

RECORD OF PROCEEDINGS

The Regular Meeting of the Meeker Town Board was held Tuesday, November 7, 2023 at Town Hall.

Members Present

Mayor
Trustees

Borchard
Day
Gutierrez
Jehorek
Kindall
Lockwood
Nielsen

Town Staff Present

Administrator
Town Clerk
Admin Asst
Attorney
Comm. Dev./Planner
Police Records Tech

Etheridge
Cook
Pakuer
Massih
Thomson
Ridgeway

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 Etheridge stated that Department of Human Services was scheduled to present under Public Participation regarding the LEAP program, but that no one was present. A motion was made by Trustee Gutierrez to accept the agenda. Second by Trustee Nielsen. All ayes. Motion carried.

APPROVAL OF THE PREVIOUS MINUTES

A motion was made by Trustee Jehorek to approve the minutes of October 17, 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 October 31, 2023. Second by Trustee Nielsen. All ayes. Motion carried.

PUBLIC PARTICIPATION

Presentation by Department of Human Services regarding the LEAP program. There was not a representative from Department of Human Service present.

PUBLIC HEARINGS

Consideration of Tavern License for Black Sulphur Tavern LLC. Mayor Borchard opened the public hearing at 7:03 pm. Town Clerk Cook stated Frank and Patrick Maestas filed an application for Black Sulphur Tavern LLC at 364 7th Street on September 27th; the BOT accepted the application and scheduled the Public Hearing for October 3rd; the public hearing was posted at the

RECORD OF PROCEEDINGS

Regular Meeting of the Town of Meeker – November 7, 2023

property on October 20th and was published in the Herald Times on October 26th; there has not been a denial of an application at the location of 364 7th Street for the reason that the requirements of the neighborhood and desires of the adult inhabitants were satisfied by other existing outlets; Black Sulphur Tavern has legal possession of the premises by way of a lease dated August 31, 2023; the license will not be in violation of any zoning or other applicable Town ordinances or laws of the State of Colorado; the building is not within five hundred feet of any public or parochial school or the principal campus of any college, university, or seminary.

Within the designated neighborhood there are the following existing outlets:

- 4 Tavern licenses
- 3 Hotel and Restaurant licenses
- 3 Retail Fermented Malt Beverage licenses
- 2 Retail Liquor Store licenses
- 1 Brew Pub

The applicants, Frank Maestas, and Patrick Maestas who were present, presented a petition with fifty-eight signatures of residents of the Town who were all in favor of the establishment, no other petitions, or letters in favor of or in opposition were received. The background investigation and fingerprint results are complete and contain the information as disclosed in the Individual History Records, all fees have been paid, the application is complete, and staff recommends approval.

Mr. Frank Maestas stated Black Sulphur Tavern LLC is in hopes the Board will approve their plans, as their goal is to not only run a successful business but to also be a part of the community. Trustee Gutierrez inquired if there was going to be live music, Maestas said there will be music, but it will not be live. This establishment will be more of a sports bar. Mayor Borchard asked for other question or concerns from the public and Board, upon hearing no further discussion he closed the public hearing at 7:07 pm. Trustee Jehorek made a motion to approve the Tavern License for Black Sulphur Tavern LLC. Second by Trustee Lockwood. All ayes. Motion carried.

Consideration of Preliminary Plan for Rohn Ridge PUD. Mayor Borchard opened the public hearing at 7:08 pm. Community Dev./Planner Thomson welcomed Shawn Bolton (applicant), John Kuersten (applicant representative) and Jeff Simonson (project engineer). Thomson presented the following: The Rohn Ridge PUD Sketch Plan was reviewed during a joint Planning Commission and Board of Trustees meeting held on March 13, 2023 and approved by resolution #03-2023 on March 21, 2023. This proposal is currently being reviewed as a Preliminary Plat, the Planning Commission reviewed this proposal on October 16, 2023 and provided a recommendation to the Board of Trustees. Upon approval of the Preliminary Plat the applicant then has up to 2 years to apply for a Final Plat.

Prior to the Public Hearing the application process is broken into four stages:

- Staff review
- Professional review
- Public Notice
- Staff review and report

RECORD OF PROCEEDINGS

Regular Meeting of the Town of Meeker – November 7, 2023

The referral list for the application review included:

Atmos Energy
Cimarron Telecommunications
Colorado Department of Transportation
ERBM Parks & Recreation District
Meeker Fire & Rescue
Meeker Police Department
Meeker Public Works
Meeker Sanitation District
Meeker School District
Rio Blanco County Assessor
Rio Blanco County Broadband
Rio Blanco County Planning Department
Rio Blanco County Road & Bridge
Rio Blanco County Sheriff
White River Conservation District
White River Electric Association

Due to the scale and magnitude of this project the following agencies were also included for review:

Meeker Police Department
RBC Road and Bridge
RBC Sheriff's Office

The subject property is located between Meeker Airport and Highway 13, and northeast of Pioneers Medical Center. The subject property is accessed from Walbridge Drive by Pioneers Medical Center Drive from Colorado Highway 13.

