

The Regular Meeting of the Meeker Town Board was held Tuesday, September 15, 2009 at Town Hall.

|                    |   |  |
|--------------------|---|--|
| Members Present    | Mayor   | Etheridge  |
| Trustees           |   | Gerloff<br>Strate<br>Cook  |
| Trustees Absent    |   | Mills<br>Halandras<br>Omer   |
| Town Staff Present | Town Administrator<br>Town Planner<br>Chief of Police<br>Town Clerk<br>Admin. Assist. | Day<br>Smith<br>Hervey<br>Cook<br>Niemi  |
| Citizens Present   | Nikki Turner<br>Jim West<br>Doug Pfau<br>Anne Unrein<br>Todd Morris                   | RB Herald Times<br>RE 1 School District<br>RE 1 School District<br>ACø Bar - Applicant<br>Meeker Fire & Rescue |

#### **CALL TO ORDER**

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

#### **ROLL CALL**

All Trustees present except Trustees Halandras, Mills and Omer.

#### **APPROVAL OF THE AGENDA**

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

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

#### **APPROVAL OF THE PREVIOUS MINUTES**

Mayor Etheridge asked for questions or comments regarding the previous minutes from September 1, 2009, with none noted.

A motion was made by Trustee Strate to approve the previous minutes of September 1, 2009, seconded by Trustee Gerloff. All ayes. Motion carried.

#### **APPROVAL OF VOUCHERS**

Mayor Etheridge asked for questions or comments regarding the revised set of vouchers dated September 15, 2009. She inquired about Item #26 of the General Fund, the shipment of recycled materials, asking if it was a flat rate. Administrator Day explained it was the shipping expense for two loads, one for August and one for September. She stated the shipment for August was \$800.00 and the September shipment \$700.00, but was unsure why. Trustee Gerloff inquired if the company had stated a reason, with Day replying the company had said there were fewer bales in the second shipment, but the weight was more. She stated Dixie would be researching other shipping companyø which might be cheaper. Trustee Gerloff inquired where the materials were shipped to, with Day stating the company used to be called Weyerhaeuser, but had changed names recently and was located in Denver. Trustee Gerloff suggested they look at utilizing a local contractor for the

*Regular Meeting of the Town of Meeker – September 15, 2009*

shipment of recyclables, with Day stating that was a good idea and would work with Trustee Gerloff to locate one.

Mayor Etheridge inquired about Item #27 of the General Fund, Stantec Consulting Inc. asking about the status of payment for the traffic study. Day stated that was all of it (the entire cost). Mayor Etheridge inquired if there were to be any additional work from this point forward, those costs would be additional? Day replied yes, and Stantec still needed to provide three copies of the final traffic study and the Town would hold the check until received. She also stated the Board would see a charge for Mr. Pratt's trip (for his presentation at the previous meeting), in addition to this invoice. Mayor Etheridge asked the Board for additional questions or comments with none noted.

A motion to approve the revised set of vouchers dated September 15, 2009 was made by Trustee Cook, seconded by Trustee Strate. All ayes, motion carried.

**PUBLIC PARTICIPATION**

**Fireworks Donation** - Todd Morris, Meeker Fire & Rescue presented a request to the Board to budget \$3,000 for the fireworks display in the Town's 2010 budget. He stated his plan was to not ask the community for funding; but to raise the funds through the Fire District, the County and the Town. He stated the reason he was doing that was every time he went somewhere, he heard "I just gave money to someone for some event." He stated the Town received tax dollars from the businesses so the tax entities should come together to help make the fireworks display happen.

Mr. Morris stated the event would cost \$10,000, and the show had been doubled with the Fire District picking up the extra for 2010. He stated it would be the Town's 125<sup>th</sup> anniversary and it will be one of the largest shows the community has seen. Mr. Morris stated each year the show gets better and better, with the same amount of fireworks, which are set up differently as they learn new techniques. He stated he was coming to the Board now to request funding as he knew it was budget season and asked the Board to consider budgeting \$3,000 for the next three years. He stated many companies look at a five to ten year budget; he was requesting three, as after that time period, he foresaw an increase in the price of fireworks. Mr. Morris stated he would be requesting funding from the County, and the Fire District had already approved the request, picking up the remainder of the cost. Mr. Morris reiterated it was hard for him to ask local businesses to fund the event as there are times when they don't have the funds, especially with the economy and they are helping students with school trips, etc.

Mayor Etheridge stated she appreciated Mr. Morris coming to the Board this time of the year as it helped the Town to budget for the expense, knowing it is there. She stated she was in favor of making a line item for fireworks, stating it was something done every year and benefited the community. Mr. Morris inquired if the entities could work together to come up with a grant for fireworks with the Board concurring that obtaining a grant for a fireworks display probably wouldn't be feasible. Mr. Morris stated the show had increased since he took it over, with three times the show and didn't want to see it fail. Mayor Etheridge agreed and stated now was a good time to prepare for next year's celebration. She also relayed to Mr. Morris the Town was restricted to budgeting for one year; however if a line item was added for fireworks and budgeted for 2010, next year when the Board started looking at the budget for 2011, the fireworks would be part of the discussion. Mayor Etheridge thanked Mr. Morris for his presentation and request.

