

The Regular Meeting of the Meeker Town Board was held Tuesday, July 7, 2009 at Town Hall.

Members Present	Mayor	Etheridge
	Trustees	Gerloff Omer Cook Halandras
Members Absent	Trustees	Mills Strate
Town Staff Present	Town Administrator	Day
	Town Planner	Smith
	Town Attorney	Viscardi
	Chief of Police	Hervey
	Public Works Super.	Overton
	Liquor Clerk	Sizemore
	Admin. Assist.	Niemi
Citizens Present	Nikki Turner	RB Herald Times
	Sandy Kent	ESI
	Cynthia Frantz	Feyø Business Ventures ó dba White River Convenience
	Clelia Perea	Andreaø Market Street Grill
	Marisa Martinez	Los Koras Mexican Restaurant
	Leif & Jim Joy	JSC Surveying

CALL TO ORDER

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

ROLL CALL

All present, except Trustee Mills and Trustee Strate. Noted for the record that after her marriage Trustee Katelin Waldref is now Trustee Katelin Cook.

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 Halandras. All ayes, motion carried.

APPROVAL OF THE PREVIOUS MINUTES

Mayor Etheridge asked for comments, questions or revisions to the June 16, 2009 minutes, with Administrator Day stating she had made an addition on page 8. She stated there was a question from Trustee Omer regarding the power lines and if they were included in the cost estimate. Day stated they were so she just added õyesö and added information in parenthesis for clarification.

A motion was made by Trustee Halandras to approve the June 16, 2009 minutes with the noted change on page 8 as added by Administrator Day, seconded by Trustee Omer Ayes: Trustee Gerloff, Halandras, and Omer. Trustee Cook abstained. Motion carried.

APPROVAL OF VOUCHERS

Mayor Etheridge asked for questions or comments regarding the revised set of vouchers dated June 30, 2009.

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She inquired about Item #49 of the General Fund ó Credit Union of Colorado, asking what the window lettering was for. Day explained it was for lettering on the window next to the front door listing all the departments in Town Hall, and was needed because the new sign out front didn't list them.

Mayor Etheridge inquired about Item #56 of the General Fund, MB Enterprises for window cleaning. She stated there had been complaints and that she had been approached about it. Day stated a year ago the Town had tried to locate a window cleaning firm. She stated this company was used by First National Bank of the Rockies and she had asked them to contact the Town next time the company was in town. She stated they had done a great job, but were not able to wash the second floor windows on the alley side due to the power lines.

Mayor Etheridge inquired about Item #54 of the General Fund, Survey of Sulphur Creek at Ute Road, if the amount was a deposit. Day replied no, and stated it was the topography survey for Stantec. She stated the Board would see a cost estimate for more survey work, regarding the topography and the right-of-way survey to determine where sidewalks could go between Garfield and Shults Drive on Sulphur Creek Road. Mayor Etheridge clarified the \$1,000.00 was for previous information Stantec needed, and the cost estimate information the Board would see later would be for additional information that was needed. Day stated that was correct.

Trustee Gerloff inquired about Item #51 of the General Fund, 10,000 gallons of dust guard, if that was magnesium chloride, and if it was for every alley in Town. Public Works Superintendent Russell Overton stated yes, every alley and for 11th Street, 12th Street, Sage Court and the Park parking lot. Trustee Gerloff inquired as to what the benefits were for doing every alley, with Mr. Overton stating it keeps the dust down. He stated in the past they had done selected alleys but had evolved to doing every alley as people were asking to have them done. Mayor Etheridge asked if there were any additional questions with none noted.

A motion to approve the revised set of vouchers dated June 30, 2009 was made by Trustee Cook, seconded by Trustee Halandras. All ayes, motion carried.

