

# RECORD OF PROCEEDINGS

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The Regular Meeting of the Meeker Town Board was held Tuesday, September 19, 2023, at Town Hall.

Members Present	Mayor	Borchard
	Trustees	Day
		Gutierrez
		Lockwood
		Nielsen
Town Staff Present	Administrator	Etheridge
	Town Clerk	Cook
	Attorney	Massih
	Police Chief	Thompson
	Comm. Dev./Planner	Thomson

## **CALL TO ORDER**

Mayor Borchard called the meeting to order at 7:08 p.m. and led the Pledge of Allegiance.

## **ROLL CALL**

All Board members were present except Trustees Jehorek and Kindall.

## **APPROVAL OF THE AGENDA**

Mayor Borchard asked for changes to the agenda. Administrator Etheridge said the agenda had been revised to remove approval of Resolution #06 as she had received a third application for the Meeker Housing Authority Commission and would like the Board to consider the three applications and approve a resolution for appointment at the next meeting. A motion was made by Trustee Nielsen to accept the agenda as revised. Second by Trustee Gutierrez. All ayes. Motion carried.

## **APPROVAL OF THE PREVIOUS MINUTES**

A motion was made by Trustee Lockwood to approve the minutes of September 5, 2023, as submitted. Second by Trustee Gutierrez. All ayes. Motion carried.

## **APPROVAL OF MONTHLY DISBURSEMENTS**

A motion was made by Trustee Gutierrez to approve the disbursements dated September 19, 2023. Second by Trustee Nielsen. All ayes. Motion carried.

## **PUBLIC PARTICIPATION**

Jeff Hurd introduced himself as a candidate in the Republican primary for the 3<sup>rd</sup> Congressional District and outlined his platform for running for the office.

## **STAFF UPDATES**

Police Chief Thompson reported his department received a total of 281 calls for service during the month of August resulting in two arrests and eight citations. Trustee Day said at the last meeting he brought up a parking issue across from the firehouse and asked if staff had found any solutions. Chief Thompson replied that it is a tough issue as it is a public street and he had spoken with Superintendent Overton and Administrator Etheridge and was unsure whether we could just change it; he requested Attorney Massih's involvement in the matter.

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Administrator Etheridge reported in Public Works Superintendent Overton's absence that Nick Smith is currently working toward obtaining a CDL license; advertising for the Superintendent's position will be closed on the 29<sup>th</sup> and so far, we have received five applications. Trustee Nielsen asked what the utility markers on 12<sup>th</sup> Street were for. Etheridge replied it is for engineering because of the soft areas in the street that occurred during the paving project, Engineer Hale will also be assessing portions of Main, Cleveland and Garfield Streets for future repair.

Community Development/Planner Thomson said she has been working on a rather large project that will come before the Board in November and that her department has been busy researching different projects for citizens.

Town Clerk Cook said she had been busy working on the budget.

Town Attorney Massih said August was quiet.

## **PUBLIC HEARINGS**

***Consideration of a Conditional Use Permit for a Home Occupation at 560 5<sup>th</sup> Street.*** Mayor Borchard opened the public hearing at 7:19 p.m. Planner Thomson thanked the applicants Michael and Nichole Jackson for being present and presented the staff report as follows: the applicants are requesting a Conditional Use Permit to operate a Home Occupation at their residence, 560 5<sup>th</sup> Street. The proposed home occupation is to offer tire repair and service to all motorized two wheeled vehicles and ATVs/OHVs. The applicants intend to use the existing garage/shop located on the property for this service. The property is in the Single-Family Residential zone. There is a single-family residence and large garage/shop on the property, there is alley access to the garage/shop. The applicant intends to operate on an appointment only basis between the hours of 9 am and 5 pm to minimize disruption to the neighbors.

