

Minutes
Town Board Regular Meeting
Town of Paonia, Colorado
December 13, 2016

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Board of Trustees held Tuesday, December 13, 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
Treasurer Ross King

Sergeant Neil Ferguson and Public Works Director Travis Loberg were absent.

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

Approval of Agenda

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

Announcements

None

Visitors

None

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 fourth attempt for discussion as an agenda item. The Ordinance was postponed from the last Board meeting to allow time for a red-lined draft to be provided. 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 Brunner, Supported by Trustee Watson, to keep the Ordinance 2016-07 *whereas* clause eight (8) regarding water rate fees in relation to debt services. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Brunner, Supported by Trustee Watson, to add definitions for *commercial unit* and *meter*. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Brunner, Supported by Trustee Watson, to duplicate *Paragraph B: Additional Basic Water Rates for Multiple Businesses on One Lot or in a Single Building* referencing residential lots. Motion failed with two (2) ayes and four (4) nays from Trustees Bradford, Bear, Bookout, and Budinger.

Motion by Trustee Watson, Supported by Trustee Budinger, to instruct Town attorney Marek to review billing procedures to confirm the Town is compliant with state statutes. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Brunner, Supported by Trustee Watson, to instruct Town Attorney Marek to review lien procedures to confirm the Town is compliant with State statutes. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Brunner to add the phrase *or supplied by the Town* to Paragraph A, on page six (6). Motion failed for lack of a second.

Motion by Trustee Brunner, Supported by Trustee Watson, to modify page 9, 13-1-70 to include out of Town properties.

Motion by Trustee Bear, Supported by Trustee Bookout, to amend original motion stating separate meters requires to connect to Town waterlines. Motion carried with six (6) ayes and zero (0) nays.

Main motion by Trustee Brunner, Supported by Trustee Watson to modify the third sentence of Page 9, Paragraph B to read that *any new structure must purchase an additional water tap and will be provided an additional water meter*. Motion failed with two (2) ayes and four (4) nays from Trustees Bradford, Bear, Bookout, and Budinger.

Discussion ensued regarding tap installation vs. additional base charges, in-town and out of town regulations, and proper procedure for requesting board action.

Motion by Trustee Watson to require multiple households in a single building to be charged extra base fees for each living unit. Motion failed for lack of a second.

Motion by Trustee Bradford, Supported by Trustee Bear, to incorporate Section G from Town Code – 13-1-20 restricting water use. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Brunner, Supported by Trustee Watson, to Remove Paragraph A, setting fees by Resolution. Motion failed with two (2) ayes and four (4) nays from Trustees Bradford, Bear, Bookout, and Budinger.

Discussion postponed until next meeting when corrections can be presented.

Motion by Trustee Bookout, Supported by Trustee Bradford to limit discussion at January 10, 2017 regular Board meeting to changes made in the draft Ordinance only. Motion carried with four (4) ayes and two (2) nays from Trustees Brunner and Watson.

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 Bradford to table Resolution 2016-08 until the next regular Board meeting January 10, 2017. Motion carried with five (5) ayes, one (1) nay from Trustee Watson.

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 Bradford, Supported by Trustee Bookout, to table Ordinance 2016-08 until the next regular Board meeting January 10, 2017. 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 Budinger, Supported by Trustee Watson to table Resolution 2016-09 until the next regular Board meeting January 10, 2017. Motion carried with six (6) ayes, zero (0) nays.

New Business

Appointment of Christmas Lighting Contest Judges

Motion by Trustee Bear, Supported by Trustee Budinger to appoint Lianne Mattson, Katya Schwieterman, and Corinne Ferguson as 2016 Christmas Lighting Judges. Motion carried with six (6) ayes and zero (0) nays.

Resolution 2016-10 Town of Paonia 2017 Budget Adoption

Motion by Trustee Bear, Supported by Trustee Budinger to adopt Resolution 2016-10.

Motion by Trustee Brunner, Supported by Trustee Watson to amend the motion, removing the Goals and Objectives section. Motion failed with two (2) ayes and four (4) nays from Trustees Bradford, Bear, Bookout, and Budinger.

Motion by Trustee Brunner, Supported by Trustee Bookout to require donation requests to be made in person to the Board. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Watson, Supported by Trustee Brunner to correct advisory committee members. Motion carried with six (6) ayes and zero (0) nays.

Main motion by trustee Bear, Supported by Trustee Budinger to adopt Resolution 2016-10 with changes. Motion carried with six (6) ayes and zero (0) nays.

Trustee Bradford requested the proposed purchasing guidelines be presented in the form of a Resolution.

