

**Minutes**  
**Town Board Regular Meeting**  
**Town of Paonia, Colorado**  
**January 10, 2017**

**RECORD OF PROCEEDINGS**

The Regular Meeting of the Town Board of Trustees held Tuesday, January 10, 2017 was called to order at 7:00 PM by Mayor Charles Stewart, followed by the Pledge of Allegiance.

Trustees present were as follows:

Mayor Charles Stewart  
Trustee Bill Bear  
Trustee Chelsea Bookout  
Trustee David Bradford  
Trustee Bill Brunner  
Trustee Karen Budinger  
Trustee Suzanne Watson – arrived at 7:05PM

Town Staff present were as follows:

Interim Town Administrator Dan Dean  
Town Clerk Corinne Ferguson  
Public Works Director Travis Loberg  
Sergeant Neil Ferguson  
Treasurer Ross King

Finance Officer Cindy Jones was absent.

A quorum was present and Mayor Stewart proceeded with the meeting.

**Approval of Agenda**

Motion by Trustee Bradford, supported by Trustee Budinger to approve agenda as presented.  
Motion carried with six (6) ayes and zero (0) nays.

**Announcements**

Trustee Bookout provided information about a fundraiser at Thomas Waldo's Saturday, January 14, 2017 for Officer Bill Hart and encouraged the public to attend.

**Visitors**

John Gavan, on behalf of Trish Thibodo and Delta County Economic Development was present to give information regarding the Rural Jump Start Program. Rural Jump Start is a Colorado State driven program created to attract new businesses and employment opportunities to rural/economically challenged communities. Delta County and Orchard City plan to pass a resolution to participate in the program. An opt-in resolution is required and DCED requests the Town of Paonia opt-in as well via a resolution at the next Board meeting.

Mary Bachran, Gia Fanelli, and Glenna Sieracki commended the public works crew for their snow removal efforts and noted a few areas of concern such as the Lees Court, windrows left in the street, and snow plows blocking driveways and depositing snow on the sidewalks.

**Unfinished Business**

**Ordinance 2016-07 an Ordinance Replacing Ordinance 2016-01 Dealing with Water Service and Water Fees for the Town of Paonia**

Mayor Stewart read Ordinance 2016-07 title for the record. This is the fifth attempt for

discussion as an agenda item. Town attorney Marek stated there are no legal issues regarding setting fees by Resolution, and late fee policies have been adjusted to meet the Colorado statutes.

Trustee Brunner and Watson spoke against the change to the ordinance, stating setting rates via a resolution simplifies the process too much and does not give the Board adequate measure to review other issues within an ordinance in a consistent manner.

Motion by Trustee Bear, supported by Trustee Bradford to adopt Ordinance 2016-07. Motion carried with four (4) ayes and two (2) nays from Trustees Brunner and Watson.

#### Resolution 2016-08 Setting Water Rates and Fees for the Town of Paonia

Mayor Stewart read Resolution 2016-08 title for the record.

Ron Rowell – 205 Clark Avenue – provided a written letter listing concerns with the water rate increase, the tiered usage billing system, and the inconsistent meter reading cycles.

Gia Fanelli requested consideration be given for businesses that have no ability to reduce water usage such as the dry cleaner.

Trustee Brunner noted that the proposed rate increase is inconsistent with the recommendations from Cruz and Associates regarding the water rate study.

Discussion ensued regarding the water rate study and differing opinions of the suggestions within.

Mayor Stewart provided the data regarding the rate increase, stating the 2% increase is equal to about \$16,000 a year, and is necessary to continue to increase the available funds to repair the decaying infrastructure.

Rick Beers – 48 Box Elder Drive – the rate increase may be minimal, but it heavily affects those on a fixed income.

Trustee Bear stated the installation of remote meters will help with meter reading issues, lower the man hours required for manual reads.

Discussion ensued regarding differences of opinion on procedure and Robert's Rules of Order.

Motion by Trustee Bear, supported by Trustee Bradford to call for the question. Motion carried with four (4) ayes, and two (2) nays from Trustees Brunner and Watson.

