

Minutes
Town Board Regular Meeting
Town of Paonia, Colorado
April 11, 2017

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Board of Trustees held Tuesday, April 11, 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

Town Staff present were as follows:

Town Administrator Ken Knight
Town Clerk Corinne Ferguson
Finance Officer Cindy Jones
Sergeant Neil Ferguson
Public Works Director Travis Loberg
Treasurer Ross King

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

Approval of Agenda

Motion by Trustee Bear, supported by Trustee Bradford to approve the agenda removing item two (2) Town Hall & Grand Avenue Administrative Office Door Repair. Motion carried with six (6) ayes and zero (0) nays.

Announcements

Sergeant Neil Ferguson was sworn in as Chief of Police for the Paonia Police Department. Officer Stewart Byrge was sworn in as a police officer with the Paonia Police Department.

Visitors

None

Unfinished Business

Change Order #4 Out-of-Town Waterline Project Schedule B

Steve LaBonde, Town engineer with WestWater Engineering was present. Mr. LaBonde explained that the original bid called for open cutting in the county roads, but upon review the county instituted a change requiring boring under the roadway instead. Directional drill companies were solicited by Pitt Construction Company for the boring project. The change order is in the amount of \$15,133.00. Changes to the original bid will be finalized with a reconciliation change order at the end of the project.

Motion by Trustee Bradford, supported by Trustee Bookout approve change order #4 for Bid Schedule B on the out-of-town waterline project in the amount of \$15,133.00, increasing the total contract from \$683,883.38 to \$699,016.38. Motion carried with six (6) ayes and zero (0) nays.

Change Order #5 Out-of-Town Waterline Project Schedule A

Steve LaBonde, Town engineer with WestWater Engineering was present. Mr. LaBonde explained that an overflow manhole that discharges in to German Creek was creating an erosion problem at the water treatment site due to an air locking issue on a hilltop. It was also necessary to install an additional ¾ inch tap near the start of the project on Bid Schedule A. The change order is in the amount of \$1,824.81.

Motion by Trustee Bradford, supported by Trustee Budinger to approve change order #5 for Bid Schedule A on the out-of-town waterline project in the amount of \$1,824.81, increasing the total contract from \$699,016.38 to \$700,841.19. Motion carried with six (6) ayes and zero (0) nays.

Change Order # 6 Out-of-Town Waterline Project Schedule B

Steve LaBonde, Town engineer with WestWater Engineering was present. Mr. LaBonde explained that the Town owns a primary transmission line from the water treatment plant, with secondary lines with individual taps belonging to multiple water companies. To identify all the connections to the main line exploratory excavating (potholing) was necessary. The change order is in the amount of \$631.00.

Motion by Trustee Bear, supported by Trustee Bookout to approve change order #6 for Bid Schedule B on the out-of-town waterline project in the amount of \$631.00, increasing the total contract from \$700,841.19 to \$701,472.19. Motion carried with six (6) ayes and zero (0) nays.

Change Order # 7 Out-of-Town Waterline Project Schedule B

Steve LaBonde, Town engineer with WestWater Engineering was present. Mr. LaBonde explained that the original plan had the new waterline paralleling the existing line, requiring easements from adjacent property owners. When an agreement for an easement could not be negotiated, the new line installation was moved outside of the easement area, requiring a county permit, a trench box installation, and flaggers. The change order is in the amount of \$4,005.00.

Motion by Trustee Bear, supported by Trustee Bradford, to approve change order #7 for Bid Schedule B on the out-of-town waterline project in the amount of \$4,005.00, increasing the total contract from \$701,472.19 to \$705,477.19. Motion carried with six (6) ayes and zero (0) nays.

Change Order # 8 Out-of-Town Waterline Project Schedule B

Steve LaBonde, Town engineer with WestWater Engineering was present. Mr. LaBonde explained that a section of existing waterline is in the area the new line was planned to be installed, requiring the line be moved approximately twenty (20) feet, in an area that needed clearing of trees and brush. The change order is in the amount of \$1,443.00.

Motion by Trustee Bradford, supported by Trustee Bookout, to approve change order #8 for Bid Schedule B on the out-of-town waterline project in the amount of \$1,443.00, increasing the total contract from \$705,477.19 to \$ 706,920.19. Motion carried with six (6) ayes and zero (0) nays.

Out-of-Town Waterline Project Schedule C – Minerich Road

Steve LaBonde, Town engineer with WestWater Engineering was present. Mr. LaBonde provided handouts identifying potential options for Schedule C. An overview of the original plan for Bid Schedule C was given. The original contract abandoned the existing five (5) inch line at a cost of approximately \$84,000.00. Due to multiple county requirements, the cost is now approximately \$131,000.00. Difficulties in negotiation and dispute of waterline ownership of what is referred to as the McCollum waterline required options two (2) and three (3) to be reviewed and direction given to the contractor. Option two (2) is a costly upgrade, but provides a new six (6) inch line with clear ownership by the Town.

