

# RECORD OF PROCEEDINGS

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The Regular Meeting of the Meeker Town Board was held Tuesday, December 13, 2022 at Town Hall.

## Members Present

Mayor  
Trustees

Borchard  
Day  
Gutierrez  
Jehorek  
Kindall  
Lockwood  
Nielsen

## Town Staff Present

Administrator  
Town Clerk  
Admin Asst  
Attorney  
Police Chief  
PW Superintendent  
Comm. Dev/Planner

Etheridge  
Cook  
Pakuer  
Massih (attended by phone)  
Thompson  
Overton  
Thomson

Citizens Present: Clatterbaugh, Bruce; Clark, Mary; Clatterbaugh, Zach; Gates, Rachel; Joy, Leif; Franks, Matt; Morgan, Michele; Back, Amanda; Coley, Steve; Day, Sharon; Halandras, Regas.

Citizens attending by phone: McPherson, Kirstie; Trout, Vanessa; Kobald, Stephanie.

## CALL TO ORDER

Mayor Borchard called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

## ROLL CALL

All Board members were present.

## APPROVAL OF THE AGENDA

Mayor Borchard asked for changes to the agenda. A motion was made by Trustee Nielsen to accept the agenda as submitted. Second by Trustee Jehorek. All ayes. Motion carried.

## APPROVAL OF THE PREVIOUS MINUTES

A motion was made by Trustee Gutierrez to approve the minutes of November 15, 2022 as submitted. Second by Trustee Lockwood. All ayes. Motion carried.

## APPROVAL OF MONTHLY DISBURSEMENTS

A motion was made by Trustee Nielsen to approve the disbursements dated November 30, 2022. Second by Trustee Gutierrez. All ayes. Motion carried

## PUBLIC PARTICIPATION

Mr. Regas Halandras was present, representing the Meeker Classic Sheepdog Trails (MCST). Mr. Halandras stated the MCST would like to put up a permanent structure on Ute Park for public use. This steel structure would be used to replace the large tent that needs to be erected each year costing \$10,000 per year for the seven days of the MCST, the Sheepdog Committee would purchase the building. The steel structure would measure approximately 50' x 80' costing

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\$56,640.00, this total does not include unloading and installation. Mr. Halandras stated MCST has commitments from various entities to help with funding assistance and are in process of inquiring further from other entities. Trustee Lockwood asked if the building would have sides, Halandras stated it would be all open sided with gravel flooring with possibly the option for removable canvas that could be used during the trials Sheepdog Trails and stored at Ute Park as well. Trustee Gutierrez questioned how MCST planned on keeping the Smith Ranch cattle out of the building, Halandras stated the MSCT has portable panels that would be put around the structure. Hearing no further concerns or questions the Board of Trustees requested Mr. Halandras come to the January 10<sup>th</sup> meeting.

## **PUBLIC HEARINGS**

***Consideration of Ordinance #03-2022 adopting the Town of Meeker 2023 Budget and Highway Users Tax Budget.*** Mayor Borchard opened the public hearing at 7:12 pm. Town Clerk Cook stated the 2023 budget is the same as presented at the November 15<sup>th</sup> Public Hearing except for the final valuation of \$2,063.00 more than originally estimated in property taxes. Mayor Borchard asked for further discussion, hearing none he closed the public hearing at 7:14 pm and called for a motion to approve Ordinance #03-2022 adopting the Town of Meeker 2023 Budget and Highway Users Tax Budget. Moved by Trustee Lockwood. Second by Trustee Gutierrez. All ayes. Motion carried.

***Consideration of Ordinance #04-2022 approving and certifying a Mill Levy and levying general property taxes for the fiscal year 2023.*** Mayor Borchard opened the public hearing at 7:15 pm. Town Clerk Cook stated Ordinance #04-022 certifies the mill levy at 9.781 mills upon the Town's 2022 assessed value of \$23,443,640.00 generating \$229,204.00 in property taxes. The mill levy must be certified by December 15, 2022. Mayor Borchard asked for further discussion, hearing none he closed the public hearing at 7:16 pm and called for a motion to approve Ordinance #04-2022 approving and certifying a Mill Levy and levying general property taxes for the fiscal year 2023. Moved by Trustee Nielsen. Second by Trustee Jehorek. All ayes. Motion carried.

