

The Regular Meeting of the Meeker Town Board was held Tuesday, March 16, 2010 at Town Hall.

Members Present	Mayor	Etheridge
Trustees		Halandras
		Cook
		Conrado
		Strate
		Gerloff
Members Absent		Mills
		Omer
Town Staff Present	Town Administrator	Day
	Town Planner	Smith
	Town Clerk	Cook
	Public Works Super.	Overton
	Town Attorney	Viscardi
	Admin. Assist.	Niemi
Citizens Present	Nikki Turner	RB Herald Times

### **CALL TO ORDER**

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

### **ROLL CALL**

All Trustees present except Trustee Mills and Omer.

### **APPROVAL OF THE AGENDA**

Mayor Etheridge asked if there were any changes to the agenda, with Administrator Day adding under New Business ó consideration of Resolution #6, Series 2010; a resolution canceling the upcoming election.

A motion was made by Trustee Halandras to approve the agenda with the noted addition, seconded by Trustee Strate. All ayes, motion carried.

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

Mayor Etheridge asked for changes or revisions to the minutes of March 2, 2010 with Town Clerk Lisa Cook stating under the approval of the agenda, the Colorado Statute should be 26-4-402(4)(b). Trustee Halandras stated on page four, second paragraph, third sentence should state University of Colorado, not Denver. He also added Mr. Conrado had stated he would mow the lawn at the elementary school for a \$1.00 for a year, adding Mr. Conrado wanted it stated for the record.

A motion was made by Trustee Gerloff to approve the March 2, 2010 minutes with the noted corrections, seconded by Trustee Cook. All ayes, motion carried.

### **APPROVAL OF VOUCHERS**

Mayor Etheridge asked for questions or comments regarding the revised set of vouchers March 16, 2010 with Trustee Gerloff inquiring about Item #1 under the General Fund ó Binocular Depot.Com ó Nikon Stabileyes Binoculars/PD; what type of binoculars were they? Day explained they were night vision binoculars purchased with funds from the Department of Justice grant the PD received. Trustee Gerloff inquired about Item #8 under the General Fund, Dale Hallebach ó 1-hour of photography instruction for the PD. Day explained it was instruction on operating the new cameras the PD had purchased. Trustee Gerloff inquired about Item #11 MGM ó Dog Food, asking what was the type of food purchased and how often? Clerk Cook stated it was dog food for the shelter and it depended on how many dogs were there. Trustee Halandras inquired about Item #30 Pattillo Associates Engineers, Inc. ó Meeker Elementary School Inspection, asking if it was the balance or if it included the first portion of the work? Day stated it was the final payment.

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A motion was made by Trustee Strate to approve the revised set of vouchers dated March 16, 2010, seconded by Trustee Halandras. All ayes, motion carried

**PUBLIC PARTICIPATION**

None

**NEW BUSINESS**

***Consideration of Resolution 5, Series 2010, approving an Intergovernmental Agreement between Rio Blanco County and the Town of Meeker for use of the Rio Blanco County election equipment including an optical scanner and RBC personnel.***

Mayor Etheridge inquired if the resolution needed to be passed since the election was going to be cancelled. Attorney Viscardi replied yes as there had been work done with the County and the Town needed to pay the costs associated with that work. Clerk Cook added the County had been great to work with during the process. Mayor Etheridge thanked Clerk Cook for her work on the election and asked for questions or comments with none noted.

A motion was made by Trustee Gerloff to approve Resolution 5, Series 2010; a Resolution of the Town of Meeker Board of Trustees authorizing the Mayor to execute an Intergovernmental Agreement with the Board of County Commissioners of Rio Blanco County providing for the use of certain County equipment, supplies and personnel for the Town's 2010 regular municipal election and providing for the costs thereof, seconded by Trustee Strate. All ayes, motion carried.

***Consideration of Resolution #6, Series 2010, concerning the cancellation of the Town of Meeker's regular election to be held on April 6, 2010 and declaring the candidates for the offices of Mayor and Board of Trustees be declared elected to their respective offices.***

Attorney Viscardi outlined the State statute and ordinance which states the Board can cancel an election and as part of the proposed resolution, they could declare the candidates for the offices of Mayor and Trustees due to no additional people running for the seats, and was cost effective. Mayor Etheridge asked for questions or comments with none noted.

