

The Regular Meeting of the Meeker Town Board was held Tuesday, December 8, 2009 at Town Hall.

Members Present	Mayor	Etheridge
Trustees		Omer
		Cook
		Strate
		Halandras
		Mills
Members Absent		Gerloff
Town Staff Present	Town Administrator	Day
	Town Clerk	Cook
	Attorney	Viscardi
	Chief of Police	Hervey
	Public Works Super.	Overton
	Admin. Assist.	Niemi
Citizens Present	Nikki Turner	RB Herald Times

### **CALL TO ORDER**

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

### **ROLL CALL**

All Trustees present except Trustee Gerloff.

### **APPROVAL OF THE AGENDA**

Mayor Etheridge asked if there were any changes to the revised agenda with Administrator Day stating she was unsure if Item D ó the phone conference with Ennovate would take place as she hadn't received a call in number.

A motion was made by Trustee Omer to approve the revised agenda, with the possible elimination of Item D ó Phone Conference with Ennovate, seconded by Trustee Halandras. All ayes, motion carried.

### **APPROVAL OF VOUCHERS**

Mayor Etheridge asked for questions or comments regarding the revised set of vouchers dated November 30, 2009. She asked if the year-end Accounts Payable would be done in January, with Day stating the Town would pay bills in two-weeks and the vouchers would be on the list for the January meeting. Trustee Cook inquired about Items #75 - #79 under the General Fund for Salary ó PD Supplemental asking if there was a supplemental budget for them? Town Clerk Cook stated it was a supplemental payroll for the Police Department, explaining that Town employees have 12 pay periods per year and the PD by Federal Law and based on the hours they work a month, are on a 13 month pay period and this was their extra pay period. Day added the PD was on a four week interval instead of monthly. (The funding for this payroll was included in the 2009 budget.)

Trustee Halandras asked if the boiler was being worked on; referring to Item #92 under the General Fund for Lunsford ó Install new Bypass Damper Actuator 2<sup>nd</sup> Floor. Day replied yes as the bypass damper motor went out and explained how it worked. Mayor Etheridge inquired if this was one of the items Ennovate would look at with Day stating she was not sure as Ennovate had talked about leaving the original air handlers in, and the damper was on the air handler. Trustee Halandras inquired of Chief of Police Bob Hervey about Item #94 under the General Fund for ALS Tech, Inc. ó Less Lethal Munitions and what they were. Chief Hervey explained they were items that inflicted pain, but weren't lethal. Trustee Halandras inquired about Item #91 under the General Fund for White River Electric ó Change out of Security Lights at Town Hall, asking if they were the ones in front of Town Hall and if they were changed entirely. Day stated yes. Public Works Superintendent Russell Overton explained WREA didn't have the parts to fix the previous ones but could order the part for \$59.00 (each). He stated WREA had replaced them with something they stock parts for.

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A motion to approve the revised set of vouchers dated November 30, 2009 was made by Trustee Mills seconded by Trustee Cook. All ayes, motion carried.

**APPROVAL OF THE PREVIOUS MINUTES**

Mayor Etheridge asked for changes or revisions to the minutes of November 17, 2009 with Trustee Cook stating Trustee Strate's name was listed under Trustees present and absent, and should be removed from Trustees present.

A motion was made by Trustee Halandras to approve the November 17, 2009 minutes, with the removal of Trustee Strate's name from members present, seconded by Trustee Mills. Ayes 6 Trustees Omer, Cook, Mills and Halandras. Abstain 0 Trustee Strate. Motion carried.

**PUBLIC PARTICIPATION**

None

**DEPARTMENT UPDATES**

**Public Works** 6 Public Works Superintendent Russell Overton stated for November the PW Staff trimmed trees, cleaned storm drains, pumped 15 million gallons of water, started insulating the shop and are about half done. He stated 32 hours of sick leave and over 150 hours of vacation were taken. Trustee Halandras asked Mr. Overton if he noticed a difference with the insulation, with Mr. Overton stating yes the heater doesn't run all the time.

