

The Regular Meeting of the Meeker Town Board was held Tuesday, February 17, 2009 at Town Hall.

Members Present	Mayor	Etheridge
	Trustees	Omer Waldref Strate Gerloff
Members Absent		Mills Halandras
Town Staff Present	Town Administrator	Day
	Town Clerk	Cook
	Town Planner	Smith
	Liquor Clerk	Sizemore
	Admin. Assist.	Niemi
Citizens Present	Nikki Turner	RB Herald Times
	Richard Sales	University of Colorado
	Jim Joy	Meeker Lions Club
	Margie Joy	Task Force Committee Facilitator

CALL TO ORDER

Mayor Etheridge called the meeting to order at 7:00 p.m.

ROLL CALL

All Trustees present, except Trustees Halandras and Mills.

APPROVAL OF THE AGENDA

Mayor Etheridge asked if there were any changes to the agenda, with none noted.

A motion was made by Trustee Omer to approve the agenda as presented, seconded by Trustee Strate. All ayes. Motion carried.

APPROVAL OF THE PREVIOUS MINUTES

Mayor Etheridge asked for changes or revisions to the minutes of February 3, 2009. Administrator Day stated she had a few corrections. She stated on page 12 the line regarding the detention ponds, stating it should be a quote at the end of detention ponds. Day stated on page 13, second paragraph, line 9, it says, "he stated then they will actually" there should be the word "be" inserted. Day stated the motion for the Escondido Subdivision should read "Trustee Mills moved to accept the prepared motion," with the word motion in quotes, "Motion approving the Escondido Subdivision Final Plat." She also stated in parenthesis, it should say (See Attachments) relating to the prepared motion. Day stated it should read as such because the Board didn't give Escondido anymore time (than what was included in the original motion) as discussed in the paragraph above the motion. Day stated on page 15 about 6 lines up from the bottom, "Day stated it may be a discussion," when reading the line, it doesn't work, so Day suggested it say "Day suggested discussion regarding processes for the next meeting."

Trustee Omer inquired on page 13, regarding the paragraph on the motion, "is it just the word motion in quotations?" Day stated no, the extension of 24 days for the receipt of the Letter of Credit would be taken out of the motion because (the Board) didn't do (approve) that. Mayor Etheridge stated at the top of the first page of the minutes, it should state the meeting took place on Tuesday, and not Wednesday.

A motion was made by Trustee Strate to approve the February 3, 2009 minutes, with noted revisions, seconded by

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Trustee Waldref. All ayes, Motion carried.

APPROVAL OF VOUCHERS

Mayor Etheridge asked for questions or comments regarding the revised set of vouchers dated February 17, 2009 with none noted.

A motion to approve the revised set of vouchers dated February 17, 2009 was made by Trustee Waldref, seconded by Trustee Strate. All ayes. Motion carried.

PUBLIC PARTICIPATION

None

NEW BUSINESS

Presentation by Margie Joy concerning CML infrastructure funding seminar she recently attended on behalf of the Town and the Community Taskforce.

Margie Joy ó Community Taskforce Member: Ms. Joy thanked the Board for allowing her to attend the CML conference on finance and public improvements the previous month. She stated there was a great deal of information and she learned a lot. Ms. Joy stated some of the tips discussed at the workshop were to begin with an end in mind, what are the goals and the planning processes that need to be put in place. Ms. Joy stated one of the most critical things CML encouraged was to assemble a team of experts, especially in the areas of finance and legal counsel. She stated evaluation of finance options was critical to ensure the right one is chosen and outlined various types of bonds, enterprise revenue, etc. Ms. Joy stated CML encouraged having a development and financing plan, and the process can be lengthy, especially the legal process. Other critical items: be aware of financial conditions, use an underwriter, understand your credit rating, especially municipalities as they are coming under more scrutiny than in the past, and ensuring those you are working with understand the mission and what is to be accomplished. Ms. Joy explained it was important for a municipality to understand its obligations such as disclosure requirements, certain ways to spend down bonds, and various covenants associated with the bonds. She spoke about how important the evaluation process is and communication between all entities. She also outlined the methods of financing options shared at the workshop, the various teams and groups to work with and their respective roles in a project. Mayor Etheridge inquired if the credit rating was project based or just overall. Ms. Joy stated history would come into play, but the better they know the project, it weighed heavier than just the history.

