

Minutes
Town Board Regular Meeting
Town of Paonia, Colorado
July 26, 2016

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Board of Trustees held Tuesday, July 26, 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 Bill Brunner
Trustee Karen Budinger
Trustee Chelsea Bookout
Trustee Suzanne Watson

Trustee David Bradford was absent

Town Staff present were as follows:

Town Manager Jane Berry
Town Clerk Corinne Ferguson
Finance Officer Cindy Jones
Public Works Director Travis Loberg
Officer Bill Hart
Town Attorney David Marek
Treasurer Ross King

A quorum was present and Mayor 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

None

Visitors

Tom Stevens – requested an update regarding with Town Ordinance Section 10-6-60, limiting alcohol sales when minors are present without parent or guardian supervision. The ordinance is under review with other amendments to the Town Code and expected to be presented to the Board within the next 45 to 60 days.

Unfinished Business

Public Hearing – Thliveris Annexation Petition Application 7:30pm

Mayor Stewart opened the public hearing for the Thliveris Annexation at 7:30pm and provided a history of the property location and products offered. Andrew Thliveris has filed a petition to annex 69 and 73 Samuel Wade Road, Paonia, Colorado to the Town of Paonia, Colorado. The Petition for Annexation of the land sought to be annexed is identified in Resolution 2016-04, as the Thliveris Addition. The purpose for this hearing is to confirm the annexation petition complies with CRS requirements. The property zoning will be addressed on a future date.

Town Manager Berry provided an explanation of the process for annexation stating these facts:

1. The petition for annexation was filed with the Town April 5, 2016.

2. The Board of Trustees adopted Resolution 2016-04 on July 14, 2016, accepting the annexation application and setting the public hearing.
3. Required notices were posted, published, and informed.
4. Positive support received from the Paonia District 2 Fire Chief Mike Byers.

Eight (8) criteria to consider are as follows:

1. The annexation is desirable and necessary
2. Not less than 1/6 perimeter is contiguous to Town
3. Community interest exists
4. The territory proposed is urban or will be urbanized
5. The territory is integrated or capable of being integrated in to Town
6. 100% owners of real property consent and signed the annexation application
7. The territory is not part of any other incorporated city, county, or town
8. The annexation will not result in detachment from any school district

Copies of all required documents including the application, exhibits, resolutions, and publications are entered in for the record. It was determined that written communication from Mr. Larry Garrett regarding the annexation would be included in the record, regardless of relevance to the current hearing.

The Public Hearing regarding the zoning of the Thliveris property is scheduled for the regular Board meeting August 23, 2016.

Lauren Thliveris thanked the Board for considering the annexation request and reported that business is doing better than anticipated. The Thliveris family believe the business is beneficial to the community and appreciate the community support.

No public comment submitted.

Motion by Trustee Bookout, supported by Trustee Budinger, to table the Thliveris Annexation Public Hearing until later this evening. Motion carried with five (5) ayes and zero (0) nays.

Western Slope Conservation Center BLM Resource Management Plan Submission of Formal Written Comments Request

Alex Johnson, Executive Director of the WSCC was present. Mr. Johnson stated the Resource Management Plan (RMP) includes all of the Western Slope Central Region. The RMP is over 2000 pages, which the BLM has requested public comment on. The WSCC is attempting to decipher the document and provide information to the public so informed responses can be made. An extension for public comment was granted. The comment deadline is November 1, 2016.

Four (4) alternatives have been offered by the BLM:

- a. No action betaken
- b. General conservation alternative with the highest level of conservation located across the Western Slope Central Region
 - b 1. Specific to the North Fork Valley coal and gas, known as the North Fork Alternative Plan. Approximately 70% of the valley would be designated as no leasing and other no surface occupancy areas in the North Fork Valley.
- c. Pro-Extraction Plan – this opens 95% of the North Fork Valley for coal and gas exploration and extraction.
- d. The BLM preferred alternative which is a mixture of the four (4) options

Copies of previous letter submitted to the BLM from the Town Board of Trustees were provided to the Board.

