

Minutes
Town Board Regular Meeting
Town of Paonia, Colorado
June 13, 2017

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Board of Trustees held Tuesday, June 13, 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
Chief Neil Ferguson
Public Works Director Travis Loberg
Town 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 as presented.
Motion carried with six (6) ayes and zero (0) nays.

Announcements

Mayor Stewart recognized the Paonia High School basketball, baseball, and girl's track team on their 2a state championship wins.

Visitors

Jason Ross – 16283 Stewart Mesa Road – concerned with the damaged Welcome to Paonia sign on the corner of Highway 133 and Grand Avenue. The sign is owned by the Chamber of Commerce and on private land, Town will notify the Chamber of the concern.

Elaine Brett – 1899 Hawks Haven Road – Updated the community on upcoming events at the Paradise Theatre.

Unfinished Business

Release of town Attorney Memorandum of Understanding Regarding E-mail Release

Point of Order: Trustee Brunner requested Mayor Stewart step down as chair for discussion because he is a named person in the complaint. Mayor Stewart asked if a Trustee wished to second Trustee Brunner's request. No second was given. Mayor Stewart proceeded with the meeting.

Mayor Stewart provided a brief history regarding agenda item U1, reading a written statement for the record.

Motion by Trustee Bookout, supported by Trustee Bear to schedule a special meeting for June 20, 2017 at 7PM to consider a motion for sanctions against Trustee Bill Brunner and the release of the Town Attorney memorandum.

Motion to amend the main motion by Trustee Watson, supported by Trustee Budinger to release the Town Attorney memorandum at the current meeting to allow trustee review prior to the special meeting. Motion carried with five (5) ayes and one (1) nay from Trustee Bradford.

Main motion as amended. Motion carried with five (5) ayes, zero (0) nays, and one abstention from Trustee Brunner.

New Business

Authorization for Town Attorney to review Executive Session Conducted April 11, 2017

Mayor Stewart read a prepared statement regarding Trustee Brunner's Delta County Independent editorial and KVNF interview on May 24, 2017 and noted the violation of the Colorado Open Meetings Law (COML), specific to executive session.

Trustee Brunner stated he believed Mayor Stewart was reporting his opinion as fact and that the provisions of Robert's Rules of Order are subject to Colorado state law and executive sessions are not a sanctuary to allow for behavior and discussion that would not be suitable for public.

Discussion ensued regarding the events and discussion following the executive session on April 11, 2017, to date.

Motion by Trustee Bear, supported by Trustee Bookout to direct the Town Attorney to review executive session conducted on April 11, 2017, the e-mails reviewed in the executive session, Trustee Brunner's editorial published in the Delta County Independent on May 24, 2017, Trustee Brunner's statements to KVNF Broadcast on May 24, 2017 and prepare a written opinion, to be provided to the Board on June 20, 2017, whether there was a violation of the Open Meetings Law and whether Trustee Brunner's editorial and statements to KVNF violated Colorado statutes, Town ordinances, Town rules, or the Board's Standards of Conduct.

Motion to amend the main motion by Trustee Brunner, supported by Trustee Watson to request Town attorney investigate the claims regarding the events that occurred during the April 11, 2017 executive session and Trustee Watson's statement following same executive session.

Mayor Stewart ruled Trustee Brunner's motion to amend as out of order, stating the issue was dealt with and ruling upheld at a previous meeting.

Trustee Brunner appealed to the Board that Mayor Stewart's ruling is not accurate and wished to have the amendment addressed. Appeal failed with two (2) ayes and four (4) nays from Trustees, Bear, Bookout, Bradford and Budinger.

Motion to amend the main motion by Trustee Bear, supported by Trustee Bradford to include statements made by Trustee Brunner during this agenda item be included in the Town Attorney investigation. Motion carried with four (4) ayes, one (1) nay from Trustee Watson, and one (1) abstention by Trustee Brunner.

Main amended motion carried with four (4) ayes, one (1) nay from Trustee Watson, and one (1) abstention by Trustee Brunner.

Cherry Days Large Park Event Application

Bob Bushta was present on behalf of Cherry Days. Cherry Days requests park use for the annual Paonia Cherry Days event to be held July 3rd and 4th. No issues noted.

Motion by Trustee Bookout, supported by Trustee Watson to approve the Cherry Days Large Group Park Event Application as provided. Motion carried with six (6) ayes and zero (0) nays.