Home Occupation is listed as a Conditional Review Use under the SFR zoning code. The applicants submitted all necessary information including the permit fee in compliance with the Meeker Land Use Development Code. This application has been noticed in accordance with the Land Use Development Code and since receiving the application the Town of Meeker has received no negative public comments. The application did receive the following comments during the referral period from partner agencies:

- Meeker Sanitation District: Applicant will need to ensure that all hazardous materials are disposed of properly and not down any drains.
- Meeker Fire Rescue: Applicant will need to ensure that the business is equipped with proper flammable storage, certified extinguisher and limits the number of stored waste tires.

To meet these requirements the applicant provided a safety plan that was approved by both agencies. The plan has been included in the application and summarized below:

*Any supplies such as oil, gas or tires will be ordered on an as needed basis.*

*All flammable supplies will be stored in a metal locker.*

*5 lbs. fire extinguishers will be located at the doorway of the garage and in the service area.*

*Disposal of oils will be taken to pre-approved disposal at Meeker Sand and Gravel.*

*Tire disposal will be done weekly at Overton Recycling or the landfill.*

At their meeting on September 11<sup>th</sup>, the Planning Commission voted to recommend approval of the Conditional Use Request by a vote of 4 in favor and 0 against, due to the fact the request meets the conditions of Meeker Municipal Code section 18.1.16 and the requests meets the goals of the Comprehensive Master Plan. Staff agrees with this recommendation.

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Mayor Borchard asked for questions or comments. Trustee Gutierrez wanted to ensure there would not be tires stored at the residence. Mr. Jackson replied tires would be disposed of at Overton Recycling or the landfill regularly. Mayor Borchard asked if there was anyone from the public who wanted to speak in favor or opposition of the permit. Hearing no comments, he closed the public hearing 7:23 and called for a motion to approve the Conditional Use Permit. Moved by Trustee Lockwood. Second by Trustee Gutierrez. All ayes. Motion carried.

***Consideration of Watershed Protection District Activity Permit.*** Mayor Borchard opened the public hearing at 7:24 p.m. Administrator Etheridge stated the application is for property at 6389 County Road 4 and was received complete on September 8<sup>th</sup> for the replacement of two septic tanks. Details of the project are included in the letter from the project engineer and application documents were shared for referral with: Matt Franks, RBC Building Inspector; Russell Overton, Public Works Superintendent; Tobey Willey, Water Department Supervisor; Chris Hale, Town Engineer and Melody Massih, Town Attorney. All comments received were positive for the replacement of the old and potentially hazardous tanks.

Chris Hale's letter of opinion on the application is included and his concerns have been addressed as follows:

1. The applicant has already been in contact with RBC Building Department about the potential need for a County Permit for a septic system.
2. Will Myers with Headwater Engineering will be involved in the installation process as scheduling allows.
3. Myers has already confirmed that the concrete tanks being used are designed with a greater resistance to buoyancy and has already worked with the property owner's agent on mitigation alternatives for high ground water.

Additionally, the applicant already has the new tanks on hand and is prepared to start work immediately to ensure proper installation and function of the new system prior to usage in October and it is staff's recommendation to approve the Permit for 1657 Mills Lane LLC for the replacement of two septic tanks at 6389 CR 4.

Mayor Borchard asked if anyone was present representing the applicant, there was none; he then asked for comments either for or against the permit. Trustee Gutierrez asked if all the requirements had been met, Trustee Lockwood asked if we required the same conditions as we did of Bruce Clatterbaugh. Administrator Etheridge replied that all requirements have been satisfied and that no, the situation with Mr. Clatterbaugh was different as this application is to replace existing tanks. Trustee Day said because it is a pump system there will need to be an alarm installed to prevent the tank overflowing.

Mayor Borchard closed the public hearing at 7:28 p.m. and called for a motion to approve the Watershed Protection District Primary Protection Area permit application for 1657 Mills Lane LLC with the condition of an overflow alarm installed. Moved by Trustee Gutierrez. Second by Trustee Nielsen. All ayes. Motion carried.

