

Minutes
Town Board Regular Meeting
Town of Paonia, Colorado
May 10, 2016

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Board of Trustees held Tuesday, May 10, 2016 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 David Bradford
Trustee Bill Brunner
Trustee Karen Budinger
Trustee Suzanne Watson

Town Staff present were as follows:

Town Manager/Town Clerk Jane Berry
Deputy Town Clerk Corinne Ferguson
Finance Officer Cindy Jones
Sergeant Neil Ferguson
Public Works Director Travis Loberg

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

Approval of Agenda

Motion by Trustee Bradford, Supported by Trustee Budinger to approve an amended agenda removing items 4B through 4H for later discussion. Motion carried with five (5) ayes and zero (0) nays.

Announcements

Mayor Stewart instructed the audience that visitors addressing the Town Board will be limited to five (5) minutes and this rule will be enforced.

Visitors

Niki Carpenter – 40881 Highway 133 – requested information about the airport finances and contracts between Delta County and the Town. Mayor Stewart instructed Ms. Carpenter that some materials are online, others can be viewed at Town Hall.

Paul Douglas – 122 Colorado Avenue – Mr. Douglas offered an apology for his behavior at the last Board meeting.

James McCain – no address given – asked if Board members have a procedure to report conflicts of interest. Currently there is no formal internal process to report a potential conflict of interest.

Steve Keenan – 514 Third Street – Stated he believes the Town is in an economic transition and requested the Board to familiarize themselves with hemp growing and cultivating operations.

Unfinished Business

Consideration to Adopt Emergency Ordinance 2016-02 Amending Section 2-3-10 of the Town of Paonia Municipal Code

Mayor Stewart provided a brief history of this agenda item stating:

1. Statutory obligation for appointments within thirty (30) days or by May 26, 2016 for the positions of Town Clerk, Town Treasurer, Town Attorney, and the Municipal Judge (there will be 2 regular meetings to address);
2. A Town ordinance and the Town Code state an appointment provision for other Town Officers of the Town Administrator, Chief of Police, and the Public Works Director;
3. Appointed Town Officers stated in Town Code Section 2-3-10 cannot be removed from office without a hearing and a charge in writing;
4. The Town of Paonia should not have more appointments than statutory requirements which is four positions versus the seven stated in Code Section 2-3-10;
5. This Town Code section gives employees more protection and explained the requirements of the removal process once again being the written charge and hearing which is a cumbersome process with the Town Board having no flexibility;
6. There are issues with the Town's current Code specifically sections in the Code where the underlying ordinance cannot be found, there is no specific ordinance;
7. There are legal questions which Town Attorney David Marek is currently reviewing;
8. There are questions concerning adoption of the Code without ordinances, and
9. Town Attorney is also reviewing for what is valid and enforceable in the Code.

An additional change to 2-3-10 Section B was made to comply with the requirement of State Statute regarding successors taking office.

Motion by Trustee Brunner, Supported by Trustee Watson to amend Emergency Ordinance 2016-02 to include: job descriptions, duties, privileges, qualifications for the positions and bonding requirements. Motion failed with one (1) aye and four (4) nays.

Discussion ensued regarding statutory obligations to appoint officers, the lack of time to amend and re-present the proposed ordinance at a future meeting, and the necessity to adopt as an emergency ordinance. Trustee Budinger added that listing specific duties in an ordinance can become problematic in the future should duties shift among employees.

Celia Roberts – 71 Box Elder Avenue – requested an anticipated timeline for the completion and presentation of job descriptions. Town Manager Berry explained the different ways job descriptions may be adopted regarding Town employees and appointed offices. Job descriptions will be part of the Board orientation sessions and will be open to the public.

Motion by Trustee Bradford, Supported by Trustee Bear to adopt Emergency Ordinance 2016-02 as amended. Motion passed with four (4) ayes and one (1) nay.

Presentation to Mayor Neal Schwieterman

Mayor Stewart presented outgoing Mayor Neal Schwieterman a plaque in recognition of his twelve (12) years of service to the Town of Paonia. Mayor Schwieterman expressed thanks to the Town staff, former Board members served with, the citizens who placed their confidence in him, and most importantly, his family who supported him to be able to serve the community.

New Business

Consideration to Appoint Town Officers

a. Treasurer:

Mayor Stewart indicated the statutory requirements, the experience considerations, and duties of the position of Treasurer.

Mayor Stewart expressed support of appointing Ross King to the position of treasurer for the following reasons:

1. Mr. King has been critical to the financial health of Town.
2. Knowledgeable in matters of finances from his professional background and time on the Finance Committee.
3. Allows Mr. King to contribute his expertise to the Town while giving opportunity for a new member to sit on the Board of Trustees in Mayor Stewarts vacated Trustee seat.

Discussion ensued regarding dual positions such as Clerk/Treasurer and Finance Officer/Treasurer. Trustees Brunner and Watson support the dual position of Finance Officer/Treasurer. Mayor Stewart reiterated the concerns of dual positions and the necessity of segregated duties.

Motion by Trustee Bradford, Supported by Trustee Budinger to appoint Ross King as the Treasurer for the Town of Paonia. Motion carried with three (3) ayes and two (2) nays.

b. Municipal Judge:

Brad Kohlman has been the Municipal Judge for Paonia since 1988. Mayor Stewart and Citizen Dave Duncan – 232 Box Elder Avenue – spoke in favor of Judge Kohlman.

Larry Garrett – 321 North Fork Avenue – asked if the Hotchkiss Municipal Judge was considered for Paonia.

