

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

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Board of Trustees held Tuesday, July 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:

Trustee Bill Bear
Trustee Chelsea Bookout
Trustee David Bradford
Trustee Karen Budinger
Trustee Suzanne Watson

Town Staff present were as follows:

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

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

Approval of Agenda

Motion by Trustee Bear, supported by Trustee Budinger to approve the agenda as presented. Motion carried with five (5) ayes and zero (0) nays.

Announcements

Mayor Stewart recognized five (5) years of exceptional service working for the Town from Finance Officer Cindy Jones and ten (10) years of exceptional service working for the town from Chief Neil Ferguson. Each were presented with a certificate of appreciation.

Mayor Stewart attended the closing of the BMW Rally. Over 500 people were in attendance. The rally attendees presented the Teen Center with a \$4,000.00 donation.

Visitors

Gia Fanelli presented continued grievances regarding the building permit process and building official conduct.

Jill Spears stated the townspeople pay taxes and that the Town government should reflect the community and serve the community.

Linda Penny – out-of-town resident – works with several people in the Town and expressed concern with the Board handling of community member complaints during the visitors section of the meetings.

Unfinished Business

Opportunity for questions regarding the Written Opinion by Town Attorney Reviewing Executive Session Conducted on April 11, 2017, 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, Trustee Brunner's

Statements at the June 13, 2017 Town Board Meeting, and Determining whether there was a Violation of the Open Meetings Law and whether Trustee Brunner's Editorial, Statements to KVNf and Statements During the June 13, 2017 Town Board Meeting Violated Colorado Statutes, Town Ordinances, Town Rules, or the Board's Standards of Conduct.

Trustee Watson questioned the differences in opinions between former Town Attorney Marek and current Town Attorney Nerlin regarding the use of e-mail. Discussion ensued.

Motion by Trustee Bear, supported by Trustee Budinger to end debate. Motion carried with five (5) ayes and zero (0) nays.

New Business

West Elk Mine Update – Request for Letter of Support

Wes Norris and Casey Smith were present on behalf of West Elk Mine. The mine requests a letter of support from the Board for a temporary royalty rate reduction request to be submitted to the BLM. An overview of the General Mining Act and sections allowing the proposed reduction request. Trustees Bear and Bookout requested to view the draft letter.

Motion by Trustee Bear, supported by Trustee Watson to postpone item until the end of new business. Motion carried with five (5) ayes and zero (0) nays.

WestWater Engineering Change Order #14 – Bid Schedule B

Mayor Stewart provided a synopsis of change order 14 to bid schedule B on the out-of-town waterline project. The change order consists of the removal and installation of two (2) 12 – inch CMP culverts along Lamborn Mesa Road at the cost of \$270.00.

Motion by Trustee Bradford, supported by Trustee Bear to approve change order #14 increasing the out-of-town waterline contract to \$865,313.64. Motion carried with five (5) ayes and zero (0) nays.

Thomas Waldo's Liquor License Renewal

Aaron Papke, dba Thomas Waldo's requests the annual renewal of the liquor license at 240 Grand Avenue. No issues were noted.

Motion by Trustee Budinger, supported by Trustee Bookout to approve the annual liquor license renewal for Thomas Waldo's as presented. Motion carried with five (5) ayes and zero (0) nays.

Ordinance 2017-10 Amendment of Municipal Code Article 2, Section 2-2-80(b)

Mayor Stewart provided an overview of Ordinance 2017-10. At the July 11, 2017 meeting the Board adopted Resolution 2017-10, setting the order of business for Town meetings. The previous meeting order is included in the municipal code, so the ordinance must be amended.

Motion by Trustee Bear, supported by Trustee Bradford to postpone item until the end of new business. Motion carried with five (5) ayes and zero (0) nays.

Board of Trustees Vacancy Appointment

On June 14, 2017, Bill Brunner resigned his trustee seat effective immediately. Per state statute the Board needs to appoint someone to fill the seat by August 13, 2017 in order to avoid setting a special election. Letters of interest were received from Ross King and Barry Pennell. Mayor Stewart provided an explanation of the process to fill the seat which includes an opportunity for each candidate to address the Board and the open ballot form.

Attorney Nerlin explained that the appointment will be until the next April 2018 regular election.

Mr. King and Mr. Pennell provided a brief statement which included their desire to serve the community, why they believed they would be a good fit and background information.

Discussion ensued regarding the Treasurer position, dual trustee/treasurer, and statutory requirements.

Motion by Trustee Bookout, supported by Trustee Watson that Town Treasurer Ross King resign his position should he be appointed Trustee. Motion carried with four (4) ayes and one (1) nay from Trustee Budinger.

