

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

Members Present Trustees	Mayor	Etheridge Omer Cook Gerloff Halandras Mills Strate
Members Absent		
Town Staff Present	Town Administrator Town Clerk Attorney Admin. Assist.	Day Cook Viscardi Niemi
Citizens Present	Nikki Turner Shonda Otwell Alex Sanchez	RB Herald Times Meeker Chamber Executive Dir. Applicant ó Fiesta Guadalajara

### **CALL TO ORDER**

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

### **ROLL CALL**

All Trustees present except Trustee Strate.

### **APPROVAL OF THE AGENDA**

Mayor Etheridge asked if there were any changes to the agenda, with Attorney Viscardi requesting an Executive Session pursuant to C.R.S 26-4-402(4) concerning the Walbridge Wing Facility and Fund.

A motion was made by Trustee Omer to approve the agenda with the addition of an Executive Session, seconded by Trustee Halandras. All ayes, motion carried.

### **APPROVAL OF THE PREVIOUS MINUTES**

Mayor Etheridge asked for changes or revisions to the minutes of November 3, 2009 with none noted.

A motion was made by Trustee Gerloff to approve the November 3, 2009 minutes, seconded by Trustee Halandras. Ayes ó Trustees Gerloff, Halandras and Omer. Abstained ó Trustees Cook and Mills. Motion carried.

Mayor Etheridge asked for changes or revisions to the minutes of the Special Meeting of November 5, 2009, with Administrator Day stating the Call to Order time should be 5:36 p.m., under the request from Dacia Inc. dba Fiesta Guadalajara adding the name Cook after Town Clerk; and the B in GBMCK LLC changed to P.

A motion was made by Trustee Halandras to approve the minutes of the Special Meeting of November 5, 2009 minutes with the noted revisions, seconded by Trustee Gerloff. Ayes ó Trustees Omer, Gerloff and Halandras. Abstain ó Trustees Cook and Mills. Motion carried.

### **APPROVAL OF VOUCHERS**

Mayor Etheridge asked for questions or comments regarding the revised set of vouchers dated November 17, 2009. She inquired about Item #29 under the General Fund for the 4-Nikon Cameras asking if they were part of the JAG grant written for the Police Department? Day replied yes, adding they would also be obtaining night scopes. Trustee Gerloff inquired about the feasibility of watching prices for aggregate and the ease of stockpiling it during down times. Day stated they do go out for cost proposals, but don't have much room to stockpile.

***Regular Meeting of the Town of Meeker – November 17, 2009***

Trustee Gerloff stated he was recently in Craig and had noticed their stockpiles; stating he thought it made sense due to price fluctuation. Trustee Mills stated it would be better to stockpile in the summer; explaining that during inclement weather it becomes frozen. Trustee Halandras stated they don't usually use very much, except this time. Day stated it was used around the water tank at Ute Terrace, adding normally it is used to fill a water ditch due to a water line break, or something similar. Mayor Etheridge asked for additional comments or questions with none noted.

A motion to approve the revised set of vouchers dated November 17, 2009 was made by Trustee Halandras, seconded by Trustee Mills. All ayes, motion carried.

**PUBLIC PARTICIPATION**

None

**NEW BUSINESS**

***Request from Dacia, Inc. dba Fiesta Guadalajara, 624 Market Street for Hotel Restaurant Liquor License transfer from Gary's Smokehouse.***

Town Clerk Cook stated the transfer of the Hotel Restaurant Liquor License was from GPMCK LLC, dba as Gary's Smokehouse to Dacia, Inc. dba Fiesta Guadalajara. She stated Alex Sanchez was present; the Vice President of Dacia, Inc. and had applied to be the registered manager for the establishment. Clerk Cook stated application materials and fees were received November 4, 2009 and at a Special Meeting November 5, 2009 the Board granted a temporary permit. She stated the application included an Affidavit of Transfer signed by Gary McKinney and a representative from Dacia, Inc., a lease agreement, Articles of Incorporation; a Certificate of Good Standing issued by the State, and a diagram of the licensed premises. Clerk Cook stated there were individual histories of each member of the corporation; three letters of character reference for each, adding the members of the corporation were Alex Sanchez, Salvador Sanchez and Enedina Ortiz. She stated finger prints have been submitted to CBI for the three applicants and the Town had received Alex's back and was clear. She stated if the Board approved the application it would be sent to the State Liquor Enforcement office for final approval and Staff recommended approval of the transfer contingent upon the receipt of finger print information and history clearances for Salvador Sanchez and Enedina Ortiz. Mayor Etheridge asked for questions or comments from the applicant and the Board. Trustee Omer inquired about the process; the change from one operator to another and why it's handled as a transfer? Day stated the premise is what was licensed, the building/property and transferred to the new owner. Clerk Cook explained each license was two-fold; when there's a new application for a new establishment, the Town/Public approves the establishment and the second part is the people involved in the license (i.e. Alex Sanchez, his brother Salvador and Enedina) who are required to go through a background investigation. She stated the property was licensed when Mr. McKinney applied (Gary's Smokehouse) and now that Mr. Sanchez is taking over, they were transferring the license from Gary McKinney to Fiesta Guadalajara.

