

Town Council Regular Meeting
Town of Paonia, Colorado
March 13, 2012

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Council held Tuesday, March 13, 2012 was called to order at 7:04 p.m. with the Pledge of Allegiance. Those present were Mayor Neal Schwieterman, Trustees Corinne Ferguson, Blake Kinser, Sid Lewis, Lucien Pevec, Brian Ayers, and David Weber; Travis Loberg; Attorney James Briscoe; and Town Clerk Barbara Peterson. Scott Leon arrived later.

Mayor Schwieterman determined a quorum was present and proceeded with the meeting.

Approval of Agenda

Trustee Ferguson moved to approve the agenda as presented. Trustee Kinser seconded and the motion passed unanimously.

Announcements

- None

Visitors

- None

Elementary School Update

The Elementary School student council provided information regarding fundraisers. The school is collecting box tops for education, a "Kiss the Pig" campaign, and a used book sale. There are new standardized tests for students. In conjunction with the Paonia Library, students may read from home via the enterprise system. Girls on the Run provides an after school program for Third through Sixth graders. The program honors voices, recognizes individual healthy lifestyle choices for girls and will culminate in a 5K run the first week in May in Grand Junction. Destination Imagination is another after school program encouraging written and verbal communication skills. Paonia Elementary has been recognized for its academic achievements despite budget cuts and loss of teachers. Mayor Schwieterman thanked the community for all the support shown during these budget cuts and administrative changes and noted how proud our community is of our students.

Paonia High School (PHS) Update

Daniel Ford was present. The Student Council representative announced the following:

- The Speech team has qualified and will be attending State on March 10, 2012.
- Girls' basketball ended fourth at the state tournament.
- Baseball and track practices have begun. Baseball has a new coach.
- Junior High wrestling is almost finished for the season.
- The new standardized tests, TCAP, are starting this week.
- Prom is next week.
- Junior High Destination Imagination won regionals.

Unfinished Business

West Home Center – Sale Proposal

Attorney Briscoe indicated a conversation with Ms. Josie West, noting they are looking for a site that is all on one floor to relocate the business. If West's are able to find a new location, they will be interested in selling the entire parcel on the alley. Trustee Weber moved to remove this from the agenda until there are further developments. Trustee Lewis seconded. During discussion, it was noted the wood barn is in poor condition, but the cement structure is fine. Motion was brought to a vote and passed unanimously.

New Business

Flying Fork Café – Liquor License Renewal

The Flying Fork Café is requesting to renew the hotel and restaurant liquor license for the property located at 101 Third Street. Trustee Ferguson indicated Chief Leon reported no problems at the staff meeting. Trustee Lewis moved to approve the liquor license renewal as presented. Trustee Ferguson

seconded and the motion passed unanimously.

Bresnan Communications – Cable Franchise

Mayor Schwieterman noted the packets contained a copy of the agreement as well as a memo from the attorney's office detailing the changes from the last agreement. Discussion regarding protections that were in the prior agreement ensued. Trustee Weber moved to submit the Bresnan Communications franchise agreement to legal for negotiations regarding the points outlined in the memo. Trustee Ferguson seconded. During discussion, Trustee Lewis requested that the term of the agreement and the sidewalks near the public right of ways be addressed. Motion was brought to a vote and passed unanimously.

Ordinance 2012-02 – Minor Subdivision Modification

Mayor Schwieterman noted that when this first came to the Town, the Riverbank Neighborhood request for a minor subdivision was handled via the Development and Review (D&R) committee. At that meeting, Richard Schmidt pointed out that it was an inappropriate venue. With that comment, the Town reviewed the request through legal and the planner. The current law read that only one of either a boundary adjustment or a minor subdivision was allowed. This ordinance proposed to further define that multiple boundary adjustments are allowed, but only one minor subdivision is allowed. After discussion regarding the emergency clause, Trustee Pevec moved to adopt Ordinance 2012 as presented. Trustee Ferguson seconded. Trustee Weber moved to amend the motion to remove the emergency clause. Trustee Kinser seconded.

7:35 p.m. Scott Leon arrived

The amended motion was brought to a vote and passed unanimously. The main motion was brought to a vote and passed unanimously.

Riverbank Neighborhood – Minor Subdivision Request

Mayor Schwieterman noted the application, a memo from the planner, property cards, comments from the Building Official indicating no issues, and meeting notes from the D&R meeting. Riverbank Neighborhood is requesting a minor subdivision of the PUD property along the phasing lines in order to grow hops on the northern portion of the property. The Planned Unit Development proposal will supersede any ownership and there are trigger points for infrastructure built into the development plan. Bonding will happen at filing. The agricultural use is a viable grandfathered use. Trustee Weber moved to approve the minor subdivision as requested. Trustee Ferguson seconded and the motion passed unanimously.