Discussion ensued regarding issues and concerns stemming from previous Board members and recent actions of Board members, the level of time commitment, and team collaborations.

One (1) Town resident and two (2) out-of-town residents spoke in favor of retaining Mr. King as treasurer and giving Mr. Pennell the opportunity to serve in the limited nine-month appointment.

Ballot sheets were distributed and collected by Administrator Knight. Town Clerk Corinne Ferguson tallied results.

Ross King – 2 votes from Trustees Bear and Bradford.

Barry Pennell – 3 votes from Trustees Bookout, Budinger, and Watson.

Motion by Trustee Bookout, supported by Trustee Budinger to accept the ballot results appointing Barry Pennell to the Board of Trustees. Motion carried with five (5) ayes and one (1) nay from Trustee Budinger.

Victims Impact Statement Discussion

The Town received notice that the parole board is considering early release from parole requirements for Kristin Chesnik. Chief Ferguson spoke to Ms. Chesnik's parole officer who reports that Ms. Chesnik is considered a low risk and is a model parolee who is only required to check in quarterly at this time.

Discussion ensued regarding the need for a tracking mechanism for restitution and the lack of effort on Ms. Chesnik's part to pay any restitution outside of wage garnishment and tax returns.

Motion by Trustee Bradford, supported by Trustee Budinger to submit a victim's impact statement requesting Ms. Chesnik remain on parole for the remainder of her sentence. Motion carried with five (5) ayes and zero (0) nays.

West Elk Mine Update – Request for Letter of Support (2)

Wes Norris and Casey Smith presented a copy of the draft letter of support as discussed previously during the meeting. Mayor Stewart read the draft for the record.

Motion by Trustee Bear, supported by Trustee Bookout to approve the letter of support as presented, and authorize Mayor Stewart to sign on behalf of the Board. Motion carried with five (5) ayes and zero (0) nays.

Regular Business

Mayor's Report: Mayor Stewart reported:

1. Chelsea Bookout was appointed to the Finance and Personnel Committee. Barry Pennell was appointed to Governmental Affairs and Public Safety Committee.

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

1. Out of office August 4th for a medical appointment
2. The Treasurer and Finance Officer Cindy Jones will be attending a ColoTrust Regional Meeting in Montrose August 1st
3. A Public Works Committee meeting is scheduled for Thursday afternoon
4. The Planning Commission will have a meeting Thursday evening at 6pm

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

1. The out-of-town punch list is complete
2. The storm water permit has been issued to the Town
3. The in-town project is progressing
4. Property tie-ins will begin July 26th
5. Curbing at the peony beds in Town Park will begin next week
6. Two (2) spring line repairs are underway

Police Department Report: Chief Neil Ferguson reported:

1. A written report and statement was provided in the packet.
2. The photo in the packet is of Officers Patterson and Byrge, who attended the birthday party of a little boy in Town after being invited while serving a code enforcement violation.
3. Requests Board permission to re-allocate \$8,500.00 for the purchase of new Tasers for the police department. Per Finance Officer Jones there are funds available that can be used if approved by the Board.

Discussion ensued regarding cost comparison, Taser necessity, and finance committee review.

Motion by Trustee Bear, supported by Trustee Bradford to table until the next Board meeting and finance/treasurer review. Motion carried with four (4) ayes and one (1) nay from Trustee Budinger.

Treasurer's Report: Town Treasurer Ross King reported:

1. Disbursements and payroll have been reviewed.
2. Awaiting follow-up from the auditors.
3. The real-estate sales proceeds have been used to offset cash-flow deficit until grant reimbursements are received.
4. The six (6) month budget to actual will be available next week.
5. No recommendation at this time regarding revenue options for next budget.

Committee Reports

1. Finance and Personnel: Nothing additional to report.
2. Public Works: Trustee Bradford may attend the upcoming recreation and trails master plan meeting.
3. Governmental Affairs: Nothing to report.

Minutes

Motion by Trustee Budinger, supported by Trustee Bookout to approve the minutes for July 11, 2017, as amended. Motion carried with five (5) ayes and zero (0) nays.

Disbursements

Motion by Trustee Budinger, supported by Trustee Bear to authorize the disbursements as reviewed by the Town Treasurer and Finance Committee for July 24, 2017, in the amounts of, \$75,644.25 for accounts payable, \$90,490.35 for a loan payment, \$16,141.07 for payroll taxes, and \$17,488.06 for payroll. Motion carried with five (5) ayes and zero (0) nays.

Adjournment

The meeting was adjourned by Mayor Stewart at 9:35PM

s/s
J. Corinne Ferguson, Town Clerk

s/s
Charles Stewart, Mayor