**RE-1 School District** - Jim West of RE-1 School District presented drawings of the proposed box culvert location to the Board, and stated the topic for discussion was the main entrance to the new elementary school site. Mr. West stated from the drawings, the Board could see the box culvert and bridge the school would be building, and was currently with FEMA to obtain a permit. He stated once FEMA was finished, it would come to the Town for review with the Town's engineer and hopefully after the processes, the school would be able to begin construction.

*Regular Meeting of the Town of Meeker – September 15, 2009*

Mr. West explained the box culvert and the piece of land adjacent belonged to the County, with the County verbally agreeing to donate a piece of land to the school district indicating it would be a deed of dedication. Mr. West stated the east boundary was clear as they know where the school land ended, they know what needed to be done to the north and to the south, but the area which was still unclear was what to do on the west side, where the culvert would abut to, eventually coming in with a road, either new or existing. He stated he had spoken with Administrator Day, and he had proposed the school would make the line of demarcation at the western edge of the box culvert. He stated the drawing presented to the Board was not accurate, and explained the school was proposing the entire box culvert to be their responsibility, including the wing walls (which were incorrectly shown on the drawing). He stated the school district would be responsible for maintenance of the culvert, snow removal, etc. from that point eastward, and the school district would like the Town to take it from that point on.

Mr. West stated he assumed there would be some type of land transfer from the County to the Town once the alignment was determined but was unsure if it could be done now as they are unsure of what the route (road) would be. He stated the school's piece was set and what he proposed was to obtain an agreement from the Town that this would be something they could accept and he could move forward in having a survey done of the area, get it to the County and have the land transferred. Administrator Day stated, as they had discussed this past July, Public Works Superintendent Russell Overton had recommended the Town wait until the box culvert was built so it would be known where the actual boundary would be. She stated at this time it would be tough to figure that out particularly since the Town had not settled on an alignment for the road. She inquired of Mr. West if there was any value in doing an agreement now, with Mr. West stating he needed to get the land transferred from the County to the school district; have it surveyed, and the deed of dedication completed so the school could build the box culvert. Day stated they would not be able to start until the FEMA work was completed. Mr. West stated the school was hopeful it would be completed in 2009, and the plan and hope was they would be able to do it in late fall instead of next spring, because of potential cost. He stated that was the driving factor for having the land transferred to the school district so they could begin construction.

Mayor Etheridge stated it sounded as if Town Staff did not want to do the agreement until it the culvert was built, yet the school cannot build until they have the land, with Mr. West stating that was correct. Mayor Etheridge stated it may be overly simplistic, and inquired of Mr. West; if the County was giving land to the school district why was the Town involved and why could not the County just give the school the land, build the box culvert and when the Town came in to build the road, the County gives the Town the western portion of the land? Attorney Viscardi stated there were a couple of reasons based on a conversation with the County Attorney, it was understood the County would not do anything until the FEMA permit was issued and the Town issued its floodplain permit, no construction would take place. Attorney Viscardi stated until the process was completed by FEMA and the Town, nothing would happen. He stated the County did not see any reason to transfer property until it was known where the culvert will be, how could it be surveyed? He said that cannot happen until FEMA (issues the permit), then the Town would probably adopt the recommendations of FEMA. FEMA will be the ones who establish where the structure would go and what it will look like.

Attorney Viscardi stated if he was in the County's position of working out the conveyance of the land, until FEMA had completed its processes and the actual site was established, any survey work done would be uncertain at this point and Mr. West's request was premature and not any different than the discussion they had in July; stating the consensus from the Board at that time was to wait for FEMA and then to move forward. Attorney Viscardi went on to say if the survey were to be done now, there would be a good chance or possibility that the legal description would have to be modified and the school district would have to go through the process again. He reiterated no construction was to take place until FEMA gave their final answer and it seemed premature to worry about a legal description and spending money on a survey for something uncertain. Mr. West stated he agreed with Attorney Viscardi's statements, and stated that since July the school had received more comments from FEMA and the location of the box culvert had not been an issue. He stated the issues were on sizing and the school district was prepared to take the chance of doing a survey so when FEMA and the permits came through,

*Regular Meeting of the Town of Meeker – September 15, 2009*

they would be ready to begin construction and have everything completed prior. He stated he knew the school district was moving very late in the year but they have received cost proposals from proposed contractors and the costs for early spring construction would be going up significantly. Mr. West stated the school was trying to ensure everything was covered so if information from FEMA was received this fall they could start and not wait a month to transfer the land. Attorney Viscardi stated the school would still have a lag time between FEMA and the Town doing their review, and it would not happen overnight. He suggested Mr. West have their surveyor ready as the County's part was more administrative, and they (the Town) had already verbally committed, it would just be a matter of drafting and attaching the survey as an exhibit to the deed, getting it to the County Commissioners and shouldn't be a long process.