Ms. Joy stated the workshop was well worth attending and suggested the Special Districts obtain the information she shared with the Board or attend a workshop. She stated at the workshop they went through all the definitions, how different things work, and felt it was a great resource for the community and long-range planning. She reiterated that she appreciated the opportunity to attend. Mayor Etheridge asked for questions or comments with none noted.

PUBLIC HEARING – 7:20 P.M.

Request from Meeker Lions Club for special events liquor permit for the Rocky Mountain Elk Foundation annual dinner, April 4, 2009.

Liquor Clerk Kathy Sizemore stated Mr. Sheridan was unable to attend, but Jim Joy was present to represent the Lions Club. She stated Tom Allen would be the event manager, with the event taking place on April 4, 2009 from 2:00 p.m. to 11:59 p.m. at the Fairfield Center. Liquor Clerk Sizemore stated the applicant's paperwork was completed, fees had been paid, the facility had been posted and Staff recommended approval. Mayor Etheridge asked for questions or comments from the Board with none noted. She inquired if Mr. Joy had any questions or comments, with none noted.

A motion was made by Trustee Omer to approve the request from the Meeker Lions Club for a special events

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liquor permit for April 4, 2009 at the Fairfield Center from 2:00 p.m. to 11:59 p.m., seconded by Trustee Waldref. All ayes, motion carried.

Presentation of proposed revisions to sign code Meeker Municipal Code Title 18, Chapter 7 – Signs and Outdoor Advertising Devices to allow digital signs along Hwy. 13 in the Highway Commercial Zoning District and schedule a Town Board Public Hearing to consider adoption of the revisions.

Town Planner Smith stated a member of the general public had submitted a request to the Town to re-draft the sign ordinance in order to allow digital signs. She stated the Board had said at a previous meeting they would look at such a draft and Staff had drafted said document, which also took into consideration the State's criteria. She stated the Board had set some limitations or boundaries to be included in the draft ordinance such as: the digital signs could not display any graphics or television type quality displays, the signs had to be restricted to Hwy. 13 and to properties zoned Hwy. Commercial or would be zoned Hwy. Commercial. Planner Smith stated Attorney Viscardi had taken a great deal of time meeting with CDOT, researching CDOT criteria, as the Town needed to comply with CDOT's criteria since Market Street/Highway 13 falls within CDOT's jurisdiction.

Planner Smith summarized the main issues in the draft ordinance as follows: The definitions in the document had come from the business entity of digital signs, as well as State regulations. Planner Smith stated if the draft ordinance were to be approved, the criteria listed in the draft proposes "digital signs have to have 1,000 feet separation on the same side of the highway," which is CDOT criteria. She stated on the other side of the highway, someone could have a digital sign right across from another digital sign, but there had to be a 1,000 foot separation between digital signs on the same side of the highway. She also stated the sign or the message displayed could not have any appearance of movement, no flashing, no fading and no dissolving. The message had to stay up for a minimum of four seconds, and if it was to transition to another message, the screen has to be blank for at least one second, which is also State criteria. The document specified it had to be one message display center per site, or example; if there were several businesses located on the same site, they would have to share the same digital sign. A digital sign can only exist on a free standing pole, not mounted to a building. It establishes a 25 percent criterion of what the current standard of 60 square feet per sign. She stated "therefore a digital sign can not be greater than 15 square feet in size." The existing code does not allow for off-premise signs, such as a business on Main Street posting a sign on Hwy. 13. The draft document included intensity of the light during daytime hours that it had to be dimmed during the nighttime and no more than 20 percent of the signs maximum intensity. Administrator Day added that time and temperature signs were exempt and are allowed by Federal law, with Planner Smith stating they are considered public notification and the Town cannot and currently does not restrict them. Planner Smith stated a provision had been added which states an existing time/temperature sign would not become the benchmark for the 1,000-foot separation until it was requested to convert to a message center display, at which time they would have to come through the process. Mayor Etheridge inquired if the next step would be a Public Hearing. Planner Smith stated yes and that the Planning Commission held a Public Hearing on February 12, 2009, with one couple attending with the gentleman speaking in favor of the ordinance because he didn't feel that should be controlled by a municipality.

Trustee Omer inquired about the provision regarding the 1,000-foot separation and how it would apply. Planner Smith reiterated that the provision in 4B, was in regards to the message and how it could be displayed, stating "no sign containing the message center display shall be permitted or placed within 1,000 feet of another sign containing a message center display located on the same side of the street," and provided an example. Trustee Omer inquired if that would be about two blocks, with Day stating it would be about three blocks. Discussion focused on how many signs it would permit, within the current Town limits, but may be extended out as Town grows, that the property has to abut Hwy. 13.