The subject property, known as Meeker Terrace Minor Subdivision Filing No. 1, was annexed into the Town of Meeker in 1985 (by Ordinance #418). Part of this site was identified by Pioneers Medical Center as the location of the new hospital site in 2013, with the facility opening in 2015.

The applicant has requested Preliminary Plat review for the Rohn Ridge Planned Unit Development (PUD). The applicant is requesting a four-phase development process. The four phases of the PUD are as follows:

Phase One (1): Single-Family Residential development which includes 14.2 acres of single-family residential lots and 19.48 acres of estate lots. Development intends to be cohesive with current Single-Family Residential Zone and Rural Residential Zone respectively. (Total 33.68 acres)

Phase Two (2): High-Density Multi-Family Residential development which may include apartments, condominiums and/or townhouse. Development intends to be cohesive the with current Mixed Residential Zone. (26.37 acres)

Phase Three (3): Mixed Use development such as commercial and/or retail and including multi-

RECORD OF PROCEEDINGS

Regular Meeting of the Town of Meeker – November 7, 2023

family type development. Typically, buildings with commercial/retail/offices on the ground level and residential on upper levels. (15.31 acres)

Phase Four (4): Commercial or light industrial development that supports Pioneers Medical Center as well as other local businesses or industries. Development intends to be cohesive with the current Highway Corridor Zone. (~29.08 acres)

The applicants intend that phases two through four would be approved through the PUD amendment process at the time of development.

Phase one will include 92 residential lots, 86 single-family residential (lots 1-86) and 6 estate lots. Lots 1-65 will be 4,500 square feet to 10,000 square feet. These small lots could accommodate small square footage residential units. Lots 66-86 will be at least 11,250 square feet and could accommodate a larger traditional residential unit. The 6 estate lots would allow for large residential units with ample parking and opportunity for outbuildings.

The applicant intends to pave the subject property in alignment with the developmental phases, as shown below. During Phase One Walbridge Drive paving will be extended from Pioneers Medical Center in addition to Sawmill Drive, Vaquero Way and the north end of Rohn Ridge Drive to access lots 1-86. Upon intersecting Rohn Ridge Drive and Walbridge Drive the road will convert to Gravel Emergency Access Road. This road will be paved during Phase Two. At this intersection Wallbridge Drive will transition to Gravel Access Road, to access the 6 estate lots.

The Rohn Ridge PUD will be governed by a Homeowners Association, which will be amended for future phases. The allowable uses and dimensional requirements for the PUD are outlined in this table based on lot type:

Among others the Homeowners Association will also govern the following:

- Open space in lots 1-86, Single-Family Residential area. (three proposed areas of open space)
- Parking: 2 off-street parking spaces (concrete or asphalt) provided for each residential unit.
- Garages are allowed but not required.
- Xeriscape landscaping will be encouraged.

Draft Covenants for the Homeowners Association have been provided for review. Updates to this document include recommendations from the Planning Commission.

During the Sketch Plan review process the Town of Meeker had asked the applicants to address the following as a condition of approval: open space, trail connectivity, and secondary access.

The proposed PUD plan includes that all open space in the single-family residential area will be managed by the Homeowners Association. The proposed PUD plan includes a 20-foot pedestrian easement surrounding the perimeter of the entire development. This easement does not provide connectivity to the rest of the Town. Town staff recommends exploring the creation of a Town fund utilizing a percentage of development fees to fund a trail to provide such connectivity.

RECORD OF PROCEEDINGS

Regular Meeting of the Town of Meeker – November 7, 2023

The applicants performed a Level 2 Traffic Impact Study and included the results in the application. The study concludes the following:

- The existing intersection (Colorado Highway 13 and Pioneers Medical Center Drive) operates at an overall LOS (Level of Service) A and all movements operate at LOS B or better in the total traffic scenario.
- The existing auxiliary lanes will continue to serve the proposed development per the requirements of the SHAC (State Highway Access Code). No improvements are required.

The applicants have included in the application a plan for paving and providing secondary access to the development during future phases. Additionally, the applicants will use the secondary access for construction to minimize the impact on Pioneers Medical Center and the associated roadway.