Mr. West stated if the Town were to tell the school tonight that they would be okay with the western permits of the culvert he would go to the school board and ask them to start. Attorney Viscardi stated the Town had to rely on Mr. Overton's recommendation of waiting until they heard from FEMA. He stated if they were talking about where the wing walls would be going, as part of the school district's property as opposed to where the Town was talking about, or the point where the road came to the bridge possibly being moved back, Mr. Overton's recommendation was to wait for FEMA. Mr. West stated the school's concern was cost and if there would be any way it could be done this fall. Doug Pfau of RE-1 School District stated it was only a few feet that they were asking for an agreement on from the Town, and 10-feet either way wasn't a big deal. He stated if they could get the agreement in principal that stated "wherever the wing wall happened to be, it would be the school's responsibility to take care of it." Attorney Viscardi stated there was no agreement; the school would be getting a deed, as well as the Town, as it was simply a conveyance of land. Mr. Pfau stated he understood, but was asking for trust and also so it would not be a long process. Attorney Viscardi stated he didn't see it as a long process, and once the survey was done, the school goes to the County, the County completes their process and construction begins. Mr. West stated he hoped that would be the case, reiterating they would like to have much of the leg work completed ahead of time so when FEMA does come through and the design is approved the school could begin construction and they just wanted to be ready. Mr. Pfau added the FEMA process was taking longer than what they had been told.

Day stated she was concerned about the Town taking heat about re-doing projects and everyone needed to know where the ownership line would be because of liability issues, and where the Town would be plowing. She stated if the Town had to re-do a survey that had already been done, as well as re-doing deeds, it becomes complicated. Mr. West replied the Town wouldn't be re-doing the survey, the school would. Mayor Etheridge clarified that the school district was asking for the Town to say "yes" they would be taking ownership of the west side. Day stated the Town has to have ownership of the property, and to have ownership the Town needs information. Mayor Etheridge stated her question was "the Town doesn't have ownership, its County property, so why was the Town involved, and why doesn't the school just ask the County to give them this land from this point forward?" She stated if everything was completed and FEMA comes through, they can build the box culvert. Attorney Viscardi stated they have to know where the point on the ground would be, and no one knows where it is at this time. Mayor Etheridge inquired as to why the Town needed to know that at this time. Day stated it will have to be known for the road, and if the school decides on where the line is today, and the line is not the same after completion, it would require another survey. Mr. West reiterated the survey would be at the school's expense. Mayor Etheridge inquired if the school was willing to take that chance with Mr. West stating yes.

Mayor Etheridge stated if the school was willing to take a chance, who were they to stop them? Attorney Viscardi stated they won't stop them, but the County had agreed in principal not to do the conveyance until FEMA had completed their work. Trustee Gerloff inquired if they had discussed conveyance, with Day stating with the school, explaining the school was trying to complete their conveyance with the County. Trustee Gerloff inquired in this particular issue, the school was looking for the Town to say yes and when construction of the culvert was completed; the Town would take ownership of the west side to Sulphur Creek. He asked if that would be considered conveyance at that point, or was it something the Town could agree to in principal and say "wherever

*Regular Meeting of the Town of Meeker – September 15, 2009*

that mark may be, at their expense, the survey will show that at that time.ö Day stated that might mean the school district is conveying something to the Town and the County and would be an extra step. Attorney Viscardi stated the County wanted to see the FEMA work completed and didn't want to do the conveyance until they were satisfied the FEMA work had been done in its entirety with the conditional letter of map revision completed. He stated in his last discussion with the County Attorney who stated; we want to see it done; we won't do anything in advance until the Town is satisfied with everything that needs to be done and is completed and at that point of time, they would then do the conveyance. Attorney Viscardi stated in principal the school had a commitment from the County, giving them the land they need. He stated as the project developed, it was in the best interest of everyone to wait for the conveyance of land until the conditional letter of map revision was completed which would then allow the Town to do its floodplain permitting and at that point, everything that needed to be satisfied was completed.

Trustee Gerloff inquired if they (the County) agreed in principal to convey the land and wait for FEMA, would it be inappropriate for the Town to agree in principal that they would take it from the west. Attorney Viscardi stated it had been done. Trustee Gerloff inquired if that wouldn't be enough for what the school needed. Attorney Viscardi stated it had been done months earlier. Trustee Strate and Mayor Etheridge inquired again as to why they were discussing this, with Mayor Etheridge asking again for clarification. Attorney Viscardi stated the School District wanted to go to the County and get a deed tomorrow. Trustee Strate inquired of Mr. West and Mr. Pfau if the County had told the school to come to the Town beforehand, with Mr. Pfau stating öin essence, yes.ö Attorney Viscardi reiterated his conversation with the County Attorney, who stated they don't want anything to happen until the CLOMR (conditional letter of map revision) was received which allowed the Town to issue a permit. Mayor Etheridge stated if that is what the County said; the Town can't speak for them. Mr. West stated the school was trying to establish where the Town would be prepared to accept/take over the maintenance, where we can establish the western boundary. Mayor Etheridge asked for clarification of the location, with Day stating it would be from the wing walls too, which becomes a little more complicated. Mayor Etheridge stated if that was what the agreement had been, and was what the Town planned for, asking Mr. West if the information helped. Mr. West stated yes. Attorney Viscardi stated that hadn't changed, and if that was all the school wanted, he didn't understand, as there were no boundaries at this time. He stated it was understood the Town would take the land from where it joined the bridge, which was different now as it included the wing walls, but that commitment had already been made. He stated he agreed with everyone else in asking why are they where here, if it isn't for the school to want the okay for the County to give them the deed? He stated he understood the school wanted to get everything done with the County so they could move forward, but was the County's issue. Attorney Viscardi stated the issue was the County Attorney doesn't want the County taking the steps of doing a deed dedication until the conditional letter of map revision was received. The Board and audience concurred with Attorney Viscardi's last statement.

