that would suggest further studies. Discussion focused on what to include in the resolution. Day inquired if the Board would rather send a letter, with the Board concurring. Day stated the letter would be drafted for the next meeting which would urge Representatives to consider a comprehensive study before they decided to do anything more on a Federal level.

Public Hearing 7:10 p.m. - Consideration of an ordinance revising the Ute Park Master Plan to authorize the installation of underground electrical wiring to vicinity of Pow-wow dancing ring. Mayor Etheridge opened the Public Hearing at 7:30 p.m. Trustee Mills stepped down to present the information regarding the request as a Pow-wow committee member. Mr. Mills stated the Pow-wow Committee had been seeking funding and working on plans to install power to the dance site and the request was to extend power from the last pole (which the Board saw during their Capital walk through) and trench approximately 200 feet to the adjacent dance area. He stated the trench would be 36 inches deep, and would have minimal impact on the area. He also showed where a box would be placed by the dance area and explained how it would be protected. Mr. Mills stated the work would be done by White River Electrical Association (WREA) with Ducey’s Electric doing the mechanical hook-up and all work would be at no cost to the Town. Mr. Mills passed out small maps of the area which indicated where the line would be located. He stated the addition of the power line would facilitate the Pow-wow’s lights and sound in two separate ways, thus eliminating the issues of feedback or fuzzy sounds and lighting problems. He also stated from his conversations with Frank Sampson and Dick Welle, of WREA, if the power transformer going to the last pole and ending in the box, was insufficient, they would upgrade it. Mr. Mills outlined the specifications of the box that would be installed by the dance area.

Lynn Lockwood ó Smoking River Pow-wow Committee stated she had the specifications from the company who did the lighting last year and passed out an information sheet to the Board. Mr. Mills stated the request for underground electrical wiring wouldn’t just benefit the Pow-wow, but other events held at the park and was an extension of utilities already there. Trustee Halandras inquired about the transformer upgrade, with Mr. Mills stating it would just be replacing the transformer with a larger one if the current one was inadequate, but not the wiring. Trustee Omer inquired if WREA had seen the specifications from Zentco Production, LLC, with Mr. Mills stating yes.

Trustee Halandras inquired if there would be room in the box for the ten 20 amp circuits as shown, with Mr. Mills

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stating yes. Trustee Omer inquired about the window of time for installation with Mr. Mills stating it would be done between Sheep Dog Trails and the Pow-wow, and they needed to give WREA a firm date for the trenching, to ensure the materials would be in and for Duceyø Electric to perform their work. Administrator Day stated the ordinance the Board had was changed a bit, to acknowledge that WREA and Duceyø were furnishing the material at no charge to the Town. Attorney Viscardi stated the Public Notice had been posted at the Post Office and Town Hall but not in the newspaper. Mayor Etheridge asked if there were any additional comments or questions, with none noted. Mayor Etheridge closed the Public Hearing at 7:40 p.m.

A motion was made by Trustee Gerloff to approve Ordinance #3, Series 2009 considering revising the Ute Park Master Plan to authorize the installation of underground electrical wiring, seconded by Trustee Cook. All ayes, motion carried.

Bid Awards

1. Sale of 2003 Police Vehicle. Chief of Police Bob Hervey stated the bid request for the 2003 Crown Victoria police vehicle had been posted in the paper, and only one bid had been received from Clint Whitelead in the amount of \$1,200.00. Chief Hervey recommended the Board accept the bid.

A motion was made by Trustee Halandras to accept the bid in the amount of \$1,200.00 from Clint Whitelead for the sale of the 2003 police vehicle, seconded by Trustee Strate. All ayes, motion carried.

2. Town of Meeker Water Storage Tank Project. Administrator Day stated the bid request was to paint the water tank on 7th Street that has insulation on it, and to remove the insulation, and the tank at Ute Terrace. She stated five bids were received with the lowest bid from Spiegel & Sons in the amount of \$176,039.14. She stated the company was located in Steamboat Springs, CO and Staff recommended awarding this bid to the low bidder. Trustee Halandras inquired if the company compared with others bidding the project, with Mr. Overton stating yes. Discussion focused on the companiesølocations, the bids being higher due to mobilization costs.

A motion was made by Trustee Omer to award the Water Storage Tank bid to Spiegel & Sons for the amount of \$176,039.14, seconded by Trustee Halandras. All ayes, motion carried.

3. Town of Meeker Water Tank Inspection Project. Administrator Day stated six bids had been received for the Water Tank Inspection Project. She stated two bids were very close so Mr. Overton did additional research on Advanced Diving and their cost per hour to put the material on if any patching was needed, which was cheaper than the other. Day stated staff recommended accepting the low bid from Advanced Diving. Discussion focused on how soon the company could begin the work and the process involved.

A motion was made by Trustee Mills to award the Water Tank Inspection bid to Advance Diving in the amount of \$3,100.00, seconded by Trustee Strate. All ayes, motion carried.

Mr. Overton stated the cost could be more if they found any deep pits or other repairs that needed to be done. He said they would provide a cost based on repair costs submitted with the bid and a change order would be executed prior the repairs being done. Mr. Overton then outlined the process to the Board.

Inspector - Day stated Staff had been working with Jacobs Engineering, who had stated they had an inspector who could inspect the work once it was started. She stated after receiving the inspectorø resume a week ago, this man had never inspected a water tank. Day stated it was known the Town needed a NACR inspector and Mr. Overton had found some and the cost would be about \$16,000.00 for inspection services. She stated the Town may have to adopt a contingency budget for the project as it was an unforeseen expense. Day stated the downside to not having a good inspector is the chance of not receiving a good paint job. Mr. Overton outlined the inspection process and what they look for during the painting process. Day stated it was estimated the four week project

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would cost \$3,950.00 per week and are waiting for other cost estimates. Day stated she would keep the Board updated. The Board concurred.

