

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

Members Present	Mayor	Etheridge
	Trustees	Omer Mills Halandras Waldref Strate Gerloff
Town Staff Present	Town Administrator	Day
	Town Planner	Smith
	Town Clerk	Cook
	Public Works Super	Overton
	Town Attorney	Viscardi
	Liquor Clerk	Sizemore
	Assist. PW Super	Willey
	Admin. Assist.	Niemi
Citizens Present	Nikki Turner	RB Herald Times
	Suzan Pelloni	Meeker Chamber of Commerce
	Kathy Mayberry Meeker	Sanitation
	Kim Brown	First National Bank of the Rockies
	Doug Overton	Northwest Auto Sales
	Anthony Mazzola	Meeker Lions Club
	Harry Watt	Blue Spruce Inn
	Avis Loshbaugh Meeker	Hotel and Cafe
	Leif Joy & Jim Joy	Joy Surveying, Inc.
	David Cole	Meeker Chamber of Commerce
	Ellene Meece	Meeker Chamber of Commerce
	David Meece	Peggy Schmidt
	Dave Scherbarth Frank &	Anita Faulhaber
	Dr. Bob Dorsett	

CALL TO ORDER

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

ROLL CALL

All Trustees present.

APPROVAL OF THE AGENDA

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

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

APPROVAL OF VOUCHERS

Mayor Etheridge asked for questions or comments regarding the revised set of vouchers dated March 17, 2009. Suzan Pelloni stated the Chamber of Commerce would like to request the \$55,000 allocated by the Board from last fall. Mayor Etheridge confirmed that the Board had budgeted this allocation in its 2009 budget. Trustee Omer inquired if the payment to the Chamber was a lump sum, with Administrator Sharon Day stating yes.

A motion to approve the revised set of vouchers dated March 17, 2009 was made by Trustee Omer, seconded by

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Trustee Waldref. All ayes. Motion carried.

APPROVAL OF THE PREVIOUS MINUTES

Mayor asked for comments, questions or revisions to the March 3, 2009 minutes with none noted.

A motion was made by Trustee Mills to approve the March 3, 2009 minutes as presented, seconded by Trustee Waldref. Ayes ó Trustee Omer, Waldref, Mills, Strate and Gerloff. Trustee Halandras abstained. Motion carried.

PUBLIC PARTICIPATION

Request from Meeker Sanitation district to waive excavation permit fee for their summer projects.

Public works Superintendent, Russell Overton, left the room due to a conflict of interest. Kathy Mayberry, representative from the Meeker Sanitation Board, stated the Sanitation District would be replacing the sewer mains on 8th Street and some alleys off of 8th Street as well as one block of Garfield with parts of 4th and 5th Streets. She stated the Sanitation District is working to replace sewer mains and other work which would include upgrades, replacements and keeping up with maintenance as the mains were getting old. She also stated the estimated cost of the project would be \$1.5 million. She stated Meeker Sanitation was hoping the Town would waive the excavation permit fees to help lessen the costs of the project. Mayor Etheridge inquired if the work had begun last year with 6th Street, with Ms. Mayberry stating yes. Mayor Etheridge inquired about how long the time period of the project would be, with Ms. Mayberry stating she didn't know, but would be expensive and long. Trustee Mills asked how much it would save the Sanitation District if the Town waived the excavation fees. Ms. Mayberry stated she didn't know how much the fees were and was unable to provide that information at this time. Mayor Etheridge inquired if Ms. Mayberry could provide information regarding the cost of the excavation fees for the project as well as more information on the project by the next Board meeting. Ms. Mayberry stated she would have the plant manager come to the next meeting with the information the Board requested.

Mayor Etheridge inquired as to how involved the town would be on the project. Tobey Willey, Assistant Public Works Superintendent stated Town Staff spends a great deal of time on those types of projects. He stated they have to make sure that any water line crossings are done correctly, as well as backfill, compaction, asphalt and other work. Trustee Omer asked if Ms. Mayberry could outline again which projects were planned for the summer. Ms. Mayberry reiterated it would be 8th Street and some of the alleys off of 8th, one block of Garfield Street, with parts of 4th and 5th Streets. She stated 8th street presently has two sewer mains, with one being undersized and the other very old. She also stated those sewer mains serve a large portion of the Town's population. Ms. Mayberry stated the sewer main on Garfield, 4th and 5th Streets is a four inch sewer main that is very old. She stated the Sanitation District had received an Energy Impact grant for \$700,000.00 to help replace the sewer mains and would be replacing approximately 4,100 feet.