**DEPARTMENTAL UPDATES**

**Police Department** ö Chief of Police Bob Hervey stated everything was going well in the department. He stated for August there were 334 calls with 77 Citizen Contacts, 30 Traffic Summons issued, 13 Criminal Summons issued and seven arrests. He stated Officer Severson (sp) had completed his training and was working full-time. Chief Hervey stated in September Phil Stubblefield had been hired as lieutenant and the Meeker Police Department was now fully staffed. Mayor Etheridge stated she was glad to hear a lieutenant had been hired, all officers trained and the department was doing well. Mayor Etheridge thanked Chief Hervey for his report.

**Public Works** ö no report as Public Works Superintendent Russell Overton was on vacation

**Planning Department** ö no report as Planner Smith was attending GIS class.

**NEW BUSINESS**

*Regular Meeting of the Town of Meeker – September 15, 2009*

***Request from AC's Bar LLC dba AC's Bar for Tavern Liquor License renewal.***

Administrator Day stated she and Attorney Viscardi would be doing the report as Liquor Clerk Sizemore was ill. She stated the application had been submitted and Staff recommended moving forward with the same conditional agreement as the previous year. She stated Staff also asked TIP's training be given to the establishment's staff within 90-days of the renewal date and the corporation catch up the required reports, as they are behind two years. The applicant stated she knew nothing of the reports until Day reminded her tonight. Day told the applicant she could assist her in the process. Day also stated the recommendations were based on incidents from the previous year. Attorney Viscardi stated the conditions Administrator Day had referred to were the same conditions implemented the previous year. He stated he had given a copy to the applicant for review.

Attorney Viscardi stated the conditions were:

- 1) To have the sign posted that states the police department will be notified of any disturbances and for them to take action as deemed necessary.
- 2) A representative of the LLC must be present at any meeting where the license may be discussed or any action taken on the license.
- 3) The license can be denied, suspended or revoked for good cause. He stated "good cause" states there are no violations of the State of Colorado's Liquor Code, the rules and regulations promulgated by the State for the liquor code, any ordinances of the Town or any other conditions that may be placed on the license.
- 4) The licensee complies with any special conditions placed on the license.
- 5) The license can be suspended if there is evidence that the person in the operation, in a manner, adversely affects the public safety and welfare of the neighborhood. Attorney Viscardi stated a neighborhood for all liquor licenses is the town limits of the Town of Meeker.
- 6) No representative of the licensee shall take part, participate or encourage in any disturbances or any unlawful activity that may go on, on the premises.
- 7) The applicant/licensee shall not permit any disturbances, undue noise or unlawful disorderly conduct on the premises.
- 8) The Town Police, the Colorado Department of Health, the Colorado Department of Revenue, the Town of Meeker's agents and any other federal, state or local agency representatives will be permitted on the property for inspection of the premises and no employee or agent of the LLC will interfere with an inspection.
- 9) Within three months from the date of issuance of the license, all current employees and agents of the business/LLC receive the server education training and proof be made available to the Town and within four months of any new hire during the licensing period that the individual/new hire receive the training. He stated failure to comply with the requirements of these conditions could be cause for the Town or State to take action.
- 10) It is no defense to any alleged violation of these conditions that the duly authorized representative(s) of applicant/licensee were not personally present on the premises.
- 11) A decision to issue the license is not any determination of previous, current or future violations with respect to action taken by the Town or State licensing authorities. He stated there was a provision section for the applicant, which stated she was the member/manager of the applicant which is AC's Bar, LLC, and she has read the conditions and abide by those conditions. Attorney Viscardi reiterated those conditions were similar to the previous year.

Attorney Viscardi stated every LLC Corporation has to file within the State, they send the corporation a yearly notice for the report to be completed within a 60-90-day time period. Attorney Viscardi stated those were the reports that AC's Bar LLC needed to file for 2009 and 2008. He stated the consequence (of not filing) is when checking the status of the corporation with the State, it would say the corporation either has a good standing or a delinquent status, with the delinquent status indicating the reports had not been filed in a timely manner. Attorney Viscardi stated Staff's recommendation would be for the reports to be completed within 30-days of the issuance of the renewal license if the Board determined so. Attorney Viscardi relayed to the applicant that up until a few years ago, if a corporation was in delinquent status, they weren't able to conduct business in the State. He stated the only consequence now, other than paying for the annual filing, was a \$40 penalty fee and if the applicant had

*Regular Meeting of the Town of Meeker – September 15, 2009*

to sue someone, they would not be able to begin litigation in any court in the State.