Mountain Cross Engineering, Chris Hale (Town Engineer) has reviewed the application and submitted comments/recommendation on the Preliminary Plat. The applicants have been provided these comments and have submitted responses which have been included in this staff report. The applicant has addressed most of the recommendations however, based on the report from Mountain Cross Engineering those unmet recommendations have been listed as potential conditions for approval.

During the review process, Town Engineer Chris Hale included the following comment in his report. “Town should consider transfer of water right for the Sheridan Ditch in lieu of water impact fee.” Town staff provided Town Attorney Massih with this comment for legal review and recommendation. At the Planning Commission public hearing, the planning commission did not include this recommendation as a condition for approval, however they did want the Applicants and Staff to work together with their respective legal representatives to gather more information. Town Staff has requested an Opinion Letter from the applicants’ water attorney, as soon it is received it will be provided to Attorney Massih for further recommendations, however at this point Attorney Massih does not recommend accepting the transfer of water rights in lieu of water impact fees.

Conditions and responses include:

1. Applicant will provide “will serve” letter from Meeker Sanitation. – *A will serve letter from the Meeker Sanitation District is pending board approval. This is an agenda item for their November 8 meeting, if this letter is approved it will be submitted to the Town afterwards.*
2. Applicant will provide results from fire flow test to verify adequate supply and sizing for domestic and fire demands. – *The fire flow test has been completed and it has been determined that in order to provide adequate water supply to the subject site, a booster pump station is required. Civil plans have been updated and a location for the pump station has been identified. White River Electric Association has confirmed that adequate power will be available to service this pump station.*
3. Removed as a condition at this point, a more detailed legal review is in process.

RECORD OF PROCEEDINGS

Regular Meeting of the Town of Meeker – November 7, 2023

4. Applicant will include language regarding drainage between lots in the CC&Rs (Covenants, Conditions and Restrictions). – *Draft covenants have been updated to include language to address drainage between lots. Draft covenants now read “owner shall properly maintain drainage easements on their respective properties. No owner shall change or alter drainage channels or interfere or block drainage easements” referenced on page 27 section 13.9 of draft covenants.*
5. Applicant will provide results from Traffic Impact Assessment (TIA) to address estimated future traffic impacts. – *Applicant continues to work with CDOT on design guidelines and the Traffic Impact Assessment.*
6. Applicant will provide explanation for traffic study ratio splits. – *No update from applicant.*
7. Applicant will provide CDOT permit for secondary emergency access point and construction access off of Colorado Highway 13. – *During the Planning Commission this was addressed and is reflected in the minutes. At that time Project Manager John Kuersten stated “Upon final approval of final plat, applicant will apply for a temporary access permit with CDOT for separate construction access off Colorado Highway 13, the intention is to use the gravel road for all construction traffic. During phase two the secondary access will become full access.”*
8. Applicant will provide Geotechnical Report for construction recommendations. – *Applicant has provided a Geotechnical Report for the subject property. The report includes construction recommendations for foundations and traffic loading.*
9. Applicant will provide CDPHE permit for stormwater drainage. – *No update from applicant.*
10. Applicant will provide “will serve” letters from utility providers. – *Will serve letter has been submitted by White River Electric Association. No letter has been received from Atmos Energy.*
11. Applicant will provide unique names for roads with the Town coordinating additional review with law enforcement agencies for approval. – *Applicant provided updated plan with unique road names. Staff has contacted law enforcement and emergency services and at this time no conflicts have been reported.*

In addition to the conditions/recommendations provided by Mountain Cross Engineering, staff recommends the following conditions:

12. Applicant will provide Letter of Credit or Surety Bond prior to signing the Subdivision Improvement Agreement (SIA). – *Letter of Credit or Surety Bond and the Subdivision Improvement Agreement will be addressed during the final Plat phase of development. Town staff and Attorney Massih have already begun drafting a template of a Subdivision Improvement Agreement for future use.*
13. Gravel Access Road will be signed “PRIVATE ROAD - NO TOWN MAINTENANCE” at the intersection of Walbridge Drive and Road 1. – *Addressed upon completion however applicant should include notation in Civil Plans for Final Plat.*

