

**Minutes**  
**Town Board Regular Meeting**  
**Town of Paonia, Colorado**  
**November 22, 2016**

**RECORD OF PROCEEDINGS**

The Regular Meeting of the Town Board of Trustees held Tuesday, November 22, 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 Chelsea Bookout  
Trustee David Bradford  
Trustee Bill Brunner  
Trustee Karen Budinger  
Trustee Suzanne Watson

Town Staff present were as follows:

Town Manager Dan Dean  
Town Clerk Corinne Ferguson  
Finance Officer Cindy Jones  
Public Works Director Travis Loberg  
Treasurer Ross King

Sergeant Neil Ferguson was absent.

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

**Approval of Agenda**

Motion by Trustee Bear, Supported by Trustee Bradford to approve agenda as presented. Motion carried with six (6) ayes and zero (0) nays.

**Announcements**

Trustee Watson noted for the record that the Board previously did not vote during work session special meetings.

**Visitors**

None

**Public Hearing – Proposed 2017 Town of Paonia Budget 7:00pm**

*(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. jcf)*

The Public Hearing began at 7:05 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 provided a brief history of the budget review process which included three (3) work sessions. Public Hearing notices were published since October 19, 2016, and this hearing is provided as an opportunity for the public to make comments regarding the proposed budget.

The final consideration for the budget will be at the regular meeting held December 13, 2016, at 7:00PM.

Mayor Stewart opened the hearing for public comment.

No comments were presented to the Board.

The Public Hearing concluded at 7:12 PM.

### **Unfinished Business**

#### **Ordinance 2016-07 an Ordinance Replacing Ordinance 2016-01 Dealing with Water Service and Water Fees for the Town of Paonia**

Mayor Stewart read Ordinance 2016-07 title for the record. This is the third attempt for discussion as an agenda item. The Ordinance was postponed from the last Board meeting due to the Presidential Election. The main change in the draft ordinance is permitting rate and fee changes via resolution. Ordinances are designed for action intended to be permanent, items that are subject to change are better addressed via resolution.

Motion by Trustee Bradford, Supported by Trustee Bear to adopt Ordinance 2016-07.

Motion by Trustee Brunner, Supported by Trustee Watson, to table Ordinance 2016-07 until a redlined draft can be provided. Tie vote with Trustees Bookout, Brunner and Watson voting aye and Trustees Bear, Bradford, and Budinger voting Nay. Motion carried via a tie breaker vote from Mayor Stewart.

#### **Resolution 2016-08 Setting Water Rates and Fees for the Town of Paonia**

Mayor Stewart read Resolution 2016-08 title for the record.

Motion by Trustee Bookout, Supported by Trustee Budinger to table Resolution 2016-08 until the next regular Board meeting December 13, 2016. Motion carried with six (6) ayes, zero (0) nays.

### **New Business**

#### **Special Event Permit – Elsewhere Studios Masquerade Ball**

Spencer Lightfoot was present on behalf of Elsewhere Studios. Required documentation was included in the Board packet and staff recommends approval of the Special Event Permit for December 31, 2016 at 395 Clark Avenue.

Discussion ensued regarding the correction of the trade name and non-profit status.

Motion by Trustee Bookout, Supported by Trustee Bear to approve the Special Event Permit, subject to corrections, for Coyote Schools, dba Elsewhere Studios. Motion carried with six (6) ayes and zero (0) nays.

#### **North Fork Area Planning Commission Seat Appointment**

Delta County Administrator Robbie LeValley informed the Town that the expectation is that the seat be filled by a current Town trustee. Trustee Bear expressed interest in the seat vacated by former Trustee Ross King.

Motion by Trustee Bradford, Supported by Trustee Bookout to appoint Trustee Bear to fill the North Fork Area Planning Commission seat. Motion carried with six (6) ayes and zero (0) nays.

Ordinance 2016-08 an Ordinance Replacing Ordinance 2015-03 Dealing with Sewer Service and Sewer Fees for the Town of Paonia

Mayor Stewart read Resolution 2016-07 title for the record. The draft ordinance changes Town Manager to Town Administrator and allows for rate and fee changes via resolution.

Motion by Trustee Budinger, Supported by Trustee Bear to adopt Ordinance 2016-08.

Motion by Trustee Brunner, Supported by Trustee Bookout, to table Ordinance 2016-08 until a redlined draft can be provided. Motion carried with six (6) ayes and zero (0) nays.

Resolution 2016-09 Setting Sewer Rates and Fees for the Town of Paonia

Mayor Stewart read Resolution 2016-09 title for the record.

Motion by Trustee Bradford, Supported by Trustee Bookout to table Resolution 2016-09 until the next regular Board meeting December 13, 2016. Motion carried with six (6) ayes, zero (0) nays.