BMW Rally Large Park Event and On Premise Application

Bob Bushta was present on behalf of the BMWCC (BMW Rally). The rally requests park use for the annual North of the Rockies Rally to be held July 20th to 22nd. No issues noted.

Discussion ensued regarding potential occupancy during the event.

Motion by Trustee Bradford, supported by Trustee Budinger to approve the BMW Rally Large Group Park Event Application and On Premise Liquor Permit as provided. Motion carried with six (6) ayes and zero (0) nays.

Cherry Days Special Event Liquor Permit Application

Bob Bushta was present on behalf of The Cherry Days non-profit group. requesting approval for the special event permit liquor license for Cherry Days and the BMW Rally. No issues noted.

Motion by Trustee Bear, supported by Trustee Bradford to approve the Cherry Days Special Event Permit Application as submitted. Motion carried with six (6) ayes and zero (0) nays.

Pickin` n the Park Large Park Event Application

The annual Pickin` n the Park event requests approval for use of the Town Park. No issues noted.

Motion by Trustee Bear, supported by Trustee Budinger to approve the Pickin` in the Park Large Group Event application as submitted. Motion carried with six (6) ayes and zero (0) nays.

KVNF Pickin` in the Park Special Event Liquor Application

Jon Howard was present on behalf of KVNF. KVNF request a special event permit to serve alcohol during Pickin` n the Park. No issues noted.

Motion by Trustee Bookout, supported by Trustee Bear to approve KVNF Pickin` in the Park Special Event Permit application as submitted.

Rotary Club of the North Fork Valley Special Event Permit & Large Group Park Application

Greg Thompson was present on behalf of the Rotary Club of the North Fork Valley. Rotary Club requests the board permit the large park use of Apple Valley Park and grant a special event liquor permit for the annual Ducky Derby in Apple Valley Park. No issues noted.

Motion by Trustee Brunner, supported by Trustee Budinger to approve the Rotary Club of the North Fork Valley Large Group Park Application and Special Event Permit application as submitted. Motion carried with six (6) ayes and zero (0) nays.

West Paonia Domestic Water Company Water Tap Purchase

Ron and RJ Wist were present on behalf of West Paonia Domestic Water Company. West Paonia Domestic Water Company requests the sale of one standard residential water tap to be added to the water company waterline. The deposit and applicable paperwork have been received

Discussion ensued regarding the age of the water company and the current number of taps on the waterline.

Motion by Trustee Bear, supported by Trustee Watson to approve the sale of one domestic residential water tap to West Paonia Domestic Water Company. Motion carried with six (6) ayes and zero (0) nays.

The Nature Connection Trail Project – Town Support

The Nature Connection requested a letter of support from the Board at the April 25 Board Meeting. The Board of Trustees requested a recommendation from the Public Works Committee.

After careful review the Public Works Committees recommends sending a letter of support, committing to in-kind services (in 2018 or 2019) to construct a trail through River Park connecting the WSCC Trail System to the proposed trail system the Nature Connection is constructing on school property, committing to in-kind services (in 2018 or 2019) to construct a trail from the sidewalk on Grand Avenue down to school property, and stating that the in subsequent budget year that the Town will look into providing cash support for the materials and construction on Town Property.

Motion by Trustee Bear, supported by Trustee Bradford to place to Town on-record for the support of The Nature Connection grant application and to commit the Town to in-kind services in the construction of the trail system in River Park and assist in the construction of the trail from the Grand Ave sidewalk to the trail on school property. Motion carried with six (6) ayes and zero (0) nays.

Ordinance 2017-09 Speed Limits

Mayor Stewart explained the required ordinance to ratify the approved speed limit changes approved at the previous meeting. Trustee Watson noted concern with the speed coming in to Town from Minnesota Creek Rd. Trustee Bradford spoke in favor of the proposed speed limits.

Motion by Trustee Bear, supported by Trustee Bookout to approve Ordinance 2017-09, setting new speed limits for the Town of Paonia.

Motion to amend the main motion by Trustee Watson, supported by Trustee Brunner to add a directional sign at the intersection of Paonia Avenue and Second Street. Motion carried with six (6) ayes and zero (0) nays.