Mayor Etheridge thanked Attorney Viscardi for the information and thanked the applicant for attending. She asked the Board if they had questions or comments regarding the renewal application and the conditional requirements. Trustee Gerloff asked Attorney Viscardi for the definition of "premises" for a business. Attorney Viscardi clarified it was the licensed premises and explained in the application the applicant must outline the boundaries with a drawing depicting them. Trustee Gerloff inquired if it included sidewalks, with Attorney Viscardi stating no and explained why. Trustee Gerloff inquired if it was known how many calls for service to the establishment there were, with Day stating there had been 30 calls for service. Trustee Gerloff stated his reason for asking there was a note of someone being injured. Day stated not the 30, and explained she had written "however due to the serious nature of some of the incidents" which the establishment had. Chief of Police Bob Hervey added the applicant was very good about calling the police when a disturbance occurred, and was the criteria Staff had set forth. He stated if there was an issue, it was over-service, as some of the people involved in the noted incidents were fairly intoxicated. He went on to say that as far as notifying the police department and allowing them to respond in a timely manner, the applicant was good about it and most calls were placed by the bartenders.

Trustee Gerloff stated his next question regarded 4B under the conditions from the previous year. He asked if any of the incidents occurring in the time frame would fall under 4B and if any of the calls would have violated the conditions from last year. Chief Hervey stated he could not answer Trustee Gerloff's question at this time. He stated if he went through the calls, he might be able to say specifically. Trustee Gerloff inquired of the applicant if new hires were allowed to serve patrons prior to completing the TIP's training. The applicant stated she had one new hire who had not yet taken the training, as she just started a week ago. Trustee Gerloff inquired if the applicant felt the program/training was readily available to her staff, with the applicant stating yes, and has the training set up for all staff to retake. Trustee Gerloff clarified with the applicant that everyone would be taking the training, as it seemed new hires were great at receiving the training, but seemed to him there was an over-service issue and may need to re-address that with some of the current employees. The applicant stated she was making all staff take the TIP's training, with Trustee Gerloff stating good, and thanked the applicant. Mayor Etheridge inquired of the applicant if she had the sign up that stated "The Meeker Police Department must be notified of all disturbances in this establishment and of all disturbances on the grounds that are part of the establishment." Attorney Viscardi stated the language had not been invented by the Town, it was everywhere. The applicant stated there were two signs posted one by the back door and one by the front door.

Mayor Etheridge stated that AC's Bar was the only place at this time where people could go to socialize, and created extra responsibility to the applicant to service an entire community. Mayor Etheridge relayed to the applicant the Board's appreciation in being there and serving the niche for the community and appreciated the applicant's cooperation with the Town, the re-licensing of the establishment and the cooperation with the police department. She stated she hoped with the conditions established, there would be a continued cooperative relationship to ensure staff was trained; people weren't getting hurt and everyone was safe, and the establishment could continue service. The applicant replied she appreciated when the police stopped in for occasional checks as it helped immensely. Mayor Etheridge stated that was the spirit of cooperation that should continue to be maintained, and if so, perhaps calls would decrease and be less severe, so hopefully over time the conditions could be removed. She stated the application seemed complete, and she was happy everyone was in agreement with everything staying safe and running well. Mayor Etheridge asked for additional comments or questions with none noted.

A motion was made by Trustee Strate to approve the tavern liquor license renewal from AC's Bar LLC dba AC's Bar with the conditions previously mentioned, and with the contingency of completing the LLC reports for the State, seconded by Trustee Cook. All ayes, motion carried.

*Regular Meeting of the Town of Meeker – September 15, 2009*

***Consideration of Planning Commission's recommendation for Mobile Home re-licensing.***

Planner Anna Smith stated the Board had two memos, with one addressed to the Planning Commission. She stated Staff had gone out on site on Friday, (September 11, 2009) to conduct another follow-up inspection and found that all conditions had been addressed, except Item #1 for GICØ Circle N Mobile Home Park and for River View Mobile Home Park. (Skirting for RVØ)

Planner Smith stated GICØ manager for the two mobile home parks which were not in compliance had agreed with StaffØ recommendation that they receive a temporary permit to November 13, 2009, as they were certain most of their recreational vehicles would be gone by November 1st. She stated the manager was aware all the recreational vehicles exceeding the 90-days and have made it a condition to those people that if they stay, they would be required to skirt the vehicle or they must leave. Planner Smith stated the manager has taken the stance with their occupants, and felt the November 13, 2009 timeframe gave those who decide to stay sufficient time to have their vehicle skirted. Planner Smith stated the new motion in front of the Board stated complete licenses would be given to Findlay Trailer Park, Sizemore Trailer Park and GICØ White River Mobile Home Park, with temporary permits for GICØ Circle N and River View Mobile Home Parks, till November 13, 2009. Mayor Etheridge asked for questions or comments.

Trustee Gerloff stated he didnØ understand the skirting for RVØ. He asked if it was just for trailer type RVØ because they were longer, or was it for a motorized RVØ also. Planner Smith stated it was either one. She explained a recreational vehicle can be a motorized recreational vehicle or a pulled trailer, i.e. 5<sup>th</sup> wheel, or travel trailer. She stated recreational vehicles do have specific skirting, which are snap-on. Trustee Gerloff inquired if it was for appearance or for functionality? Planner Smith stated it was for both; functional for cold weather, as most travel trailers are not four seasons. Trustee Gerloff asked; if it was functional, how does the Town require a person to skirt their RV/trailer, if it is their risk of freezing, etc, without it being an appearance issue? Day stated she thought it was both and since they were in a mobile home park, it was one of the issues that arose when discussing allowing RVØ to park in mobile home parks. She stated the mobile home people had said the Town made them skirt, so if RVØ were going to be in the same mobile home park, why wouldnØ they skirt also. Day stated they were allowed 90-days without skirting, and is required if they were going to be there semi-permanently or permanently. Mayor Etheridge asked for additional comments or questions, with none noted.