A motion was made by Trustee Gerloff to approve the Hotel Restaurant Liquor License transfer from Gary's Smokehouse to Dacia Inc., dba Fiesta Guadalajara located at 624 Market Street, contingent upon the receipt of fingerprint clearances for Salvador Sanchez and Enedina Ortiz, seconded by Trustee Halandras. All ayes, motion carried.

***Consideration of Resolution No. 8, Series 2009. A Resolution authorizing the continuation of an account at the Credit Union of Colorado for the Town of Meeker.***

Town Clerk Cook stated an annual resolution is required by the Credit Union of Colorado authorizing the Town of Meeker, the Mayor, Mayor Pro-Tem, Town Administrator and Town Clerk to transact business on the accounts (credit cards), with department heads and the Mayor holding the credit cards. Trustee Gerloff inquired what they were used for, with Day stating lodging; items that won't take a check or require advanced payment. Clerk Cook added there was a \$1,500 limit on each card. Trustee Omer inquired if there was an annual fee or membership fee,

***Regular Meeting of the Town of Meeker – November 17, 2009***

with Cook stating no; and no interest is charged as long as payments are made on time.

A motion was made by Trustee Omer to approve Resolution No. 8, Series 2009 authorizing the continuation of an account with Credit Union of Colorado for the Town of Meeker, seconded by Trustee Cook. All ayes, motion carried.

***Public Hearing 7:15 p.m. – Consideration of the Town of Meeker year 2010 proposed budget.***

Mayor Etheridge opened the Public Hearing at 7:15 p.m. Day stated the proposed Town of Meeker 2010 budget was presented with revenues and expenditures balanced. She stated the budget document included beginning and ending fund balances; budget preparation and policy information; a plan for revenues and expenditures in each fund; an explanation of each; departments functions; summary and line items statistics for the previous two years of revenues and expenditures as required by State Statute. Day stated revenues were projected after review of available historic information, projections provided to the Town from the Department of Local Affairs (DOLA); Associated Governments of Northwest Colorado and Colorado Municipal League. Day stated the Board and Staff strive to minimize expenditures without jeopardizing municipal services and maintenance for the Town's equipment and infrastructure. She stated grant funding would be requested when possible to assist funding for various projects. She added the Town's 2010 Budget included contributions to the Meeker Chamber of Commerce; focusing on increasing tourism and assisting local businesses in economic development endeavors; contributions to Rio Blanco County for dispatch fees; a donation to the Meeker Historical Society to assist with salaries for those working at the White River Museum on weekends; and funding assistance for the Fairfield Community Center. Day stated the Capital Improvements budget included funding to construct curb/gutter and trails along the west side of Sulphur Creek Road between Garfield and Shults Drive; to provide safe pedestrian access to the new school, and other facilities; construction of the new street to the elementary school and energy upgrades to the Town's facilities as recommended by Ennovate. She stated the Town would finish codification of the Town's Code; several purchases for new police equipment and public works equipment including a bobcat to clear the trails to the new school and all capital projects were in compliance with the Town's Comprehensive Plan adopted in 2006, and the Town's Capital Projects Plan adopted in 2009. Day stated there would be capital improvements to the water system including the painting of two water storage tanks, implementation of the Water Source Point Protection Plan with the assistance of Colorado Rural Water and replacing some two-inch lines.

Day stated revenues projected for 2010 were estimated to include general taxes and fees in the amount of \$1,704,578; grants in the amount of \$50,400 for Build a Generation Fund; completion of the Scenic By-ways project with a balance of a grant estimate of \$30,000; a \$4,000 grant for Recycling; \$100,000 CCTIF grant to assist with funding of Ute Road; \$595,000 Energy Impact Grant to assist with costs associated with the construction of Ute Road; an Enhancement Grant of \$600,000 and \$1,257,975 from the Town's Reserve Fund budgeted to assist with capital improvements. She added \$61,891; a mandatory Tabor Emergency Reserve is required by the State Constitution. Day stated the Town's certified assessed value (certified by Rio Blanco County in August 2009) was \$25,999,970; the mill levy will remain at 9.781 and the Town was authorized during the election of April 1, 2008 to de-Tabor property taxes and now can collect the full mill levy and cannot raise permanent mill levies without an election. Day added Water Revenues/rates were increased in 2009. Day stated the Walbridge Fund is a non-expendable trust fund bequeathed to the Town and designated for hospital/nursing home operations with income received from the fund provided to Pioneers Hospital to offset expenses to operate the Walbridge Wing. She stated income from the Conservation Trust Fund is received from the State of Colorado Lottery funds and must be appropriated for recreational use, and the funds have been budgeted for operation/maintenance costs of the Town's parks. Day stated goals for 2010 include; continued focus on sustaining and expanding Meeker businesses by assisting the Chamber of Commerce; working with the Community Taskforce; magnesium chloride of alleys, patch streets and continuation of the annual street crack fill project; continued assistance with the cost to operate the Fairfield Community Complex; provide funding to the White River Museum; construct curb/gutter/sidewalks on the west side of Sulphur Creek Road; upgrade park facilities; continue serving as a fiscal agent for Scenic By-ways; and many more items. Mayor Etheridge asked for questions or comments.