A motion was made by Trustee Strate to approve Resolution #6, Series 2010, a resolution of the Board of Trustees of the Town of Meeker, Colorado, concerning the cancellation of the Town of Meeker regular election to be held on April 6, 2010 and declaring the candidates for the offices of Mayor and Board of Trustees be declared elected to their respective offices, seconded by Trustee Cook.

***Consideration of Planning Commission's recommendation concerning a request from the Meeker Cemetery District for a Special Review Use Permit at 265 County Road 4 within the Town of Meeker town limits; to construct a 100'x60' accessory multi-purpose structure and to install a septic system, cistern and holding tank as necessary infrastructure for the proposed building and its uses.***

Planner Smith stated Art Cox was present; representing the Meeker Cemetery District as well as Todd Bellamy from Rock Hawg Construction. Planner Smith read the following report: The subject property, located at 265 C.R. 4 in the Town of Meeker, is the Highland Cemetery site and is zoned Open. Located south of the White River, the site currently has two existing metal buildings utilized for equipment storage (24'x23' and 60'x30'). These structures currently sit on an asphalted surface area with a 6-ft high visual obstruction fence separating the structures from the burial sites on the property to the east.

The Meeker Cemetery District is requesting a Special Review Use permit at 265 C.R. 4 to construct a 100'x60' accessory multi-purpose structure and to install a septic tank and cistern system as necessary infrastructure for the proposed building and its uses.

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Meeker Municipal Code 18.1.125 outlines that the Open district shall provide for sites for parks; open space; community centers; park and recreation facilities; water storage, treatment, and distribution; governmental buildings and facilities; and other public and private uses which may be suitable in areas of Town where limitations upon building may be required, for the following reasons: flood, fire protection, or extreme topography. Grazing and other agricultural uses shall be permitted in this district. M.M.C 18.1.144(B) also states: "When granting a special review use permit, the Commission shall recommend, and the Board shall impose, such restrictions on the proposed use as they deem necessary to protect the public health, safety, and general welfare, including but not limited to: restrictions equal to or more restrictive than requirements of the zone district regarding area, setback, height, off-street parking, safety of ingress and egress, physical distance from uses and building on other lots, landscaped buffer areas, and screening fences."

The two existing buildings onsite are utilized for equipment storage only and provide no facilities for employees, with the Cemetery District's office for their employees and Board members located at 265 8<sup>th</sup> Street. The District intends to relocate offsite, and out of Town limits, the existing 60x30 metal storage structure, which has 3 vehicle bays. This building is currently located approximately 29 feet west of the 6-ft high visual obstruction fence. In the submitted application, the District is requesting to construct a 100x60 multipurpose structure 24 feet further to the west, overlapping the relocated building's footprint by 6 feet. The location of the new building would provide a distance of approximately 50 feet between the fence and new structure, resulting in a larger area (already asphalted) for maneuvering and parking vehicles. This area is sufficient to accommodate the 5 off-street parking spaces that the Town's parking code would require. The proposed building will have 4 vehicle bays, 1 office, 1 conference room, 1 bathroom, and 1 mechanical room, the uses of which would be for cemetery employees only and not for the general public. Currently, the maximum number of employees expected to utilize the structure would be 4 (during summer months), with only 2 employees during winter months. Additionally, the conference room would be utilized once a month by the District's board members for its meetings.

Per Table 2902.1 of the International Building Code (IBC), the office use and occupancy level of the building requires a minimum of 1 unisex bathroom be provided. Due to the lack of public infrastructure south of the White River, this application also includes the installation of an Onsite Wastewater Treatment System (OWTS) or septic tank, in accordance with the recommendations of HP Geotech provided in their report; an interceptor/separator; and a cistern system as the necessary infrastructure for the building and its uses. All recommendations provided in the report pertaining to the OWTS are listed below as conditions of approval for the requested Special Review Use permit. The applicant should make extra note of the fact that the OWTS was designed for 4, year-round employees, therefore, any more intensive use of the system should be reviewed by an engineer to confirm that the OWTS would support the increased use and flow. In regards to the interceptor/separator, the contractor, Rock Hawg Construction, has stated it will be a holding tank and its contents will be pumped. Planner Smith added Staff has received a revised plumbing plan indicating that on the south side of the building, the interceptor, the propane tank and the cistern would be moved further south, away from the building and therefore, it provided for vehicles to drive through the area and not impact any of the structures underground, adding all three of the systems would be underground.

