

# RECORD OF PROCEEDINGS

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The Regular Meeting of the Meeker Town Board was held Tuesday, April 18, 2023 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  
Thompson  
Overton  
Thomson

## Citizens Present:

Alex Plumb  
Si Woodruff  
Bob Tobin  
Alden Vanden Brink  
Dierdre Macnab  
Jeff Madison

Lori Plumb  
Nikki Turner  
Sharon Day  
Wade Haerle  
Andy Thomson  
Bobby Gutierrez

Mallori Arnold  
Heather Sauls  
Doug Overton  
Rhonna Waldref  
Eddie Smercina

## 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. Administrator Ethridge stated item (b) Consideration of invitation by BLM to participate as a Cooperating Agency for the Wolf Creek Reservoir Project had been added. A motion was made by Trustee Jehorek to accept the agenda as amended. Second by Trustee Gutierrez. All ayes. Motion carried.

## APPROVAL OF THE PREVIOUS MINUTES

Mayor Borchard asked for changes to the minutes. Trustee Lockwood clarified changes to his comments regarding the housing assessment and his comments about the Board's letter to the RBW Conservancy District. A motion was made by Trustee Lockwood to approve the minutes of April 4, 2023 as amended. Second by Trustee Nielsen. All ayes. Motion carried.

## APPROVAL OF MONTHLY DISBURSEMENTS

A motion was made by Trustee Nielsen to approve the disbursements dated April 18, 2023. Second by Trustee Day. All ayes. Motion carried.

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## **PUBLIC PARTICIPATION**

**Presentation by Rio Blanco Water Conservancy District** Mr. Alden Vanden Brink RBWCD Manager was present, stating he has been a water professional for over thirty years. Mr. Wade Haerle was present stating he has been the project manager since 2010.

Haerle opened the presentation by sharing that the Army Corp of Engineers and the District have worked together on a Jurisdictional Determination which is the process of determining if the District's Preferred Alternative, the off-channel Wolf Creek Reservoir falls under the present rules of Clean Water Act. This included a wetlands delineation of the project area and a review of other NEPA documents in the area. The RBWCD has withdrawn our request for an Approved Jurisdictional Determination and agreed to treat Wolf Creek as jurisdictional under the present rules of the Clean Water Act. The District's decision was based on preliminary feedback and evidence provided by the Corps regarding jurisdictional status. This will allow for greater certainty of the Corps' role, and the role of other related agencies, as review of the proposed project progresses.

What does this mean? Based on the current regulations, the EIS will be a joint review by the BLM and the Army Corp of Engineers. We also have one request, and we are glad to see this is already on your agenda, we cannot encourage the Town of Meeker enough to become a cooperating agency. The development of water storage is far too important for the Town to not be an active participant in this NEPA process. We hope you will elect to become a cooperator.

Vanden Brink and Haerle then addressed the letter sent by the Board on March 22, 2023 and provided responses to the questions posed:

1. Given the recent loss of a "significant portion" of the \$4M given to the District from the County Community Improvement Trust Fund

The Rio Blanco Water Conservancy District (RBWCD) is the victim of multiple federal crimes. The RBWCD discovered the crime and reported the crime to authorities including ColoTrust. We have worked cooperatively with the Federal Bureau of Investigation (FBI).

a. What is the District's current financial plan for the permitting process?

The RBWCD has the resources to continue with the permitting process. Regarding overall expenses for permitting, we also have funding from the Community Funding Partnership (Colorado River Water Conservancy District's 7A funds). As you may remember in 2020, Rio Blanco County voted overwhelmingly in favor of 7A, a property tax for the planning, permitting and construction of water storage projects in Western Colorado. We have received \$333,000 from the 7A funds today for permitting and have been asked to reapply once the current funds have been used in the ongoing NEPA process. Funds are also available from the RBWCD and the Town of Rangely

b. Is there any likelihood of recovering those funds?

Yes. And the District is pursuing all available avenues to recover the theft. Note, a portion has already been recovered.

c. What measures are being taken to prevent this from happening in the future?