Amy DeLuca, Tracy McCurdy, Amber Kleinman, Natasha Leger, and Frederick Zimmer spoke in support of the North Fork Alternative Plan and the designation of Jumbo Mountain as a Special Recreation Management Area (SRMA) as residents and business owners.

The SRMA status funding streams become available to help with maintenance and development of the trail system.

Motion by Trustee Bookout, supported by Trustee Brunner, to authorize the Facilities and Development Committee to work with WSCC to draft a letter to the BLM regarding the Resource Management Plan. Motion carried with four (4) ayes, and zero (0) nays. Trustee Bear did not vote.

Consideration to Approve Letter of Intent to Participate for the Delta County Hazard Mitigation Plan

Jeff Wright – Emergency Manager for Delta County was present. Mr. Wright request the Board to sign a letter of intent to participate in the creation of the Delta County Multi-Jurisdictional Hazard Mitigation Plan (HMP). The State approved HMP opens opportunities for grant funds through FEMA. No costs will be assessed to the Town and all matching funds will be done through in-kind work.

Motion by Trustee Budinger, supported by Trustee Bear, to approve Mayor Stewart signing a letter of intent to participate in Delta County Hazard Mitigation Planning on behalf of the Board of Trustees. Motion carried with five (5) ayes and zero (0) nays.

Consideration to Approve Liquor License Renewal Application for Thomas Waldo's

Thomas Waldo's, located at 240 Grand Avenue, requests the annual renewal of the tavern liquor license. No issues noted.

Motion by Trustee Bookout, Supported by Trustee Budinger to renew Thomas Waldo's liquor license renewal. Motion carried with five (5) ayes and zero (0) nays.

Consideration to Approve Liquor License Renewal Application for Linda M. Little dba 3rd Street Bistro

Linda Little was present. The 3rd Street Bistro, located at 212 Third Street, requests the annual renewal of the hotel & restaurant liquor license. No issues noted.

Motion by Trustee Bear, Supported by Trustee Budinger to renew Linda Little dba 3rd Street bistro liquor license renewal. Motion carried with five (5) ayes and zero (0) nays.

Consideration to Approve Written Comments Submission to BLM for Coal Mining PEIS

The BLM deadline for submission of comments is set for July 28, 2016. An updated version of original proposed comments were supplied to the Board of Trustees.

Mayor Stewart read proposed letter to the public.

Trustee Bookout requested the addition of language regarding re-training and economic development for the community which has been effected by the changes to the coal mining industry.

Discussion ensued regarding the message the Town could be sending when asking for funding in replacement of coal mining jobs, re-structuring of coal mining operations, and the continued representation of the North Fork Valley on a national level during the national policy development stages.

Motion by Trustee Bear, supported by Trustee Brunner, to approve Mayor Stewart signing the comments letter to the BLM as presented on behalf of the Board of Trustees. Motion carried with five (5) ayes and zero (0) nays.

Consideration to Set Special Meeting for Saturday, August 13, 2016 for Town Board and Staff Retreat – 2017 Budget Planning

Motion by Trustee Bear, Supported by Trustee Bookout to set a Special Meeting for Saturday, August 13, 2016 for Town Board and Staff Retreat for 2017 Budget Planning. Motion carried with

five (5) ayes and zero (0) nays.

Continued Thliveris Annexation Public Hearing

Mayor Stewart closed the public hearing for comment at 9:15pm. Discussion ensued regarding the public hearing process.

Motion by Trustee Watson, Supported by Trustee Bookout to continue the Thliveris annexation Public Hearing until August 9, 2016 to consider findings of fact. Motion carried with five (5) ayes and zero (0) nays.

Regular Business

Mayor's Report: Mayor Charles Stewart had nothing to report.

Trustee Brunner requested a conversation be had by the Board regarding how employee complaints are handled by the Town. Trustee Brunner stated he believes the Town does not have a viable policy regarding the handling of first level employee complaints and believe that Mayor Stewart has a tendency to proceed with a course of action with little to no input from the Board. Mayor Stewart advised Trustee Brunner to proceed with caution due to privacy and C.R.S. regulations regarding how employee matters are discussed.

