

RECORD OF PROCEEDINGS

The Regular Meeting of the Meeker Town Board was held Tuesday, February 20, 2024, at Town Hall.

Members Present

Mayor Pro Tem

Day
Gutierrez
Jehorek
Kindall
Lockwood
Nielsen

Town Staff Present

Administrator	Etheridge
Town Clerk	Cook
Attorney	Massih
Police Chief	Thompson
Comm. Dev./Planner	Thomson
PW Superintendent	Willey

CALL TO ORDER

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

ROLL CALL

All Board members were present except Mayor Borchard.

APPROVAL OF THE AGENDA

Mayor Pro Tem Day asked for changes to the agenda. Administrator Etheridge said the agenda has been revised from what was published, the MOU with MAMBA under New Business has been removed as they were not awarded the CPW grant and Items B consideration of grant extension and C consideration of contract with Diggin It under New Business were added. Trustee Lockwood made a motion to approve the agenda as revised. Second by Trustee Nielsen. All ayes. Motion carried.

APPROVAL OF THE PREVIOUS MINUTES

A motion was made by Trustee Gutierrez to approve the minutes of February 6, 2024, as submitted. Second by Trustee Lockwood. All ayes. Motion carried.

APPROVAL OF MONTHLY DISBURSEMENTS

A motion was made by Trustee Kindall to approve the disbursements dated February 20, 2024. Second by Trustee Jehorek. All ayes. Motion carried.

PUBLIC PARTICIPATION

None.

STAFF UPDATES

Police Chief Thompson reported during the month of January there were 283 calls for service, two arrests, four written warnings and ten citations issued. Thompson said he and Officer Hetzel went to Denver last week to meet with the trainer of our K-9 unit, Hetzel will begin training April 1st and we expect the dog here by the end of May.

Public Works Superintendent Willey reported 10,663,936 gallons of water was pumped in January, Daylon Nielsen has received his CDL permit and is working with Rio Blanco County on the next steps of the process to receive his license. Willey said well number five had been pulled to check out the pump which

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will require a new motor and will be installed later this week. He said they had also gone in with video equipment and it appears nothing will be required for the next five years or so but he and ORC Kilduff would like to look at an overall well assessment and come up with short- and long-term plans for the maintenance of the wells. Trustee Nielsen asked if we have had a scheduled maintenance program prior to now. Willey replied no, only when we have problems but do want to get into an overall program.

Community Development/Planner Thomson said her report was included in the Board packets, she has been fielding a lot of phone calls and has spent considerable time on the Short-Term Rental applications which will be heard tonight.

Town Clerk Cook reported she was still preparing for the upcoming election, has been organizing records and gearing up for the 2023 audit at the end of April.

Town Attorney Massih said she helps where needed and there would be court next week.

PUBLIC HEARING

Consideration of Short-Term Rental applications: Planner Thomson began by stating in May 2023 the Town of Meeker updated the Land Use and Development Code, which included regulations regarding Short-Term Rentals. For the purposes of our code, we defined Short-Term Rentals as for periods less than 30 days. All of the applicants tonight have been operating Short-Term Rentals for various lengths of time and the applications and processes of these units will be to bring the operating Short-Term Rentals into compliance with Meeker Municipal Code.

Thomson said the applications that are being reviewed tonight have all submitted the required application and fee within the required time frame. Their requests have been advertised as mandated by the Meeker Land Use Development Code including notification of the Public Hearing to property owners within three hundred feet, at the subject property and in the Herald Times. During the referral review period the applications received no comments from the referral agencies. All of the applications received the same negative letter which will be read once for all the applications; Thomson then read the letter from Vicky and Randall Haas for the public record.