Resolution 2016-11 Town of Paonia 2017 General Fund Mill Levy

Motion by Trustee Budinger, Supported by Trustee Bear to adopt Resolution 2016-11 setting the 2017 Mill Levy at 8.346 mills. Motion carried with six (6) ayes and zero (0) nays.

Parks Maintenance Contract Award

A request for proposals regarding parks maintenance was published, with a deadline date of November 28, 2016 set. One updated proposal was received from Mikel Altenhoffen, the current parks maintenance contractor.

Town attorney Marek submitted additional language regarding indemnification and prohibiting the hiring of illegal immigrants.

Motion by Trustee Bradford, Supported by Trustee Budinger to accept the proposal for parks maintenance in the amount of \$ 41,928.00.

Motion by Trustee Bradford, Supported by Trustee Brunner to amend the main motion, adding the exact numerical payment amounts to paragraph 3 and set the baseball field and Minor's Statue reclamation deadline to be May 1, 2017. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Brunner, Supported by Trustee Watson to amend the main motion, setting

each monthly payment to equal \$3,494.00. Motion carried with six (6) ayes and zero (0) nays.

Main motion by Trustee Bradford, Supported by Trustee Budinger to accept the proposal for parks maintenance as amended. Motion carried with six (6) ayes and zero (0) nays.

Proposed Changes to Ordinance 2016-02 Regarding Town Officers

Motion by Trustee Brunner, Supported by Trustee Watson to amend Ordinance 2016-02 to include the appointment of Town Administrator.

Discussion ensued regarding state laws vs. local laws, process of removal of a Town Administrator, and contract requirements that dictate the purview of the administrator duties.

Motion withdrawn.

Proposed Changes to the Administrator Employment Agreement

Motion by Trustee Brunner, Supported by Trustee Watson to require pre-approval of expenses outlined in section 5 of the administrator employment agreement.

Motion by Trustee Bear, Supported by Trustee Bradford to table discussion until a draft contract with the new town administrator is available for discussion. Motion carried with five (5) ayes and one (1) nay from Trustee Brunner.

Motion by Trustee Budinger, Supported by Trustee Bookout to set a special meeting Tuesday, December 20, 2016 at 7PM regarding the employment of a Town Administrator. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Budinger, Supported by Trustee Bookout to amend the special meeting date to Wednesday, December 21, 2016 at 7PM. Motion carried with six (6) ayes and zero (0) nays.

Regular Business

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

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

1. A written report was provided in the packet.
2. The out of town waterline project continues to make progress.
3. Continuing to negotiate easement agreements for out of town waterlines.
4. Codification should be finalized by February.
5. Elevate franchise agreement is moving forward and will be discussed soon.
6. The North Fork Area Planning Commission meeting has been postponed.
7. Suggested Board review final bills and direct questions to Cindy, so they can be paid.

Motion by Trustee Budinger, Supported by Trustee Bear to pay final bills after review by Trustees, and to hold any bills questioned until January. Motion carried with six (6) ayes and zero (0) nays.

Public Works Department Report: Public Works Director Travis Loberg was not available to provide a report.

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

1. A written report was provided in the packet.
2. A year to year comparison was also provided in the packet.

Trustee Bradford requested the items on the blotter also include who received a citation.

Treasurer's Report: Town Treasurer Ross King reported:

1. Disbursements have been reviewed.

Committee Reports

1. Finance and Personnel: References are being checked on final candidates.
2. Public Works: Requests a meeting in January to discuss streets and sidewalks.
3. Governmental Affairs: Provided a handout regarding Resolution 2015-13.
4. Services & Recreation: Nothing to report.
5. Facilities & Development: Nothing to report.
6. Public Safety: Attorney Marek is reviewing the Emergency Preparedness Plan.

Minutes

Motion by Trustee Brunner, Supported by Trustee Budinger to approve the Regular Town Board Meeting Minutes for November 22, 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 \$175,000 transfer from COLOTrust, \$271,685.58 for accounts payable, \$100,000 transfer to payroll, \$10,104 transfer for debt service, \$19,075.32 for payroll taxes, and \$31,738.27 for payroll. Motion carried with six (6) ayes and zero (0) nays.

Executive Session

Motion by Trustee Bradford, Supported by Trustee Bookout for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.: regarding the Town Administrator position. Motion carried with six (6) ayes, and zero (0) nays.

The Town Board entered Executive Session at 10:20PM.

The Board returned to open session at 11:35PM.

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

No issues were noted.

No action taken.

Adjournment

The meeting was adjourned by Mayor Charles Stewart at 11:38PM

s/s
J. Corinne Ferguson, Town Clerk

s/s
Charles Stewart, Mayor