Trustee Gerloff inquired as to how soon the project would start, with Ms. Mayberry stating it would be May or June and be finished by the end of September. Trustee Mills inquired if Mr. Willey could put a cost estimate on what the Town would spend for staff time on the project. Mr. Willey stated it depended on the problems they run into, and is unforeseen as to how much time they spend on the project. He stated he would put a report together calculating a cost estimate, based on past projects. He also stated for most projects, on average, staff spent about two to three hours per day on those types of projects. Discussion focused on how wide the trenches are for that type of project, how many feet the project would entail, how the excavation fees were determined and the need for more information on the project. Consensus from the Board was for the Sanitation District to provide more information (costs, project information) for the next meeting.

NEW BUSINESS

Request from Meeker Lions Club for a Special Events Liquor License to serve during the Pioneers Hospital Scholarship Fundraising Event scheduled May 16, 2009.

Liquor Clerk Kathy Sizemore stated the event was scheduled for May 16, 2009 from 4:00 p.m. to 11:59 p.m. at

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the Fairfield Center. She stated Anthony Mazzola from the Lions Club was present and Margie Joy would be the event manager. She also stated the paperwork had been completed, with all fees paid and the public notice posting completed. Staff recommended approval of the request.

Mayor Etheridge asked for questions or comments from the Board, with Trustee Mills inquiring of Mr. Mazzola what the event was for. Mr. Mazzola stated the Lions Club has been asked by the Pioneers Hospital to help raise money for scholarships. He stated the event would feature a Monte Carlo night and the previous year's event had been very successful in raising money for the scholarship program called "Fund Their Own." Mr. Mazzola stated the Lions Club would have servers on the floor and people available to provide a ride home for those who felt they needed one.

A motion was made by Trustee Halandras to approve the request from the Meeker Lions Club for a Special Events liquor license for May 16, 2009, seconded by Trustee Waldref. Ayes – Trustee Waldref, Mills, Strate and Gerloff. Trustee Omer abstained. Motion carried.

Request from Meeker Hotel & Café LLC dba/The Meeker Hotel & Café to register new manager.

Liquor Clerk Kathy Sizemore stated the previous manager (listed on the liquor license) had resigned, and a new manager was required to be appointed by the owners (of the liquor license) within 30-days. She stated Avis Loshbaugh had (been appointed by the owners and had submitted the required documents to the Town for consideration of approval as the manager listed on the liquor license) and everything was in order. Ms. Sizemore stated the Town was waiting on the results of the fingerprints from CBI and Staff recommended approval, contingent upon the fingerprint results (being received and acceptable). Trustee Gerloff inquired about the waiting period and if there were restrictions of what Ms. Loshbaugh could or could not do. Ms. Loshbaugh stated her plans for the hotel and café would include bringing it up to a nicer standard, with a bar which would be more of a lounge type area. She explained that this facility was very important to the downtown area. Liquor Clerk Sizemore added there were no limitations on the licensing (the liquor license for this business is currently in effect), except when a manager resigned the state had to be notified within five days and a manager reappointed (by the owner) within 30 days, approved by the Town authority. She stated the license stays in working order and as long as that was in place there were no restrictions. Discussion focused on who the last manager of the hotel was, and licensing requirements.

A motion was made by Trustee Mills to approve the request from the Meeker Hotel & Café to (approve the request to) register Avis Loshbaugh as the new manager, contingent upon receipt of the fingerprint results from CBI, seconded by Trustee Strate. All ayes, motion carried.

PUBLIC HEARING – 7:17 P.M.

Consideration of adoption of revisions to Meeker Municipal Code Title 18, Chapter 7 (sign code) – Signs and Outdoor Advertising Devices to allow digital signs along Highway 13 in the Highway Commercial Zoning District.

Attorney Viscardi stated the draft document had come through the Planning Commission, with their public hearing held earlier this year, and had recommended the adoption of the revisions to the Meeker Signs and Outdoor Advertising Devices ordinance to specifically include message display signs (digital). He stated the Board had reviewed a draft of the proposed ordinance at their last meeting, stating there was some discussion and suggestions about additions, which have been added to the draft to be considered at tonight's meeting. Attorney Viscardi then outlined the document.

Attorney Viscardi stated the first section was a definitional revision which added a definition of what a message display system is, which is the portion of the sign that changes the advertised message by electronic or digital process, or by remote control. He stated there were some definitions about the mechanics of how it was done, such as dissolving, scrolling, transition and traveling.