***Consideration of Application for Septic System Permit within Meeker Watershed District Primary Protection Area.*** Mayor Borchard opened the public hearing at 7:17 pm. Administrator Etheridge stated the applicant Mr. Bruce Clatterbaugh was present, he applied for an On-site Wastewater Treatment System (OWTS) permit application. The following is the background thus far:

- At a pre-conference on October 12<sup>th</sup> Mr. Bruce Clatterbaugh met with Town of Meeker and RBC Building/Planning Department where it was determined that the original RBC Building Permit issued did not include an OWTS. To accommodate a new building plan, a change in permitting structure would be necessary. The new building plan calling for an OWTS permit triggered a Town process based on Ordinance #08-2015 due to the project's location in the Watershed Primary Protection Area.
- A septic System Permit Application was accepted on October 25<sup>th</sup> and the application was determined to be complete, including property information, OWTS engineered plans, accompanying maps, and letter requesting a fee waiver/reduction. A Rio Blanco County OWTS permit was also requested and is contingent on the approval of the Town permit.
- Referrals for the permit were shared with Town Attorney, Town Engineer, County Building Inspector, Town Public Works Superintendent. The referral period, as defined

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by Ordinance #08-2015 is 60 days upon receipt of complete application. An on-site inspection of the OWTS was held on November 30<sup>th</sup> with the following in attendance:

- Applicant: Bruce Clatterbaugh
  - Project Contractor: Luke Renninger
  - NWCC Engineer: Tim Travis
  - RBC Building Inspector: Matt Franks
  - PW Superintendent: Russell Overton
  - Town Engineer: Chris Hale
  - RBC Surveyor: Leif Joy
  - Town Administrator: Mandi Etheridge
- A public hearing was scheduled for December 13<sup>th</sup> and the Applicant was notified and Public Hearing was noticed in accordance with M.M.C.
  - Based on opinions from the NWCC Engineer, Project Contractor, PW Superintendent, Town Engineer (Mountain Cross Engineering – MCE) and Town Attorney (Olszewski, Massih & Maurer-OMM) the following conditions must be met for approval of the permit:
    - Remittance by NWCC of CDPHE tank certification (#5 and #11 MCE)
    - Addition of a secondary safety feature and water shut-off measure when system is over 85% full (#3 MCE)
    - Buoyancy test on the tank (#4 MCE)
    - Application fee must be paid to cover administrative costs, including application review (#7 MCE, ¶4 OMM)
    - Replace current tank lids with threaded lids (#9 MCE)
    - Fence/block off tank area from vehicles or livestock (#10 MCE)
    - Applicant grants Town right of entry for inspection purposes (¶5 #1 OMM)
    - Applicant assumes full financial responsibility for any violation of permit conditions (¶5 #3 OMM)

Mayor Borchard asked Attorney Massih for further input. Massih stated the town does have jurisdiction to require any measures, as are set forth in the ordinance to protect the Town's water system and for the safety of the town residents' water supply. Massih also stated she did not think it would be a wise decision to waive the application fee as it has taken a lot of staff time and this is in a protected area.

Mayor Borchard asked the applicant Mr. Bruce Clatterbaugh if he had any concerns he would like to voice. Clatterbaugh stated that ordinance #08-2015 clearly states it is not a land use deterrent, it is strictly a water protection ordinance. Any documentation Clatterbaugh has received does not mention anything about a safety factor for the water; the application does not state how far away the vault tank needs to be from the well; Clatterbaugh also stated this is his property and his right and he feels this is more of a land use issue than it is a safety issue. The vault tank will be three hundred yards away from the town's well. When Mayor Borchard asked Clatterbaugh what he is specifically disputing, he stated that in all the documentation he has received, there is no mention of the vault tank being a safety factor; the system he is putting in is a vault system not a septic system and the state of Colorado's definition of a septic system says septic must have an outlet of water into the ground. Clatterbaugh also stated he will not pay the \$5,000.00 fee to the Town of Meeker until it is determined if the town has the right to direct him if he can put in the vault tank or not.

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Trustee Lockwood asked for the input of Leif Joy RBC Survey/Mapping and Matt Franks RBC Building Inspector. Both stated their applications are pending the decision from the Town however, on the County level everything seems to be in order. Public Works Overton stated he had no issues with the application if Mr. Clatterbaugh agrees to working with the Town on keeping, the system monitored. Administrator Etheridge pointed out the Town has incurred \$1,400 to date in review fees, not including staff time on this project.