Consideration of Planning Commission recommendation concerning request from Town of Meeker for special use permit to construct a 16x24 accessory structure north of the Recycling Center on 3rd Street (west side of 3rd Street). Administrator Day provided the Staff report for Planner Anna Smith in her absence.

The subject property is located at 109 3rd Street (Block 31, Town of Meeker) and is zoned Open (O). The Town of Meeker is requesting a Special Review Use permit at 109 3rd Street (Block 31, Town of Meeker) to add a 16x24 accessory structure to the north of the Recycling Center to be utilized by the Meeker Police Department.

Regarding the Open (O) zoning district, the Meeker Municipal Code states: "This district shall be provided for sites for parks; open space; community centers; park and recreation facilities; water storage, treatment, and distribution; governmental buildings and facilities; and other public and private uses which may be suitable in areas of the Town where limitations upon building may be required, for the following reasons: flood, fire protection, or extreme topography. Grazing and other agricultural uses shall be permitted in this district." The Code also states there is no minimum building lot area and all setbacks shall be determined during the special use review, if necessary. The Meeker Police Department is proposing to install 35 feet north of the existing Recycling Center a 16x24 accessory structure, which will have the same front setback from 3rd Street as the Recycling Center. Also, the structure will have a roll up door large enough to accommodate a vehicle and a driveway fronting 3rd Street. Access to the building and the hours of operation will be on an as-needed-basis. The application with supporting material was received within the required time period. The request has been advertised as mandated by the Meeker Zoning Ordinance and all surrounding neighbors were notified of the Commission's Public Hearing.

PC Recommendation: On July 27, 2009, the Planning Commission recommended the Board of Trustees grant approval of the Town's request for a Special Review Use permit at 109 3rd Street to add a 16x24 accessory structure to the north of the Recycling Center to be utilized by the Meeker Police Department.

Mayor Etheridge asked if fees had been paid, with Day stating the Town was exempt. She inquired of the Board if they had any comments or questions. Trustee Gerloff inquired as to why the building was not being attached to the Recycling Center as it would save money. Chief Hervey stated there was a tree located there, and Mr. Overton added the power supply was there as well as a window.

A motion was made by Trustee Strate to approve the Town's request for a Special Review Use permit at 109 3rd Street to add a 16x24 accessory structure to the north of the Recycling Center to be utilized by the Meeker Police Department, seconded by Trustee Cook. All ayes, motion carried.

MANAGER'S REPORTS

Request from Rangely regarding joint meeting in August: Day stated the Town of Rangely had invited the Board to attend a joint meeting either August 25th or 26th (2009) in Rangely. She stated they were interested in meeting to discuss where the Towns could collaborate and possibly save money in next year's budget. Discussion focused on the dates, Board member's schedules, time of the meeting, the possibility of utilizing the County's teleconferencing services, and meeting with them in the fall if these services are utilized for the next meeting. Day stated she would check with Rangely Town Manager Peter Brixius to see if a teleconference would work. The Board concurred to meet August 25, 2009 via teleconference if Rangely agreed.

MAYOR'S REPORTS

Senior Picnic: Mayor Etheridge reminded the Board of the upcoming Senior Picnic to be held on August 6, 2009 at City Park, asking them to attend if they could.

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Community Day Proclamation: Mayor Etheridge stated she had been approached again to see if the Board would be willing to support a proclamation stating September 26, 2009 (date of the Fall Festival) Town of Meeker Community Day. Discussion focused on the event which supports non-profit, being the same weekend as the Pow-wow, and if any of the Fall Festival events overlapped the Pow-wow. The Board concurred to do a proclamation

ATTORNEY’S REPORTS

None.

OTHER TOWN BOARD BUSINESS

Trustee Gerloff stated he had witnessed an incident on Market Street where a State Patrol vehicle came through Town at a high rate of speed while responding to a call. He stated he wasn’t sure how fast he was going and the vehicle took up the turn lane. Trustee Gerloff stated with so many kids in the area of the carwash, Clarks and the trailer park, they shouldn’t be traveling that fast through town. He inquired if it could be brought up to the State Patrol, along with the Sheriff’s Department as they do it also. Trustee Halandras, Mr. Overton and Trustee Mills all shared incidents they had seen recently. Mayor Etheridge inquired as to what the proper channels would be, and if Chief Hervey could speak with them? Chief Hervey stated he could talk with them, but it would have more of an effect if it came from the Board. Discussion focused on excessive speeds by officers in all departments, traffic protocol for officers responding to calls, and stopping for pedestrians in crosswalks. Chief Hervey stated he would remind the departments of traffic protocol, and the Board concurred to draft a letter to the departments regarding a reminder to use precaution through town when responding to calls.

ADJOURNMENT

A motion was made by Trustee Mills to adjourn to an Executive Session regarding legal advice about a potential claim. Attorney Viscardi added the Executive Session was pursuant to Colorado Revised Statute 24-6-402(b), which allows an Executive Session for legal advice on specific legal questions with the Town Attorney and this situation, pertains to a Notice of Claim and potential litigation, seconded by Trustee Omer. All ayes, motion carried. The Board adjourned in to Executive Session at 8:10 p.m.

The Board reconvened from Executive Session at 8:20 p.m.

Having no further business, Mayor Etheridge adjourned the regular meeting at 8:21 p.m.

Mandi Etheridge, Mayor

Attest:

Lisa Cook, Town Clerk