Motion by Trustee Bear, supported by Trustee Bradford to adopt Resolution 2016-08, amending the effective date to March 1, 2017. Motion carried with four (4) ayes, and two (2) nays from Trustees Brunner and Watson.

#### New Business

##### Announcement of Christmas Light Contest Winners

1<sup>st</sup> Place – 130 Orchard Avenue Triumph TR-4 \$50.00 prize awarded

2<sup>nd</sup> Place – 319 Poplar Avenue - \$25.00 prize awarded

3<sup>rd</sup> Place – 422 Main Avenue - \$10 prize awarded

Honorable Mention – 229 Poplar Avenue

Kids Choice – 100 Rio Grande Avenue

##### Paonia Senior Center Donation Request

Lynne Bear – President of the Paonia Senior Center was present. Ms. Bear requested the Town consider a \$3,000 donation for 2017 to help fund the continued services provided by the Senior Center. The seniors group work every year to fundraise, using methods such as bake sales, donation cans, and renting the senior center building as often as available. Volunteers of

America provide the meals but offer no funding to the Senior Center. The Senior Center is not only a meal site, but is also a gathering area for the seniors in the community. Meals on Wheels programs are facilitated through the center, run strictly on a volunteer basis, with volunteers using their personal vehicles and gas. Over the last year an average of 50 meals were delivered per week. Many times this is the only contact the seniors in the community receive. Ms. Bear added that in order to continue to serve the need of the senior citizens in the community it needs the funds donated by the Town.

Motion by trustee Watson, supported by Trustee Bookout to approve a 3,000 donation to the Paonia Senior Center for the year 2017. Motion carried with six (6) ayes and zero (0) nays.

### **Executive Session**

Motion by Trustee Bradford, supported by Trustee Watson for a conference with the City/Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); regarding former Town Manager Jane Berry. Motion carried with six (6) ayes, and zero (0) nays.

The Town Board entered Executive Session at 8:24PM.

The Board returned to open session at 9:31PM.

In attendance were Charles Stewart, Town Attorney David Marek, Special Council Steve Dawes, Interim Town Administrator Dan Dean, Trustees David Bradford, Bill Bear, Suzanne Watson, Karen Budinger, Chelsea Bookout, and Bill Brunner.

No issues were noted.

No action taken.

KVNF reporter Eric Goold asked if the Town is being sued by former Town Manager Jane Berry. Mayor Stewart stated there was no comment.

### **Resolution 2017-01 Designating Town Hall as Official Posting Location and the Delta County Independent as the Official Publication Newspaper for Posting Notices**

Motion by Trustee Bradford, supported by Trustee Budinger to adopt Resolution 2017-01, adding the DCI as the official newspaper of record. Motion carried with six (6) ayes and zero (0) nays.

### **Aspen Yoga INC, dba Louie's Pizza My Heart Retail Liquor License Renewal**

No issues noted. Staff supports the renewal of Louie's Pizza liquor license.

Motion by Trustee Brunner, supported by Trustee Bookout to renew Aspen Yoga INC, dba Louie's Pizza My Heart Retail Liquor License. Motion carried with six (6) ayes and zero (0) nays.

### **Ordinance 2017-01 – Repeal of Minors In Establishments**

Mayor Stewart read the ordinance title for the public. Section 10-6-60 of the Town Code currently prohibits unaccompanied minors in any establishment that serves alcohol. This ordinance repeals section 10-6-60 in its entirety.

Motion by Trustee Bookout, supported by Trustee Brunner to adopt Ordinance 2017-01. Motion carried with six (6) ayes and zero (0) nays.

### **Hach Service Partnership – Renewal Agreement for 3<sup>rd</sup> Party Facilities Testing**

Public Works Director Loberg provided information regarding services provided by Hach Service Plus. Hach calibrates and warranties equipment they fabricate and maintain at the wastewater and water treatment facilities. Public Works Director Loberg added that state

auditors and sanitary surveys require the equipment is maintained with recordkeeping, by a third party outside of the Town.