STAFF UPDATES

Planning Department - Planner Smith stated the Building Department was working on two commercial remodeling permits, one for Meeker Drug (interior fire damage repair) and the other for White River Electrical Association's IT building. She stated there were four residential permits, two detached garages, one attached porch and one basement remodel. Planner Smith stated for the upcoming July 27, 2009 Planning Commission meeting two variances are on the agenda, with the possibility of a third applicant.

Mayor Etheridge inquired if the Planning Commission vacancy had been filled, with Day stating no letters of interest had been received at this time. Trustee Omer inquired if the revised sign ordinance was in effect, with Planner Smith stating yes. Discussion focused on the date the revised ordinance went into effect and minor difficulties with the sign company for Blue Spruce Inn's sign. Mayor Etheridge inquired if there were any other applications for digital signs with Planner Smith stating an inquiry had been made by Valley Motel's new owners, but decided to do a marquee under the new sign, and have not yet applied.

Police Department ó Chief of Police Bob Hervey stated for the month of June there were 253 calls; 14 Criminal, 15 Traffic and nine arrests. He stated he didn't have the animal shelter statistics for the month. Chief Hervey stated during the Fourth of July holiday, there was a combined 15 arrests made between the Town, the Sheriff's Department and the State Patrol. Trustee Halandras inquired as to which entity conducted the mandatory DUI checkpoint in Town. Chief Hervey stated it was conducted by the State Patrol, with assistance from the Rio Blanco County Sheriff's officers.

Public Works ó Public Works Superintendent Russell Overton stated the crew had been painting streets, mowing and spraying weeds, pumping water, chipping limbs and assisting with the application of mag chloride in the

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alleys. He stated over the Fourth of July weekend the Park had two street lights shot out. He also stated there had been four sign posts pulled out, seven street signs missing, one of the street signs pulled up had been moved two blocks away, and the parks had more trash than he had seen since he started working for the Town.

Mayor Etheridge thanked Mr. Overton and the crew for their work in cleaning up after the weekend's festivities. Trustee Omer inquired as to what part of the signs was missing, and what would be the cost per sign. Mr. Overton stated they were all street signs, with the small part of the sign missing, and would be about \$20.00 each to replace plus labor expense. Trustee Omer inquired if there was any other major damage or vandalism to the parks, with Mr. Overton stating none that they had seen yet, but sometimes it took a couple of days to notice it all. Chief Hervey stated there had been private property damage in the same area as to where some of the signs were taken.

PUBLIC PARTICIPATION

Thank you ó Marisa Martinez thanked the Town for the dirt placed in the alley behind Los Koras Mexican Restaurant, stating it took care of the large dip there. Mr. Overton stated it is graveled each year before they put down the magnesium chloride.

Request to consider adopting a resolution urging Congress to preserve the exemption for hydraulic fracturing in the Safe Drinking Water Act/ Sandy Kent, ESI

Sandy Kent ó ESI made a presentation to the Board regarding a proposed bill by Congresswoman Diana DeGette and Congressman Jared Polis, regarding hydraulic fracturing and groundwater contamination. She stated there were several misconceptions in the proposed bill regarding hydraulic fracturing, stating it had been regulated for many years by the States ever since it was used commercially. Ms. Kent outlined the process of hydraulic fracturing for natural gas, noting it greatly increased the supply of natural gas. She also stated the process was scientific, not haphazardly done and there was no reason for the EPA to regulate hydraulic fracturing, based upon past studies conducted. She stated there was no basis for the proposed bill, and Congressmen who had supported it the previous year, were no longer supporting it this year. Ms. Kent stated hydraulic fracturing was currently regulated under the COGCC (Colorado Oil & Gas Conservation Commission) and in different States under different commissions. She stated the proposed bill would be duplicate legislation, and would cost approximately \$100,000.00 per well without any benefits, (public or health). Ms. Kent stated she was seeking a resolution from the Town to oppose the proposed bill, as the bill really didn't have to do with fracturing; it had to do with duplicated legislation which isn't needed. Ms. Kent provided a list of towns/communities and states which have all provided resolutions against the proposed bill.