*Regular Meeting of the Town of Meeker – November 17, 2009*

Trustee Halandras inquired if line item 6006 Street Maintenance Project was for Ute Road, with Day stating it would be the overlay in Sanderson Hills; beginning with Shults Drive, Jill Drive and streets that are bad, and if the bid comes in low enough, it would branch out to other streets that haven't been paved since originally installed. Trustee Halandras inquired about Line Item 6027.2 Circle Park, asking what had been decided there? Day stated it was undecided if the Town was going to do the engineering for the fish pond and thought they had decided it wouldn't be a focus but if Ute Road and the sidewalks projects were done later in the year, they would work with White River Electric and the Department of Wildlife to get the project engineered. Trustee Halandras inquired about Line Item 6014 - 2010 Recycle/Dog Pound, asking if the dog pound cost the Town \$37,000 per year? Day stated no and explained the Town had spent \$37,000 in 2009 on the dog pound for upgrades (outdoor dog runs, roof, etc.), and in 2010 the Town would not do any capital projects with the dog pound. Day stated the \$70,000 was budgeted to do some upgrades to the Recycling Center. Day stated she wanted to point out in the memo, the budget was flat for 2010 and there would be no raises for Staff. She stated they wanted to keep operations and maintenance costs affordable in case things weren't good. She stated operations and maintenance of the Town cost about \$1.7million per year and the remainder was capital or grant funded. She added she felt the budget was very conservative and would be able to maintain doing operational maintenance for the Town; providing the same services currently provided.

Mayor Etheridge inquired if they needed to discuss mill levy rate, with Day stating if they wanted to as she had received a mixed response (from Board members). She stated the Board was given a spreadsheet showing that sales tax had dropped and was similar to 2007. Trustee Halandras stated there are a lot of empty spaces out there. Day stated it was nice the Meeker Hotel/Café, Gary's Smokehouse and the drugstore were open after several months of being closed, but nonetheless the Town needed to approach this in a conservative manner. Mayor Etheridge inquired if they moved forward having a mill levy at its maximum rate or do they look at keeping it as the current year's rate? Day stated no, a temporary mill levy decrease is done for one year. She explained the mill levy would need to decrease for the Town to collect the same revenue as last year because the revenue goes up about \$66,000 if the Town collected the full mill levy rate. She stated the upside would be it gives the businesses a small break, but the downside would be if other revenues aren't as strong, the Town may need that money. Trustee Halandras clarified it was \$66,000 and suggested taking half. Day stated yes it was \$66,000 and the Board could do half of it by calculating the mill levy to collect that amount. Trustee Gerloff inquired if the Town decreased the mill levy it wouldn't temporarily cover any of the current budget, with Day stating no, the Town would decrease the amount and would require the Town to use more of the reserve funding. Mayor Etheridge inquired if the Town reduced the mill levy income by \$30,000 then it would be \$30,000 more from reserve for the 2010? Day stated yes, adding for this year, the Town has not touched the reserve fund. She stated they had budgeted \$800,000 for reserve and have not had to use it and maybe the case again, but there are a great deal of projects budgeted for 2010 that they may or may not be able to get to. She added mineral severance tax revenue was unknown, and is not budgeted in the 2010 budget, so if received, the Town may not have to use as much reserve. Trustee Gerloff inquired if the reserve Day was referring to was the 2010 reserve in the General Fund? Day had the Board look at page 2 of the proposed budget, stating it showed \$1,257,993 and to add \$30,000 to that. Trustee Gerloff clarified it was \$66,000 total with Day stating yes; if the Town reduces the full mill levy increase. Trustee Gerloff inquired if the Town did the reduction; the remainder would come from reserves, with Day stating yes and was driven by Ute Road and other large projects. She stated the projects were estimated when construction costs were substantially higher so the projects may come in under but the Town doesn't want to under budget and then have them come in over. Trustee Mills stated the Town should give the businesses as much as a break as they possibly can; due to the economy, they're struggling already. Trustee Gerloff agreed and compared the reserves from the previous year to the proposed budget, stating it didn't seem to be a big amount to cover if the Town gave the businesses a break. Day added the temporary mill levy only drops it for one year and then returns to the permanent mill levy amount.

Trustee Omer clarified to fund the proposed 2010 Budget, the Town would be utilizing approximately \$258,000

*Regular Meeting of the Town of Meeker – November 17, 2009*

from the \$4 million plus reserves, with Day stating yes. Trustee Omer inquired if major projects came in under budget then the Town uses less of that money with Day stating yes, or if revenues are stronger than projected. Day stated revenues were budgeted conservatively as it is unknown what will happen. Mayor Etheridge stated when looking at it all, she felt Day and Cook had done a great job in budgeting conservatively and giving a conservative outlook. She stated a \$60,000 difference in the Town's reserve was less of an impact than what the local businesses would see and felt it would be the best decision (for the community) to go ahead and do a temporary mill levy decrease and inquired how to move forward with the decision. Day stated the motion to approve the budget would be in December. Attorney Viscardi stated the Board just needed to provide direction as to what they would like Staff to do tonight. Day stated she heard the Board say to decrease the mill levy to just collect the same amount as projected last year, which was \$187,366.00. The Board concurred.