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Attorney Viscardi explained the next provision stated what signs were prohibited, with much of it already in the code under Section 18.7.104 (A) (IV) prohibits moving, flashing, blinking, changing colors and various other types of signs that give the impression of movement. He stated there was an exception within the current code for digital time and temperature signs, which would be expanded to include message center display signs.

Attorney Viscardi stated Section 18.7.108 currently deals with processing a sign application regardless of what type of sign it was. He stated the proposed revision came from a suggestion that it would be advisable to add time constraints to the review process as there were no previous time constraints. He stated from the time a full application was received, the Planner had ten days to ensure the application was complete; fees paid and underlined information provided so a decision could be made. Attorney Viscardi outlined other requirements within this section regarding sign permit applications.

Attorney Viscardi stated Section 18.7.110 was the main section of the proposed amendment and set out where it would be applicable. He stated the only place the digital display centers would be allowed was adjacent to Market Street in the Highway Commercial Zone where the Highway Commercial zoned property had a common border with Highway 13. He also stated it took into consideration property that might be zoned Highway Commercial in the future and shared a common boundary with Highway 13.

Attorney Viscardi stated the next section was the authorization for permitting the digital message center displays, which had criteria on how often the message had to be changed, as well as the changing mechanism which could not involve fading, dissolving or other means to go from one message to another. He stated it also required that on either side of Market Street/Hwy 13 there can be no more than one sign every 1,000 feet on either side of the road and was a state regulation. Attorney Viscardi outlined other requirements/criteria regarding the 1,000 foot separation.

Attorney Viscardi stated Section C explains the application process, payment of permit fee which was proposed to be fifty dollars but would not be adopted in the ordinance, but through a resolution to adopt the permitting fee.

Attorney Viscardi stated the next section requires that to the applicant submitting the application requires the applicant to provide a copy of the sign manufactures specifications or operation manual to allow an evaluation to be made based upon the standards of the proposed code, and outlined other requirements of the code pertaining to the default mechanism if the sign malfunctions, and brightness and dimming of the sign.

Attorney Viscardi stated a mechanism had been developed giving priority to an application, by date and time being noted on all applications received, given the limited number of signs that could be placed due to the 1,000 foot separation criteria. He stated it would be a first come first serve situation and if the application was not complete, it would not have priority. Attorney Viscardi outlined other requirements within this section regarding priority of applications.

Attorney Viscardi stated it is proposed that a sign permit would be valid for 120 days from the date it was issued and within that time period, the property owner must get the sign up in its entirety as defined in the permit. He stated if it was not installed as defined in the permit, then the permit expires is null and void and the sign could not be installed.

Attorney Viscardi stated the draft document states signs will be free standing signs only, i.e. a pole type sign. He stated there will only be one message center display sign permitted on a lot and can only advertise the use of the business or type of service offered on the lot for which the sign is located.

Attorney Viscardi stated there was a maximum size of the message center display, not to exceed 15 square feet.

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He stated if it would be part of another sign, then the sign shall not exceed 60 square feet. Any combination of signs in the Highway Commercial Zone can not exceed 150 square feet. He also stated out of the 150 square feet maximum for any sign, the message display portion could only be 15 square feet.

Attorney Viscardi outlined additional requirements in the draft document stating if there was more than one display face (i.e. a two-sided sign) allowed 2 parallel faces. He stated no off-premise signs would be permitted as had been discussed at the previous meeting. Attorney Viscardi explained that off premise message center displays were not permitted, but that the present code allows other off premise signs as defined by the Town's present code. .

Attorney Viscardi outlined other criteria in the draft document to include: the message center display can not use blinking or flashing lights, continuous flowing, traveling messages or animation, no moving parts, or the appearance of motion. He stated the display sign will not be able to display television quality video, video graphics or full motion video. He stated the change in display could not use a "sudden effect" which may be distracting to motorists, the intensity of the display sign shall be done by automatic sensors, stating that between sunset on one day and sunrise on the following day, the intensity of the sign will not be greater than 20 percent of the sign's maximum intensity as indicated in the manufacturers specifications.