After a lengthy discussion Mayor Borchard asked if there are any more questions or concerns, hearing none he closed the public hearing at 7:50 pm. Trustee Gutierrez made a motion to reduce the mandated five-thousand-dollar application fee to a total of two hundred dollars to match what the County septic permit fee is and for the permit to be approved with the stated conditions from Attorney Massih. Seconded by Trustee Kindall. All Ayes. Motion carried. Mayor Borchard requested that Attorney Massih write a permit addendum agreement incorporating the conditions, including the engineering requirements and access onto the property for the Town.

***Consideration of Special Event liquor license for Meeker Arts and Cultural Council on December 31<sup>st</sup> to January 1<sup>st</sup> at Ute Park for Meeker Skijor.*** Mayor Borchard opened the public hearing at 7:55 pm. Town Clerk Cook stated Stephanie Kobald was present by phone representing the Meeker Arts and Cultural Council; the permit is for December 31, 2022 to January 1, 2023 from 10:00am to 5:00pm during the Skijor event; it will be held at Ute Park; notice of the public hearing was posted; Chief Thompson has no objections; a certificate of liability insurance has been provided; the obstacle course will be fenced off for safety; ID's will be checked and patrons will have to wear a bracelet stating they are over 21 years of age; there will be a food truck and staff recommends approval. Mayor Borchard asked for any question or concerns, and the question was raised about whether the food truck would be serving at the same times as the beer garden with the applicant stating they believed so; Mayor Borchard closed the public hearing at 7:57 pm and called for a motion to approve the request for Special Event liquor license for Meeker Arts and Cultural Council on December 31<sup>st</sup> 2022 to January 1<sup>st</sup> 2023 at Ute Park for Meeker Skijor. Moved by Trustee Gutierrez. Second by Trustee Nielsen. All ayes. Motion carried.

## **NEW BUSINESS**

***Presentation of draft Land Use Code.*** Planner/Comm Dev. Thomson presented an informative slide show to summarize the current Land Use Code draft. Below is the outline following the presentation:

- Land Use Code Audit
  - Create a more intuitive & user-friendly code
  - Update existing zoning regulations to align with Community Master Plan
  - Simplify & streamline review process
  - Create more opportunities for a range of housing options
  - Enhance development standards for select areas
  - Explore options to promote/incentivize certain types of development
  - Ensure compliance with recent court rulings
- Zoning Districts
- Draft Zoning Map
- Regulations on Zoning Districts

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- Streamlined & user-friendly reference document
  - Allowable & conditional uses
  - Dimensional requirements
  - Use of graphics & tables
- Zone Description
  - Intent
  - Desired Form
  - General Use
  - Building Types
  - Allowable Uses
- Dimensional Standards
- Lot Coverage
- Housing
- Cottage Homes & Courts
  - Affordable & alternative housing options
  - Meeker Moving Forward Goal 6.A, Policy 6.A.1 and 6.A.2
  - Meeker Moving Forward Goal 6.C, Policy 6.C.1
  - SFR & MR
  - Reviewed by Planning Commission for SFR zone
  - Allowed without review in MR zone
- Accessory Dwelling Unit
  - Affordable & alternative housing options
  - RR, SFR, MR & TC
  - Conditional Use approved by Planning Commission
- Short-Term Rentals
  - RR, SFR, MR & HC
  - Type of residences
  - Initial license & renewal fees
  - Maximum Licenses & buffer zone
  - Renewal & review processes

Trustee Lockwood suggested scheduling another workshop in January to put the final touches on the draft before it goes live to the public. It was decided to meet on January 17<sup>th</sup> from 7:00 pm to 9:00 pm. The Board thanked Thomson for all her time and efforts she has put into this project.

***Consideration of liquor license application for Blanco Cellars Wine and Whiskey Bar LLC and request to set the public hearing.*** Town Clerk Cook stated applicant Kirstie McPherson is present via phone; she has submitted a Colorado Liquor Retail License application for Blanco Cellars Wine and Whiskey Bar LLC; this is a new tavern located at 317 E Market which is the current site of Blanco Cellars/Glou Glou; Ms. McPherson is the new owner, and the previous owner Vanessa Trout will be the manager of the establishment. Ms. Trout will surrender her license, and this will come before the board at the January 24, 2023 meeting for final approval. Mayor Borchard called for a motion to accept the application for Blanco Cellars Wine and Whiskey Bar LLC and request to set the public hearing. Moved by Trustee Kindall. Second by Trustee Jehorek. All ayes. Motion carried.