Discussion ensued regarding the original waterline, the uncertainty of the condition of the existing McCollum waterline, and individual line items on each schedule C option. Trustee Bradford suggested Administrator Knight contact Delta County Commissioner Roeber to discuss options regarding the costly backfill requirements of the County, that Mr. LaBonde does not feel

is necessary.

Motion by Trustee Bradford, supported by Trustee Bookout to approve Bid Schedule C – Minerich Road option two (2) on the out-of-town waterline project. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Bookout supported by Trustee Watson to take a five (5) minute recess. Motion carried with six (6) ayes and zero (0) nays.

Recessed at: 8:18PM
Reconvened at 8:23PM

Trustee Access to Town Records – At the Request of Trustee Brunner

Trustee Brunner expressed frustration regarding trustee access to Town records for review, citing a specific request to review building permit records which Trustee Brunner did not feel was appropriately addressed, stating he felt blocked from reviewing the documents, at which time a CORA request was submitted. Trustee Brunner is requesting a policy regarding trustee access to records, outside of filing a CORA request.

Mayor Stewart stated the documents requested by Trustee Brunner are significant, and to allow for appropriate management of staff time and to ensure the protection of Town records, a time for review with someone present needed to be established. Building records also must be reviewed for confidential, protected information, such as information protected by HIPAA, would need to be redacted/removed.

Administrator Knight added that he does not believe the request was specific enough to fulfill, per CORA requirements. It is also the duty of the administrator to ensure that the building officials duties to the community take precedent over a trustee request to view documents.

Discussion ensued regarding why the documents were requested, what information protected by HIPAA would be in a building file, and a heated meeting between Trustee Brunner, Building Official Coleman, and Administrator Knight.

Trustee Watson suggested researching grant opportunities to help improve records access.

Motion by Trustee Brunner, supported by Trustee Watson that trustees be granted reasonable access to Town records. Motion withdrawn.

Motion by Trustee Bradford, supported by Trustee Budinger that the Town Administrator draft a comprehensive policy regarding trustee access to records. Motion carried with six (6) ayes and zero (0) nays.

Resolution 2017-06 Elected Officials Standards of Conduct

Mayor Stewart provided a brief history of the previous discussion and work session regarding the elected officials standards of conduct resolution. A code of conduct can establish the standards to which trustees conduct themselves with the public and each other at meetings.

Motion by Trustee Bradford, supported by Trustee Bookout to approve Resolution 2017-06 establishing a Standard of Conduct for Elected Officials of the Town as presented.

Motion by Trustee Brunner, supported by Trustee Watson to amend the main motion, changing “establish” to “set the priority and order of business” in section 2(b). Motion failed with one (1) aye and five (5) nays from Trustees Bear, Bookout, Bradford, Budinger, and Watson.

Discussion ensued regarding Board input and who controls the approval and inclusion of agenda items. Trustee Brunner requested that items on upcoming agendas be included in the Mayor’s report. Discussion ensued regarding the impracticality of the request.

Motion by Trustee Brunner, supported by Trustee Watson to amend the main motion, striking all words prior to “no member shall individually direct...” in section 1(f).

Motion by Trustee Watson, supported by Trustee Bookout to amend the open amendment to the main motion, striking “that he/she works under the general supervision of the mayor” and “or other direct report of the Board” from section 1(f). Motion failed with two (2) ayes and four (4) nays from Trustees Bear, Bookout, Bradford, and Budinger.

Trustee Bradford called for the question regarding the open amendment to the main motion. Motion carried with five (5) ayes and one (1) nay from Trustee Watson.

Motion by Trustee Brunner, supported by Trustee Watson to amend the main motion, striking all words prior to “no member shall individually direct...” in section 1(f). Motion failed with two (2) ayes and four (4) nays from Trustees Bear, Bookout, Bradford, and Budinger.

Motion by Trustee Watson to strike “as stipulated in the Board’s Rules of Procedure” from section 2(e). Motion withdrawn.

Motion by Trustee Bradford, supported by Trustee Budinger to strike “as stipulated in the Board’s Rules of Procedure” from section 2(e). Motion carried with four (4) ayes and two (2) nays from Trustees Brunner and Watson.

Motion by Trustee Bradford, supported by Trustee Bookout to approve Resolution 2017-06 establishing a Standard of Conduct for Elected Officials of the Town as amended and approving staff to correct Scribner errors throughout the document. Motion carried with five (5) ayes and one (1) nay from Trustee Watson.