Trustee Omer clarified that the Board did not need to act on budget approval tonight, but would be the plan subject to final valuation numbers. Day stated correct and as soon as they had the final assessed valuation, Staff could determine the temporary mill levy decrease and would present it at the December meeting. Mayor Etheridge asked for additional questions or comments with Trustee Omer inquiring about the health plans for employees and how it looked? Day stated the Town would be receiving a 6 percent increase this year, which is fairly good. She further complimented the health insurance company; saying they were great to work with. Mayor Etheridge closed the Public Hearing at 7:35 p.m.

*Telephone Conference concerning structural engineering proposal for Elementary School analysis.*

Administrator Day told the Board Mr. Pattillo had responded to their questions and proceeded to call him on the phone. Mayor Etheridge thanked Mr. Pattillo for joining via phone and answering their questions as they decide how to move forward. She stated Mr. Pattillo had been to the site a couple months previous to check it out and had provided the Board with a summary of his observations. Mayor Etheridge stated in looking through the questions, she asked Mr. Pattillo if he felt the Board was asking for more than he was prepared to propose for a regular structural assessment of the building? Mr. Pattillo stated yes, to some degree, as there were some questions about water leaks and had tried to address it. He stated they weren't looking into the causes of the water leaks, but the effects on the building (i.e. settling, wall bowing) and should be able to determine that. He added it was a concern but something they (his staff) won't be able to determine with the proposed structural assessment. Mr. Pattillo stated they would be going through the building but wouldn't be opening walls or exploring things that were concealed; it's a non-intrusive inspection. He stated the structural assessment proposed won't answer every question but would give them a big piece of the puzzle. Mayor Etheridge stated that was what they were looking for. She stated the Board had just begun looking at the building from an ownership perspective but from the community perspective they had heard things from the School District about some of the issues with the building. She stated things known about the building currently are hearsay or rumors and was the background from where the questions came from, adding the Board was seeking factual information which would put some of the fears about the building to rest. Mr. Pattillo stated that was understandable and the community as a whole has a pretty good feel about the building. He stated it would help to look at the technical side of it, and what would make sense to improve the building.

Mr. Pattillo stated from his initial look at the building, he was surprised to find there weren't any outstanding issues; no foundation settlement problems; no obvious sagging in the roof or the floor systems and the building appeared to be in pretty good shape. He went on to say the first question (reading it) there would likely be deficiencies discovered during the structural investigation which hopefully could be corrected at a reasonable cost. Mr. Pattillo stated they probably would find issues with the building, but unless it was a fatal flaw at the onset; they might decide it wasn't worth a more intensive look; but since it looked to be in pretty good shape, it may make sense to go to the next step and really dig in to find all the ways it was put together and determine structural load capacities so they know what needs to be improved and what's adequate. Mayor Etheridge clarified that is what Mr. Pattillo proposed to do, with Mr. Pattillo stating yes. Trustee Mills stated hopefully there were no basements they could go off of (i.e. size of footings, etc) and inquired of Mr. Pattillo that during his initial walk

*Regular Meeting of the Town of Meeker – November 17, 2009*

through; (including the basement) he saw no major issues (i.e. cracks in the walls) and the cause of the leak was water coming from the outside and he did go and look and there didn't seem to be any gross problems at this time. Mr. Pattillo stated correct. He added they were disappointed not to find any original plans of the building as there are things they can't see, i.e. is there a concrete footing and how big is it, how is it reinforced. He stated for instance there were structural slabs in the old building which they were able to see (through some holes) reinforcement and could run an analysis on that specific piece of structure. Trustee Mills stated something that could be looked at was the date the building was built to see if it coincided with the construction of the County courthouse as it was built with the same materials and about the same time. Mr. Pattillo stated it would be well worth the effort to investigate/research/locate any records of the original building because the original construction plans would provide good information. Trustee Omer stated the building was a WPA project back in the 1930's and inquired if the Federal government might have the original plans to the building? Mr. Pattillo stated it might be possible. Discussion focused on what WPA stood for, the date the building was built, and the benefit of cornerstones on buildings.

Mayor Etheridge asked the Board for additional questions with none noted. She inquired of Mr. Pattillo if he had any additional comments, with Mr. Pattillo stating he wanted everyone to have a clear vision of what Pattillo Engineers would do to investigate the structure. He stated they get into every nook they can to check out all the structural conditions and then run an evaluation of the building for gravity loads, snow loads and floor loads, and then they can determine if there are any deficiencies for sizes/choices of re-use, and then they will have an overall picture of adequacy of the building for gravity purposes. He stated when the time comes to decide what the building would be used for and regarding the use, it might require a higher floor capacity than a classroom, (40 psf). He added if it were to be used for assembly or a library, the load would need to be higher and require strengthening. He stated most of the building was fairly accessible and strengthening the building should be a straightforward process. He added their assessment would identify areas of concern and identify areas that appear adequate and help guide the Town as to what they wanted to do with the building in the future. Trustee Omer inquired if approval was given to move forward with Mr. Pattillo's proposal, had he projected a timeline for completion of the work? Mr. Pattillo stated he had estimated a six week timeframe and considering the upcoming holidays, it would need to be increased by a couple of weeks and would have the report by mid-January. He stated they would like to get the piece work done in December, with Trustee Halandras inquiring if it could be done over the Thanksgiving break. Mr. Pattillo stated he didn't believe so, as much of what had to be done didn't require going into the classrooms; what was left was crawlspace and attic investigation and wouldn't disrupt classroom time, but they needed another full day to complete the investigation. Trustee Mills inquired if Mr. Pattillo's scope of work was basically structural, asking if they would go into the HVAC and electrical? Mr. Pattillo stated he wasn't qualified to do that. He stated there was someone who did the previous renovation/upgrades to the mechanical system and had spoken with him, stating he does have some recollection of the work done and was familiar with the mechanical of the building as well as the asbestos issue and suggested the Board contact him.