Main amended motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Budinger, supported by Trustee Watson to change all N. Fork Avenue signs to North Fork Avenue. Motion carried with six (6) ayes and zero (0) nays.

Engineering Services RFP for Road Realignment & Sidewalk Improvement

Town Administrator Knight requested the Board approve obtaining proposals for engineering the east and west side of Grand Avenue and Fifth Street near Subway.

Discussion ensued regarding the attached draft RFP and changes submitted from the original safe routes to school plan.

Motion by Trustee Bear, supported by Trustee Watson to approve the draft RFP for engineering services as presented. Motion carried with six (6) ayes and zero (0) nays.

Trustee Budinger Report – Delta County Housing Taskforce Meeting

Trustee Budinger provided a brief report regarding the Delta County Housing Task Force Meeting. DCH has multiple options for rentals, home purchases, and rehabilitation projects. A new program this year gives small loans to homeowners to rehab properties if the homeowner is willing to rent to low-income tenants.

Regular Business

Mayor's Report: Mayor Charles Stewart reported:

1. Barbara Heck and Mary Bachran have agreed to serve on the Planning commission. The term requires re-appointment following the election April, 2018.
2. A memo from the Town Attorney is included in the packet regarding personal interests of Board members.

Discussion ensued regarding methodology to determine who receives notices for special reviews.

Motion by Trustee Watson, supported by Trustee Budinger instructing the Clerk to disclose the

methodology of who receives notice for special reviews, and any disagreement be referred to the Town Attorney. Motion carried with five (5) ayes and one (1) nay from Trustee Bradford.

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

1. The Town needs volunteers for the Tree Board.

Trustee Bradford stated his interest in serving on the tree board as a Board of Trustees Representative.

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

1. In-Town waterline project had a successful start.
2. Spruce Up Paonia is next week.
3. Street cleaning and curb painting is scheduled.
4. The IMG Treatment Plant fence installation is complete.

Public Works Director Loberg answered Trustee questions.

Police Department Report: Chief Neil Ferguson reported:

1. A written report and statement was provided in the packet.
2. The department is up 25 calls from last period.
3. Code enforcement has increased.
4. The reserve officer is in training and should be street ready soon.
5. The department was able to obtain two (2) new radars from State Patrol, saving the police department and Town approximately \$10,000 on next years' budget.

Trustee Bradford expressed support for the department and stated the police department is very active with a wide range of duties.

Treasurer's Report: Town Treasurer Ross King reported:

1. Disbursements and payroll have been reviewed.
2. Boundary adjustment approval is scheduled for June 19, 2017.
3. Suggested the Board authorize the treasurer and finance officer work with the Town Administrator to create a policy regarding commitment of Town funds.

Committee Reports

1. Finance and Personnel: Nothing additional to report.
2. Public Works: Nothing additional to report.
3. Governmental Affairs: Nothing to report.

Minutes

Motion by Trustee Budinger, supported by Trustee Bear to approve the minutes for May 9, 2017 as presented. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Budinger, supported by Trustee Bear to approve the minutes for May 23, 2017 as presented. Motion carried with six (6) ayes and zero (0) nays.

Disbursements

Discussion regarding extensive attorney fees.

Motion by Trustee Budinger, supported by Trustee Bear to authorize the disbursements as reviewed by the Town Treasurer and Finance Committee for June 9, 2017, in the amounts of, \$346,446.84 for accounts payable, \$22,194.98 for payroll taxes, \$34,970.03 for payroll, and \$2,841.05 for Town Credit Card. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Bradford, supported by Trustee Bookout to include credit card transaction reports with disbursements. Motion carried with six (6) ayes and zero (0) nays.

Executive Session

Motion by Trustee Bookout, supported by Trustee Bear to enter 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 24-6-402(4)(b); specific to former Town Manager Jane Berry. Motion carried with six (6) ayes and zero (0) nays.

The Board entered executive session at 9:41PM
The Board returned to open session at 10:10PM

Those in attendance were: Mayor Stewart, Trustees Bear, Bookout, Bradford, Brunner, Budinger, Watson, Town Attorney Sarah Abbott, and Town Administrator Ken Knight.

No issues noted.

Adjournment

The meeting was adjourned by Mayor Charles Stewart at 10:15PM

_____/s/_____
J. Corinne Ferguson, Town Clerk

_____/s/_____
Charles Stewart, Mayor