Thomson informed the Board all applications being reviewed have all met the Performance Standards for Short-Term Rentals section 18.1.16(9)(c) as follows:

- The proposed unit is less than five bedrooms and accommodates groups of less than 10 people.
- The proposed unit has at least one off-street parking space.
- The applicant will act as the manager or have listed an owner's representative and provide guests and the Town with contact information.
- The proposed unit has adequate trash service.
- The information provided to guests is updated with information regarding public nuisances.
- The applicant pays taxes through the online hosting platform.

Thomson said the Town of Meeker has not yet met the maximum number of issued STR Licenses set at 20. No application is 100% covered by an existing or proposed Short-Term Rental buffer of three hundred feet outlined in section Short-Term Rental Cap and Buffer, 18.1.16(9)(e). The applications meet the criteria of Building Requirements, section 18.1.16(9)(f) as well the applicants provided a copy of the guest information which meets the standards of the License Posting Requirements, section 18.1.16(9)(g). The applications have been found to be in compliance with the Conditional Uses requirements outlined in section 18.1.18, including various goals and policies of the Comprehensive Plan. Both of these requirements have been described in detail in the staff reports.

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640 4th Street – Danette and Lance Coulter: Mayor Pro Tem Day opened the public hearing at 7:13 p.m. Planner Thomson reported the applicants were present and are requesting to operate a Short-Term Rental for a portion of their property located at 640 4th Street. The applicants have been operating as a Short-Term Rental and the property is currently listed on AirBnB.com and VRBO.com. The property is identified as a “Guest Favorite,” rated with five stars and eighteen combined comments on both sites. The property is located in the Single-Family Residential (SFR) zone. Short-Term Rental is listed as a Conditional Review Use under the SFR zoning code. In addition to the negative letter read earlier the application received a letter in favor of the Conditional Use, for a total of one letter against and one in favor and read the letter from Rita and Walter Proctor for the public record.

Thomson stated as presented in the staff report the property and application comply with the types of permitted Short-Term Rentals, section 18.1.16(9)(b) as a portion of a single-family residence and not a dwelling located in a lodging business. In addition to themselves, the applicant has listed Brianne Coulter as an alternative owner’s representative. For these reasons, and those listed at the introduction, it is the Planning Commission’s recommendation to approve of the Conditional Use Permit for the operation of a Short-Term Rental for a portion of the property located at 640 4th Street by Danette and Lance Coulter. Staff agrees with this recommendation.

Mayor Pro Tem Day asked for comments. Trustee Gutierrez said we appreciate all of the applicants for coming into compliance. Mayor Pro Tem Day closed the public hearing at 7:15 p.m. and called for a motion. Trustee Jehorek moved to approve the application at 640th 4th St. by Danette and Lance Coulter. Seconded by Trustee Lockwood. All ayes. Motion carried.

680 Water Street Unit #13 – Valerie & Herman Guereca: Mayor Pro Tem Day opened the public hearing at 7:17 p.m. Planner Thomson reported the applicant who was present is requesting to operate a Short-Term Rental for their property located at 680 Water Street Unit #13. The applicants have been operating as a Short-Term Rental and the property is currently listed on AirBnB.com. The property is identified as a “Guest Favorite,” rated with 4.9 stars and twenty-three comments. The property is located in the Mixed Residential (MR) zone and Short-Term Rental is listed as a Conditional Review Use under the MR zoning code. In addition to the negative letter read earlier the application received two additional letters against the Conditional Use, for a total of three letters against and none in favor and Thomson read aloud the letter from the Board of Directors and Officers of White River Condominium Association for the public record as well as a letter from Kathryn and Mitchell Alcalá. Additionally, public comments were received at the Planning Commission meeting by Lonnie White and Shanna Petersen against the application.

Thomson stated as presented in the staff report, the property and application comply with the types of permitted Short-Term Rentals, section 18.1.16(9)(b) as a unit within a multi-family dwelling and not a dwelling located in a lodging business. With consideration of the information presented by the Homeowners Association, it is the position of town staff that the application has met the requirements of the Meeker Municipal Code as stated here tonight and Town staff does not recommend denial based on the private covenants of the Homeowners Association, as the Town does not enforce private covenants.