Mr. Pattillo stated he was looking forward to working on the project as it was an interesting facility and on the preservation side it had many possibilities. Discussion focused on the core part of the building being more historic and the differences in the core structure and the additions. Mr. Pattillo stated the big question would be the asbestos, stating Day had mentioned the Town had spoken with someone about it, and would be expensive. Day clarified the Town had applied for a Brownsfield assessment with the State, but hadn't heard back yet. Mayor Etheridge stated asbestos was a large part of the issue and how the building would be reused. Mr. Pattillo stated if the building was going to be reused; they would want to go through a major renovation (depending on use) and would involve demolition bringing up the whole asbestos issue. Mayor Etheridge ended the call by thanking Mr. Pattillo for his time and answering the Board's questions, adding they would be in touch soon. She thanked Day for coordinating the call and inquired of the Board if it helped to clarify what they were looking at? Trustee Mills stated yes, and inquired about the \$18,000 cost for the proposal, with Day stating it would be between \$12,000 and 18,000. Mayor Etheridge stated she would like to entertain a motion to move forward in giving Pattillo Associates Engineers, Inc. the authority to do the full structural engineering based on their proposal. Day stated

***Regular Meeting of the Town of Meeker – November 17, 2009***

she would have Attorney Viscardi draw up the contract if the Board wished. Trustee Omer inquired if the \$18,000 included travel and out of pocket expenses, with Day stating she didn't believe it included travel but would check. Mayor Etheridge inquired of the Board if this was the direction to move forward with? Trustee Mills stated Pattillo needed to let them know about all three parts of the building, the addition, the gymnasium, and original structure as it would answer the questions regarding the structural integrity of the building. Trustee Omer inquired if the contract needed to come back for approval at a future meeting, with Day stating no. Mayor Etheridge inquired as to how the Town would proceed with Attorney Viscardi stating he would write the contract incorporating whatever documents (i.e. Pattillo's proposal, fee schedules, etc) and explained how he had done one earlier one for soils testing. The Board concurred to have Attorney Viscardi draw up the contract.

Trustee Omer inquired if some of the expenses would be billed and paid in 2009 and some in 2010? Day stated there were consultant fees budgeted in both 2009 and 2010 to cover those things; adding if it could be paid in January since it would be a December business item, and could be booked that way by the auditor. Trustee Gerloff inquired of historical plans would be something Rich Sales could assist with? Day stated she didn't know, but could speak with him as he would be present for the work group meeting Wednesday. Day stated there were some things removed from an old vault in the elementary school (about a year ago) and might be worth contacting Mr. Evig to see where those items went, and would check into it again.

***Consideration of Resolution 9 Series 2009, a Resolution designating an emergency reserve for the Town of Meeker fiscal year 2009, General Fund, as provided by the Constitution of the State of Colorado, Article X, Section 20.***

Day stated an Emergency Reserve was required by the State of Colorado Constitution and could only be spent on limited uses. She stated the amount was the same as the previous year; the Town's expenditures were less and would have generated less, but the Town can never lower the fund; only add to it. She stated if expenditures get larger, the Town had to set aside three percent of all expenditures annually. Day stated the amount for this year would be \$61,891.00. Mayor Etheridge inquired if they wanted to spend the money, who would they appeal to? Day stated there was no appeal. Attorney Viscardi stated it goes back to the Tabor amendment which tells about a few items they can't spend it on, but doesn't say what it can be spent on. Trustee Omer stated he understood they would have to go to the Department of Local Affairs for their approval to spend down any contingency/emergency funds, but the amount had to be reported to DOLA. Attorney Viscardi stated if the Town spent it, they would have to replace it. Day stated it sounded as if the Town had to be totally broke to spend it, but then had to replace it. She added the good thing was they can collect interest on it and doesn't go back into the emergency fund; it can be used in the General Fund. Mayor Etheridge asked for additional comments or questions with none noted.

A motion was made by Trustee Mills to approve Resolution 9 Series 2009, designating an emergency reserve as set forth by the Constitution of the State of Colorado, Article X, Section 20, seconded by Trustee Omer. All ayes, motion carried.

***Adoption of the Town of Meeker 2010 Holiday calendar***

Day stated the holidays were approved in the Town's personnel policies/procedures as well as the requirement to be approved annually. Mayor Etheridge asked for questions or comments with none noted.