New Business

Landscape Curbing Estimate Approval – Town Park Peony Beds

Public Works Director Loberg provided three (3) estimates for the purchase and installation of landscape curbing around the peony beds adjacent to the Miner’s Statue in Town Park.

Motion by Trustee Bookout, supported by Trustee Budinger to approve the purchase and installation of landscape curbing at Town Park in an amount not to exceed \$3,500.00; paid from the conservation trust fund. Motion carried with six (6) ayes and zero (0) nays.

Police Department Vehicle Acquisition Approval

The Delta County Sheriff’s office has a surplus 2011 Ford Explorer fully equipped with police gear, including sirens, emergency lights, cages, in car radios, and other items associated with police vehicle’s. The value of the items that the vehicle is equipped with is over \$3000. The vehicle Kelly Blue Books at approximately \$8,899.00. The total value of the vehicle would be approximately \$12,000. The Sheriff and Under Sheriff have offered the vehicle to the Paonia Police Department for \$3,000. Chief Ferguson requests approval to purchase the vehicle.

Motion by Trustee Bear, supported by Trustee Bookout to approve the purchase of the 2011 Ford Explorer police vehicle, with all attachments and accessories, from the Delta County Sheriff’s Department for the cost of \$3,000.00. Motion carried with six (6) ayes and zero (0) nays.

Regular Business

Mayor’s Report: Mayor Charles Stewart reported:

1. The new committee appointments are:
 - a. Finance & Personnel – Trustees Brunner and Budinger
 - b. Public Works/Utilities/Facilities – Trustees Bear and Bradford
 - c. Governmental Affairs/Public Safety – Trustees Bookout and Watson

2. Karen Budinger wishes to remain the Town representative for the Delta County Housing Task Force.

Town Administrator's Report: Town Administrator Ken Knight reported:

1. Spruce Up Paonia is scheduled for June 19 – 23, 2017.
2. An e-mail policy is being drafted for Board review.
3. A social media policy is being researched.
4. Requested a stakeholders meeting following a meeting with WSCC where concern over the OHV ordinance was stated.
5. The Town will host the Municipal Quarterly Meeting April 28, 2017 in the community room.

Motion by Trustee Budinger, supported by Trustee Watson to schedule a special meeting for Tuesday, April 18, 2017 at 6PM for the purpose of interviewing Town Attorney candidates. Motion carried with six (6) ayes and zero (0) nays.

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

1. New locks are scheduled for install at the 1MG water treatment plant.
2. Filtertech provided valuable training at the 2MG water treatment plant.
3. Fence repair and installation at the water treatment plants has been scheduled.
4. The Devaney property cleanup should be finished by the end of the week.
5. The well mitigation is complete.
6. 22 remote meters were installed over the last 2 weeks.
7. In-Town waterline project is slated to begin May 1st.

Police Department Report: Chief Neil Ferguson reported:

1. A written report and statement was provided in the packet.
2. An increase in criminal activity has been reported, which is usual for the spring each year.
3. Officer Byrge training is ahead of schedule and progressing well.

Treasurer's Report: Town Treasurer Ross King reported:

1. Disbursements have been reviewed.
2. On track with closings on property sales.

Committee Reports

1. Finance and Personnel: Nothing to report.
2. Public Works: Nothing to report.
3. Services & Recreation: Nothing to report.
4. Facilities & Development: Nothing to report.
5. Public Safety: Nothing to report.

Minutes

Motion by Trustee Budinger, supported by Trustee Bookout to approve the Regular Meeting Minutes for March 28, 2017 as presented. 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 Town Treasurer and Finance Committee for April 6, 2017, in the amounts of, \$42,282.97 for accounts payable, \$11,671.70 for a loan payment, \$16,285.44 for payroll taxes, and \$16,272.59 for payroll. Motion carried with six (6) ayes and zero (0) nays.

Executive Session

Motion by Trustee Budinger, supported by Trustee Brunner to enter an executive session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-404(4)(b) and for consideration of documents protected by

the mandatory non-disclosure provisions of the Open Records Act under C.R.S. Section 24-6-402(4)(g); specific to attorney/client communications/e-mails excluded in CORA request. Motion carried with six (6) ayes and zero (0) nays.

The Board entered executive session at: 10:22PM
The Board exited executive session at:

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

Trustee Watson asked that it be noted for the record that Resolution 2017-06 “Establishing Standards of Conduct for Elected Officials” was violated, complaining of another trustee’s behavior toward her. Specifically, Section 2 “Personal Conduct” item C “no member shall berate, intimidate, or belittle others for expressing their opinions or viewpoints, or engage in speech that is inflammatory, defamatory, demeaning, bullying, or threatening.”

Adjournment

The meeting was adjourned by Mayor Charles Stewart at 10:40PM

s/s

J. Corinne Ferguson, Town Clerk

s/s

Charles Stewart, Mayor