Trustee Omer inquired about the current status of the proposed bill. Ms. Kent stated it was in the Committee and presently Congresswoman DeGette was looking for another bill to attach it to, but was also trying to get it to stand alone. Mayor Etheridge asked Ms. Kent if the bill was duplicate legislation, what did Congresswoman DeGette feel she would accomplish by adding legislation to the existing legislation? Ms. Kent stated in her opinion it was to hinder oil and gas development, which didn't make sense logically as it would increase the United States dependency on foreign oil. Mayor Etheridge stated from what she understood from the proposed bill, that it would require disclosure of chemicals used in hydraulic fracturing and if that was the essence of the bill or was there more? Ms. Kent stated chemical information is already disclosed on a Materials Safety Data Sheet (MSDS) and is available at every frac location. She stated there was proprietary chemical information as well, but not released to the general public, because it is a company's selling point. Ms. Kent stated if there was a health issue the proprietary formula is available to the COGCC and any health professional by request.

Ms. Kent stated Congresswoman DeGette wanted hydraulic fracturing federally regulated by the EPA, which comes down to Federal rights and State rights, and is already regulated through the States. Mayor Etheridge stated it seemed like a big debate between federal regulations versus state regulations and wasn't sure she would approve a resolution at this time without reading all the information Ms. Kent had presented. She also stated it seemed like a bigger political picture statement the Town would be making, as opposed to something smaller that is happening in the Town's backyard and felt it was both. Mayor Etheridge stated it is something that affects the

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Town economically and needed to be taken into consideration, but also needed to look at the bigger picture of what is really going on with the proposed bill, and without more information it would be hard to make a good decision. Trustee Halandras stated he didn't feel Ms. Kent was looking for a decision at this time, with Ms. Kent agreeing, stating she had included a sample resolution and whatever the Town decided would be fine. She stated they were working to get all the towns and communities in Colorado to send in resolutions voicing their opinion.

Mayor Etheridge stated her other question in considering the resolution was if the bill merely required publication of what chemicals were used, and how would that cost \$100,000.00? To generate another report or was it more complicated? Ms. Kent stated more paperwork would have to be met, procedures would have to be put in place, hiring of more personnel to complete the paperwork and to ensure there were no violations that they could be fined for. Discussion focused on the publishing of chemical information, current regulations, and the possibility of the proposed bill duplicating what currently exists. The Board concurred to postpone their decision regarding a resolution until a later meeting after they had a chance to fully review the information presented.

NEW BUSINESS

Request from Smoking River Pow wow to discuss installing permanent underground electricity to Pow wow Ring in Ute Park and a request for a donation to the Smoking River Pow Wow 2009 event.

Trustee Mills was not present to discuss underground electricity and the item was tabled until further notice.

Lynn Lockwood of Smoking River Pow-wow Committee of Ms. Lockwood began by thanking the Board for all their support. She then outlined this year's Pow-wow events and sponsorship/funding information for the Board, stating corporate sponsorship had dropped off a bit for this year, but the committee had received a grant from Colorado Council on the Arts. She also stated they had received \$2,000.00 from the Mountain Ute Tribe, \$2,000 from the Northern Ute Tribe, along with other financial donations, including a donation of buffalo meat to be used for a traditional feast on Saturday of the event. Ms. Lockwood stated with the contributions of \$2,000.00 from the Mountain Ute Tribe and the same amount from the Northern Ute Tribe, she was asking the Town to match their donations.

Mayor Etheridge clarified Ms. Lockwood was asking for \$2,000.00 not \$4,000.00. Ms. Lockwood clarified it would be \$2,000.00. Trustee Halandras stated the Town had already donated the use of the park, and inquired as to how much that cost. Administrator Day stated she believed it came to about \$1,000.00. Ms. Lockwood stated the Pow-wow would never be the Meeker Classic and is a "pay it forward" event, gaining their reputation by not charging admission, and will always be a non-profit event. Mayor Etheridge stated she foresees the event coming to the level of the Meeker Classic and regarding the financial aspects, felt the Board may have a hard time giving \$2,000.00 when they have given the Pow-wow committee the use of the park, as well as paying for the dirt work done.

