

Minutes
Town Board Regular Meeting
Town of Paonia, Colorado
April 25, 2017

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Board of Trustees held Tuesday, April 25, 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
Public Works Director Travis Loberg
Treasurer Ross King

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

Approval of Agenda

Trustee Brunner questioned why his request for discussion of the standards of conduct was not included on the agenda. Discussion ensued regarding timeliness of requests, executive session decorum, and how to document a concern from executive session openly.

Trustee Brunner appealed to the Board, supported by Trustee Watson appealing the decision of the chair, stating the request was not a recognition for a point of order, but the addition of a discussion of Resolution 2017-06 Code of Conduct.

Mayor Stewart stated his ruling is that Trustee Brunner's request to add an item to the agenda is out of order because it is untimely. A roll call vote to sustain the decision of the chair was called, resulting in a tie vote. Mayor Stewart vote Aye to sustain the chairs decision, appeal failed with four (4) ayes and three (3) nays.

Trustee Bill Bear - Aye
Trustee Chelsea Bookout - Nay
Trustee David Bradford - Aye
Trustee Bill Brunner - Nay
Trustee Karen Budinger - Aye
Trustee Suzanne Watson - Nay

Motion by Trustee Bradford, supported by Trustee Bookout to approve the agenda. Motion carried with five (5) ayes and one (1) nay from Trustee Brunner.

Announcements

Condolences were expressed to the friends and family for the death of Officer Bill Hart.

Visitors

None

Curiel LLC dba Rio Bravo – Hotel & Restaurant Liquor License Request – 240 Grand Avenue

(Town Clerk note: This is not the official transcript, but a summary of the proceedings. The Public Hearing was recorded to be kept as the official record.cf)

The Public Hearing began at 7:30 pm with a roll call vote.

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

Mayor Stewart noted this is a quasi-judicial procedure and turned the meeting over to Attorney Marek. Attorney Marek outlined the procedure for the public hearing and read the Preliminary Findings and Report. The application was noted for the record. Juan Curiel, owner of Rio Bravo, was present.

Dave Stewart spoke in favor of the license approval for 240 Grand Avenue, Rio Bravo Restaurant. No opposition was stated.

Mayor Stewart read the Findings of Fact for the record.
The Public Hearing concluded at 7:43pm.

Motion by Trustee Brunner, supported by Trustee Watson to approve the Hotel & Restaurant Liquor License application for Curiel LLC, dba Rio Bravo. Motion carried with six (6) ayes and zero (0) nays.

Unfinished Business

Sewer Ordinance 2016-08

Mayor Stewart provided a brief overview regarding the multiple discussion and changes included in the proposed ordinance.

Trustee Bear noted the \$3.00 increase to sewer fees is necessary due to the lack of sustainability in the sewer fund at the current rate. The addition of a sewer stand-by fee supports buy-in for infrastructure and tracking of purchased sewer taps that have not been installed.

Motion by Trustee Bear, supported by Trustee Bradford to adopt Ordinance 2016-08 as presented. Motion carried with six (6) ayes and zero (0) nays.

Town Hall ADA Door Installation

Administrator Knight provided an overview of the staff request to install ADA compliant doors at the Grand Avenue entry and main office door.

Motion by Trustee Bear, supported by Trustee Bradford to approve the use of a portion of the Town Hall maintenance budget for the repair and installation of ADA compliant doors. Motion carried with six (6) ayes and zero (0) nays.

New Business

Town Attorney Employment Offer

Mayor Stewart provided an overview of Town Attorney Marek's resignation, the request for proposal process, and the special meeting held April 18, 2017, at which three (3) firms were interviewed. The three (3) firms were:

Garfield & Hecht, P.C.
Masters & Viner, P.C.
J. David Reed P.C.

Ballots were provided to rank 1-3 in order of preference.

Trustee Bookout recused herself from the vote due to her absence during the interview process.

Motion by Trustee Bradford, supported by Trustee Budinger to approve the voting ballot and procedure as defined. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Watson, supported by Trustee Brunner to allow open discussion. Motion carried with six (6) ayes and zero (0) nays.

Discussion ensued regarding the capability and qualifications of each firm and the minor differences in costs associated. One (1) noted difference is J. David Reed P.C. does not charge time for commuting to meetings.

Ballots were totaled by Town Clerk Ferguson, with J. David Reed P.C. receiving a majority vote.
The Living Farm Café LLC Liquor License Renewal

The Living Farm Café requests the Board approve the annual liquor license renewal. No issues noted.

Motion by Trustee Bradford, supported by Trustee Bookout to approve The Living Farm Café LLC liquor license renewal. Motion carried with six (6) ayes and zero (0) nays.

Mountain Harvest Creative

Heidi Hudek – Executive Director of the Mountain Harvest Creative was present. An overview of the organization goals and activities was presented. Ms. Hudek added that the Mountain Harvest Festival is an economic asset to the Town of Paonia and thanked the Bishops for their years of dedication and hard work.

Bill Bishop provided his last annual financial report for the festival and announced his retirement.

The Nature Connection

Anita Evans – Director of The Nature Connection was present. Ms. Evans provided a brief statement of the multiple organizations involved with the Nature Connection Coalition, adding that the request for the Board was for a letter of support for the Nature Connection GOCO Inspire grant application. The GOCO Inspire Grant is meant to reduce the disconnect for children and the outdoors.