**Police Department** 6 Chief of Police Bob Hervey stated for November there were 185 calls for service; 10 Citizen Contacts, nine Arrests, 10 Criminal Summons and 11 Traffic Summons. He stated for Animal Control there were 13 Impounds, 12 Released and four transferred. Trustee Halandras inquired about the two events (today) with Chief Hervey stating there was a wood fire early in the morning on 5<sup>th</sup> Street and an electrical fire in the afternoon at the Elk Mountain Inn (previously Valley Motel). Mayor Etheridge asked for questions or comments with none noted.

**NEW BUSINESS**

***Consideration of request from Great Wall LLC dba Great Wall, 975 Market Street to renew beer and wine liquor license.***

Liquor Clerk Sizemore stated the owners of Great Wall couldn't be present but the application for renewal was in order. She stated there were five calls for service with none related to alcohol and Staff recommended approval. Mayor Etheridge asked for questions or comments with none noted.

A motion was made by Trustee Strate to approve the renewal of the beer and wine liquor license request from Great Wall LLC, seconded by Trustee Cook. All ayes, motion carried.

***Adoption of Ordinance 6, Series 2009, adopting the Town of Meeker 2010 Budget and Highway Users Tax Budget. Budget public hearing was held on November 17, 2009.***

Day stated the Town's 2010 Budget ordinance had been prepared in accordance to the following Board recommendations: The Town reduce its mill levy due to the significant increase in valuation to collect an equal amount of property tax as collected in the 2009 Budget; to save the taxpayers over \$66,000 in property tax for the year 2010. The Board recognizes that in the current economy the Town citizens are being challenged particularly the local businesses and those who lost their jobs. Employees will not receive raises in 2010 but the Town will continue to pay health insurance benefits which increased six percent. The Town 2010 Budget will stay very similar to the 2009 budget with the exception of Capital Projects. The Capital Projects budget is higher primarily due to the Ute Road construction to the new elementary school and the trail/sidewalks along Sulphur Creek Road from Garfield to the new elementary school; continue to assist Meeker Chamber of Commerce and in

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return the Chamber will promote tourism and work on other economic development endeavors; continue to assist Rio Blanco County with a portion of dispatch fees; assisting with Fairfield Center funding and assist with weekend salaries for White River Museum. The Board and Staff will work hand in hand to deliver all Town services in the best manner possible.

Day stated for Ordinance 6, Series 2009; the budget has been balanced, the General Fund operating expenses will be approved by the Board by approval of the ordinance at \$4,407,344.00 including emergency reserve, plus an estimated \$4,500,150.00 in reserve and referred to as "opening balance" (what is in the Town's bank account). She stated in the Water Fund, the budget is \$833,101.00 and in reserve funds there is \$103,000.00 and \$321,547.00 which are restricted funds, with a portion being Curtis Creek water line and the other part (\$103,000.00) is the bonds held on the water system; for a total amount of \$1,606,746.00. She stated in the General Fund including a reserve; the amount is \$8,907,494.00. Day stated the Walbridge Trust Fund is balanced at \$133,000.00; Conservation Trust Fund: \$25,000.00. She stated the budget included \$187,384.00 in property tax, \$61,891.00 in Emergency Reserve; Highway Users Tax - \$94,910.00 and all other operating resources including appropriated reserve at \$4,063,159.00 and an estimated opening balance of \$4,500,150.00 equaling \$8,907,494.00. Day stated the Water Fund included: Non-Service Income \$316,154.00; Water Service Fees - \$516,947.00; the Restricted Funds at \$103,000.00; the encumbered Curtis Creek Water Line funds at \$321,547.00; Reserve Funds and un-encumbered estimated opening balance of \$349,098.00 for a total of \$1,606,746.00. Day stated Staff recommended approval of the 2010 Budget. Mayor Etheridge thanked Day for her work on the budget and asked for questions or comments with none noted.