The district's internal procedures are confidential. I'd be happy to visit individually with you about this. I do recommend Meeker and all other local government bodies that have entrusted funds with ColoTrust to contacting and making the same inquiry to them as you have done with the District.

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2. Has the District accounted for inflation of projected construction costs from the 2018 estimation of \$145M? Does total cost include consultant and engineering costs?

The cost opinion includes estimated costs for final design engineering, permitting and mitigation, public outreach, legal and administrative costs, and construction administration and engineering. The estimated cost of \$145M has not been adjusted for inflation from 2018 dollars. The budget estimates are a requirement of the EIS process, the costs are ever changing, and will be updated at the appropriate time within the EIS process. We are aware that inflation will need to be accounted for. The RBWCD only plans to construct what can be afforded by the RBWCD and its project partners. The RBWCD is planning to develop a portion of the identified water needs in the White River Basin. Until the alternative screening process is complete and the EIS is further along, it does not make sense to update project costs.

3. The financing plan in paragraph 10.0 of the March 2015 feasibility report states annual visitor expenditures of \$10M and annual sales tax revenues for Meeker of \$169K – what is the basis for these estimates?

Estimates of visitor expenditures and sales tax revenues associated with recreational use of the reservoir are based on estimated visitation levels, per visitor spending data and assumptions of where visitors would spend money (i.e. Rio Blanco County, Moffat County, outside the area). Although Rangely and Meeker do not have their own sales tax, County sales tax on items sold in those towns are distributed back to them. The economic benefits are largely driven by the estimated reservoir visitation levels. The visitor expenditure and sales tax estimates included in the 2015 feasibility report are now out of date – visitation estimates have evolved over the last 10 years as the project has evolved and visitor estimates have been revised several times since the 2015 report was prepared. Revisions were based on additional data availability and more detailed recreational demand analyses. For example, the \$169K of annual sales tax provided in the 2015 study was based on 124,000 visits (by year 10 of operations). Current visitation estimates are 471,000 visits in the year 2070. Although no economic analysis has been completed at this point to go along with the current visitation estimates, the benefits to Meeker would be much greater than those presented in the 2015 report, given the higher level of estimated visitation. As the EIS progresses and alternatives are selected, the economic benefits will be updated. Regardless, the Meeker area will be one of the major beneficiaries of the Wolf Creek project.

4. In the same report, there are expectations that local government will shoulder one third of the project cost – is this still the expectation considering the financial status of Rangely, Meeker and Rio Blanco County?

Rio Blanco County residents and governmental jurisdictions will be primary beneficiaries of the Wolf Creek project from the standpoint of employment, personal income, increased business sales, and tax revenues. The RBWCD will contribute financially to help fund the project and we hope that other local government beneficiaries will do the same. Investing in this project makes sense because local economic conditions are challenging, and the myriad project benefits represent real opportunity. The RBWCD also has intergovernmental agreements with Rio Blanco County and the Yellow Jacket Water Conservancy District that they plan to conform with. The financial planning for the Wolf

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Creek project has evolved and will continue to be refined as the project elements come into sharper focus. We will certainly welcome the Town of Meeker's involvement in that planning effort for the project financing. We anticipate initiating those discussions as the project gets closer to fruition.

5. How does the District justify a probable \$200 million project that by its water court decree will be able to release only 7,000 acre feet of water per year, especially considering the current crisis on the Colorado River system?

The 7,000 acre-foot is only a part of the release. Additional water is released for Mitigation. These limits are not intended to prevent additional releases if such releases are required or allowable by statute or rule, which may be used to help alleviate the crisis on the Colorado River system. It should also be noted that the operational plan for the reservoir itself will evolve and be further evaluated as part of the EIS.

6. Given the above concerns, what is the District's financial plan for the project overall?

As described above in response to Inquiry #4, the financial plan for the Wolf Creek project is preliminary and evolving as the project alternatives and components are evaluated in the EIS process. Given that northwestern Colorado will be major beneficiaries of the project, we would anticipate that substantial support would be forthcoming from the various jurisdictions in the region. In addition, outside funding will be sought from State and Federal sources at a minimum. The project benefits as currently conceived justify local, regional, State and Federal support. Given the long-term nature of the project, we believe that the project will be debt financed. We also have currently have funding from, and will continue to request funding from, the Community Funding Partnership (7A funds, further described in response to inquiry #1).