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***Consideration of Resolution #13-2022 adopting policy on the use of excessive force as it pertains to civil rights demonstrations.*** Administrator Etheridge reminded the Board at the November 15<sup>th</sup> meeting they approved a Memorandum of Understanding agreement (MOU) with ERB Health Services District to act as fiscal agent for DOLA Community Block Grant and authorizing Mayor to sign required Grant Exhibits. This grant was for \$65,000 toward the purchase of new equipment for PMC and the MOU stated that as the fiscal agent the Town of Meeker would submit the required paperwork. However, Exhibit-D with the grant application is requesting official action for compliance with the Armstrong/Walker “Excessive Force” amendment. Etheridge spoke with Chief Thompson and Attorney Massih and came up with Resolution # 13-2022 to abide by the already existing policy within the Town of Meeker. Hearing no further discussion Mayor Borchard called for a motion to approve Resolution #13-2022 adopting policy on the use of excessive force as it pertains to civil rights demonstrations. Moved by Trustee Nielsen. Second by Trustee Lockwood. All ayes. Motion carried.

***Consideration of Letter of Support for Rio Blanco County CDPHE grant application.*** Administrator Etheridge stated Rachel Gates was present representing RBC. The town has been asked to submit a letter of support to Kendra Appelman-Eastvedt, Recycling Grants Team Manager. This letter states the Town supports RBC’s application for the Recycling Resources Economic Opportunity Grant Program (RREO) allowing for the purchase of a shredder at the County landfill and will help RBC to pursue opportunities in recycling, composting, reusing, repurposing and over all waste reduction. Hearing no further questions or comments, Mayor Borchard called for a motion to approve the Letter of Support for Rio Blanco County CDPHE grant application. Moved by Trustee Kindall. Second by Trustee Jehorek. All ayes. Motion carried.

## **STAFF UPDATES**

**Public Works** Superintendent Overton reported during the month of November there were 9,835,000 gals of water were pumped; PW crew has been trimming trees and working on the bulk water load out, the timer was malfunction and not shutting off.

**Police** Chief Thompson reported in November there were 195 incident reports; 7- 911 calls; 27- Animal Control; 2 citations and 1 arrest.

**Community Development** Carly Thompson reported the Planning Department update for November - December was included in the Board packet and reflects current projects in progress and completed projects; the Town was awarded the Innovative Housing Planning grant in the amount of \$45,000 for a Housing Assessment and Action Plan in 2023.

**Town Clerk** Cook reported she has been working on finishing the 2023 budget and the end of year process.

**Town Attorney** Massih had nothing to report.

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## **Town Manager**

Administrator Etheridge congratulated Comm. Dev./Planner Carly Thomson on her successful grant award and congratulated Chamber of Commerce Stephanie Kobald on receiving a OEDIT Marketing Grant in the amount of \$4,600. As a result of the Value-Added Ag meetings held last month by NWCDC consultant Christine Rambo, the Community Ag Alliance was awarded a \$25,000 grant to conduct a regional feasibility study. The Town and WREA had a preliminary meeting about the downtown light replacement project and are working on a CDOT Revitalizing Main Street Grant, Etheridge stated she hoped to have an application before the Board for approval in January. CNCC is looking into expanding their curriculum for workforce development through HB-1350 guidelines and plan to have CNCC President Dr. Lisa Jones present to the Board in January. Trustee Gutierrez asked about Colorado Work Force hours, Etheridge stated that the Work Force Office upstairs in Town Hall is now open by appointment only.

## **MAYOR'S REMARKS**

Nothing to report.

## **OTHER BOARD BUSINESS**

- Trustee Jehorek stated she shared an article pertaining to Tri State supplying grant writing for the economic transition. She also inquired about the Town looking into possible recycling grants. Administrator Etheridge stated she had forwarded the information on to Lee at Overton Recycling and his reply back was it was not conducive. Administrator Etheridge will investigate the rumors of Overton Recycling halting the free community recycling service and report back.
- The Board directed Etheridge to contact Mr. Halandras and inform him they want to complete the Circle Park project before they undertake the MCST request to put up a permanent building at Ute Park.
- Trustee Lockwood reported to the Board that the Circle Park Pond was being used by the public for ice skating and that there were no preventative measures or barriers to discourage people from approaching thin ice. Etheridge was directed to reach out to Director Sean VonRoenn at the Meeker Recreation Center and request barriers be replaced on the Circle Park Pond.

## **ADJOURNMENT**

Mayor Borchard adjourned the meeting at 8:51pm.



Kent A. Borchard, Mayor

Attest:



Lisa Pakuer, Admin. Assistant