A motion was made by Trustee Omer to approve Ordinance 6, Series 2009 an ordinance adopting a budget, summarizing expenditures and revenues and making appropriations for each fund for the Town of Meeker, Colorado for the fiscal year beginning the first day of January, 2010 and ending the last day of December, 2010, seconded by Trustee Mills. All ayes, motion carried.

***Public Hearing – following the adoption of Town of Meeker Budget and Highway Users Tax Fund Budget to consider adoption of Ordinance 7, Series 2009, approving and certifying a Mill Levy and levying general property taxes for the fiscal year 2010 .*** Public Hearing opened at 7:20 p.m.

Day stated the permanent mill levy is 9.781 mills and the temporary mill levy to collect the same amount of taxes as the previous year had been set at 7.201 mills, with a temporary reduction of 2.580 mills and Staff recommended the Board adopt Ordinance 7, Series 2009. Mayor Etheridge asked for questions or comments with Trustee Omer inquiring if paragraph six should state December 8, 2009, instead of 2010 as shown. Day stated yes and had been corrected. Mayor Etheridge thanked Day for her work on the mill levy reduction and closed the Public Hearing at 7:22 p.m

A motion was made by Trustee Halandras to approve Ordinance 7, Series 2009, an ordinance approving and certifying a temporary mill levy reduction and levying general property taxes for the fiscal year 2010 to defray the cost of government services for the Town of Meeker, Colorado, seconded by Trustee Strate. All ayes, motion carried.

Trustee Omer asked how the mill levy reduction would be relayed to the residents; would there be a special notice sent out or an announcement in the newspaper? Day stated it was in the newspaper two weeks ago and hopefully would be again. She stated the Town didn't send out tax notice information to tax payers; it comes from the County. Nikki Turner, Rio Blanco Herald Times stated it would be in the next week's paper.

***Bid award for Police Department Vehicle Equipment.***

Chief Hervey stated only one bid was received from Two Way Communications in Grand Junction in the amount of \$14,488.50 meeting all specifications requested. He added they had done the last three vehicles and recommended accepting the bid. Mayor Etheridge asked for comments or questions with none noted.

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A motion was made by Trustee Strate to accept the bid in the amount of \$14,488.50 from Two Way Communications to outfit the new police vehicle, seconded by Trustee Cook. All ayes, motion carried.

***Telephone conference with Ennovate Staff concerning energy audit upgrades recommendations for Town Hall.***

Day stated Andrea from Ennovate had provided spreadsheets with costs for their suggested/recommended package along with the Board's proposed package. Day teleconferenced Ennovate so the Board could discuss the information regarding the recommended energy upgrades. Staff from Ennovate via phone was Andrea Massey, Joe Staib and Nate Anema. Joe and Nate joined the telephone conference later. After Day made introductions, Andrea began by explaining where they were in the process, stating Ennovate had presented the preliminary cost savings based on energy conservation measures and now they were looking to discuss different scenarios; the Silver "plus" package, the package the Board had requested as well as a third option of "Pay as You Go." She stated Ennovate wanted a better understanding of where the Town was and where to move forward from this call/discussion. Day relayed to Andrea that the Board had not requested the Silver package; they had requested a different package. Andrea stated she included the Silver package from the initial discussion from a couple of months previous and was comparing the Silver "plus" to the measures the Board requested. Andrea asked the Board to look at the Silver "plus" package total of \$352,532.00 with a total savings of \$12,547.000 per year and an annual capital contribution of \$41,912.00. She stated pros and cons were added to each package and would discuss each and what it would bring to the Town. She stated with the Silver "plus" package there was an economy of scale with the package and in working with the County at the same time. Andrea stated the County and the Town were at the same point (final scope measures); selecting the energy conservation measures and then Ennovate would do the final energy engineering and are in parallel with the County. She stated they would be able to utilize the economy of scale, explaining to the Board what it meant (getting the best price from contractors because they are putting the work together). Mayor Etheridge inquired when they say one project, as opposed to bits and pieces? Andrea stated exactly; the Silver "plus" package; the initial package that was presented where the lighting retrofitting was included; the Board's package had it removed and the difference (listed under con) was the loss of professional design expertise for lighting retrofit. She stated she had put a question mark behind diversion and installation; who would be doing the installation; who would be doing the design, making sure the Town received the best energy savings out of the project.