A motion was made by Trustee Strate to approve annual re-licensing for Findlay Trailer Park, Sizemore Trailer Park, GICØ White River Mobile Home Park and to grant a temporary permit valid through November 13, 2009 to GICØ Circle N and River View Mobile Home Parks in order to give the tenants time to comply with the following conditions: Circle N ó 1) to provide skirting for RV places #1-8 and #10 to be in place within 90-days the vehicle is situated in a space and also for River View Park, 1) also to provide skirting for the RVØ in spaces #8-10, required to be in place within 90-days after the recreational vehicle is situated in a space, seconded by Trustee Cook. All ayes, motion carried.

***Update concerning Elementary School process.***

Administrator Day stated presentations for the old elementary school were scheduled for the October 6<sup>th</sup> 2009 meeting. She stated there would be a press release in the paper urging people to come and express their opinions and would be followed with announcements in the next two editions, as well as something for the website. Mayor Etheridge inquired if a flyer could be put out, with Day stating absolutely. Trustee Strate inquired if it would be regular meeting, with Day stating yes, there would be other business at the beginning of the meeting.

Trustee Gerloff inquired if this was the hard deadline for presentations. Mayor Etheridge stated she felt it would be up to the Board. Trustee Gerloff interjected, stating he felt this should be it, as they had gone through numerous discussions and they needed to set a hard deadline for presentations so they could make a decision. Mayor Etheridge stated she felt a deadline helped and if it isnØ drawn out, the public could focus on the presentations. She stated it was wise to have it done at one meeting and not ask people to come to several

***Regular Meeting of the Town of Meeker – September 15, 2009***

meetings. She also stated as a Board, they had put forth making the decision before the end of the year, and maybe should not to say that it was a hard deadline, as if something spectacular came along before December 1, 2009, then it would be considered. Mayor Etheridge stated for the public who come and hadn't been part of the previous discussions, they would be able to see there aren't many options for the property, and maybe something would come up from the public at the meeting.

***Update concerning Ute Road project.***

Administrator reported she had spoken to Rob Pratt, Stantec (Engineer for Ute Road), concerning the following: a suggestion from Trustee Halandras, concerning moving the roundabout ten feet east to assist the adjacent property owner, which Mr. Pratt thought was a good idea and wouldn't add much cost; Mr. Pratt was going to contact Mr. Reck (adjacent property owner) about the roundabout to try to work something out; and that Mr. Pratt would need a soils test of the roadway prior to giving the Town a solid cost estimate. Mayor Etheridge asked if soils tests hadn't already been done with Day explaining that they had not been done for the road area. Day said that she had been in contact with RBC Road and Bridge Superintendent Dave Morlan to try to downsize the project so that the Town could enter into the energy impact agreement with the State, this being required due to the energy impact grant not being fully funded.

Results of a discussion concerning how to find funding for the shortfall created by the energy impact grant not being fully funded were: 1. Consensus to request \$70,000 from the school district (funding that had originally been budgeted to pave a portion of the current road alignment). 2. Ask Rio Blanco County for full funding of the CCITF grant and additional funds to split the balance of the shortfall between the Town and the County and ask for responses from both entities by October 1, 2009. 3. That if improvements are needed on private property along Sulphur Creek Road, the Town is not willing to fund them. 4. To determine the process to get Ute Road constructed during the second meeting in October.

***Discussion concerning Proposed Year 2010 Town of Meeker budget.***

Administrator Day reported the proposed 2010 budget was very similar to the 2009 budget with the exception of the 2010 proposed projects, which she expressed concern about them possibly being too ambitious. She explained that the largest proposed change in the departmental (operation and maintenance budget) was the proposal to share the administrative assistant's (Becky Niemi) time with Rangely. She said that she and Peter Brixius (Rangely's Town Manager) had discussed the possibility and she had also discussed it with Becky. She said the plan would include sharing the position half time and that Rangely would reimburse Meeker for half of the salary, benefits, and other expenses, that by Rangely reimbursing Meeker, the position would still retain full benefits. She said Becky would primarily be the grant writer for both organizations, work on the 2010 census, etc. Trustee Strate asked what would happen if both Towns were applying for the same grant? Administrator Day explained that there might be a potential issue, but that the work researching the criteria, etc would be the same and didn't think that a major issue would develop. Assistant Niemi stated she was in favor of the job share. Day relayed that she would continue to explore the option. The Town Board concurred.