Motion by Trustee Bradford, supported by Trustee Bear to approve the Hach renewal for 2017, contingent upon requesting bids for 2018 budget season. Motion carried with six (6) ayes and zero (0) nays.

#### Set Work Session for Space to Create Presentation

Town Administrator Dan Dean requested a Work Session be scheduled for January 17, 2017 to hear a presentation regarding Space to Create.

Discussion ensued regarding Trustee availability on the 17<sup>th</sup>.

Motion by Trustee Budinger, supported by Trustee Bookout to set a special meeting work session for Wednesday, January 18, 2017 at 6PM. Motion carried with six (6) ayes and zero (0) nays.

#### **Regular Business**

Mayor's Report: Mayor Charles Stewart had nothing to report.

Town Administrator's Report: Town Administrator Dan Dean reported:

1. A written report was provided in the packet.
2. Requested committees check schedules to set meetings within the next week.

Trustee Bradford noted the information provided in the packet regarding the landlocked alley near 323 Grand Avenue is not the only area this issue occurs and suggested all issues be reviewed should the Board choose to vacate the alley easements.

Public Works Department Report: Public Works Director Travis Loberg reported:

1. Out of Town waterline easement agreements are continuing to be pursued.
2. There have been two water breaks since the first of the year.
3. Snow removal efforts continue.

Police Department Report: Sergeant Neil Ferguson reported:

1. A written report was provided in the packet.
2. The police department has an ad in the DCI seeking a full-time police officer position.

Trustee Bradford asked if citations or warnings have been issued regarding sidewalk snow removal. Trustee Watson thanked Paonia Friends Church members who assist with the snow removal in Town. Trustee Budinger requested the policy regarding towing vehicles.

Treasurer's Report: Town Treasurer Ross King reported:

1. Disbursements have been reviewed.

#### **Committee Reports**

1. Finance and Personnel: Nothing to report.
2. Public Works: Requested Governmental Affairs draft a letter to the Delta County Memorial Hospital in support of a clinic location in Town.
3. Governmental Affairs: Nothing to report.
4. Services & Recreation: Nothing to report.
5. Facilities & Development: Nothing to report.
6. Public Safety: Nothing to report.

#### **Minutes**

Motion by Trustee Bradford, supported by Trustee Bear to approve the Regular Town Board Meeting Minutes for December 13, 2016 as amended. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Budinger, supported by Trustee Bear to approve the Special Town Board Meeting Minutes for December 21, 2016 as amended. Motion carried with six (6) ayes and zero (0) nays.

### **Disbursements**

Motion by Trustee Bear, supported by Trustee Budinger to authorize the disbursements as reviewed by the Finance Committee with the Town Treasurer Ross King for December 31, 2016, in the amounts of, \$32,972.87 for accounts payable, \$14,239.41 for payroll taxes, and \$14,824.70 for payroll. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Bear, supported by Trustee Budinger to authorize the disbursements as reviewed by the Finance Committee with the Town Treasurer Ross King in the amounts of, \$52,047.40 for accounts payable, \$5,307.65 for payroll taxes, and \$13,930.89 for payroll. Motion carried with six (6) ayes and zero (0) nays.

### **Executive Session**

Motion by Trustee Bradford, Supported by Trustee Bookout for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.: regarding the Town Administrator position. Motion carried with six (6) ayes, and zero (0) nays.

The Town Board entered Executive Session at 10:23PM.

The Board returned to open session at 10:43PM.

In attendance were Charles Stewart, Town Attorney David Marek, Trustees David Bradford, Bill Bear, Suzanne Watson, Karen Budinger, Chelsea Bookout, and Bill Brunner.

Motion by Trustee Bradford, supported by Trustee Budinger to approve a professional services agreement with Kenneth Knight for the position of Town Administrator. Motion carried with six (6) ayes and zero (0) nays.

### **Adjournment**

The meeting was adjourned by Mayor Charles Stewart at 10:47PM

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J. Corinne Ferguson, Town Clerk

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Charles Stewart, Mayor