The application with supporting material was received within the required time period and all appropriate fees have been paid. The request has been advertised as mandated by the Meeker Zoning Ordinance and all adjacent property owners were notified of the Commission's Public Hearing. A phone message was received on March 8, 2010 from Carol Parr, an adjacent neighbor, in support of this request. No other comments or concerns have been received.

On March 8, 2010 the Planning Commission concurred with Staff and recommended the Board of Trustees grant approval of the Meeker Cemetery District's request for a Special Review Use permit at 265 County Road 4 to construct a 100x60 accessory multi-purpose structure and to install a septic tank, a separator, and a cistern system as necessary infrastructure for the proposed building and its uses, with the following conditions: Planner

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Smith added some amendments had been made to the conditions and she had contacted the Planning Commission members who approved of the amendments:

1. A representative of the geotechnical engineer shall provide onsite observation of the absorption area excavation, gravel placement, pipe and tank installation, and soil backfill placement and shall write a letter to the Town stating the system was installed in accordance with the engineer's plans and recommendations.
2. Beneath driven surfaces, install Schedule 40 PVC sewer pipes.
3. Between the proposed building and the septic tank, use a straight section of Schedule 40 PVC pipe.
4. Fats, oils, bath oils, grease, paint; solids, water softener backwash solution, and other constituents that can clog and foul collection and disposal equipment shall not be disposed of in the shop building drains leading to the OWTS.
5. Re-vegetate the backfill soil over the absorption area with suitable grass mix prior to the issuance of the Certificate of Occupancy for the structure.
6. Develop an operation and maintenance manual for the OWTS and provide a copy of the manual to Town staff prior to the issuance of a Certificate of Occupancy.
7. HP Geotech, the OWTS design engineer, performs an As-Built evaluation of all components of the OWTS. No components of the OWTS shall be backfilled prior to them conducting the As-Built evaluation. Documentation of proof of the completed As-Built evaluation shall be provided to Town staff prior to the issuance of a Certificate of Occupancy for the structure.
8. The position of the OWTS components, proposed shop building, proposed cistern and setback requirements shall be verified in the field by a Professional Land Surveyor licensed in the State of Colorado.
9. The Meeker Cemetery District shall maintain in good working order the trench drain and the holding tank which is the 700 gal, two-chambered interceptor/separator depicted on the plumbing plan. The holding tank is required to be pumped and its contents hauled to a disposal facility approved and permitted by local, state or federal agencies, for instance, sites that will accept mixtures with oils and/or chemicals. In no way shall the tank have an outlet to any surface or sub-surface area onsite. *For clarification, staff recommends this last sentence be amended to read as follows: "In no way shall the holding tank drain to any surface or subsurface areas onsite."*
10. The holding tank should be installed no less than 12" below the surface and measures shall be installed to restrict vehicles from driving over that area. *For clarification, staff recommends this condition be amended to read as follows: "The holding tank shall be installed no less than 12" below the surface."*
11. Install a float gauge in the holding tank that will have an above-ground indicator of the content level of the tank. *Staff recommends this condition be amended to read as follows: "A warning device shall be installed to indicate the content level of the holding tank."*  
*Staff recommends the following condition be added:*
12. *Provide traffic-rated documentation to Town staff on the septic, holding and cistern tanks prior to the issuance of the building permit if vehicles will drive over these tanks. If tanks are not traffic-rated then measures shall be installed to restrict vehicles from driving over those areas. Also, the holding and septic tanks, including their lids, must be frost-protected if vehicles will drive over them.*

Mayor Etheridge thanked Mr. Cox and Mr. Bellamy for attending and inquired if there were any comments or questions. Trustee Halandras inquired about the size of the tank only being 700 gallons, with Mr. Bellamy explaining it was a separate tank and Planner Smith explained the difference between the two tanks and their uses. Trustee Gerloff stated on page three condition #10, the holding tank should be installed no less than 12" below the surface and if the applicant was worried about freezing? Mr. Bellamy stated no; with the type of system being installed, they won't need to go below what was considered frost level. Trustee Gerloff stated condition #11 required a floating gauge in the holding tank, and didn't understand why it was needed. Planner Smith stated