Administrator Day asked the Board if they had questions about the budget, due to the lateness of the hour, or if they wished her to go through the budget more thoroughly? Trustee Gerloff asked if there were not cost of living raises proposed in 2010? Day stated no raises were being proposed, the proposal does include keeping health benefits for everyone and then revisiting revenues after the first quarter of 2010. If at that time the revenues were stronger than projected, the Board could consider a supplemental budget to cover the cost of raises. Day stated the cost of living is not projected as very much due to the downturn of the economy. Day stated that most of the employees had commented they were okay with not receiving a raise. Town Clerk Cook and Mayor Etheridge commented that most governmental entities were not giving raises this year and Clerk Cook stated that many communities in Northwestern Colorado were having to require employees to take non paid furlough days and felt lucky the Town was not in that position. Day reported that the County is not proposing raises for 2010 and recommended the Town be conservative due to projected lower revenues, no mineral severance/leasing funds and

*Regular Meeting of the Town of Meeker – September 15, 2009*

no energy impact grant funding.

Trustee Gerloff inquired about why a line item for fire extinguishers had been added? Day explained that it enables the Town to better track the expense and there had to be several upgrades that had been missed by a previous service provider. She said the Town was now using a local service.

Trustee Gerloff inquired about the proposed \$15,000 for the Fairfield Center, was the funding a necessity if the County owned the facility. An inquiry was made about whether the County owned the facility when the Town began paying the annual payment of \$15,000? Day said yes. A short discussion ensued concerning if the County offices are moved to the Fairfield, should the Town be paying as much? It was the consensus of the Board to pay \$5,000 toward the community meeting space in the Fairfield Center.

Mayor Etheridge asked why there were two line items for energy impact grants in 2008/2009. Day explained that the Town had two energy impact grants for projects that overlapped and it was an easier way to track both grants. Mayor Etheridge asked about the \$30,000 which has been budgeted for a 20 waterline for several years. Manager Day stated it isn't a large project, but the Town has not been able to get to it, that it had been budgeted again for 2010.

Day reported that \$200,000 had been budgeted to paint the other two water tanks next year and that line item may need to be increased to cover inspections. She explained that the Sage Hills Park project (removing tennis courts and installing play equipment) had not been placed in the budget due to the following: 1. Preliminary budget prepared by Becky Niemi looks as if the cost will be about \$73,000 plus the cost of removing the lights, sprinkler systems, sod etc. Day suggested that the project is probably larger than GOCO mini grant would fund and since there was a need to replace equipment at the Town's main park, that the Board consider doing the planning work including applying for a GOCO grant during 2010, and plan construction in 2011. The Board concurred.

Administrator Day said that she had spoken to Diane Mitsch Bush, Chairman of the Northwest Transportation Planning Region, concerning the \$150,000 in enhancement funding offered to the Town for their Market Street curb and gutter project, during a meeting Assistant Niemi attended, to ask if there was a possibility to use the funding to construct the trails along Sulphur Creek Road needed for pedestrians and bicyclists to safely travel to the new elementary school. Day said that Diane Mitsch Bush was willing to explore the request. Day said that she would be contacting CDOT to ask if it would be possible to use the enhancement grant in the amount of \$500,000 for the Market Street project for the Sulphur Creek Road trails project as well. She reported that the grants are federal funding and will require the Town to comply with federal regulations, including Davis-Bacon regulations and some studies and asked the Board if she should continue to explore getting the funding for the Sulphur Creek project. The Board concurred.

Mayor Etheridge asked if the \$1.1 million dollars budgeted for Ute Road included the \$330,000.00 shortfall, with Day stating yes. Day explained that the CCITF grant had been budgeted at \$130,000, which would need to be reduced if the County didn't agree to full funding. She said the CCITF agreement included a clause to allow the County to reduce funding by the same percent as the reduction in the energy impact funding, if full funding was not received for the energy impact grant.

Administrator Day reported that the Town had received over one million dollars in mineral lease/mineral severance payments this year, with recommendations from CML and the State not to budget any revenue from that source for 2010. She said that since the police department is now fully staffed, the department is short one car due to the car deer collision last spring and asked if the Board would be willing to purchase a vehicle this year instead of the one in the proposed 2010 budget? The Board concurred.

Mayor Etheridge inquired about the \$100,000 budgeted for Town Hall, Day replying it was budgeted for potential

*Regular Meeting of the Town of Meeker – September 15, 2009*

projects recommended in the Energy Audit, which would be presented to the Board on September 24, 2009. Mayor Etheridge inquired about the \$77,000 budgeted for the Recycling Center, with Day explaining that it was funding for an improvements project to the facility to improve its efficiency. Day stated that the administrative equipment item was an estimate of the cost to replace some six to eight year old computers and other equipment if needed. She explained that the payment from the general fund to the water fund was for a loan payment obtained from DOLA when the Town replaced the waterline in Market Street and the loan would be paid in full in two years. She pointed out that the Meeker Chamber of Commerce had reduced their request by \$5,000 to \$50,000. She explained that the Circle Park item, budgeted at \$20,000 was for engineering work for the future improvements to the fish pond, and might be able to be reduced to \$10,000. Trustee Gerloff asked how long the Town had paid for the temperature gauge on the White River and why? Day stated that the gauge had been in place for several years and was used by the USGS for testing results as well as fishermen. Trustee Gerloff stated his concerns about the benefit of the gauge and wondered if the DOW would be willing to share the annual cost of the gauge.

Administrator Day explained that the sign promised when the Town purchased Ute Park, had been budgeted along with funding for weed control in the Ute Park line item and further explained a few more line items, with no further Board discussion.