7. Does the District believe that the cost and timeline associated with the permitting process is still accurate and achievable (\$4M in 3-5 years)? Has the District considered altering the anticipated construction and fill dates to be more realistic?

The RBWCD believes the cost and timeline associated with the permitting process to be accurate and achievable. The RBWCD has not received information from regulatory agencies that the costs/timeline is not realistic given the current regulatory framework for project review. Also, the \$4 million dollar reference point is only the financial commitment from Rio Blanco County. This does not include financing from the Community Funding Partnership nor the additional contributions from the Town of Rangely and the RBWCD. The EIS process is moving forward. Independent contractors have been selected. The BLM with internal resource team meetings is proceeding with internal resource team meetings. The NEPA review process is starting. The Cooperating Agencies are finalizing MOU's.

8. What considerations are being made for evapotranspiration from the new reservoir?

Evaporation is a consideration with any water storage reservoir. Evaporation was included in the modeling of Wolf Creek Reservoir performed for the Yampa/White/Green Basin Roundtable documented in the Basin Implementation Plan Modeling Phase 3 Final Report (Wilson Water Group, 2018). The estimated evaporation losses from the proposed 66,720 acre-foot Wolf Creek reservoir are expected to be less than 6,800 acre-feet per year. To put this in context, the estimated evaporation from Lake Powell for the 2022 water year was 203,000 acre-feet (Reclamation, March 2023 24-Month Study). This is mainly due to the

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larger surface area and higher evaporation rate at Lake Powell relative to the Wolf Creek Reservoir site. The annual evaporation loss rate at Lake Powell is approximately 6.7 feet per surface acre of water, which is double the annual evaporation loss rate at the proposed Wolf Creek Reservoir of 3.3 feet per reservoir water surface acre.

9. Has Rangely ever purchased municipal water from Kenney Reservoir, or is power generation the only source of revenue for the District from Kenney?

The RBWCD funds are generated through hydropower and a mill levy. Rangely has not purchased water from Kenney Reservoir. The Town of Rangely had emergency water storage in Kenney Reservoir that is no longer available as Kenney Reservoir is technically at “dead pool”. The Town of Rangely has financially contributed to the planning efforts for replacing the Town’s emergency water storage that has been lost.

10. Please provide the reasoning behind moving efforts away from investing in Kenney Reservoir and confirm the current state of Kenney’s levels.

The following were evaluated for investing in Kenney Reservoir, as documented in the White River Storage Feasibility Study (Wheeler, 2015):

- Dredging Kenney Reservoir – This project was estimated to be in excess of \$700 million; dredging experts indicated that “there is no economical way to do this project”; and there was no identified disposal area for the sediment. As a result, the RBWCD considered this alternative not feasible. In addition, there would be significant impacts to established wetlands if Kenney Reservoir was dredged enough to provide any significant storage. In addition, the reservoir will fill back in again with sediment creating an endless sedimentation cycle.

- Enlargement of Taylor Draw Dam (Kenney Reservoir) – This alternative would result in impacts to upstream wetlands and Highway 64. Also, this would result in future sedimentation as presently experienced setting up for a never-ending sedimentation cycle.

Due to the ongoing reservoir sedimentation, Kenney Reservoir was estimated to have a 2022 storage capacity of about 2,145 acre-feet of water, with approximately 194 surface acres. By the end of the decade, Kenney Reservoir will be essentially silted in.

11. How does the recent call on the White River affect the District’s plans? Please address the concern that the call on the river is a political ploy to create belief that the water storage project is necessary.

The RBWCD has a legal right and responsibility to the RBWCD constituents to exercise their water right to generate hydropower if the water right flow is not being met. The lack of storage on the White River exists, with or without the power call. The Wolf Creek Project can help meet a portion of existing and future water needs, including generation of power.

One tenant of all Colorado Water Rights is the Can and Will Doctrine:

- Can you put the water to beneficial use? Yes, the RBWCD uses water for power production.
- Will you put the water to beneficial use? That is the reason for the call.