Additional criteria: if a business had multiple occupants only one message display sign could be used to advertise all businesses, a provision regarding the default mode, to prevent a malfunctioning sign from blinking wildly, and processes for existing time and temperature displays to convert to message center displays, which would include the filing of a new application. Attorney Viscardi stated that if the draft document were to be adopted, Provision R on page five provided for some dates so anyone who wanted to file a permit would have a date certain when applications would be accepted. Attorney Viscardi outlined other requirements under this provision. Attorney Viscardi stated Provision S was general language that was in the State's rules and was a catchall safety provision. Attorney Viscardi outlined the reason/need for the provision.

Attorney Viscardi stated there had been a request from a citizen for the Town to consider allowing digital signs. He stated there were conversations with CDOT to gain a sense of the regulations, stating CDOT was in the process of amending their regulations but had not been adopted yet. Attorney Viscardi stated that some of the state's regulations were rolled into the new draft ordinance and reiterated that the ordinance dealt with the changing of the message, how long the message had to stay in place before changing, etc. He also reiterated the additions to the draft document and explained the reasons for why they were added.

Mayor Etheridge commended Attorney Viscardi and Planner Smith for their work on the regulations and said it was very important to be definitive in the regulations. She then asked for comments or questions, with Trustee Mills inquiring about Section 18.7.110 regarding "located within 1,000 feet of another sign containing a message center display located on the same side of the street," asking Attorney Viscardi if it mattered which side of the street. Attorney Viscardi clarified by providing an example: the bank has their sign which is not a message center display, but is a lawful sign. He stated if the bank were to come in and change their sign to a message center display sign, so they could advertise interest rates, etc., that the sign would then be the benchmark of what is going to happen on the north side of Market Street. He stated it would be 1,000 feet in either direction where the next sign could be. Trustee Mills asked if a message center sign was the time/temperature sign like the bank currently has, with Attorney Viscardi replying no. It was pointed out that the north side of the street doesn't govern where signs may be placed on the south side of the street, for example. Discussion focused on message display signs, how they are used to advertise and what is advertised, having no benchmark at this time on Market Street, the probability of someone between the 1,000 feet disputing the signs, the mechanism in place to alleviate it, and unforeseen problems.

Trustee Omer inquired if the State regulations stipulated anything about setback from the edge of the street or

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distance from regulatory signs, such as stop signs or directional signage for public safety. Attorney Viscardi stated the Town code presently states that no sign will be installed where it could be confused with a traffic control sign, and has to be on private property and can not be within the highway right away. Trustee Omer inquired if two signs were placed 1,000 feet apart and in the future, CDOT approved a traffic light on Market Street, would safety take priority with CDOT requiring one of the signs to be removed. Attorney Viscardi stated he hadn't thought about that, but if it was a health/safety issue, the State could override the Town's code. Discussion focused on what CDOT may or may not do in that situation, regulations, types of regulations for state highways, and what would happen if there was a great demand for message display signs.

Mayor Etheridge opened the discussion to the public present.

Dave Scherbarth stated he just wanted to make two suggestions. 1) On the maximum illumination he recommended/suggested a measurable amount of light, or 20 percent, which ever would be less. 2) Changes in the road and state regulations so he stated he was familiar with state regulations and most times they won't grandfather in an existing sign suggesting a disclaimer be placed in the application for the future, stating they acknowledge if the sign no longer conforms with the state regulations, the State may require it to be removed.

Leif Joy, Julie Circle so Mr. Joy inquired how the 1,000 feet would be measured, would it be from sign post or would it be from property edge. Attorney Viscardi stated it would be from the sign. Discussion focused on the map that was provided with each circle representing 1,000 feet. Planner Smith stated the first circle on the map was 2,000 feet and each circle thereafter was 1,000 feet. Trustee Omer inquired if there had been any other public comments, besides the recommendation of approval from the Planning Commission. Administrator Day stated there was one individual at the Planning Commission Public Hearing who supported the regulations. Planner Smith reported that the proposed amendment was advertised on the radio, in the local newspaper and the Chamber emailed information more than one time and the publications did not generate a lot of interest.

Mayor Etheridge inquired about Item I on page four, if it was a state regulation or part of the Town's existing ordinance that the sign had to pertain directly to the business. Attorney Viscardi stated yes to an extent, as the State doesn't allow them as an off-premise sign either. Discussion focused on off-premise signs, message display signs and what messages are allowed, such as; seasonal messages, community messages and welcoming messages for events.