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originally when the holding tank was immediately adjacent to the building, the concept of the float gauge was for when it was thought people would be driving by the facility; and the float gauge would not last long as it was above ground. She went on to say the holding tank would be holding contaminated materials (oils, chemicals) and if became full would start seeping out and contaminating the ground. She explained the International Building Codes required a warning device (visual or audio alarm) to prevent overflow and though not part of the Town's code, they were amending it and requesting the applicant to install an alarm system. Mr. Bellamy added they would be installing an alarm system which is typically used on a lift system, which is internal. Trustee Gerloff inquired about the document from HP Geotech, stating page three under the Septic Tank section, it stated residence and if it should not be residence and/or business? He also asked if the applicant was able to choose their components, (i.e. filter). Planner Smith stated the word residence (on page three and page five) was an error; and should be referred to as shop building and had been corrected by HP Geotech. Discussion focused on types of system requirements, giving the applicant the ability to choose an option that best meets their needs; the Town not dictating the design, but requiring certain criteria to be met and the applicant using HP Geotech's recommendations and the engineer's design. Mayor Etheridge asked for additional questions with none noted.

A motion was made by Trustee Halandras to approve the Meeker Cemetery District's request for a Special Review Use Permit at 265 County Road 4 to construct a 100x60 accessory multi-purpose structure and to install a septic tank, a separator (holding tank) and cistern system as necessary infrastructure for the proposed building and its uses, with the following conditions:

1. A representative of the geotechnical engineer shall provide onsite observation of the absorption area excavation, gravel placement, pipe and tank installation, and soil backfill placement and shall write a letter to the Town stating the system was installed in accordance with the engineer's plans and recommendations.
2. Beneath driven surfaces, install Schedule 40 PVC sewer pipes.
3. Between the proposed building and the septic tank, use a straight section of Schedule 40 PVC pipe.
4. Fats, oils, bath oils, grease, paint, solids, water softener backwash solution, and other constituents that can clog and foul collection and disposal equipment shall not be disposed of in the shop building drains leading to the OWTS.
5. Re-vegetate the backfill soil over the absorption area with suitable grass mix prior to the issuance of the Certificate of Occupancy for the structure.
6. Develop an operation and maintenance manual for the OWTS and provide a copy of the manual to Town staff prior to the issuance of a Certificate of Occupancy.
7. HP Geotech, the OWTS design engineer, performs an As-Built evaluation of all components of the OWTS. No components of the OWTS shall be backfilled prior to them conducting the As-Built evaluation. Documentation of proof of the completed As-Built evaluation shall be provided to Town staff prior to the issuance of a Certificate of Occupancy for the structure.
8. The position of the OWTS components, proposed shop building, proposed cistern and setback requirements shall be verified in the field by a Professional Land Surveyor licensed in the State of Colorado.
9. The Meeker Cemetery District shall maintain in good working order the trench drain and the holding tank which is the 700 gal, two-chambered interceptor/separator depicted on the plumbing plan. The holding tank is required to be pumped and its contents hauled to a disposal facility approved and permitted by local, state or federal agencies, for instance, sites that will accept mixtures with oils and/or chemicals. In no way shall the holding tank drain to any surface or subsurface areas onsite.
10. The holding tank shall be installed no less than 12" below the surface.
11. A warning device shall be installed to indicate the content level of the holding tank.
12. Provide traffic-rated documentation to Town staff on the septic, holding and cistern tanks prior to the issuance of the building permit if vehicles will drive over these tanks. If tanks are not traffic-rated then measures shall be installed to restrict vehicles from driving over these areas. Also, the holding and

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septic tanks, including their lids, must be frost-protected if vehicles will drive over them. seconded by Trustee Strate. All ayes, motion carried.

### ***Discussion concerning agenda for joint meeting between the Town of Rangely, the Town of Meeker Board of Trustees and the Rio Blanco County Commissioners.***

Day stated the joint meeting between the Towns of Rangely, Meeker and RBC Commissioners would be held on March 30, 2010 at Town Hall beginning at 6 p.m. Mayor Etheridge stated Day had compiled a list of potential topics for discussion and felt the list was sufficient. Day listed the potential topics for discussion: Housing Needs Assessment: path forward; Medical Marijuana Dispensaries: what each entity is doing; Courthouse Expansion: new jail and courts; RBC plans and 2010 Legislative Topics. She added Peter Brixius (Rangely Town Manager) had stated he had a businessman visit him regarding some ideas as to how to promote the area and if there was time, he would like to briefly discuss it. Board consensus was the list of topics provided by Day would be sufficient for the meeting.