Andrea stated another item she wanted to point out was "mobilization and demobilization" over a period of years and if the Town did the project in pieces there tended to be higher costs with mobilization and demobilization of project managers, costs of labor installation and those types of things. She then asked the Board the reasons they wanted to see their package as stated. Mayor Etheridge stated the reason was the efficiency of waiting until the current lighting system (each bulb) went out, replacing it with a new one versus changing bulbs with life and putting in a new system. She stated it had been discussed doing it that way would be more energy efficient (to keep the remaining lights and change/replace them as they go out), but on the other hand was it really efficient to have someone coming in to replace one each time one went out? She also stated she didn't know if the Board had even reached a decision. Trustee Halandras added if all the lights were working, versus coming in and changing them out and throwing the bulbs in the trash but if an office lost a bulb; versus changing that office to the new efficient lights. Joe (Ennovate) stated it was more a personal preference and provided an example for the Board. He stated studies had been done which suggest group re-ballasting and revamping was more cost effective and even though some of the bulbs and ballasts may not have reached their full life, overall it was more cost effective to completely change them versus maintaining. He added, in the study, an outside party was responsible for the entire lighting system and how they analyze the entire situation. He stated every four years they go through and replace all the bulbs instead of going up and down a ladder periodically and would be a time component to consider. Discussion focused on the payback for changing the lights out versus maintaining and the type and wattage of ballast/bulbs currently used. Mayor Etheridge asked Ennovate if it was more efficient to do the lighting retrofitting throughout the building at one time than to let the current bulbs live out their life span and replace in

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increments? Joe stated yes if looking at energy savings only, the answer is yes. Mayor Etheridge clarified it would be energy efficiency including wattage, with Joe stating yes and explained the differences in bulb watts, adding they would be saving approximately 77 watts each time a bulb was turned on (with new light retrofitting).

Joe stated by contracting with Ennovate the Board/Town would have an outside source do the lights whereas at this time, the Town was proposing the use of internal staff to change out the lights when they burn out. He added there was a difference in cost, and a decision the Town needs to make. From an energy savings standpoint, all ESCOs are changing entire lighting systems.

Mayor Etheridge asked Ennovate to explain the occupancy sensors and the difference in having it on the Silver plus package and not on the Board requested package. Joe explained the occupancy sensors have a 14-year payback with two clear benefits: 1) if the Town were to operate in the building for 15-20 years, the occupancy sensors are very similar to a light switch and would be working as long people occupy those rooms, and 2) from a public perception standpoint, everybody can relate to occupancy sensors; noticing the building is energy efficient adding PR value. He stated he didn't want to digress, but he wasn't present at the meeting a month ago where there had been some consideration in breaking the project down; doing smaller packages over several years and why the third package was added (Pay as You Go). He stated he didn't really look at it but didn't feel it was the most prudent way to go, but wasn't saying it couldn't be done. Joe stated his question to the Board was for him to understand their needs from a financial standpoint; "what do they want out of the program?" and help Ennovate craft a program that makes sense to the Board from a financial standpoint. He added it will help them refine the project and apologized for the digression. Mayor Etheridge stated it was fine to digress, asking Andrea if she wanted to discuss the packages in more detail or if they wanted to discuss the Board's financial goals as well as project goals thus creating the best package. Andrea stated the packages had been covered and would like to craft a package based on Joe's question of crafting a project based on the Board's financial goals.