Thomson said for these reasons, and those listed at the introduction, it is the Planning Commission’s recommendation to approve of the Conditional Use Permit for the operation of a Short-Term Rental for the property located at 680 Water Street Unit #13 by Valerie and Herman Guereca and staff agrees with this recommendation.

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Mayor Pro Tem Day asked for comments. Mrs. Guereca said according to the Homeowners Association's Declarations a short-term rental is allowed in the building with permission, which when the unit was purchased, we were given permission, and it was added as a contingency to the contract. Shanna Peterson, present via phone and owner of two units in the building, said she believes the application that was submitted is inadequate because the application requires proof of insurance for the entire building. Planner Thomson replied the applicant has provided a Certificate of Insurance for their unit but not the entire building.

Hearing no further comments, Mayor Pro Tem Day closed the public hearing at 7:25 p.m. and called for a motion. Trustee Nielsen moved to approve the Short-Term Rental application at 680 Water Street, Unit #13 by Valerie and Herman Guereca. Second by Trustee Lockwood. All ayes. Motion carried.

353 Park Avenue – Lauren Martin: Mayor Pro Tem Day opened the public hearing at 7:26 p.m. Planner Thomson stated the applicant who is present is requesting to operate a Short-Term Rental for a portion of her property located at 353 Park Avenue. The applicants have been operating as a Short-Term Rental and the property has been listed on AirBnB.com. The property is located in the Single-Family Residential (SFR) zone. Short-Term Rental is listed as a Conditional Review Use under the SFR zoning code. No additional letters were received in favor of or against this Conditional Use request for a total of one letter against and zero in favor:

Thomson said as presented in the staff report the property and application comply with the types of permitted Short-Term Rentals, section 18.1.16(9)(b) as a portion of a single-family residence and not a dwelling located in a lodging business. For these reasons, and those listed at the introduction, it is the Planning Commission's recommendation to approve of the Conditional Use Permit for the operation of a Short-Term Rental for a portion of the property located at 353 Park Avenue by Lauren Martin. Staff agrees with this recommendation.

Mayor Pro Tem Day asked for comments. Trustee Gutierrez questioned what portion of the single-family residence would be licensed and Planner Thomson replied it is a single room with its own bathroom, and the applicant added that it has a separate entrance. Hearing nothing further Mayor Pro Tem Day closed the public hearing at 7:27 and called for a motion. Trustee Kindall moved to approve the Short-Term Rental application for 353 Park Avenue by Lauren Martin. Second by Trustee Jehorek. All ayes. Motion carried.

810 6th Street – Big Sage Cabin LLC, Lukas and Basia Trout: Mayor Pro Tem Day opened the public hearing at 7:28 p.m. Planner Thomson reported the applicant who was present is requesting to operate a Short-Term Rental for their property located at 810 6th Street. The applicants has been operating as a Short-Term Rental and the property is currently listed on AirBnB.com. The property has been listed for approximately one month and is rated with five stars and three comments. The property is located in the Single-Family Residential (SFR) zone. Short-Term Rental is listed as a Conditional Review Use under the SFR zoning code. In addition to the letter read earlier the application received one letter in support of the application, for a total of one letter against and one in favor and the letter from Goldia Moomey was read aloud for public record.

Thomson said as presented in the staff report the property and application comply with the types of permitted Short-Term Rentals, section 18.1.16(9)(b) as a single-family residence and not a dwelling located in a lodging business. The applicant had been notified of a few deficiencies in the guest information, and

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since the Planning Commission meeting the applicant has provided staff with an updated copy of this information. Staff has confirmed that the updated copy includes all necessary information.

Thomson said for these reasons, and those listed at the introduction, it is the Planning Commission's recommendation to approve of the Conditional Use Permit for the operation of a Short-Term Rental for the property located at 810 6th Street by Big Sage Cabin LLC. Staff agrees with this recommendation.