***Consideration of Ordinance #03-2023 revising the Meeker Municipal Code 12.06 Meeker Tree City Designation.*** Mayor Borchard opened the public hearing at 7:29 p.m. Administrator Etheridge addressed the Board stating in doing further research into the benefits of becoming a Tree City we would receive flags, signs, and other materials to display our designation, education of residents about the value of trees and green space, and while there is no direct financial benefit there are grants with the largest being \$50,000 to strengthen communities against climate change and \$20,000 available for a forestry project for

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communities who are in great need. Etheridge said if we want the designation a board must be created to move forward, based on Board input from the last meeting two ordinances were presented: one to repeal the Tree City Ordinance and the other to revise it. Mayor Borchard asked if she had a recommendation. Etheridge replied given that there are minimal financial or applicable benefits compared to the administrative requirements of appointing, managing, reporting, and regulating another volunteer community board, recommendation is to delete section 12.06 of the Meeker Municipal Code.

Mayor Borchard asked for comments. Trustee Nielsen said with so many boards already in town and the amount of staffing time required it would be an undertaking. Trustee Gutierrez said she believes we should repeal the ordinance and let it go. Trustee Day suggested we could take a lot of this wording and use it elsewhere in the code. Hearing no further comments Mayor Borchard closed the public hearing at 7:34 p.m. and called for a motion. Trustee Gutierrez made a motion to approve Ordinance No. 3 repealing Chapter 12.06 of the Municipal Code. Second by Trustee Nielsen. Ayes: Day, Gutierrez, and Nielsen. Nay: Lockwood. Motion carried.

Administrator Etheridge informed the Board Bob Amick is present tonight and has provided further language he would like to see added to our current code regarding removal of trees and shrubs in public right-of-way, and would like to come back to the Board with a procedure for notifying residents when they have trees or shrubs that need trimmed or removed by the Town.

***Consideration of Ordinance #04-2023 Amending the 2023 Budget and Approving Supplemental Appropriations.*** Mayor Borchard opened the public hearing at 7:37 p.m. Administrator Etheridge said she had just received the final contract from CDOT for the Revitalizing Main Street grant and this ordinance creates a line item in our revenue of \$150,000 allowing expenditure of the grant. Mayor Borchard asked for comments from the public and from the Board, upon hearing none, closed the public hearing at 7:39 p.m. and called for a motion to approve Ordinance 04-2023 amending the 2023 budget and approving supplemental appropriations. Moved by Trustee Gutierrez. Second by Trustee Lockwood. All ayes. Motion carried.

## **NEW BUSINESS**

***Consideration of Applications to the Housing Authority.*** Administrator Etheridge stated as of today she had received a total of three applications for appointment to the Housing Authority and introduced Ashley “Lee” Smith and Kate McCaffrey who were both present, the third applicant, who could not be present, was Dannie Massie. Etheridge recommended the Board ask the applicants any questions they may have regarding their application; State Statute states one applicant must receive direct benefit from the Housing Authority, which both Mr. Smith and Ms. Massey do. Mayor Borchard invited the applicants present to speak: Lee Smith stated he has lived in Meeker for the past 10 years, currently lives at Karen Court and feels the residents need representation on this Board and would like to be a part of that. Trustee Nielsen asked if he is aware of the time commitment. Smith replied he is aware, has served on a few boards and is familiar with the commitment. Trustee Gutierrez commented, this is a five-year appointment and asked if he is aware of that, adding that the Town Board does not micromanage the Housing Authority, only appoint the board. Kate McCaffrey informed the Board that she and her family have been long term residents of the county, there seems to be a housing and funding issue, and she has the time to commit to this. Mayor Borchard asked if the Board was prepared to make a decision; Trustee Lockwood made a motion to appoint the two applicants who were present, Mr. Smith and Ms. McCaffrey. Second by Trustee Nielsen. All ayes. Motion carried.