Mayor Etheridge inquired if the Pow-wow committee had any sponsorship settings, providing the example of the Philanthropy Day's sponsorship. She stated she would be comfortable if there was some type of sponsorship, where the Board could say "yes, the Town would like to be a gold or bronze sponsor." Ms. Lockwood stated she was asking the Town to be an Eagle sponsor which would be \$2,000.00 and the highest category. She stated the committee acknowledges the Town's past contributions and would count that in. Ms. Lockwood stated the donation would get the Town logo on the Pow-wow poster, the program, and their website with a link to the Town's website. Trustee Halandras inquired as to how much the Town had spent on dirt work, with Day stating she thought it was \$1,200.00 but wasn't sure. Discussion focused on how much the Town had donated so far, the dirt work benefiting others and not just the Pow-wow. Mayor Etheridge inquired of Administrator Day as to what type of precedent had been set for donations for the Pow-wow. Ms. Lockwood stated the Town had given \$1,500.00 in 2008, sponsoring the lighting. Mayor Etheridge inquired as to what other levels of sponsorship the Pow-wow committee had. Ms. Lockwood outlined the sponsorship levels and what the Town would receive through each level. Trustee Omer inquired as to how many Eagle sponsorships the committee had to date, with

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Ms. Lockwood listing them.

Mayor Etheridge stated at the last Board meeting, the Chamber of Commerce had requested a \$2,500.00 donation towards their flower pot project and her comment then was the Town does set aside a specific amount of money for Community Development and the Ute Park line item has either been used for dirt work or other work. She stated Ms. Lockwood's request was a large one for a community donation, and she would like to have more information so the Board can look to see where they are at, i.e. how much is left, how much has been spent and what has been spent for other community development opportunities, and for a \$2,000.00 sponsorship the Board may want to look to see if it is feasible. She also stated she would feel good being an Eagle sponsor because of the representation the Town would receive at the Pow-wow. She reiterated the Board needed to look at past information to make an informed decision at the next meeting. Ms. Lockwood stated they would be grateful for any donation and thankful the Board would consider the request. She stated she would provide more information regarding the different levels of sponsorship. The Board concurred to postpone their decision until the next meeting for additional discussion on the request.

Request for public comments concerning Meeker Police Department's request for "Edward Byrne Memorial Justice Assistance Grant" to purchase equipment consisting of Push to Talk Phones, Cameras, with scopes, and Image Stabilizer binoculars. The grant requires no match funding from the Town.

Administrator Day stated one of the requirements of the grant was the Town publicize the grant request and allow for public comments, stating it had been advertised in the paper. Day stated the grant requested funding to purchase four Push to Talk phones, cameras with scopes and Image Stabilizer binoculars. Trustee Gerloff inquired if the phones were like Nextel phones and if there was service in the area. Chief Hervey stated they weren't like that and there was no service in this area. He stated they were more like walkie talkies working unit to unit. Trustee Omer asked for clarification of who the granting organization was, with Day stating it was the Edward Byrne Memorial Justice Assistance Grant (JAG) and part of the stimulus funding. She stated the organization had already determined how much each municipality could apply for. She explained the Town could apply for up to \$10,000.00 and the grant request was approximately \$9,500.00 and had been submitted. Trustee Omer inquired about the timetable for considering applications and making grant awards. Day stated if the Town complied with all the requirements, the Town would receive funding. She stated one of the steps required entering into a Memorandum of Understanding (MOU) with Rio Blanco County and states that if the County wanted to use the equipment; it would be available to them. She stated all the requirements should be completed by tomorrow, and within the next 14-20 days the Town should know if the grant would be awarded. Discussion focused on the need for a MOU with County.