Mayor Pro Tem Day asked for comments, hearing none, he closed the public hearing at 7:30 p.m. and called for a motion. Trustee Lockwood moved to approve the Short-Term Rental application at 810 6th Street by Big Sage Cabin LLC. Second by Trustee Kindall. Aye: Trustees Jehorek, Kindall, Lockwood and Nielsen. Abstain: Trustee Gutierrez due to booking reservations at the rental. Motion carried.

375 6th Street – Rachel and Ryan Wix: Mayor Pro Tem Day opened the public hearing at 7:31 p.m. Planner Thomson reported the applicants are requesting to operate a Short-Term Rental at their property located at 375 6th Street. John Wix is listed as the owner's representative on the application and is present tonight. The applicants have been operating as a Short-Term Rental and the property is currently listed on AirBnB.com and VRBO.com. The property is identified as a "Guest Favorite," rated with five stars and over thirty combined comments on both sites. The property is located in the Town Core (TC) zone and Short-Term Rental is listed as a Conditional Review Use under the TC zoning code. No additional letters were received in support of or against the Conditional Review request, for a total of one letter against and zero in favor:

Thomson said as presented in the staff report the property and application comply with the types of permitted Short-Term Rentals, section 18.1.16(9)(b) as a single-family residence and not a dwelling located in a lodging business. Additionally, the proposed unit is located in the Town Core zone and therefore is not subject to the 300-foot buffer outlined in section Short-Term Rental Cap and Buffer, 18.1.16(9)(e).

Thomson said for these reasons, and those listed at the introduction, it is the Planning Commission's recommendation to approve of the Conditional Use Permit for the operation of a Short-Term Rental for the property located at 375 6th Street by Ryan and Rachel Wix. Staff agrees with this recommendation.

Mayor Pro Tem Day asked for comments. Hearing none he closed the public hearing at 7:32 p.m. and called for a motion. Moved by Trustee Gutierrez to approve the Short-Term rental application at 375 6th Street for Rachel and Ryan Wix. Second by Trustee Nielsen. All ayes. Motion carried.

285 8th Street – Chuck Whiteman: Mayor Pro Tem Day opened the public hearing at 7:33 p.m. Planner Thomson reported the applicant Chuck Whiteman was present and is requesting to operate a Short-Term Rental for their property located at 285 8th Street. The applicant has been operating as a Short-Term Rental and the property is currently listed on AirBnB.com. The property is rated 4.4 stars and has received fourteen comments. The property is located in the Town Core (TC) zone. Short-Term Rental is listed as a Conditional Review Use under the TC zoning code. No additional letters were received in support of or against the Conditional Review request, for a total of one letter against and zero in favor.

Thomson said as presented in the staff report the property and application comply with the types of permitted Short-Term Rentals, section 18.1.16(9)(b) as a single-family residence and not a dwelling located in a lodging business. The applicant has been notified of a few deficiencies in the guest information and has been given the opportunity to update their notices to renters. The following information should be added to the guest information: property address, maximum number of guests, snow storage rules, and information

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on where to find county or state fire bans. Additionally, the proposed unit is located in the Town Core zone and therefore is not subject to the 300-foot buffer outlined in section Short-Term Rental Cap and Buffer, 18.1.16(9)(e).

Thomson said for these reasons, and those listed at the introduction, it is the Planning Commission's recommendation to approve of the Conditional Use Permit for the operation of a Short-Term Rental for the property located at 285 8th Street by Chuck Whiteman. Staff agrees with this recommendation.

Mayor Pro Tem Day asked for comments, hearing none he closed the public hearing at 7:35 p.m. and called for a motion. Moved by Trustee Nielsen to approve the Short-Term Rental at 285 8th Street for Chuck Whiteman. Second by Trustee Gutierrez. All ayes. Motion carried.