RECORD OF PROCEEDINGS

Regular Meeting of the Town of Meeker – November 7, 2023

14. Gravel Emergency Access Road will be signed with “EMERGENCY ACCESS ONLY – NO TOWN MAINTENANCE” at the intersection of Walbridge Drive and Rohn Ridge Drive. - *Addressed upon completion, however, applicant should include notation in Civil Plans for Final Plat.*
15. Applicant will include in CC&Rs language to address maintenance of all gravel roads. – *Draft covenants have been updated to include maintenance of gravel roads referenced on page 20 section 8.3(a) of draft.*
16. Applicant will provide a plan to address short-term rentals in the Homeowners Association guidelines. – *The updated Rohn Ridge PUD guide has proposed the following restrictions to short-term rentals; lots 1-65: short term rentals are allowed and not included in the Town of Meeker Short-Term Rental program. The 300 ft buffer does not apply, and these units will not contribute to the maximum number of short-term rental licenses issued by the town.*
17. Applicant will provide a plan for construction and maintenance of pedestrian/bike trail. – *No update regarding construction of pedestrian/bike trail however the draft covenants do provide language on maintenance of common areas, including walkways referenced on page 20 section 8.3 of the draft.*
18. Applicant will provide fiber (Rio Blanco Broadband) locations in plan. – *Will serve letter from Rio Blanco County Broadband has been submitted though final fiber design has not been finalized.*

Since receiving the application and providing public notice staff has received 0 Negative Comments and 1 Positive Comment from Virginia Love, which was read into record.

On October 16, 2023 the Planning Commission voted 4 in favor of and 0 against the recommendation for approval with conditions 1, 2 and 4-18 of the Preliminary Plat for the Rohn Ridge Planned Unit Development based on:

- Application meets the conditions of Meeker Municipal Code section 18.1.14 and referenced sections.
- Application meets many of the goals of the Comprehensive Master Plan, and Town Staff concur with the comments and recommendations from the Planning Commission.

Mayor Borchard clarified this Consideration of Preliminary Plan for Rohn Ridge PUD is only for Phase One of the project. Trustee Gutierrez expressed concern about short-term rentals within the PUD being exempted from the town zones. It was decided Attorney Massih will review the covenants making sure they are in compliance with code. Massih stated that short term rental is a huge issue/concern statewide, and the laws are changing continually. Trustee Nielsen shared his concern with the secondary access not being completed during Phase One. Nielsen believes Phase One should have some specific conditions met for secondary access. Rachel Gates was present via phone representing Pioneer Medical Center (PMC). Gates stated PMC is very supportive of the Rohn Ridge project, though there are concerns regarding the traffic around the Walbridge Wing. PMC wants to make sure the residents living there are safe when they are outside walking

RECORD OF PROCEEDINGS

Regular Meeting of the Town of Meeker – November 7, 2023

the campus. The PMC administration and the board of directors have not stated they are or will purchase any numbers of lots at this time.

After a lengthy discussion, Mayor Borchard asked for other questions and concerns from the public and Board, upon hearing none he closed the public hearing at 8:13 pm and called for a motion to approve Preliminary Plan for Rohn Ridge PUD with conditions #1-18 excluding condition #3. The applicant requested a modification to condition #12 to state a Letter of Credit or Surety Bond be provided at time of construction. Motion as originally stated by Mayor Borchard was made by Trustee Lockwood. Second by Trustee Kindall Ayes; Jehorek, Kindall, Day, Lockwood, Gutierrez. Opposed; Trustee Nielsen due to the fact Phase Two secondary access may not be completed if not included in Phase One. Motion carried.

NEW BUSINESS

Discussion regarding subdivision process Lee Overton and Justin Grant were present. Overton stated after having sat through the Rohn Ridge Public Hearing they did not have a lot of complaints regarding the Grant-Overton re-subdivision. They were frustrated, having met all the Towns codes with the first submittal, that they had to readjust the plat and the application. From the first application submitted with eight lots, Overton-Grant's bill from SGM was \$5,000.00, having been told by the Planning Commission they needed to readjust to submit another submittal the bill went to \$12,000.00. Trustee Gutierrez stated it was frustrating for the Board as well, keeping in mind that the Overton-Grant was an old subdivision and the Rohn Ridge subdivision is breaking new ground, it is hard to make a comparison of the two. Mayor Borchard pointed out the process is the same, but restrictions and requirements have changed. Grant stated he understands and suggested the Board could possibly make it easier for people who want to develop in the future with more flexibility.