A motion was made by Trustee Gerloff to approve the adoption of the proposed holidays observed by the Town for 2010 as according to the Town of Meeker's personnel policies and procedures, seconded by Trustee Cook. All ayes, motion carried.

***Further discussion concerning energy audit recommendations.***

Day stated Ennovate was in town last week and when she told them what the Town wanted to focus on, they had some feedback. Day stated they had talked about the HVAC and heating on separate controls in each office and Ennovate had said that was fine, but the boiler should be replaced first because if not and the controls were

*Regular Meeting of the Town of Meeker – November 17, 2009*

installed, they would have to come back to work on it. Day stated she had also told Ennovate the Town would probably use the budgeted funds doing as much as possible. She stated Ennovate had sent back a chart showing if the Town did the performance contracting, the savings would more than cover the cost of the payments for the repayment of the loan, stating she was unsure what the Board wanted to do. Day stated she had spoken with Pat Hooker (County Administrator) to see what they would be doing and one thing might be lighting. Day stated there had been previous discussion about trading out lights when the ballast went out, but after further research there was a downside to doing it that way; each time the electrician is called it costs the Town \$50.00 for the service call. Trustee Halandras stated that included installation of the light, with Day replying no. Trustee Omer clarified it was a labor cost with the material cost separate with Day replying yes. Trustee Halandras inquired if it was approximately \$100 per light, with Day stating yes. Day stated when one was done the other day, it took about 20 minutes, stating she thought since they were charged for one service call, (whether he was there an hour or 15 minutes) in an hour timeframe two more could have been changed, and wondered if it would be more expensive to call him in every time there was a ballast issue and something to consider. She added another consideration was if the County was going to do a substantial program and they joined together, there would be cost savings as the project would be larger and allow them to obtain more materials at a lower cost. Day stated Mr. Hooker had stated most of their focus in 2010 would be the Fairfield Apartments; updating windows, lighting, and would be meeting with the Commissioners in the next couple of weeks. Day stated the Town could continue the discussion during the December 8, 2009 meeting.

Trustee Mills inquired how the building was heated, with Day stating gas. Trustee Gerloff inquired how it was controlled at present, with Day stating through zones with three or four offices to a zone. Trustee Gerloff inquired if the Town was looking at each office having its own control with Day replying yes. Trustee Gerloff clarified it was forced air, with Day stating it was and wasn't; the building had hot water pipes throughout with an air handler blowing air continuously. Discussion focused on what type of system it was and how it worked. Trustee Mills inquired about what Ennovate proposed to do; alleviate the whole system and put in a new one? Day stated no. Trustee Mills inquired if Ennovate wanted to replace the boiler and fix the controls, with Day stating they would like to put controls on the air handling system. Trustee Halandras stated he couldn't see how they do all that and would like to see how it would work. Trustee Mills asked how many years it would take to pay off the project, with Day stating the initial project was \$94,000; Ennovate had also suggested changing the lighting and sensors for offices. Mayor Etheridge stated the project cost was \$94,000 with a total savings of almost \$7,000 and takes almost 14 years to pay off. She added for the medium sized project it would take 25 years and seemed impractical. Day added Ennovate had stated it was projected conservatively because they had to guarantee the performance. Trustee Halandras stated heating and cooling would be a good way to go, as discussed previously, i.e. window film, and asked Day if she had inquired about the life span? Day stated Ennovate said many companies say 15 years but it hasn't been in existence that long. Trustee Halandras clarified Ennovate recommended placing film on the windows versus replacing them with Day stating yes, adding she had inquired about awnings but would be double the cost of window film. Trustee Mills inquired if the project was mandated, with Day stating no, explaining that either the Town pays for the energy audit and does nothing, or they take on some of the projects through Ennovate who manages the project for a certain percentage guaranteeing certain savings. She stated they do that by asking the Town to furnish utility bills every month so it can be monitored. Trustee Halandras inquired as to the cost of the energy audit with Day stating she wasn't sure if she had the information with or if Ennovate had provided the actual cost. Attorney Viscardi stated it was in their contract and thought it might be about \$1,500 but under \$3,000.

Trustee Halandras stated if they want to do the lights, to speak with Cleary Electric to find out what it would take to change part of the building as he preferred to see the work stay local, adding there were some good heating/cooling companies (not necessarily local) that serviced the area. Day stated Ennovate had said they would use local people as they managed the project. Trustee Halandras stated Ennovate had to make something on it, with Day stating about 12 percent. She added the energy audit was \$2,250 (after locating the information during discussion), stating Town Hall was \$1,500 and Town shop was \$750. Trustee Mills suggested they put it out to

## *Regular Meeting of the Town of Meeker – November 17, 2009*

bid as they know what they want to do. Day explained Ennovate does the engineering; writes the specs and the Town would have to have someone do all that. Mayor Etheridge added the Town didn't know for sure what they wanted to do, stating they have ideas of what is needed, but they needed to figure out what they wanted done and if it made sense to go with Ennovate. She added Ennovate says they will use local contractors but in the same sense, they would do all the work for the Town. Day stated Ennovate would do the engineering, adding she doesn't know how to size the boiler. Trustee Halandras stated a good heating and cooling company would do that, with Day stating the Town would have to put it out to bid and needed to have specs. Trustee Halandras stated in regards to lighting it was different, with Day agreeing. Trustee Mills stated Ennovate gets the normal markup, and are looking at 20 to 30 percent. He stated 20 to 30 percent of \$344,000 was quite an amount of money, plus the Town would have to turn over utility bills each month requiring Staff time and money. Day suggested the Board speak with Ennovate again and suggested scheduling a phone conference for the next Board meeting. Trustee Halandras stated he was interested in the boiler and from previous discussions the boiler should be replaced soon and Ennovate could tell them what could be done and would come from out of town regardless.