Trustee Gerloff inquired if there was anything currently on the highway that resembled the request other than time/temperature signs. Planner Smith stated Blue Spruce had installed a digital sign in anticipation of the ordinance, (which can only be used as date, time and temperature if not granted the permit for a message center

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display sign- This information was pointed out later in the discussion). Planner Smith also stated the owner of Blue Spruce Inn was the member of the public who requested the Town consider amending its sign ordinance, in order to allow digital signs. Trustee Waldref inquired "what if someone buys a lot next to them and they want to have a sign too?" Smith stated it is "first-come-first-serve." Planner Smith stated the other businesses within the 1,000 feet could put up a time and temperature sign only. Mayor Etheridge inquired if another business could have Blue Spruce advertise for them; with Planner Smith stating no, State criteria doesn't allow it. She also stated the question was raised, "is there a way to get a variance?" with the answer being no.

Trustee Omer stated a 3x5 area is a pretty large surface and felt it was fairly large for displaying messages. He inquired if a smaller size had been discussed or was it directed by CDOT. Planner Smith stated no, CDOT did not specify any size criteria in their regulations. She stated the Town had looked at different entities who had established criteria on digital signs (i.e. Craig, Grand Junction) and one location had established the 25 percent criteria of what was normally permitted, which the Town utilized. Planner Smith stated Glenwood Springs had criteria regarding intensity, so the Town incorporated it. She also stated other locations had restricted how frequently the message on the display could be changed, but the Town did not go that far on restrictions, with Day stating one reason was how it would be enforced.

Mayor Etheridge asked for Planner Smith to explain again how the 15, 60 and 150 square feet are related. The Mayor also asked if 15 square feet was just the digital display sign. Planner Smith stated that was correct. She stated "current sign code states that individual signs on a free standing pole can be no greater than 60 square feet. So an individual sign is 60 square feet; we decided 25 percent of the permitted square footage would be 15 square feet." Planner Smith stated the individual 60 square foot signs could not exceed 150 square feet total on one free standing pole, an individual could have three or four individual signs on a pole as long as the 150 square feet was not exceeded. She also stated 15 square feet of the total allowed area could only be applied to digital signs.

Mayor Etheridge inquired if there had been any other interest presented on digital signs. Planner Smith stated only the couple who attended the Planning Commission Public Hearing. Mayor Etheridge asked Town Clerk Cook if the Chamber of Commerce had heard of any other businesses who might be interested. Ms. Cook stated the Chamber had entertained the idea. Trustee Omer stated there had been a discussion two or three years ago about having a moving marquee with messages for hunters or visitors. Ms. Cook stated at the time of the discussion the Chamber had found out that it was not allowed by the Town's code. Planner Smith stated at the onset of the request, Ms. Pelloni had submitted an email last year indicating the Chamber would be in support of digital signs. She stated since the Town had addressed it through news releases/articles, there has been no other response. Planner Smith also explained that the message displayed had to relate to the business on-site, for example it cannot advertise the sheepdog trials, "welcome to the sheepdog trial participants" or congratulate the Meeker Cowboys, by State statue.

Richard Sales of University of Colorado suggested the draft ordinance clarify when the 1,000 feet rule takes effect, at permit time or installation of the sign. Also the Town should have a deadline date on the permit as well. Day stated that was a good point.

Mayor Etheridge stated it was up to the Board to decide if they wanted to move forward and if they didn't like any of the draft document, should a public hearing be entertained. Day stated the Planning Commission at their February 12, 2009 meeting had voted in favor of (recommending) approval, but it was a 3-2 vote. Planner Smith stated the original motion was to not recommend the changes to the Board, but the motion had died, with the second motion passing to recommend it. Discussion focused on why some of the Planning Commission members didn't want to recommend it, because they didn't want to see the character of Meeker changed. Mayor Etheridge explained that since the ordinance is so restrictive, she didn't feel that it would significantly change Market St. Trustee Omer inquired if the Town had an ordinance that addressed temporary signage i.e. a sign on

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trailer/wheels. Planner Smith stated yes, the current code did restrict temporary signs from being mounted on a vehicle advertising a business. Temporary banners are allowed for special events. She also stated the State had the same criteria. Discussion focused on what was considered to be temporary signs, zoning, type of temporary signs, and clearance required for temporary signs.