1178 Main Street – Blake Oglivie: Mayor Pro Tem Day opened the public hearing at 7:35 p.m. Planner Thomson reported the applicant who is represented by Daniel Lima is requesting to operate a Short-Term Rental for a portion of their property located at 1178 Main Street. Daniel Lima has been listed on the application and in the guest information as an owner's representative and is present tonight. The applicants have been operating as a Short-Term Rental and the property is currently listed on AirBnB.com and VRBO.com. The property is identified as a "Guest Favorite," rated with five stars and eight comments. The property is located in the Mixed Residential (MR) zone. Short-Term Rental is listed as a Conditional Review Use under the MR zoning code. No additional letters were received in support of or against the Conditional Review request, for a total of one letter against and zero in favor.

Thomson said as presented in the staff report the property and application comply with the types of permitted Short-Term Rentals, section 18.1.16(9)(b) the property is described as a duplex, with the bottom unit as a long-term rental and the application proposes to operate a Short-Term Rental in the other unit. Additionally, it is not a dwelling located in a lodging business.

Thomson said for these reasons, and those listed at the introduction, it is the Planning Commission's recommendation to approve of the Conditional Use Permit for the operation of a Short-Term Rental for the property located at 1178 Main Street by Blake Oglivie. Staff agrees with this recommendation.

Mayor Pro Tem Day asked for comments. Trustee Lockwood asked Mr. Lima if he lives within the required 20 minutes and Mr. Lima replied yes, as he is the long-term resident on the upper floor. Mayor Pro Tem Day closed the public hearing at 7:37 p.m. and called for a motion. Moved by Trustee Gutierrez to approve the STR at 1178 Main Street for Mr. Blake Oglivie. Second by Trustee Lockwood. All ayes. Motion carried.

NEW BUSINESS

Bid opening for Police Department vehicle. Administrator Etheridge stated \$65,000 has been approved in the Systems Development Department to replace the 2008 GMC Canyon Animal Control vehicle and two bids were received. Mayor Pro Tem Day opened the first bid from North West Auto Sales in the amount of \$41,545 for a 2024 GMC Canyon, and the second bid from Cook Ford for a 2024 Ford Ranger in the amount of \$37,911. Staff will review the bids and come back to the Board with a recommendation.

Consideration of grant extension letter. Administrator Etheridge said the letter requesting an extension is for the IHOP grant which is for our housing needs assessment and action plan that is currently being wrapped up by Ayres Associates. The grant is good through April 2024, and we are asking for an extension to April 2025, we only need a little more time. Trustee Lockwood asked if the delay in completion was because our situation was complicated and Planner Thomson replied no, they just fell behind because of other obligations. Mayor Pro Tem Day asked if there was something in the contract to get them off dead

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center. Administrator Etheridge replied that we have the presentation of their assessment scheduled for April 2nd as well as upcoming workshops in an effort to wrap this up. Mayor Pro Tem Day said we want to hold their feet to the fire, or it will drag on. Trustee Gutierrez made a motion to approve the grant extension letter. Second by Trustee Jehorek. All ayes. Motion carried.

Consideration of Contract with Diggin It Riverworks Inc for Circle Park Riverfront Project.

Administrator Etheridge stated Brian Barackman is our selected bid contractor with Diggin It River Works. She met with him last week working from the draft contract from last December, he did have a few specifications that he wanted to see, including the payment schedule which already matched how we pay invoices, he just wanted to see it in writing, and that the one-year warranty on work did not cover plantings as that is dependent upon the care given by the owner. The language now guarantees viability at time of installation and again at final completion. Also added was language regarding the possibility of unsuitable subgrade. Brian did agree to liquidated damages of \$100 per day, a guaranteed maximum price based on the bid documents, and all other legal requirements and obligations. The contractual timeline was extended to December 2025 in the event work this fall during low water is not completed for any reason and needs to be done during the next low water season, it is not expected but was added just in case.