The Nature Connection is working to implement a K-12 initiative throughout schools to provide gear for outdoors use. The grant is for 2.3 million dollars, encompassing six (6) communities.

Neal Schwieterman provided the proposed budget and specific planning for Paonia, including a trail loop, cross walk, Paonia Elementary School climbing rock and 20x20 shade structure for outside classroom activity, requesting the Town participate in funding.

Discussion ensued regarding current budget constraints and the addition of the Nature Connection request to the 2018 budget workshop for the upcoming year's budget.

Motion by Trustee Bookout, supported by Trustee Watson to authorize the Town Mayor to sign a letter of support on behalf of the Board for The Nature Connection grant application. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Bear, supported by Trustee Watson to table the financial discussion for the first meeting in June, to allow for review. Motion carried with six (6) ayes and zero (0) nays.

The Western Slope Conservation Center River Park Sign Approval

The Western Slope Conservation Center requests Town approval to place a River Park sign in

the Town right-of-way on Grand Avenue. The signage will also include the Historical Society. The sign is completely funded through the existing GOCO grant.

Discussion ensued regarding the proper location and sign requirements.

Motion by Trustee Bradford, supported by Trustee Bookout to approve the installation of a Paonia River Park entrance sign pending final approval of Public Works Director Loberg. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Bradford, supported by Trustee Budinger to call for a five (5) minute recess. Motion carried with six (6) ayes and zero (0) nays.

Recessed: 9:15PM

Reconvened: 9:20PM

Regular Business

Mayor's Report: Mayor Charles Stewart reported:

1. Municipal Quarterly will be held at Town Hall this Friday and has been posted.

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

1. The Public Works Committee will meet May 24th at 3PM.
2. The Town will participate in the installation of donated parking lot material at the River Park.
3. Requested the Board consider options for digital mapping of the water and sewer system.
4. Requested the Board provide direction regarding an RFP for contract trash services.
5. The Public Works Director and Police Chief are working on speed limit maps and researching setting alley speed limits.
6. Options for the dirt area in front of the Town Park Gazebo continue to be researched.

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

1. The leaf-vac will be shipped soon.
2. The railroad has agreed to repair the sidewalk crossings.
3. The bridge cross-sections have been surveyed. The information is out to WestWater for permits.
4. The out-of-town waterline Schedule D was completed today.
5. The in-town waterline project will begin in May.
6. Two (2) dozen remote meters were installed.

Police Department Report: Chief Neil Ferguson was absent:

1. A written report and statement was provided in the packet.
2. The missing person was located.

Treasurer's Report: Town Treasurer Ross King reported:

1. Disbursements have been reviewed.
2. On track with closings on property sales.
3. Waiting to hear from USDA regarding property sales funds.

Committee Reports

1. Finance and Personnel: Nothing to report.
2. Public Works: Met April 20, 2017 to discuss locks at the treatment plant, sewer rates/fees, working with WestWater Engineering regarding water pressure concerns, the 3rd Street project, snow removal plan, parks, upcoming sidewalk projects.
3. Governmental Affairs: Nothing to report.

Motion by Trustee Watson, supported by Trustee Budinger to have Administrator Knight

schedule another training session with Tamie Tanoue. Motion carried with six (6) ayes and zero (0) nays.

Minutes

Discussion ensued regarding a statement made by Trustee Watson following the executive session at the April 11, 2017 meeting. Trustee Watson added whether the statement was correct or not, it was made in open meeting, and requested it be on the record, so it should be.

Motion by Trustee Bradford, supported by Trustee Bookout to enter executive session to discuss the issue and receive legal advice. Motion failed with two (2) ayes and four (4) nays from Trustees Bear, Bradford, Brunner, and Budinger.

Trustee Bear noted he felt the executive session rules were violated by discussion at the beginning of tonight's meeting.

Trustee Watson stated she continues to feel bullied by other trustees, including during executive session.

Motion by Trustee Watson, supported by Trustee Brunner to include Trustee Watson's written statement in the April 11, 2017 minutes. Motion carried with five (5) ayes and one (1) nay from Trustee Bradford.

Motion by Trustee Bradford, supported by Trustee Budinger to approve the minutes for April 11, 2017 as amended. Motion carried with five (5) ayes and one (1) nay from Trustee Bradford.

Disbursements

Motion by Trustee Budinger, supported by Trustee Brunner to authorize the disbursements as reviewed by the Town Treasurer and Finance Committee for April 24, 2017, in the amounts of, \$245,571.58 for accounts payable, \$6,744.90 for payroll taxes, and \$17,988.10 for payroll and \$126,000.00 transfer. Motion carried with six (6) ayes and zero (0) nays.

Trustee Bookout noted concern with behavior of trustees and questions how issues should be addressed. Trustee Bookout encouraged the Board to address the issue calmly and in a respectful fashion.

Mayor Stewart added that misconduct in executive session cannot be discussed in an open meeting if the subject of discussion pertains to the topic of the executive session. A motion to take action regarding misconduct can be made immediately following the executive session.

Adjournment

The meeting was adjourned by Mayor Charles Stewart at 10:22PM

s/s

J. Corinne Ferguson, Town Clerk

s/s

Charles Stewart, Mayor