Mayor Etheridge stated in looking at the Silver plus package and the Board requested package; she didn't see a big difference, except for three items. She stated the lighting retrofit could be discussed further with the Board, regarding what would be most efficient. She added the lightning protection system was something the Board had agreed to keep in the package, and financially there didn't seem to be a big difference between the two packages. She stated Ennovate may have believed the "Pay as You Go" package was how the Town wanted to proceed; as it was discussed at a previous meeting. She stated the Town had \$100,000.00 budgeted for 2010 and was more interested in putting forth capital funds immediately as opposed to going into debt. She went on to say they were looking (at that time) at information requiring a 25-year agreement and wasn't sure the Board was interested in doing something like that. She added if it was a three to five year plan it might be more appealing and they could see where the energy savings were paying off and anything over 10 years (long-term agreements) were off-putting to the Board and didn't see the benefits. She stated the Town was interested in putting the budgeted capital funds towards the project immediately and if it did work to where the Town went into a loan agreement, the shorter the term, the better. Joe stated it this was no different than buying a home, the financial plan would be very flexible. He added many of their customers were paying cash for the entire project and was a prudent thing to do if the Town had the reserves that are making one percent in the bank. Joe stated why not take some of those reserves, pay cash for items that will generate an annual return in energy savings, which is bigger than the one percent, versus going to the bank, getting five percent money and losing four percent on the transaction and felt it was wise. Joe stated if the Town wanted to put \$100,000.00 down payment then Ennovate can model that very easily. He stated for a \$350,000 project with a \$100,000.00 down payment, the project goes to a \$250,000 project and if refinanced for a three year or five year period it changed the dynamics, adding they could modify the financial aspect of the project anyway the Town wanted.

Mayor Etheridge asked Ennovate what they needed from the Board to move forward? She reiterated there wasn't much of a difference between the two packages and the Board needed to fine-tune what they would like in the package. Joe stated if the Board could give them (Ennovate) an idea of what to look at from a scope standpoint they would go into final engineering and the financing putting things into motion. Trustee Halandras inquired

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about the instantaneous hot water heaters for the bathrooms, asking if it would be one heater for the entire building or a point-of-use system? Nate stated there were two options and the latest numbers provided to the Town showed two different heaters, adding from the energy use perspective, they were mostly electric and don't actually give any heating savings. He stated they aren't long lasting or high quality units and don't endorse them but are able to obtain at a lower cost. Trustee Halandras stated in the information it showed one gas or one electric instantaneous DHW heater; with the same cost, same payback and same savings. Nate stated that was correct. Discussion focused on the price showing one when two would be needed, longer term paybacks with an energy component actually being capital projects, and the instantaneous DHW heater being geared towards health and safety issues versus being an energy savings project. Trustee Halandras inquired what a VAV Zoning and DOC System were. Nate explained the VAV Zoning was Variable Air Volume and it delivers variable levels of air to each individual zone, with both electrical and heating savings associated with it. He explained the DOC System is a Direct Digital Control System which is a computer controlled system controlling all the equipment in the building, which the Town doesn't have. Trustee Halandras asked if Ennovate would zone each office individually, with Nate stating yes, and would group for 12 different zones throughout the building, probably not each office but they would determine which offices were most important. Discussion focused on how many zones are currently in the building, different exposures (i.e. west, south) and how the zoning would adjust the varying air volumes dependent on exposure, and how the two components work together. Trustee Mills inquired if it would be tied in with the occupancy sensors, with Joe stating it could be but didn't believe it had been priced that way. Discussion focused on reduction of heat if a room wasn't in use, the pricing and if would be beneficial as most of the offices are occupied most of the time. Mayor Etheridge inquired if the Board or Ennovate had additional questions with Joe stating it was the Town's program and to tell Ennovate what would work best for them, especially in terms of financing, reiterating it was flexible. Mayor Etheridge thanked Andrea, Joe and Nate for their participation and answering their questions and ended the call.