Regarding the timeline, Administrator Etheridge said Mr. Barackman is currently working on the Yampa River in-stream white water feature and is permitted to work through May. It has been slightly delayed due to a major change order in December that was not approved until January. After speaking with Melanie Kilpatrick who is the project manager in Craig, she said the change order was initiated by the City of Craig to use additional EDA grant funding to upgrade the materials. He is also waiting on some minor engineering issues, which is something we hope to avoid as much as possible on our project by getting both the contractor and GEI Consulting to iron out as many issues as possible prior to mobilization in June.

Etheridge said the contract has been reviewed by Attorney Massih, signed by the contractor, and by ERBM Board President John Strate, their board will be reviewing it at their meeting tonight.

Trustee Jehorek asked when our grant expires. Administrator Etheridge replied the deadline for the GOCO grant is June of 2026, the CWCB is April of 2027 and OJT for \$220,000 expires this year so those funds would be expended first. Trustee Gutierrez asked Attorney Massih if she was comfortable with the contract and Massih replied that she is comfortable as it is much like our last contract except for few changes, and she was happy with those changes. Trustee Lockwood commented he felt \$100 a day for liquidated damages is ridiculous and also asked if he had given us a timeline. Etheridge replied he plans to mobilize in June and Lockwood commented that as soon as he mobilizes the park will be closed.

Mayor Pro Tem Day said vegetation should have at least a one-year warranty, which is pretty standard. Administrator Etheridge replied that the vegetation will be warrantied until final completion of the project, after that point it is difficult to warranty because the care will be turned over to the owner's responsibility. Day said he felt the plan should be more defined and agreed with Trustee Lockwood about the liquidated damages. He also asked if bid bonds and insurance had been provided and Etheridge said those items are all required prior to the Notice to Proceed being issued.

Mayor Pro Tem Day asked if the Board wanted to address these concerns or leave the contract as is and Trustee Jehorek suggested the vegetation warranty could require an 80 percent survival rate within one year. Trustee Lockwood said he would like to see liquidated damages of \$1,000 per day. The Board concurred with these changes. Administrator Etheridge said she will have to re-negotiate with Mr. Barackman and come back to the Board with the contract at the next meeting.

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OLD BUSINESS

Bid award for Public Works vehicle. Administrator Etheridge stated there was one bid opened at the last meeting which was slightly over our \$50,000 budget amount. Superintendent Willey went back to North West Auto to see if it could be lowered. They took \$525 off the MSRP, and removed the requirement for the tonneau cover bringing the price to \$48,790. Mayor Pro Tem Day called for a motion to accept the bid with the revised pricing. Moved by Trustee Lockwood. Second by Trustee Jehorek. All ayes. Motion carried.

MANAGER'S REPORT

Administrator Etheridge reported that she had spoken with Regas Halandras regarding the CPW grant non-award, they did encourage them to re-apply in another round and gave them some feedback. Mr. Halandras would like to move forward with some maintenance and trail work this year and possibly look at other funding opportunities to do more.

There will be a meeting to discuss the plan for Mormon Cricket abatement tomorrow night at 6:00 p.m. at the Fire House as they are trying to get more public involvement.

A Planning commission meeting is scheduled for next Monday and this Sunday the 25th is the High School Baseball & Softball fundraiser and as a Grand Slam Sponsor we were given eight tickets if anyone would like one.

MAYOR'S REMARKS


None.

OTHER BOARD BUSINESS

Executive Session pursuant to C.R.S. 24-6-402(4)(f)(I) for discussion of personnel matters: Town Administrator 2023 evaluation. Mayor Pro Tem Day called for a motion to go into Executive Session. Moved by Trustee Gutierrez. Second by Trustee Jehorek. All ayes. Motion carried. The Mayor adjourned in to Executive Session at 8:03 p.m.

ADJOURNMENT

The Board reconvened from Executive Session and Mayor Pro Tem Day adjourned the meeting at 8:25 p.m.



Travis Day, Mayor Pro Tem

Attest:



Lisa Cook, Town Clerk