### **MAYOR'S REPORTS**

None

### **MANAGER'S REPORTS**

**Tractor Bid:** Mr. Overton stated the Town would be requesting bids for a used tractor, and stated used tractors don't stay at a dealership for long and dealerships won't hold them. He asked the Board for their approval after the bids were opened, could he go see the tractor with the lowest bid and if it met bid specs, agree to purchase it prior to Board approval? Day added the Town would go through the normal bidding process but the difference was the Town would be committed once the bids were open and one was selected. Discussion focused on the tractor specifications, if the tractors were from entities or farmers and if there were warranties on used tractors. The Board concurred to allow Mr. Overton to purchase a tractor once the bids were open and one was selected as long as it was within budget.

**Sidewalk Lighting:** Day presented to the Board different styles of Ballard lighting options for the new sidewalks from Garfield Street to the proposed roundabout and outlined the reasons for using this style of lighting instead of regular street lights. Trustee Halandras inquired as to what type of street lights would be used with Day stating LED lights donated by White River Electrical Association (WREA), along Ute Road. Trustee Halandras inquired as to why the sidewalks needed to be lit, with Day stating for those who would be walking to the Rec. Center. Trustee Cook inquired if the proposed light styles were the same price with Day stating she had no pricing information at this time, but would let the Board know when she received it. Discussion focused on where street lights in the area were currently located, lighting of the sidewalk alleviating problems of not seeing pedestrians, location of the lights along the sidewalk, the height of the proposed ballards, and whose responsibility it would be if one was destroyed. The Board concurred to not install new street lighting along Sulphur Creek Road in this project. Mr. Overton suggested the conduit be put in place when the sidewalks were constructed so they wouldn't have to be torn up when the Board decided they were ready for lights. Day inquired of the Board if they would like to put the conduit in place now and do the lighting later, with Trustee Halandras stating he was fine with the decision. Trustee Gerloff agreed with Trustee Halandras in placing the conduit first and added they could wait to see how much light the new LED lights put out along Ute Road. Discussion focused on the LED light fixtures and the type of pole that would be used. The Board concurred to put in the conduit when the sidewalk is installed and wait on the lights.

**RBC Master Plan:** Day stated a brown bag lunch would be held at Cuppa Joe's at 12:00 p.m. on Thursday, March 18, 2010 to discuss the County's Master Plan; adding the plan was on the County's website.

**Meeker Elementary Conceptual Drawings Presentation:** Day stated the conceptual drawings created by Rich Sales (University of Colorado) and his students would be ready Friday, March 19 2010 and Mr. Sales had

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requested a time for a presentation to the Board. Day suggested the April 6, 2010 BOT meeting and invite the public. The Board concurred.

**Historical Assessment:** Day stated the Historical Assessment was completed and suggested it be presented to the Board of Trustees at their April 20, 2010 meeting. The Board concurred.

**RB County 120<sup>th</sup> Anniversary:** Day stated the County would be celebrating its 120<sup>th</sup> Anniversary and Jeff (Editor) from the RB Herald Times had asked her if the Town wanted to place a congratulatory ad. She added the Town's 125<sup>th</sup> anniversary was this summer. The Board concurred not to do a congratulatory ad for the County and to wait for the Town's anniversary to do one.

**Ute Road Update:** Trustee Halandras inquired about the bid schedule for Ute Road, and if ten days would be enough time? Day stated she had spoken with some contractors who stated they could make the bid schedule, adding it would be tight but the contractors have stated they could make it.

**Easement:** Trustee Cook inquired about the easement with Day showing the Board the easement information to the Board. Discussion focused on where the easement land was located and the reasons the easement was needed, as well as the 1/10 or an acre land purchase.

**ATTORNEY'S REPORTS**

**Medical Marijuana:** Attorney Viscardi reported the county attorney had contacted him last week regarding the Town's moratorium regarding medical marijuana and had sent a draft to him stating the County was possibly considering a moratorium as well. Trustee Halandras inquired if the Town's moratorium was for dispensaries only with Attorney Viscardi stating the moratorium was for everything related to medical marijuana. Trustee Gerloff stated he had seen an ad in a newspaper looking for someone to deliver medical marijuana to Meeker and if the moratorium covered it. Attorney Viscardi stated he was not sure if something like that was addressed. Discussion focused on the State legislative work on medical marijuana regulations.

**OTHER TOWN BOARD BUSINESS**

None

**ADJOURNMENT**

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

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Mandi Etheridge, Mayor

Attest:

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Lisa Cook, Town Clerk