Mayor Etheridge commented she is in favor of maintaining a high budget for training/schooling and was please to see it in the 2010 budget and recommended highly, promoting employees to take advantage of educational opportunities.

Mayor Etheridge asked for a brief update of the Walbridge Account and the status of working with the hospital board toward its request. Attorney Viscardi stated that he had not been approached by the hospital board again for some time, that other than the initial discussions, he had not seen anything further on the matter.

Administrator Day said that she had not budgeted anything for Youth Zone next year and inquired whether the Board would like to schedule a presentation from Youth Zone. Trustee Gerloff asked that Day check with White River Counseling as well. Day agreed to check with them.

The Board discussed the possibility of not taking any pay for their positions to assist the Town. Day said that she had recommended that the Board increase the salary for Board members and have it placed on the ballot. Mayor Etheridge and other Board members concurred that they wanted to serve the community and didn't serve for payment. Mayor Etheridge said it was a pretty minimal amount, but would be willing to forego payment with Day stating she was unsure about the legalities.

Trustee Gerloff inquired if the revenues received by the Town were earning interest. Day explained that all funds held by the Town are in interest bearing accounts, but at this time, interest rates are very low. Trustee Gerloff asked if the interest is shown in the budget? Day explained that there was a line item in the general and water funds for interest. Trustee Gerloff inquired if the interest could be used for raises, with Day explaining the interest revenue was already budgeted. Trustee Gerloff explained he was concerned about losing employees with no raises. Trustee Gerloff commended staff for a good job on the budget proposal and appreciated the employees acceptance to no raises.

Town Clerk Cook pointed out that reserve (in the amount of approximately \$1,000,000) had been budgeted to balance the general fund budget. Mayor Etheridge asked if the Town didn't have to spend all that was budgeted for Ute Road, would it be available for other projects. Day stated that was correct, the funding would just remain in the Town's funds. Trustee Strate asked if the funding would have to be given back to DOLA with Day stating no, the only requirement with DOLA is that the Town match the percentage required by the energy impact grant.

*Regular Meeting of the Town of Meeker – September 15, 2009*

**Decision concerning Property/Casualty CIRSA quote.**

Day stated that the CIRSA quote for 2010, had increased \$3,000 from 2009 and was directly related to the Town's potential litigation. She said that she highly recommended that the Town continue with CIRSA. She said that the Town receives much more than just insurance (risk management, loss control services, attorney services, etc) and the Town is building equity in CIRSA. Trustee Gerloff inquired about the potential litigation situation with Day inviting him to discuss that with her at another time, since that information was not public information. Attorney Viscardi said that he appreciated CIRSA because he can call or email them, speak with their counsel on any issues the Town may need assistance with, they are willing to answer any questions about any issues that might arise and they provide a wealth of information. He pointed out they do a great deal of loss control, risk management and offer many other services. Day added that the Town does not pay additional fees above its premium for any of the services mentioned. The Board concurred to continue its property/casualty coverage with CIRSA.

**MAYOR'S REMARKS**

None.

**MANAGER'S REPORTS**

**Housing Needs Survey** - Day stated the Housing Needs Survey was online and could be accessed by going to the Chamber's or the Town's websites. She asked the Board to complete the survey, stating there was an employer and employee survey, and to encourage others as to complete it as well.

**Ennovate Meeting** ó Day stated Ennovate (energy auditors) would like to meet at 5 p.m. Thursday Sept 24, 2009 at Town Hall. She stated they were meeting with the County earlier and then would meet with the Town.

**DTR 800 MHz Radio System Meeting** ó Day stated she and Chief Hervey had attended the DTR 800 MHz Radio meeting and would be hearing more from the County as they may need the Town's assistance in funding and to assist in the purchase of radios. She stated she didn't have a clear understanding of how much or when that would be, but she would keep the Board posted. She explained to the Board that by end of 2012, the wide band currently in place (equipment could no longer be used ) and they would either have to go to narrow band or 800 MHz. Trustee Gerloff stated he had read an article on communities back east that were trying to meet the criteria, and were going to a 700 MHz system which was considerably cheaper. He stated he was wondering, with the economy as such, if they would back off on the timeline as it is very expensive and wouldn't work as well as they thought. Day stated at the meeting they were told it would require a minimum of four towers, at a cost of about \$1.2 million (2007 pricing). She stated a pack set was \$2,800 and radios for vehicles were about twice that price.

Trustee Gerloff stated he knew someone who had gone to the meeting, stating they weren't sure the towers would cover and that CDOT currently had issues with coverage. Day stated Peter Brixius (Rangely Town Manager) is researching options and is willing to share the information with the Town once it was collected.

**ATTORNEY'S REPORTS**

None.

**OTHER TOWN BOARD BUSINESS**

**Proclamation** ó Day inquired of the Board if they wanted her to add the Smoking River Pow-wow to the proclamation. Mayor Etheridge stated she had already given the proclamation to someone for the festival and for publication. Day stated that was fine and they would leave it was.

**ADJOURNMENT**

*Regular Meeting of the Town of Meeker – September 15, 2009*

Mayor Etheridge adjourned the meeting at 9:02 p.m.

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Mandi Etheridge, Mayor

Attest:

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Lisa Cook, Town Clerk