Additional Business

Mayor's Report: Mayor Schwieterman reported receiving notification of the preliminary Environmental Assessment (EA) from the Bureau of Land Management (BLM) indicating no significant impacts referencing the proposed lease parcels. Final comments are due April 6, 2012. The BLM indicates requests for preservation of land and water systems and have only set aside those parcels with steep slopes. The bulk of the concerns that were submitted will be addressed through stipulation and then mitigation. Development will require further NEPA study. Discussion regarding the current BLM resource management plan (RMP) ensued. Trustee Pevec moved to request the Clerk to write a letter on behalf of the Town bringing attention to Paonia's watershed ordinance and request and Environmental Impact Study on every parcel affected in the Town's watershed ordinance. Trustee Weber seconded. Trustee Lewis moved to amend the motion to include the complete last letter added to the requested letter. Motion failed for lack of a second. Original motion was brought to a vote and passed with Trustee Lewis voting "nay". Trustee Pevec moved to resubmit initial letter in a separate envelope for the proposed lease sale. Trustee Lewis seconded. Motion failed with Trustee Pevec and Lewis voting "aye" and Trustees Ayers, Kinser, Ferguson and Weber voting "nay". Mayor Schwieterman also reported receiving a memorandum from the Colorado Municipal League (CML) regarding the oil and gas industry task force. The Western Slope Conservation Center (WSCC) has been active at the Paonia river park with four different projects proposed including a handicap accessible viewing platform, mitigation of invasive plant species, restoring the single channel and working with Minnesota Ditch Company to replace affected riparian.

Public Works: Public Works Director Loberg reported street cleaning has begun. There was a water leak last Sunday on Mathews Lane and the crew is trying to keep up on filling potholes.

Police Report: Chief Leon submitted a written report.

Finance Committee Report: Trustee Pevec reported working on the Peaks Public Investment application and requested guidance on who is going to be able to make the investment decisions. A request for proposals will need to go out to compare investment strategies. The Town has an agreement with North Fork Pool, Park and Recreation District for leasing of the Apple Valley tennis courts. The last approved invoice of August 2011 was not paid. Trustee Pevec moved to pay \$3000 to the NFPPR as agreed. Trustee Ayers seconded and passed unanimously. Discussion regarding an asset listing ensued. No action was taken.

Parks Committee Report: Trustee Pevec had nothing to report. The Town Park gazebo sod is scheduled for installation dependent upon weather conditions.

Public Safety Committee Report: Trustee Ayers had nothing to report. Trustee Ayers reported the Paonia Lions Club is assisting with the health fair at the Vo-Tech tomorrow.

Street Committee Report: Trustee Lewis reported the state rejected any idea of municipalities having a voice regarding damages from oil and gas development. Trustee Ferguson noted the delayed McGavin annexation agreement has been addressed and is a priority to complete.

Water/Sewer Committee Report: Trustee Ferguson reported work continues on the water ordinance. Trustee Weber noted the sewer issue that was reported by Public Works Director Loberg is a criminal offense. The transfer station is taking oil and the Town also accepts used oil at the Town Shop. Trustee Lewis thanked the mayor for efforts in establishing the recycling at the transfer station.

Personnel Committee Report: Trustee Kinser reported Cindy Jones has been hired as the new bookkeeper as of March 8, 2012. Discussion regarding a human resource consultant ensued with goal identified as supplementing Personnel committee, not replacing. Trustee Weber cautioned the Town to not use consultants in place of a Town Manager.

Minutes:

Corrections submitted. Trustee Weber moved to approve the minutes of January 24, 2012 as amended. Trustee Ferguson seconded and the motion passed with abstentions from Trustees Kinser and Pevec. Discussion regarding the personnel section ensued to add the word "alleged" in the Personnel section regarding the embezzlement. Trustee Pevec moved to approve the minutes of February 28, 2012 as amended. Trustee Ferguson seconded and the motion passed with Trustees Lewis and Kinser abstaining.

Disbursements:

Trustee Pevec moved to pay the bills ending March 13, 2012. Trustee Lewis seconded, and the motion passed unanimously.

8:43 p.m. Meeting adjourned.

Mayor, Neal Schwieterman

Town Clerk, Barbara J. Peterson