Trustee Omer inquired if the proposal was based on an audit or walk through Ennovate conducted? Day stated Ennovate did an energy audit with their engineers. Trustee Omer inquired after the Town makes the facility improvements, they (Ennovate) would continue to audit on an ongoing basis to determine the savings? Day stated no, the energy audit was Ennovate's engineers walking through the building doing an inventory and then telling the Town what the costs would be for the improvements; the audit portion was complete. Trustee Omer inquired if the projects were more of a refined estimate of costs with the energy audit. Trustee Mills stated the Town already spent the \$2,000 for the audit, with Day stating the Town hadn't spent anything and explained how it worked. Trustee Omer inquired if the next step would be to engage Ennovate to do the energy audit for \$2,250, with Day reiterating Ennovate had completed the energy audit and recommended the Town do the improvements and if they do the improvements with Ennovate, they don't pay for the energy audit. She stated performance contracting guarantees the Town a certain amount of energy savings which will make the payments on the improvements until paid off. Trustee Halandras stated any improvement saves money; do they want to save the environment or save the environment at the Town's expense that they don't get back for 40 years. Mayor Etheridge stated in terms of going with Ennovate (for improvements); Staff, the Town and County had gone to a great deal of work picking a company they thought would do a good job and have so far. She stated it would behoove the Town to speak with Mr. Hooker to see what the County was going to do. She recommended going with Ennovate to do any improvements as the money was budgeted, and didn't make sense not to go with them since they were specifically chosen to do the energy audit and also know the building. She added what Ennovate presented to the Town was "here is what we see are your needs" but are looking to the Town and asking if they (Ennovate) are seeing it correctly and is this what the Town is saying what their needs are and if not, tell them what to do. Mayor Etheridge stated it was discussed at the last meeting, the lighting retrofit, the direct digital controls and the "point of use" water heaters were the three main items. Day added window film. Mayor Etheridge asked Day to speak with Mr. Hooker to see what they were doing and if any of those projects could be collaborative then ask Ennovate to come back and give the Town (with the selected items) another package to see the costs. Mayor Etheridge stated the information they had now didn't help and seemed as if they were trying to sell the payment plan which she felt the Town didn't need to do. She stated if there was \$100,000 budgeted to "pay as they go" to let Ennovate know the Town wasn't interested in a payment plan, but wanted them to do the work and if Ennovate could give them an estimate of the items the Town had specified it would be helpful in making a decision. She asked for additional comments or questions with none noted.

### **MAYOR'S REPORTS**

Mayor Etheridge stated the Town had set a date for the first work group meeting on the elementary school building for Wednesday November 18, 2009 at 6:00 p.m. at Town Hall. She stated Ms. Otwell (Meeker Chamber), Brian Conrado (adjacent homeowner's rep.) Sparky Pappas (Historical Society) and Pat Hooker (Rio Blanco County) would be present, as well as Rich Sales to discuss ideas/suggestions. She added it was open to the public and encouraged the Board to attend.

## **MANAGER’S REPORTS**

**Ute Road** ó Day stated the Town had a meeting scheduled with Mr. Pratt for Thursday, November 19, 2009 at 8:30 a.m. at the Road and Bridge building inviting the Board to attend, and believed all the entities would be present. She stated she was able to speak with Telluride’s Public Works Superintendent to discuss their roundabout, and had asked Mr. Pratt to find another roundabout the Town could compare but he had not been able to locate one exactly like what is proposed. She stated when she spoke with the PW Superintendent at Telluride; he had stated their roundabout worked much better than they dreamed it would and was on the main road coming into Telluride; intersecting with the street going to the middle/high school. She stated before Telluride built the roundabout the Town Marshall went out twice a day for 1 ½ hours to get everyone through due to traffic back ups. She added he had stated now if there was a huge event it slows traffic but most of the time it moves very well and semi’s and horse trailers have no problems getting through. Day added he also was in Aspen when they built a roundabout and there was a great deal of public outcry but works well now. Day stated he had a couple of suggestions and offered to assist the Town if he could. Day stated she thought it would be nice for the Board to hear some positive confirmation, adding Telluride’s middle/high school has over 700 students and puts about 10,000 vehicles per day through their roundabout. Trustee Gerloff inquired if Telluride’s roundabout was the same size as the Town’s proposed roundabout with Day stating it was exactly like the proposed one. Trustee Mills inquired if it had a driveway in it, with Day stating it did; the middle/high school driveway, but not a home. She stated Telluride’s PW Superintendent had stated it would just be a fourth leg of the roundabout with minimal traffic and a wonderful situation for the homeowner. Trustee Halandras stated what Mr. Reck and Ms. Harris were after was the sidewalks even though Mr. Reck doesn’t like his driveway in the roundabout, it was the sidewalk issue; adding he thought there was going to be a sidewalk there regardless. Day stated Telluride’s PW Superintendent had stated their crosswalks were about 100 feet from the roundabout and worked well. She stated Telluride encouraged people to do a U- if going from one side to the other and explained to the Board how it was laid out, and where people crossed the street. Day stated if the Town were to do something similar, there maybe the possibility of doing a gap on the west side and showed the Board on the map of the proposed roundabout. Discussion focused on using the old road and making it a sidewalk focusing all bike/pedestrian traffic on it, and a trail from 2<sup>nd</sup> Street. Day used the proposed roundabout map to outline where the crosswalks could go to encourage people to go one way and not cross Mr. Reck’s driveway. Discussion focused on where to bring foot traffic down the road, and if Mr. Pratt could design the roundabout to accommodate no sidewalk in front of Mr. Reck’s driveway, how children would be traveling to the school and working out access to the fairgrounds and other facilities. Mayor Etheridge inquired if the meeting Thursday would be tweaking the final design, with Day stating it would be to figure the exact location. Trustee Omer inquired if they expected the proposed roundabout to be bigger in diameter than the one in Telluride with Day stating she didn’t believe so and the proposed diagram was drawn to scale. Various discussion took place between Board members.