Motion by Trustee Bradford, Supported by Trustee Bear to appoint Brad Kohlman as the judge for the Town of Paonia. Motion carried with five (5) ayes and zero (0) nays.

c. Town Attorney:

David Marek has been the Town Attorney since January 1, 2014. No issues with Attorney Marek were noted.

Discussion ensued regarding the time constraints working for the town, Mr. Marek's staffing and guidelines in his private practice, and Attorney Marek's stellar job performance.

Motion by Trustee Bradford, Supported by Trustee Bear to appoint David Marek as the Town attorney for the Town of Paonia. Motion carried with five (5) ayes and zero (0) nays.

d. Town Clerk

Motion by Trustee Bradford, Supported by Trustee Brunner to table the Town Clerk appointment until the next regular Board meeting on May 24, 2016. Motion carried with five (5) ayes and zero (0) nays.

Consideration to Fill Town Board Trustee Vacancy

C.R.S. 31-4-303 gives the Board power to fill by appointment or the Board may call a special election. Trustee Bradford spoke in favor of appointing former Trustee Ross King to the vacated seat.

Discussion ensued regarding election results, Mr. King being spread too thin between the Treasurer appointment and a trustee appointment, and the benefit of having a new community member on the Board.

Motion by Trustee Bradford, Supported by Trustee Bear to appoint Ross King to the Two (2) year vacant Trustee seat. Treasurer King stated he appreciates the confidence expressed but withdraws his name as a candidate for the vacant seat. Trustee Bradford withdrew his motion.

Motion by Trustee Brunner, Supported by Trustee Budinger to appoint Chelsea Bookout to the Two (2) year vacant Trustee seat. Motion carried with five (5) ayes and zero (0) nays.

Consideration to Approve Western Slope Conservation Center Large Group Park/Event Application

Alex Johnson – Executive Director of the WSCC was present. Mr. Johnson requests permission to use the Paonia River Park on June 4, 2016 for the 16th annual river float. The WSCC is excited to host the festival for the first time at the Paonia River Park. Director Johnson also requests overnight camping for security purposes. All applications and fees have been received for the event.

Motion by Trustee Brunner, Supported by Trustee Bradford to approve the Western Slope Conservation Center Large Group Park/Event Application and request for overnight camping at the Paonia River Park. Motion carried with five (5) ayes and zero (0) nays.

Consideration of Trustee Brunner's Request to Add the Following Items to the Agenda

Trustee Brunner suggested committee groups become three (3) person committees, open to the public and other trustees who wish to attend.

Discussion ensued regarding statutory requirements for three (3) person committees to include, agenda and minutes, lack of required time for postings. Trustee Bradford added that committee meeting are similar to work sessions and no decisions are made.

Trustee Watson requested the Board as a whole have more work sessions.

Mary Bachran – 511 Box Elder Avenue – supports publishing the committee meeting schedules and believes it is beneficial for community members to attend if desired.

Regular Business

Mayor's Report: Mayor Charles Stewart reported:

1. Town Board Committee Assignments as follows:
 - a. Finance and Personnel: Trustees Budinger and Bear
 - b. Public Works: Trustees Bradford and Bear
 - c. Governmental Affairs: Trustees Budinger and Watson
 - d. Services and Recreation: Trustees Bradford and Brunner
 - e. Facilities & Development: Trustees Bookout and Watson
 - f. Public Safety: Trustees Bookout and Brunner
2. Attended the Municipal Quarterly which held good discussions and positive networking Opportunities.

Town Manager Report: Town Manager Jane Berry reported:

1. Interpreted for the new Trustees the March 31, 2016 Budget to Actual Report provided by Finance Officer Cindy Jones.
2. Spruce Up Paonia is scheduled for May 16, to the May 20, 2016. Items may be out with regular trash or placed in dumpsters provided at Town Park.
3. Collaboration continues with WestWater regarding Preliminary Engineering Report.
4. The last day to provide potential ballot questions for the November election is July 29, 2016.
5. The Thliveris annexation process continues.
6. Street Mural touch up on 4th Street and Box Elder Avenue is Friday, Saturday, and Sunday this week. The road will be closed.
7. Orientation should begin in the next two weeks.

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

1. Aerators at the Sewer Plant have been replaced.
2. The 2MG water treatment plant is running well.
3. The 1MG water treatment plant issues are being resolved.
4. Street and gutter cleaning continues.
5. A concrete pad will be poured at Apple Valley Park to accommodate the Holt bleacher Eagle Scout project.
6. Bathroom repairs in Town Park are underway.

Police Department Report: Sergeant Neil Ferguson reported:

1. Two officers are out of Town for training this week.
2. A Request to POST for training reimbursement was approved.
3. The department continues to address code enforcement issues.
4. The drug take-back program was successful with over 14 pounds of medications turned in.

The police department is willing to accept medications anytime for proper disposal.

- 5. Summer preparations are underway with the police department goal to be more accessible to the public.

Committee Reports

None

Minutes

Motion by Trustee Bradford, Supported by Trustee Budinger to approve the Town Board Regular Meeting Minutes as submitted for April 26, 2016. Motion carried with six (6) ayes and zero (0) nays.

Disbursements

Motion by Trustee Bradford, Supported by Trustee Bear to authorize the disbursements as reviewed by the Finance Committee with the Town’s Finance Officer. Motion carried with six (6) ayes and zero (0) nays.

Trustee King commended the Town’s Finance Officer Cindy Jones for an outstanding job; Letters of Credit have been paid-off and the Town is in good financial condition, and thanked the Town Staff for their work with him and for the Town.

Adjournment

The meeting was adjourned by Mayor Charles Stewart at 10:57 PM

/s/

Corinne Ferguson, Deputy Town Clerk

/s/

Charles Stewart, Mayor