Mayor Etheridge inquired if it would be possible to look at illumination requirements and possibly reword that section. Attorney Viscardi stated yes. Discussion focused on putting the disclaimer in the application, and ways to check the illumination of a sign. Mayor Etheridge closed the Public Hearing at 8:07 p.m. Mayor Etheridge inquired if the Board was in favor of requesting Attorney Viscardi to draft an ordinance that would officially change the Town's existing code. Attorney Viscardi stated since the Board had not voiced their opinion, there were two options. 1) If the Board wanted to make a determination at tonight's meeting to move forward, and consider the adoption, or 2) if the Board wanted to have the ordinance prepared, and then make a determination during the next meeting. Mayor Etheridge asked the Board if they wanted Attorney Viscardi to draft the ordinance for review at the next meeting, with the inclusion of the illumination, the disclaimer and the State's position on seasonal community oriented messages. Discussion focused on the State's regulations on illumination and other community's regulations on illumination, how to measure illumination with a meter by a certified person.

Trustee Gerloff stated there should be a consensus from the council if they even wanted to proceed. Trustee Halandras stated he felt the ordinance should be adopted and the extra items could be added by Attorney Viscardi. Attorney Viscardi stated for clarification that the State's regulations refer back to the local authority's regulations, so if the local authority does not have a mechanism to do it, then it would probably be prohibited. Discussion focused on if the Board was in agreement to move forward with the ordinance, information disseminated to the public regarding the public hearing and digital message center signs. Consensus from the

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Board was to proceed with the ordinance, with Attorney Viscardi to add the additional items discussed previously, and have it ready for the Board's consideration during the next meeting.

Request from Jim Joy to discuss concerns about the Town of Meeker's Subdivision Code

Mayor Etheridge asked Mr. Joy if he could present to the Board a hardcopy of the list of concerns he had. She stated this would allow the Board time to review the information and potentially add it as an agenda item or a workshop discussion for another meeting. Mr. Joy stated he would be happy to give the Board the document he had drafted and let them review it, and then have a workshop. He stated the document was promulgated by a subdivision recently presented that took quite some time to go through the processes. He stated they had done it for many years, and that the process really needed to be looked at, to try to help shrink the gap between once the process was started to approval or disapproval and that was the context of the document he presented to the Board.

MAYOR'S REPORTS

None

MANAGER'S REPORTS

None

ATTORNEY'S REPORTS

None

OTHER TOWN BOARD BUSINESS

Board Workshops: Leif Joy inquired about the criteria in which the Board had in forming a workshop. Mayor Etheridge stated it was Board or Staff directed and was a relatively new process. She stated the Board realized there were many big projects, ideas or issues that needed to be discussed in a less formal setting and as a Board, they can sit down and have a discussion on how to proceed with whatever issue that they needed to discuss. Mayor Etheridge stated the second meeting of the month, was when the workshops took place and that everything the Board does is open to the Public. She stated the workshops are open to the public but the Board does not invite public discussions, unless otherwise noted.

New Chamber Leaders: Suzan Pelloni, Meeker Chamber of Commerce introduced David Cole as the Executive Director for the Chamber and Ellene Meece, the new Membership Coordinator. She stated in the next month the transition would occur and that she would be there to assist into a smooth and easy transition. She also stated Dee Cox would be the Tourism Coordinator. Suzan outlined the duties of Ellene as the new Membership Coordinator as well as David Cole's duties as Executive Director. Mr. Cole stated he was thrilled to be able to work in the same town where he has lived for many years and looked forward to building on the groundwork that Suzan had built over the past couple of years.

Donation ó Town Clerk Lisa Cook stated the Town had been given a donation from the Youth Football League in the amount of \$500.00, thanking the Town for the use of the 6th Street Park. She stated Staff wanted to know what the Board would like the Town to do with the donation, such as give it back to them or use it to purchase some equipment, etc. Ms. Cook stated that the Town does not charge anyone to use the park's other than Ute Park, which have leases. She stated it was a gesture on the Youth Football League's part to thank the Town for the use of the field. Trustee Omer inquired if the group had identified any needs, with Ms. Cook stating she didn't know, but could find out. She inquired if it would be used for the league or the park. Trustee Halandras stated it could be a combination. Discussion focused on what had been done the previous year with the donation, projects in the park that would benefit the football league or other groups utilizing the park, and potential maintenance items for the park that would benefit the football team. Consensus from the Board was to send the donation back with a thank you note.

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ADJOURNMENT

Mayor Etheridge adjourned the meeting at 8:32 p.m.

Attest:

Mandi Etheridge, Mayor

Lisa Cook, Town Clerk