**December Board of Trustees Meeting** ó Mayor Etheridge stated typically there was one meeting scheduled for December; held the second Tuesday of the month, inquiring if there would be one on December 22<sup>nd</sup>? Day stated the meeting was scheduled for December 8, 2009 and there wouldn’t be one for December 22<sup>nd</sup>. Mayor Etheridge inquired if it gave them enough time to get all the information for the budget? Day stated the Town had no choice as the County Assessor had until the 10<sup>th</sup> to give the Town the final valuation figures and the Town had until the 15<sup>th</sup> to certify it.

**Housing Needs Assessment** – Day stated the first draft of the Housing Needs Assessment would be presented at the Taskforce meeting December 7, 2009 and a public meeting would be held in January and believed it was the fourth Monday and would be at Rangely the next day at noon.

## **ATTORNEY’S REPORTS**

Attorney Viscardi stated he wanted to address the medical marijuana dispensary issue going on across the State. He stated the Town had not been presented with an application yet, but Staff had been trying to develop a plan on

*Regular Meeting of the Town of Meeker – November 17, 2009*

the issue and given the existing confusion, He stated between the States involvement (very limited) there have been some regulations but aren't clear. Attorney Viscardi stated every municipality in every county there were at least four or more ways they are addressing it with some being impacted now as there are many licensed dispensaries throughout the State. He stated he knows of one in Rifle; some in Grand Junction and about six or eight in Eagle County with more than 100 around the state and applications continue to pour in. Attorney Viscardi stated the basis for the rush on applications was the Federal government had came out with the directive that they weren't going to take action against the dispensaries. He stated the issue was compounded as the amendment adopted in 2000 never provided for dispensaries but from Staff's perspective in order to deal with the issue; the Town was proposing an ordinance to have a moratorium on processing of any applications (if the Town were to get any) until the State passed legislation. Attorney Viscardi stated the State Attorney General hoped the State Legislature is presented with some legislation next year to provide some guidance on the issue. He stated the session lasts through May but Staff's suggestion was to have a moratorium for processing any applications until the State sorted out the processes and then the Town could react; just because of the diversity of the ways the government has been addressing the issue. Day added Moffat County, Steamboat Springs and Craig had passed a moratorium. Attorney Viscardi stated some were dealing with it as zoning; some as a public nuisance issue and some with business licenses (i.e. a liquor license). Trustee Omer inquired if this would be different than the one passed in Breckenridge; with Attorney Viscardi replying it was a referendum allowing the petty possession of marijuana and didn't believe it had anything to do with the dispensary issue. Discussion focused on how long to set the proposed moratorium. Attorney Viscardi stated he was thinking nine months as it would give the State time to do something during the legislative season; then the Town could react to what they do. The Board concurred to have Attorney Viscardi draft the moratorium for a period of one year.

**OTHER TOWN BOARD BUSINESS**

Trustee Mills thanked everyone for their consideration and support during the past couple of months.

**Speed Limit Ordinance for Sulphur Creek Road:** Day stated the Board may see an ordinance to lower the speed limit on Sulphur Creek Road; to get people used to a slower speed limit.

**Executive Session:** A motion was made by Trustee Mills to adjourn the regular meeting at 8:55 p.m. and move into an Executive Session to discuss the Walbridge Fund, seconded by Trustee Halandras. All ayes, motion carried. Trustee Omer left due to conflict of interest.

The regular meeting was called back to order at 9:40 p.m. Attorney Viscardi stated the Board of Trustees were present except Trustee Omer and Trustee Strate. He stated the Executive Session was to discuss the Walbridge facility and funding and asked if the Board had any questions or comments with none noted.

**ADJOURNMENT**

Mayor Etheridge adjourned the meeting at 9:41 p.m.

---

Mandi Etheridge, Mayor

Attest:

---

Lisa Cook, Town Clerk