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The State requires the RBWCD to use our water for the intended use or we risk forfeiting or abandoning the right. The RBWCD has tried for decades to avoid a call on the river. The super drought put us in a situation where we had to request a call on the river as part of the RBWCD's fiduciary responsibility.

Lastly, every river in the State has administration by water right calls. And nearly every river, except the White River, has an augmentation plan to support junior water right holders. The White River does not currently have a tool to allow for a county wide blanket augmentation system. The Wolf Creek project will provide such a tool. Releases from Wolf Creek could allow water users upstream of the project to continue to divert water for beneficial use. This is why the Wolf Creek Reservoir Project is a county wide benefit that includes agreements in place with RBC, YJWCD, and Rangely.

12. The Board of Trustees also has concerns regarding the lack of transparency with the District's pursuits.

The RBWCD has been very transparent throughout this process and will continue to be transparent. Solutions to the water supply issues on the White River have been actively discussed since 2010. The RBWCD has held 10 public workshop meetings; 8 presentations to the Yampa/White/Green Basin Roundtable; and held over 100 stakeholder meetings including visits to Steamboat Springs to visit with landowners at their dinner table.

Currently issues regarding transparency on the evaluation of the White River Regional Water Supply Project are in the hands of the BLM and the Army Corp of Engineers. We encourage the Town of Meeker to participate in the review of the project as a Cooperating Agency. Water Storage and a county-wide augmentation system are too important for the Town of Meeker to not be involved.

Mayor Borchard called for additional questions or comments from the Board and discussion followed regarding the profit/loss statement for the Taylor Draw Dam, how much money the District had in reserves, a clarification on water rights throughout RBC, evaporation statistics, whether the District would seek a Mill Levy or additional CCITF money from the County, and the use of water by and relationship with the Yellow Jacket Water Conservancy District.

The floor was then opened to the public and Dierdre McNab spoke first stating that the Wolf Creek Reservoir will not help fish, livestock/AG, drinking water for Rangely; White River underground flood irrigation is underground storage; the State Engineer fought project; reservoir access is planned from hwy 40, not hwy 64.

Bob Tobin was asked about projected surface area. Jeff Madison then stated he had sympathy for the need for more storage, but felt that Wolf Creek was not the solution. Si Woodruff also shared his concern for the lack of transparency by the District.

Mayor Borchard called for a short recess at 8:45 pm.

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## **PUBLIC HEARING**

**Consideration of draft Land Use Code.** Mayor Borchard opened the public hearings at 8:52pm. Comm. Dev./Planner Thomson informed the BOT of the following recommended changes to the Land Use Code:

- 18.1.14(2)(b)

Current Text: The proposed development shall be consistent with the intent and spirit of the PUD purpose statement in Subsection 18.1.14(1).

Comment: "intent and spirit" is too subjective

Staff Recommended Text: The proposed development shall be consistent with the PUD purpose statement in Subsection 18.1.14(1).

- 18.1.14(2)(e)

Current Text: Sufficient land area has been provided to comply with all applicable regulations of the Development Code, to adequately serve the needs of all permitted uses in the PUD projects, and to ensure compatibility between uses and the surrounding neighborhood.

Comment: "Sufficient" and "adequately" is too subjective

Staff Recommended Text: Staff will continue to work to find correct text

- 18.1.14(3)(c)

Current Text: Development Standards of section 18.2.8 shall apply to PUD projects.

Comment: Include reference to section 18.2.7

Staff Recommended Text: Required Improvements of section 18.2.7 and Development Standards of section 18.2.8 shall apply to PUD projects.

- 18.1.14(4)

Current Text: All PUDs are processed in three stages: (1) sketch plan; (2) the preliminary PUD; and (3) the final PUD unless consolidation of PUD review is approved by the Town Board of Trustees.

Comment: Add clarification to general procedures for PUD process.

Staff Recommended Text: All PUDs are processed in three stages: (1) sketch plan; (2) the preliminary plan; and (3) the final PUD and in accordance sections 18.2.5 General Procedures and section 18.2.6 Subdivisions.