Trustee Watson questioned why an e-mail sent for distribution by the Town Clerk to the Board was not forwarded.

Town Attorney Marek stated a memo addressing the concerns will be distributed to the Board tomorrow.

Trustee Brunner added that he will wait to discuss further until after the receipt of the memo but wants it on the record that there is a serious problem with how grievances are being addressed.

Town Manager Report: Town Manager Jane Berry reported:

1. Downtown Colorado Institute workshop planning continues.
2. The Thliveris and Rowell re-zoning applications may be delayed.
3. The DMEA fiber franchise agreement is under review.
4. A possible use for the vo-tech building has been received from DCED along with a request for a letter of support.

Motion by Trustee Bookout, Supported by Trustee Budinger to approve Mayor Stewart signing the letter of support for the Delta County Economic Development (DCED) Administration Power Grant Funding Application on behalf of the Board of Trustees. Motion carried with five (5) ayes and zero (0) nays.

5. Met with SGM and CDPHE to discuss status of environmental review process. The process is moving forward and may be out to bid mid-September.
6. A letter for the \$1,000,000 grant deadline extension is being drafted.
7. The library plans to continue Wi-Fi at the library and Town Park.
8. C&N Construction will begin sidewalk work August 15, 2016 with an estimated sixty (60) days for completion.
9. WestWater Engineering worked with Town Manager Berry and Public Works Director Loberg to complete the intended use plan and eligibility survey for CDPHE.

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

1. No issues working with the BMW Rally event.
2. Prepping is underway for Pickin in the Park
3. Tree trimming at Town Park is set for August.
4. Spring flows are dropping but plants are running well.
5. Kirk Morgan is out for water and wastewater exams.
6. Sewer pond repairs are complete.
7. Working with engineers regarding fuel spill at old sewer plant.

8. Wednesday trash route will be run along with Thursday's route due to staff shortages and scheduled truck repairs.

Trustee Watson commented whether Town Manager Berry would be riding on the trash truck to assist.

Police Department Report: Officer Bill Hart reported:

1. Report provided in packets.
2. Sixty-two (62) incidences were investigated over the last month.
3. The police department continues to work diligently on open cases.
4. BMW Rally went smoothly.

Treasurers Report: Town Treasurer Ross King reported:

1. Pleased with audit report and commends staff on a job well done.
2. All disbursements have been reviewed.
3. Additional funds need transferred to COLO Trust account.
4. Requested the opportunity to review the DMEA franchise agreement.

Committee Reports

1. Finance and Personnel: Nothing to report.
2. Public Works: Nothing to report.
3. Public Safety: Met regarding emergency plan and are looking in to a citizen watch program.
4. Governmental Affairs: Nothing to report.
5. Services & Recreation: During Committee meeting a brief discussion regarding parking issues at Pan American Avenue's Jumbo Trail access was had. The committee will follow up.
6. Facilities & Development: Deadline set for thirty (30) days for interested parties to apply for the Airport Advisory Board seat.

Minutes

Motion by Trustee Budinger, Supported by Trustee Bear to approve the Town Board Regular Meeting Minutes for July 12, 2016. Motion carried with five (5) ayes and zero (0) nays.

Motion by Trustee Budinger, Supported by Trustee Bookout to approve the Town Board Special Meeting Minutes for July 12, 2016 as amended. Motion carried with five (5) ayes and zero (0) nays.

Disbursements

Motion by Trustee Bear, Supported by Trustee Budinger to authorize the disbursements as reviewed by the Finance Committee with the Town's Finance Officer in the amounts of \$26,939.64 for accounts payable, \$179,000.00 COLO Trust transfer, \$15,776.39 for payroll taxes, \$17,649.16 for payroll and \$8,980.00 to WSCC for grant pass through. Motion carried with five (5) ayes and zero (0) nays.

Adjournment

The meeting was adjourned by Mayor Charles Stewart at 9:55 PM

/s/

J. Corinne Ferguson, Town Clerk

/s/

Charles Stewart, Mayor