Trustee Omer stated that if the Board moved forward and scheduled a public hearing, that didn't mean they were on record for or against or taking a position, they were providing an opportunity for the public to participate. He inquired if it required a motion, with Day stating the Board just needed to direct Staff to schedule the hearing. Trustee Strate stated he wasn't comfortable with the way things were progressing but was comfortable with the ordinance. He stated he didn't feel there was a level playing field being created for all businesses. Discussion focused on creating a level playing field, the issue of having one message display sign every 1,000 feet, which limited all the businesses around it, and how other business owners would feel. He said that he was concerned that a sign was already in place prior to the ordinance being adopted.

Trustee Omer inquired if the Town could pass the ordinance with a provision that no applications would be considered for a specific time period to allow anyone who wanted to make a proposal to come in. Discussion focused what would be learned from the public hearing and if the public was interested. Day stated she recommended the Board go forward with a public hearing, to hear from the public. She said that the Board wouldn't have to make a decision the night of the public hearing if they weren't ready to do so, the decision could be tabled to a later meeting. Consensus from the Board was to set a Public Hearing for March 17, 2009 to allow time for articles and information to be disseminated to the public. The Board directed staff to get a press release to the paper and Chamber so that business owners are informed of the proposed ordinance.

MAYOR'S REPORTS

None

MANAGER'S REPORTS

Investment Information ó Day stated she had obtained a copy of what the Town's investment strategy was with Wells Fargo which was the same as the document they were asking the Town to re-sign. She stated every two or three years Wells Fargo wanted the Town to re-affirm the same strategy was wanted. Day stated the strategy had worked well, as it has grown the fund and had provided for full payments to the Walbridge Fund. Trustee Omer stated he needed to excuse himself due to a conflict of interest (CEO of Pioneers Hospital). Day stated it was her recommendation that the Town re-affirm their strategies with Wells Fargo. She stated the Town's agreement with Pioneers Medical Center was the Town would pay them up to \$52,500 per year to help defray costs of the Walbridge Fund, only if there was enough income provided by the fund and didn't dip into the investments. She reiterated the strategy had worked well and only have had a couple of times where the full amount was not provided. Trustee Waldref inquired if the small percentage changes would affect anything, with Day stating she didn't notice the percentage changes. Trustee Waldref stated there was a five percent difference on the fixed income and five percent difference on the alternative estate. Day stated she hadn't noticed those differences and would go back and ask Wells Fargo about the changes and send an email to the Board before making a decision.

Extended Time for receiving Letter of Credit ó Day asked the Board if they would consider making a motion to extend the time for the Town to receive the Letter of Credit and the Warranty Deed on the Escondido Subdivision as the bank has not had ample time to complete it. She suggested the Town give them a 14-day extension in addition to the 10-days (in the motion) for a total of 24 days to provide the Letter of Credit and the Warranty Deed, with the deadline of February 27, 2009 to submit the required documents. She requested the Board tie this motion to the last motion (motion approving the final plat for Escondido Subdivision) so all the dates in that motion could move forward 14 days. Day also stated she had contacted Attorney Viscardi who recommended the process of tying this new motion to the motion (made during the last Board meeting) approving the subdivision.

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A motion (see attached) was made by Trustee Waldref to approve an extension of 14 additional days, for a total of 24 days, (for the sub-divider) to provide the required documents required in the original motion entitled "Motion Approving the Escondido Subdivision Final Plat" approved on February 3, 2009, seconded by Trustee Strate. All ayes, motion carried.

Rifle Correctional Facility - Day stated the City of Rifle had contacted the Town inquiring if the Board would be interested in writing a letter to oppose the closing of the correctional facility. She stated several cities had joined Rifle in trying to save the facility and volunteered to draft a letter and email it to the Board for approval before it was mailed. Day stated she felt the Town should write a letter, as there were several people employed by the correctional facility who lived in Meeker. Board consensus was to have Day craft a letter.

ATTORNEY'S REPORTS

None

OTHER TOWN BOARD BUSINESS

None

ADJOURNMENT

Mayor Etheridge adjourned the meeting at 8:05 p.m.

Mandi Etheridge, Mayor

Attest:

Lisa Cook, Town Clerk

Workshop with Rich Sales, CU/DOLA Community Development representative, followed the regular meeting.