**Regular Business**

Mayor's Report: Mayor Charles Stewart reported:

1. Mayor Stewart received communication from the Office of Management of Budget regarding Colorado Roadless Rule; stating the group determined the elimination of the exemption of Colorado Roadless Rule would cause significant impact economically.

Town Administrator's Report: Town Administrator Dan Dean reported:

1. A written report was provided in the packet.
2. Attorney Marek plans to have ordinances for review at an upcoming meeting.
3. The codification process should be completed by the end of the year, which will include an electronic version for the website in the coming months.
4. An out-of-town sewer tap request has been received and will be reviewed over the next few weeks.

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

1. Most vehicles have Town logos installed.
2. Out-of-Town waterline construction is underway.

Police Department Report: Sergeant Neil Ferguson was absent. Town Administrator Dean reported:

1. A written report was provided in the packet.
2. Abandoned and illegal vehicles are being tagged and towed.
3. A loose pig in Town is being dealt with.

Treasurer's Report: Town Treasurer Ross King reported:

1. Disbursements have been reviewed.
2. Monitor wells on Highway 133 property are being identified for mitigation.
3. Per the current loan agreement a letter to advise the USDA that the Town is pursuing the sale of parcels of property is being prepared.
4. A meeting is being scheduled to discuss the Elevate broadband franchise agreement.

**Committee Reports**

1. Finance and Personnel: The Town Administrator finalists are:  
Dan Dean  
Kenneth Knight  
Larry Lorentzen

Evie Racette  
Pamela Woods

Motion by Trustee Budinger, Supported by Trustee Watson to schedule a Special Board meeting December 8, 2016 from 9AM throughout the day for interviews of prospective candidates. Motion carried with six (6) ayes, zero (0) nays.

2. Public Works: Viewed the sewer manhole liner with Administrator Dean and Public Works Director Loberg to gain a better understanding of the liner necessity. The liners are a good way to reduce ground water infiltration in to the sewer system. A 1 acre parcel located at the end of 4050 Road may be a consideration to sell in the upcoming year.
3. Governmental Affairs: Nothing to report.
4. Services & Recreation: Recommended a listing or registry for parties interested in picking up leaves throughout Town.
5. Facilities & Development: Nothing to report.
6. Public Safety: Nothing to report.

### **Minutes**

Motion by Trustee Bradford, Supported by Trustee Budinger to approve the Regular Town Board Meeting Minutes as amended for November 8, 2016. Motion carried with six (6) 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 Treasurer Ross King, in the amounts of \$36,332.70 for accounts payable, \$5,136.07 for payroll taxes, and \$14,261.94 for payroll. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Brunner, Supported by Trustee Bookout to withhold Roop Excavating payment until dirt piles relocated on private property are mitigated correctly.

Discussion ensued regarding the private landowners request for the dirt and how to approach the contractor and homeowner regarding the piles.

Motion by Trustee Bookout, Supported by Trustee Watson to amend original motion to withhold Roop Excavating payment until facts are established by Town Attorney regarding the placement of dirt. Motion carried with four (4) ayes and two (2) nays from Trustees Bear and Bradford.

Original motion by Trustee Brunner, Supported by Trustee Bookout to withhold Roop Excavating payment until facts are established by Town Attorney regarding the placement of dirt. Motion carried with five (5) ayes and one (1) nay from Trustee Bradford.

### **Executive Session**

Motion by Trustee Bear, supported by Trustee Watson to go in to executive session to conference with the Town Attorney for the purposes of receiving legal advice on specific legal questions; - Hawks Haven Agreement pursuant to C.R.S. 24-6-402(4)(b) - Regarding the Marsh Road property. Motion carried with six (6) ayes, and zero (0) nays.

The Town Board entered Executive Session at 9:25PM.

The Board returned to open session at 9:49PM.

In attendance were Charles Stewart, Town Attorney David Marek, Trustees David Bradford, Bill Bear, Suzanne Watson, Karen Budinger, Chelsea Bookout, Bill Brunner, and Town Administrator Dan Dean.

No issues were noted.

Motion by Trustee Brunner, Supported by Trustee Bradford to approve contract amendment to

the existing pre-annexation agreement with the Hawks Haven homeowners contingent upon all homeowners signing and returning the agreement to the Town by December 31, 2016. Motion carried with six (6) ayes, and zero (0) nays.

**Adjournment**

The meeting was adjourned by Mayor Charles Stewart at 9:53PM PM

\_\_\_\_\_/s/\_\_\_\_\_  
J. Corinne Ferguson, Town Clerk

\_\_\_\_\_/s/\_\_\_\_\_  
Charles Stewart, Mayor