Mayor Etheridge stated she liked the package they had put together for the Town as it included everything they needed; the lightning protection system and understands the lighting situation; however she saw it two ways they would be more efficient in doing the full lighting retrofit. 1) Using less wattage based on what Ennovate was trying to sell, 2) Less trips, labor and time for someone to come in and do it and working parallel with the County, which could be done on economy of scale. She stated it might look nice for the County and the Town to work together and liked the idea of moving forward with a big package. She added Andrea had written in an email that with the Silver plus package the debt would be paid in three years. Day stated if the Town paid the \$100,000.00 a year on \$352,000.00 it would be more like four to five years. Mayor Etheridge stated it made more sense then the package/materials they had from a previous meeting which was a 25-year plan. Discussion focused on payback options; window film and the boiler not providing a payback; the instantaneous heaters being more of a comfort item versus an energy saving item; and the zoning system making the offices more comfortable. Day stated if the Board decided to finance, she had asked Ennovate how it was crafted as the Town can't go into debt without an election, and had been told it would be a lease-purchase and anyone financing it would have to agree that if the Town couldn't appropriate the money the next year, they wouldn't be able to collect as required by TABOR, however, the Town would have to prove they couldn't afford it. Mayor Etheridge inquired of the Board if they wanted to do the Pay As You Go option, adding Andrea had put up front capital costs as a con, but she saw it as a pro. Day stated the Town hadn't budgeted mineral severance lease money for 2010; however the Governor had recently stated he was going to preserve the severance and mineral tax money and possibly the Board could look at that. She added if the Town received the funds a supplemental budget could be done. She went on to say they could try to do what was budgeted, for example: pick a project the County was doing also (i.e. replacing of boilers in the Fairfield apartments and lighting) and might be something the Board could look at, doing what they can afford now. Trustee Halandras stated he felt the heating, zoning was important and a major problem in the building. Day reminded the Board there was only \$100,000.00 budgeted and the boiler was over \$169,000.00. Trustee Halandras stated he would like to see another bid for it, with Day stating Ennovate had probably given the Board the most it could cost plus their mark-up (as the estimate). She added once the Town obtained an engineer to spec it, (if the Town didn't use Ennovate) they would be right there anyway. Trustee

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Halandras stated a good heating company would come in and see what the Town had and size it accordingly. Day replied the Town would have to go out to bid and that was a problem as most heating companies don't want to do that; they want to bid on it. Mayor Etheridge inquired where that left the Town; they can't do the "Pay as You Go" as none of the projects really fit. Day stated the Board could adopt a contingency budget in 2010 to do some of the work. Trustee Halandras stated they could pay \$100,000.00 down and try to borrow the rest. Mayor Etheridge stated Andrea had mentioned checking to see if there was any pre-pay penalty with the project. She stated, for example, the Town puts \$100,000.00 down; takes out a loan for the remainder and then receives money from mineral severance funding, asking Day if they could put that towards the loan, and paying it off without a penalty, with Day stating she didn't know. Trustee Halandras inquired if the \$42,000 payment was per year with Day stating yes, and at that amount the Town won't have it paid off for 12 years. Discussion focused on financing options, going with the Silver "plus" package and seeing what type of financing Ennovate provided.

Trustee Cook inquired if there were any grants available for the project, with Day stating no; there would be no Energy Impact Grants for approximately three years, but there might be some through the Governor's Energy Office. Trustee Halandras asked what it would take to enter into loan agreement, with Day stating she didn't know. She stated she knew it had to be structured under TABOR as a lease-purchase; they can't do a traditional loan. Trustee Omer stated the hospital had done a lease-purchase and they had to put certain provisions and clauses in the lease with the understanding it was a year-to-year obligation of funds. Day stated Ennovate had asked if the Town would be interested in bonds through the Stimulus; however it was Federal money and tied to Davis-Bacon wages, inflating the cost of the project. She stated she told Ennovate she didn't know if that would work and Ennovate had stated they didn't know when the bonds would come out. Discussion focused on working with the local banks and interest rates. Trustee Omer inquired as to the age of the boiler and if there was an urgency to replacing it. Day stated she had spoken with the person who had done the maintenance (Lunsford) and he had stated the boiler looked pretty good, but was installed back in 1976/77 and was original. Discussion focused on the square footage of the building, what happens if the boiler springs a leak, the boiler at the hospital not costing as much as the proposed one for Town Hall, and asking Lunsford what their thought was on the boiler. Day stated she would check into it.