- 18.1.16(7)(a)(v)

Current Text: One (1) of the dwelling units on the property must be, and remain, owner occupied.

Comment: Remove text

Staff Recommended Text: Remove text

- 18.1.16(9)(c)(ii)

Current Text: The unit shall have a minimum of two (2) off-street parking spaces available and any additional spaces necessary to accommodate the tenant's vehicles off-street.

Comment: Change the number of off-street parking spaces available from two to one

Staff Recommended Text: The unit shall have a minimum of one (1) off-street parking spaces available and any additional spaces necessary to accommodate the tenant's vehicles off-street.

- 18.1.16(9)(d)(ii)

Current Text: A Short-Term Rental license is issued to the real property owner and is not transferable, except if the real property for which the valid Short-Term Rental license has been issued is transferred, pursuant to a deed meeting any of the following conditions:

Comment: Reconsider allowing the transfer of permit if the property sells

Staff Recommended Text: No change.

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- 18.1.16(9)(d)(vi)(1)

Current Text: All licensed Short-Term Rentals will be required to submit a Renewal Application and applicable fees, set forth by Town ordinance (renewal fee \$400) and published on website, to remain an active licensed Short-Term Rental.

Comment: Set a fee that is in line with other current fees for similar permits.

Staff Recommended Text: To revisit all fees after the adoption of the Land Use Code

- 18.1.16(9)(e)(ii)

Current Text: The minimum distance between Short-Term Rentals is set at 300 feet. The subject property must be 100% covered by a buffer to be denied a Short-Term Rental license for this reason.

Comment: The limit is too restrictive with the maximum number of permits issued.

Staff Recommended Text: The minimum distance between Short-Term Rentals is set at 300 feet for properties located in the Rural Residential, Single Family Residential and Mixed Residential zones. The subject property must be 100% covered by a buffer to be denied a Short-Term Rental License for this reason. For properties located in the Town Core and Highway Commercial zones the buffer shall NOT apply.

- 18.2.5(3)(b)

Current Text: The Town Planner shall attempt to identify appropriate referral agencies and shall consider the comments from referral agencies as part of the staff review and report.

Comment: "Attempt" is too subjective

Staff Recommended Text: The Town Planner shall identify appropriate referral agencies and shall consider the comments from referral agencies as part of the staff review and report.

- 18.2.5(3)(b)

Current Text: Referral agencies may include, but are not limited to:

Comment: Needs clarification

Staff Recommended Text: Referral agencies shall include, but are not limited to:

- 18.2.5(4)(vi)

Current Text: Public Notice Time Requirements: Unless otherwise provided in this Code, public notice time requirements include the day the notice is posted, appears in the newspaper, is mailed, and shall also include the day of the public hearing.

Comment: does this text ensure adequate notice.

Staff Recommended Text: No change because day calculations are clarified in section 18.2.1

Thomson reminded the Board there is a public hearing scheduled for the Land Use Code on May 16<sup>th</sup>. Mayor Borchard asked if there was anyone from the public who wished to comment, hearing none he closed the public hearing at 9:03 pm.

## **NEW BUSINESS**

***Contract approval for Housing Assessment.*** Comm. Dev./Planner Thomson stated staff will start working with Ayres Associates next week; the consultant's proposal for the contract states the completion date will be in November 2023. Attorney Massih confirmed this agreement does have a Termination Provision. Mayor Borchard called for a motion to approve the Contract approval for Housing Assessment with Ayres Associates. Moved by Trustee Gutierrez. Second by Trustee Kindall. All ayes. Motion carried.