Request from Fey's Business Ventures Inc. dba White River Convenience, 793 Market Street, to renew 3.2 percent beer retail license (off premises).

Liquor Clerk Kathy Sizemore stated this was the yearly license renewal and Ms. Frantz was present. She stated there had been 24 calls for service to the address with none related to alcohol. Liquor Clerk Sizemore stated there were no changes on the license, all fees had been paid and Staff recommended approval. Trustee Omer inquired as to what off premise designation meant. Day stated it meant a person purchases alcohol in a package and drinks it off the premises, and is a State designation.

A motion was made by Trustee Gerloff to approve the renewal of the 3.2 percent beer retail license off-premise for Fey's Business Ventures Inc. dba White River Convenience, seconded by Trustee Halandras. All ayes, motion carried.

Request from Los Koras Mexican Restaurant Bar LLC, 173 1st Street, to accept transfer of ownership tavern liquor license application and schedule public hearing. The transfer of ownership request is from Andrea's Market St. Grill, LLC to Los Koras Mexican Restaurant Bar LLC.

Liquor Clerk Kathy Sizemore stated this was for the Board to accept the application for the transfer from

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Andrea's Market Street Grill, LLC to Los Koras Mexican Restaurant Bar LLC. She stated the application was complete, except for one set of fingerprints for Ms. Perea. Liquor Clerk Sizemore asked the Board to set a Public Hearing not less than 30-days, which would be August 18, 2009, and would be published in the paper and posted at the premises. She stated after the public hearing, all information would be sent to the State.

A motion was made by Trustee Gerloff to accept the transfer of ownership application for the tavern liquor license from Andrea's Market Street Grill, LLC to Los Koras Mexican Restaurant Bar LLC pending fingerprint approval from CBI and setting the Public Hearing date of August 18, 2009, second by Trustee Cook. All ayes, motion carried.

MANAGER'S REPORTS

Historical Assessment Update: Administrator Day stated the assessment was still in progress, but has not been able to determine where the State is in the process. She stated she had spoken to the School District about any engineering work that had been done on the Elementary School, and it appears there hadn't been any done.

Energy Impact Grant ó Administrator Day stated there had been discussion in a previous workshop about submitting an Energy Impact Grant in August. She stated after reviewing everything and not knowing for sure by August 1st, whether the Town would have obtained enough funds for Ute Road, that application may have to be resubmitted as well. She stated she and Mr. Overton had discussed it and thought possibly the best way would be to submit an Energy Impact request for paving work needed for next year and look at other funding sources for sidewalks. If done that way, the Town could submit the asphalt request in December and still meet the deadlines to get the bid out, with the asphalt work done in mid May or June. She stated with the Board's approval that is what they would like to do and gives the Town the opportunity to resubmit if more funding was needed for Ute Road. Discussion focused on the amount for a grant proposal in December, streets to be paved, the meeting with Stantec regarding where intersections would be located for Rio Blanco County and the round-about use. The Board concurred to the grant scheduling as discussed.

Survey ó Administrator Day stated the Board had a price proposal for the survey work to be completed between Shults Drive and Garfield Street on Sulphur Creek Road to determine where sidewalks might be constructed. She stated the price quote was from JSC, Inc. in the amount of \$5,260.00 and Staff recommended moving forward with funding coming from the Feasibility Study line item.

A motion was made by Trustee Halandras to accept the JSC Inc. estimate for services in the amount of \$5,260.00, seconded by Trustee Gerloff. All ayes, motion carried.

ATTORNEY'S REPORTS

None

OTHER TOWN BOARD BUSINESS

None

ADJOURNMENT

Mayor Etheridge adjourned the meeting at 8:10 p.m.

Mandi Etheridge, Mayor

Attest:

Lisa Cook, Town Clerk