Mayor Etheridge stated the Board could consider having Ennovate move forward with the Silver "plus" package; telling them "yes, this is what we are interested in" and therefore they could do the final engineering work and come back with more definitive numbers which would help the Board decide how they want to move forward. Day stated the Town would need to inquire as to how much they would charge (for the engineering) if the Town decided not to move forward with the project. Discussion focused on having money budgeted and moving forward with something in the project, the need for a boiler and a package set up with it (the boiler) included and financing. Day stated she would obtain more information on financing, find out what the County was going to do and find out if Ennovate were to engineer the Silver "plus" package and the Town didn't move forward would there be an extra fee? She suggested the Board make the final decision in January 2010. The Board concurred.

***Public Hearing – Consideration of Ordinance 8, Series 2009; an emergency ordinance imposing a temporary moratorium on the submission, acceptance, processing and approval of any application for a Town of Meeker permit or license related to the operation of a business that sells medical marijuana, pursuant to the authority granted by Article 18, Section 14 of the Colorado Constitution; directing the investigation of the Town's regulatory authority over such businesses; declaring the intention of the Town Board to consider the adoption of appropriate Town regulations with respect to such businesses if permitted by law; and providing an effective date.*** Public Hearing opened at 8:17 p.m. Attorney Viscardi stated there were ongoing developments occurring in the medical marijuana issue on a daily basis. He explained it started November 2000 when an election was held and voters adopted Amendment 20 to the Constitution authorizing the sale of medical marijuana for the use of debilitating medical conditions. He stated the reason it has become an issue now is the Federal government took the position of not actively prosecuting under the federal criminal statute concerning dispensing and possession and when that happened, everyone jumped into the medical

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marijuana dispensing business. Attorney Viscardi stated there are licensed dispensaries in Grand Junction, Rifle, Craig and Eagle and many on the Front Range. He stated licensing was being done in different ways; and those not doing it are not doing it for various reasons. He stated there is a great deal of confusion and it is a regulatory nightmare. Attorney Viscardi stated no one had approached the Town yet which is fortunate that the Town won't have to figure out what to do with an application as the Town doesn't have any regulations. He stated some municipalities were regulating it through zoning; a business license (which the Town doesn't have) or similar to how liquor licenses are issued, with most taxing it, but there is no guide. He added the Colorado Attorney General was leaving it up to each jurisdiction to come up with a response and many municipalities were doing moratoriums in hopes of seeing what the State does at the legislative level in 2010. Attorney Viscardi stated the proposed moratorium ordinance has a one year moratorium from today's date giving the Town time to see what the State does for regulations. He stated it also allowed the Town time to (once legislation is/or when passed) come up with some type of regulatory process internally. He added the ordinance (Section 5) also goes through the basis for the Town Board's decision to implement the moratorium.

Attorney Viscardi stated if the Board adopted the moratorium it would be adopted as an emergency ordinance and sets out the nature of the emergency (last section), as at this time there is no Town regulatory scheme for permitting such a business; to allow the Town time/opportunity to make a determination what the regulatory scheme would do with respect to these types of businesses. He added the moratorium doesn't necessarily have to last the entire year if adopted. Attorney Viscardi explained how medical marijuana came about, how it worked for care givers, how dispensaries came about and spoke about a State bill which is currently circulating. He stated the bill sets up a regulatory scheme to be regulated by the State Department of Revenue (who does liquor licensing). He stated in scanning the document it looked as if there was a proposal where the Colorado Department of Public Health comes up with rules and regulations in making a determination about patient needs as there is no criteria for determination. He stated there would be a process also for care givers and doctors and has a three tiered process for licensing users in increments and would be regulated the same way as alcohol. Attorney Viscardi reiterated the proposed ordinance/moratorium provides the Town time to figure out what they can do in regards to the issue. Mayor Etheridge stated it sounded as if there is a great deal that hadn't been addressed and this is the best way to go for now. Trustee Omer agreed; stating it was wise to put the moratorium in place and hopefully within the next year things would be sorted out and if anything gets through the legislature in regard to regulations. He added he thought it should go through the State Board of Pharmacy and be treated like a pharmacy issue, (prescribing and dispensing) but doesn't look like it will. Attorney Viscardi stated the amendment states only a certain amount of medical marijuana can be in possession; either in over the counter form or plants growing, with a certain amount of plants for each individual patient. He stated for example if he had 500 plants and only 20 patients other people may walk through the door and that's where the criminal side comes into play, adding people have been charged and provided the Board an example of a case in Boulder. He also stated he had spoken with Chief Hervey regarding a video of a burglary at a dispensary and law enforcements' concern about break-ins, burglaries and those types of things. Attorney Viscardi stated the legislation did leave room for counties and local governments to adopt zoning regulations (as previously done for sexually orientated businesses) in addition to the regulations the State comes up with. Mayor Etheridge asked for questions or comments with Trustee Omer asking Attorney Viscardi if there were some recent developments on his part that would modify the ordinance language or was he recommending the ordinance as drafted? Attorney Viscardi stated as drafted. Mayor Etheridge closed the Public Hearing at 8:36 p.m.