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**Consideration of extraterritorial agreement for water.** Administrator Etheridge said the Town has received an application from Buddy and Lisa Pakuer for an Extension of Extraterritorial Water Service and Tap Purchase at 43009 Highway 13. Etheridge said the property is east of town on the highway close to the intersection of County Road 8 on the west side of the highway, the agreement allows the applicant to tap into our system for water service since it is not in the Town boundary although it lies between two annexed parcels along the highway. Etheridge added the applicants would like to begin building next spring and recognize the cost of \$6,000 for the water tap, that the rates are double from the town rates for water and the installation and all materials for the service line shall comply with the Town's specifications. Trustee Lockwood asked if the applicants have seen the application and is it possible for them to annex. Etheridge replied the Pakuer's have signed the agreement and that they don't have to annex to apply as there possibly is not the required contiguity with other annexed parcels. Mayor Borchard called for a motion to approve the Extraterritorial Agreement for water. Moved by Trustee Lockwood. Second by Trustee Gutierrez. All ayes. Motion carried.

**Presentation of 2024 Town of Meeker draft budget.** Clerk Cook presented the draft budget stating it had been prepared based on the previous discussions and includes a five percent increase in salaries which was averaged over all employees resulting in a \$2989 increase for each employee. Cook said sales tax continues to do well although a conservative approach has been budgeted for it and all other revenue. Most department totals are similar to the 2023 budget except for increases in the following items: a five percent increase in health insurance, liability insurance, postage, natural gas, and fuel as well as snow removal, and the upcoming spring election. Legal and professional fees were increased in Community Development in anticipation of the PUD application; Chief Thompson negotiated a reduction by nearly half for dispatch fees, additions to that department are as were discussed including on-call pay, a K-9 program expense of \$5,000, an additional \$13,000 for employee recruitment, and an officer wellness program for \$5,000. An additional \$19,550 was added to the Chamber of Commerce line item in Systems Development for health insurance coverage.

The draft as prepared includes a total of \$2,775,467 for systems development in the General Fund and will require \$1,330,457 of reserves to balance. The Water Fund systems development totals \$1,875,000 and will require \$1,741,973 of reserves to balance that fund noting that the Water Fund undesignated reserves balance as of August 31<sup>st</sup> was \$779,371.89, which is approximately \$1 million short of the amount required to balance the budget and suggested the Board explore funding opportunities for the needed replacement of three waterlines and to budget money next year for engineering.

There was discussion regarding the Ute Park line item in Systems Development and what it was budgeted for with Trustee Lockwood asking if the Town was going to install the electric fence like he suggested. Administrator Etheridge stated the Ute Park line item had been discussed at a previous budget workshop with no real plan for it other than to have funds available should an opportunity come up that aligns itself with the Ute Park Strategic Plan. Consensus of the Board was to discuss the fence with the permittees when the permits are renewed at the beginning of the year.

Trustee Day suggested the Town budget money in the Water Fund to hire a firm or consultants that can help us figure out the best way to fund our water infrastructure, adding the Sanitation District has done this and it has been very successful for them. Clerk Cook added there will be approximately \$100,000 of the American Rescue Funds remaining and she would look at whether it could be used for this purpose and asked the Board if they had any further direction for the budget stating this and whatever changes occur between now and then will be what is presented at the October 3<sup>rd</sup> meeting.

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## OLD BUSINESS

*Consideration of Ordinance conditions for Grant-Overton re-subdivision.* Administrator Etheridge thanked Lee Overton and Betty Kracht for attending the meeting, and recapped the status of the application stating though the public hearing had been continued to the October 3<sup>rd</sup> meeting, the subdivision was approved on Aug. 15<sup>th</sup> with conditions, one being a final plat, and for a Subdivision Improvements Agreement (SIA). At the last meeting the Board determined an SIA was not what they preferred so staff and Ms. Kracht discussed alternatives for language in the ordinance and Ms. Kracht has suggested including language in the plat notes. Etheridge pointed out that our Land Use Code, section 18.2.8 Development Standards provides an option to include language in plat notes as a condition. Etheridge said what we are looking to do at the next public hearing is approve an ordinance that records the final plat with whatever conditions we want on the subdivision and the plat note will run with the land and will also be recorded with the lots in the subdivision so any future endeavors with this land would have those plat notes and the conditions available to them. The suggestion for the plat notes are:

1. No infrastructure is being proposed or installed with the approval of this plat. At the time a building permit is applied for, the current lot owner/and/or combination of lot owners in the re-subdivision will be responsible for installing, to Town Code, the required infrastructure which may include: street, curb and gutter, drainage, sidewalk, lighting, sewer, water, gas, electricity, broadband, or any other infrastructure deemed necessary by the Town at the time, to service the entirety of the lot or lots for which the building permit is being requested. No building permit shall be issued by the Town until such improvements are made, inspected, and accepted by the Town of Meeker.
2. Lots may be re-subdivided or may be consolidated if contiguous.
3. Lots may be removed from this subdivision only if added to the adjoining Sage Hills Subdivision. The lot(s) must share a property line with the adjoining lot in the Sage Hills Subdivision. Upon consolidation the plat notes of this subdivision do not apply, and the consolidated lots will be governed by the Sage Hills Subdivision.

Administrator Etheridge stated staff would like direction from the Board on what to present at the public hearing in two weeks. Trustee Gutierrez expressed concern over not having an SIA, and what if we find down the road that these notes are not sufficient. Ms. Kracht said this is our suggestion and what my clients are willing to give, we would like to find some middle ground as we have been stalemated long enough. Trustee Lockwood commented regarding lot consolidation between the two subdivisions of Sanderson and Sage Hills, and whether once a lot is consolidated it would become contiguous to the next lot and so on. Planner Thomson replied that we do not have a provision that would prevent it, we offered maximum lot sizes during the Land Use Code update, but they were not included in the new code, and if lots are separated by a street or major utility then they could not be consolidated.

Mayor Borchard inquired about note #1 and whether the issuance of a building permit includes a permit for a garage. Administrator Etheridge replied yes but only if the lot were to be consolidated with their existing lot would a garage be permitted. Mayor Borchard questioned giving permission to move a lot from one subdivision into another and whether it should be on a plat note. Attorney Massih replied yes with Planner Thomson adding a public hearing is not required for a lot consolidation as it is done administratively. Mayor Borchard asked if the Town would need permission from the homeowner's association with Attorney Massih replying that the Town does not enforce their covenants.

After further discussion the Board concurred to use the language in note #1 but not #2 and #3; Attorney

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Massih asked if the Board wanted to include this wording as an exhibit to the ordinance since it too will be recorded in addition to the plat, with the Board agreeing to include #1 in the ordinance and as a plat note, the SIA is no longer necessary.

## MANAGER'S REPORT

Administrator Etheridge referred to the request from MAMBA for a letter of support for a CPW non-motorized trail maintenance grant the group is applying for, the request is for \$100,000. Mayor Borchard suggested changing the wording in the letter to include "financial support from the Town". Etheridge replied MAMBA is currently seeking support from the Town for the grant application, they will come later to request financial support.

## MAYOR'S REMARKS

None.

## OTHER BOARD BUSINESS

Trustee Lockwood said he received a call from Zack Clatterbaugh who is the Building Trades Instructor at the High School, and he is applying for a grant through Careers in Construction Colorado and asked if the Town would write a letter of support, the grant deadline is October 1<sup>st</sup>. The Board agreed.

Trustee Day asked if the Town was going to post signs at our Watershed Protection District as he previously requested. Administrator Etheridge replied she was under the impression the Board had agreed not to place the signage. Trustee Gutierrez agreed with Etheridge saying the Board thought it best not to draw attention to it in the event of terrorism or vandalism. Etheridge suggested if there was consensus of the Board, she would need to work with the County to place signage on their roads.

## ADJOURNMENT

Mayor Borchard adjourned the meeting at 8:47 p.m.

  
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Kent A. Borchard, Mayor

Attest:

  
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Lisa Cook, Town Clerk