Consideration of Proposals for Circle Park Meeker Riverfront. Administrator Etheridge stated the Town of Meeker, in partnership with the ERBM Recreation and Park District, solicited proposals for the construction of the Circle Park Meeker Riverfront project which includes improvements to river access at 3rd street, Circle Park, and 10th street as well as landscaping, sidewalk construction, and re-paving at Circle Park, located at the south end of 5th Street. Proposals were due on October 17, 2023 and the Board of Trustees opened the following envelopes at their public meeting:

- X Field Services - \$1,907,038.00
- Diggin' It Riverworks Inc - \$999,880.00
- Diggin' It Riverworks Inc - \$541,730.00

Etheridge stated that the X Field Services proposal was only for the Circle Park component of the project and was therefore considered incomplete. Revised bid pricing for X Field Services for full project was received on 11/6/23 at a total cost of \$2,588,560.00. Diggin' It Riverworks proposals

RECORD OF PROCEEDINGS

Regular Meeting of the Town of Meeker – November 7, 2023

combined covered the full project at a total cost of \$1,541,610.00. Revised pricing for Diggin' It Riverworks' second proposal was received on 10/31/23 at a cost of \$549,067.00. Because the RFP states under General Provisions that "In no event is a Contractor allowed to change a proposed price or total cost after the submission deadline." The original bid pricing must be considered for acceptance. Therefore, staff recommendation is to accept proposals from Diggin' It Riverworks Inc in the amounts of \$999,880.00 and \$541,730.00 to complete the project for a total Guaranteed Maximum Price (GMP) of \$1,541,610.00.

Etheridge then stated that under the current contract for Professional Design and Engineering Services, SWCA was in default based on based on section 1.2.7 General Contractor Bid Process ...CONTRACTOR shall assist [CLIENTS] with... analysis of bids received. Etheridge requested authorization from the Board to send a Letter of Default notification to SWCA with the ability for SWCA to cure the default in 5 days from the notification.

Lastly, Etheridge recommended an increase in the Circle Park Match line item to accommodate the shortfall in the project cost and allow for contingency.

Mayor Borchard called for a motion to accept the proposal from Diggin' It Riverworks Inc in the amount of \$999,880.00 for the Circle Park project, and to accept the proposal from Diggin' It Riverworks Inc in the amount of \$541,730.00 for the 3rd street, 10th street and irrigation components of the Circle Park project. Moved by Trustee Kindall. Seconded by Trustee Gutierrez. Ayes; Kindall, Nielsen, Gutierrez. Opposed; Lockwood, Day, Jehorek. Aye; Mayor Borchard. Motion carried.

Mayor Borchard called for a motion to authorize Town Administrator Etheridge to send Letter of Contract Agreement Termination to SWCA Environmental Consultants. Moved by Trustee Lockwood. Seconded by Trustee Jehorek. All ayes. Motion carried.

Mayor Borchard called for a motion to add \$150,000 additional funds to the Circle Park Match line item in the 2024 Town of Meeker Systems Development Budget. Moved by Trustee Nielsen. Second by Trustee Kindall. Ayes; Nielsen, Gutierrez, Kindall. Opposed; Jehorek, Day, Lockwood. Aye; Mayor Borchard. Motion carried.

Consideration of Letter of Support for Community Builders Building Better Places Training opportunity. Comm.Dev/Planner Thomson stated Chamber of Commerce Executive Director Stephen Kobald and Thomson would like to apply for a three-day training in March of 2024. This would comprise of a team = up to 8 people - of community members and elected officials and focus on connecting and supporting businesses on Highway 13 and Main Street. Trustee Jehorek

RECORD OF PROCEEDINGS

Regular Meeting of the Town of Meeker – November 7, 2023

stated she would be willing to participate. The cost would be \$1,200 for a team to attend. Mayor Borchard called for a motion to approve a Letter of Support for Community Builders Building Better Places Training. Moved by Trustee Jehorek. Seconded by Trustee Day. All ayes. Motion carried.

STAFF UPDATES

Administrator Ethridge reported on the following:

- From this point forward the Boards' new email accounts will be used for all town-related communications.
- PMC was encouraged to request additional funding for PPE and other COVID related equipment through DOLA's Community Development Block Grant that they were awarded this year. They have spent their \$65,000.00 for this year and have been approved for an additional \$395,000.00 for 2024. The Town will remain the fiduciary pass-through agent for this grant.
- The Board 2023 December meeting is set for Thursday December 14th at 7:00 pm.
- Tobey Willey accepted the PW Superintendent position, effective December 1st.
- The latest update from the polls is Proposition HH failed.

MAYOR'S REMARKS

Nothing.

OTHER BOARD BUSINESS

Trustee Lockwood inquired about the Downtown Street Lights. Etheridge stated one of the two samples showed up this week, with the other vendor stating their sample should be here Friday, then they will be installed for observation as to which model is preferred.

Bob Amick presented the Board with some information regarding the cross walk.


ADJOURNMENT

Mayor Borchard adjourned the meeting at 8:58 pm.



Kent A. Borchard, Mayor

Attest:



Lisa Pakuer, Admin. Assistant