A motion was made by Trustee Mills approve Ordinance #8, Series 2009, an emergency ordinance imposing a temporary moratorium on the submission, acceptance, processing and approval of any application for a Town of Meeker permit or license related to the operation of a business that sells medical marijuana, pursuant to the authority granted by Article 18, Section 14 of the Colorado Constitution; directing the investigation of the Town's regulatory authority over such businesses; declaring the intention of the Town Board to consider the adoption of appropriate Town regulations with respect to such businesses if permitted by law; and providing an effective date, seconded by Trustee Halandras. All ayes, motion carried.

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***Discussion concerning Cultural Heritage request of a 2008 approved contribution.***

Day stated the Cultural Heritage Program had applied for a grant in 2008, receiving it in 2009 and are ready to spend the money. She stated the Board had a black and white copy of the brochure they were doing for the region and thought it would be 8 1/2 x 14 (in size). Day stated she checked the Community Development (Trustees) budget and there are funds to pay for the contribution and recommended the Board approve the request. She stated Dr. Steinman and Dee from the Meeker Chamber are very active in the project, and she felt it was a good thing. Trustee Halandras asked Day if it was different from the letter in their packets with Day stating yes, as it was believed the grant funding would be received and they would begin right away. Trustee Halandras inquired as to where the funds went, with Day stating the Town didn't pay anything and they are now requesting it. Trustee Halandras inquired as to where the \$2,000.00 went if it was budgeted then (in 2008). Day explained once the budget goes away all the appropriations go away (expires end of 2008). Trustee Halandras clarified the money was in the 2009 budget with Day stating yes, even after looking at other things needed to be spent (in this line item) by the end of the year. She added it was a great regional effort. Mayor Etheridge asked for questions or comments with none noted.

A motion was made Trustee Omer to approve the \$2,000.00 donation to Cultural Heritage Tourism as a match to the grant, seconded by Trustee Halandras. All ayes, motion carried.

**MAYOR'S REPORTS**

None

**MANAGER'S REPORTS**

**USGS Water Testing Agreement** – Day stated she needed to confirm with Board it would be okay for her to sign the USGS agreement, explaining it was the water testing done every year and was in the budget. The Board concurred to have Day sign the agreement.

**Housing Needs Assessment Meeting** ó Day stated there would be a meeting on Monday January 25, 2010 when The Housing Needs Assessment Report will be presented to the public. She stated the Taskforce had a two hour phone conference with the consultants and worked out some things that Rangely didn't agree with and there were a few things the Town needed to look at but the report has a lot of data, which is what is needed.

**ATTORNEY'S REPORTS**

None

**OTHER TOWN BOARD BUSINESS**

None

**ADJOURNMENT**

Mayor Etheridge adjourned the meeting at 8:45 p.m.

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Mandi Etheridge, Mayor

Attest:

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Lisa Cook, Town Clerk