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***Consideration of invitation by BLM to participate as a Cooperating Agency for the Wolf Creek Reservoir Project.*** Administrator Etheridge stated she had received a letter from Heather Sauls with the Bureau of Land Management (BLM) a copy of which was included in the packet. Sauls informed the board the Wolf Creek Reservoir Project was proposed by the Rio Blanco Water Conservancy District (RBWCD) as a means of water storage and a recreation destination. The primary objective emphasized by the RBWCD is the opportunity to provide supplemental water supplies that would enhance the human, terrestrial, and aquatic environment in the White River basin in Colorado. During the initial filling of the reservoir, which would be over a projected 3-year period, the proposed reservoir would divert ~4% of the average annual flows in the White River generally during the spring runoff period. After the initial fill, the annual diversions from the White River would be less than 4%. As proposed by RBWCD, this water storage could then be released during the drier periods of the year to augment existing water supplies and enhance the aquatic environment during seasonal periods of critical low flows in the river. Sauls stated the BLM would like to extend an invitation to the Town of Meeker to determine their interest and eligibility to participate as a Cooperating Agency. After some discussion, Mayor Borchard called for a motion to accept the invitation by BLM to participate as a Cooperating Agency for the Wolf Creek Reservoir Project and directed Administrator Etheridge and Attorney Massih to move forward with the MOU for the next agenda. Moved by Trustee Lockwood. Second by Trustee Day. All ayes. Motion passed.

## **STAFF UPDATES**

### **Public Works**

Administrator Etheridge stated the Shaman Trail water valve project has started and all residents affected have been contacted.

### **Police Department**

Chief Thompson reported there were 178 incidents, 4 warnings and 10 citations. Animal Control had 2 dogs in the shelter 1 dog is pending adoption in April and 1 dog is available for adoption.

### **Community Development**

Community Dev./Planner Thomson reported receipt of four applications for various projects. Thomson submitted into the packet information regarding building and real estate updates, both residential and commercial permits, total permits and new construction permits 2022 vs 2023 and, total real estate transactions 2022 vs 2023. Thomson is planning to attend the NW Colorado Development Council sponsored Housing Summit in Craig on May 3<sup>rd</sup>.

### **Town Clerk**

Town Clerk Cook presented the financial report for the period ending March 31<sup>st</sup> as follows: cash and investments total \$8,759,647.59; undesignated reserve for the general fund \$4,642,371.64 and the water fund \$840,918.40, currently operating is at \$94,076.45 for the first quarter. Our audit is scheduled for May 2-4, and year-end adjustments will be made once the audit is complete, and the second quarter financial report will give a clearer picture of the Town's financial position. The Town received a dividend refund for health insurance in the amount of \$9,040.00 and a workman's comp rebate from Pinnacle Insurance in the amount of \$549.00.

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## **Town Manager**

Administrator Etheridge brought the Board up to speed on the upcoming events:

- Tuesday, April 24<sup>th</sup>: Ute Park workshop at 7 pm, we specifically invited stakeholders as well as advertise and posted the public meeting. The agenda is being finalized and will be sent out Friday like a Board packet.
- Thursday, April 27<sup>th</sup>: Etheridge and Thomson will be attending the Western Colorado Economic Summit in Grand Junction, this event is sponsored by CHFA.
- Wednesday, May 3<sup>rd</sup> is the NWCDC Housing Summit in Craig.
- Monday, May 29<sup>th</sup>: On Memorial Day, starting at 9:30 am the V.F.W., Auxiliary, and American Legion would like to have their dedication for the 5th and 10th Street bridges.

## **Town Attorney**

Nothing to report.

## **MAYOR'S REMARKS**

Nothing to report.

## **OTHER BOARD BUSINESS**

Trustee Day suggested the Town schedule a meeting with RBC Commissioners and implement a MOU regarding both entities sharing the Town of Meeker building inspector for plumbing inspections. Trustee Nielsen indicated he disagrees, stating it isn't a good idea to put the Town's Inspector in line with doing County plumbing inspections when they can be done by State inspectors for free. Administrator Etheridge confirmed this issue is currently being addressed at the staff level. The RBC Building and Planning department met with Etheridge and Padilla to brainstorm different options for what RBC is needing. Etheridge would like to meet with Attorney Massih, Inspector Padilla and Town Clerk Cook to make sure everything will be fitting at a staff level before bringing to the Board. Etheridge will work on scheduling a joint meeting with the RBC Commissioners.

## **ADJOURNMENT**

Mayor Borchard adjourned the meeting at 9:36 pm.

  
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Kent A. Borchard, Mayor

Attest:

  
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Lisa Pakuer, Admin. Assistant