

**Town Council Regular Meeting**  
**Town of Paonia, Colorado**  
**March 22, 2011**

RECORD OF PROCEEDINGS

The Regular Session of the Town Council held Tuesday, March 22, 2011 was called to order at 7:03 p.m. with the Pledge of Allegiance. Those present were Mayor Neal Schwieterman, Trustees Brian Ayers, Lucien Pevec, Corinne Ferguson, Sid Lewis, Blake Kinser and David Weber, and Town Clerk Barbara Peterson. Scott Leon was absent.

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

**Approval of Agenda**

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

**Announcements**

- Mayor Schwieterman read a thank you letter from the Senior Center for the Town's donation.

**Visitors**

None

**Unfinished Business**

**New Business**

**Flying Fork Café – Liquor License Renewal**

The Flying Fork Café is requesting a hotel and restaurant liquor license renewal for the property located at 101 Third Street. Mayor Schwieterman noted that Chief Leon had indicated no problems with the establishment at the staff meeting. Trustee Pevec moved to approve the Flying Fork Café liquor license renewal as presented. Trustee Lewis seconded and the motion passed unanimously.

**Mountain Harvest Festival – Special Event Liquor License Request**

Linda Smith and Laurene Bissell were present. The Mountain Harvest Festival (MHF) is requesting to have a special event liquor license for the Gears and Beers festival to be held on Saturday, June 4, 2011 at the property located at 334 Grand Avenue. The license would be from the hours of 3:00 p.m. to 7:00 p.m. and security personnel will be at the entrances. Ms. Bissell noted the MHF is trying to collaborate with more organizations and the Gears and Beers seemed like a good fit. Trustee Pevec moved to approve the special event liquor license as requested. Trustee Ayers seconded and the motion passed unanimously.

**Bone Mesa – Mays Spring Water Maintenance Agreement**

The Town and Bone Mesa have shared water resources and there has not been an agreement since 1933 that was struck down by the water commissioner due to flaws. A new agreement has been crafted to detail procedures for planning, emergency repairs and sharing water. The Town has 40% of the shared water and Bone Mesa owns 60% of the Mays Spring. The Bone Mesa board has already approved. Trustee Weber moved to approve the Bone Mesa Mays Spring water maintenance agreement as presented. Trustee Kinser seconded. Discussion ensued regarding cost sharing being prorated and decree amounts were requested to be in the document setting forth current allocations for future reference. Motion was brought to a vote and passed unanimously.

**Bone Mesa – Gelwick Spring Water Maintenance Agreement**

The Town owns 95.7% and Bone Mesa owns 4.3% of the Gelwick Springs. The agreements are identical except the Gelwick agreement does not have the section referring to the 1933 agreement to be rescinded. Discussion regarding notification requirements disclosed that routine maintenance of surrounding vegetation does not require notification. Trustee Weber moved to approve the agreement

as presented. Trustee Lewis seconded. Discussion regarding Public Works concerns of the Bone Mesa – Gelwick Spring Water Maintenance Agreement (continued) notification process ensued. Trustee Ferguson moved to amend the motion to change the Bone Mesa Gelwick Springs Agreement Section 6, the last sentence to read “Any water shutdown for non-emergency or improvements requires advance notification of at least five (5) days.” Trustee Weber seconded and the amended motion passed unanimously. The main motion was brought to a vote and passed unanimously.

#### Bone Mesa – Mays Spring Water Maintenance Agreement

Trustee Ferguson moved to change the Bone Mesa Mays Springs Agreement Section 6, the last sentence to read “Any water shutdown for non-emergency or improvements requires advance notification of at least five (5) days.” Trustee Weber seconded and the motion passed unanimously.

#### “Late Bill” – Letter of Support

Part of the time at the work session was spent with the engineer regarding a currently proposed state mandate regarding water quality. The Environmental Protection Agency (EPA) is mandating certain levels of phosphorous and nitrogen in rivers and streams. Colorado is trying to pass the new mandated levels statewide, but there is data to show that not only do these levels occur naturally due to bedrock conditions, but also, the levels may be basin specific. The data shows that the point of source for the western slope is not from wastewater treatment plants, but agricultural and/or naturally occurring in the soil. Colorado Representative Marsha Loooper is proposing a late bill to stay the statewide rulemaking in favor of an analysis by the Water and Power Authority to study points of source. If the mandate is implemented, the new wastewater treatment plant would automatically become out of compliance, which would require a new mechanical plant to be built at taxpayer expense. Trustee Weber moved to provide a letter of support to the Loooper late bill regulating nutrients and approving a letter to Colorado Municipal League requesting lobbying efforts for the same bill. Trustee Kinser seconded and the motion passed unanimously. Nucla is carrying the financial load for this rulemaking, similar to the situation Paonia had with effluent levels. Nucla has already spent more than \$20,000 to fight the blanket mandate. Trustee Weber moved to approve \$2,000 out of the Sewer Enterprise Fund to send to Nucla for support. Trustee Kinser seconded and the motion passed unanimously.

#### **Additional Business**

Mayor’s Report: Mayor Schwieterman reported the Paonia Christian Fellowship is requesting a letter of support to the Colorado State Historical Fund requesting funds for the restoration of stained glass windows. Trustee Kinser moved to approve the letter of support as requested. Trustee Ayers seconded and the motion passed unanimously. There was a sewer back up problem in the 100 block of Dorris Avenue. At this point in time, it has affected ten (10) homes. Finance Officer Chesnik has met with the property owners and contacted Colorado Intergovernmental Risk Sharing Agency (CIRSA) for coordinating the claims. The New Directions is requesting a letter of support for the Best and Brightest Internship program as funding will likely be stripped from available Department of Local Affairs (DoLA) funds. Clerk Peterson is currently enrolled in the program and has provided benefits to the Town. Other graduates include Susan Hansen, Delta County Administrator and Katherine Sickles, Cedaredge Town Manager. Trustee Pevac moved to write a letter of support as requested. Trustee Weber seconded and the motion passed unanimously. Mayor Schwieterman reported that the Clark Minor Subdivision was approved by the Development and Review (D&R) Committee for three (3) individual lots with geo-thermal capabilities. Street sweeping has commenced and the mayor has heard numerous comments from Apple Valley residents how nice the streets look. The Town office has received many complaints regarding the railroad crossing on Third Street. The Town is encouraging citizens to call the railroad to voice complaints directly.

Public Works: Mayor Schwieterman reported the manufacturer, Pall is on site at the one-million gallon (1MG) treatment plant to get water processing through the new microfiltration system.

Police Report: Mayor Schwieterman reported three (3) broken windows on Grand Avenue. The department is working on suspect leads.

Finance Committee Report: Trustee Pevac had nothing to report. Trustee Weber read the auditor conclusions for visitor benefit. Trustee Pevac noted that the list is the exact same from 2008 and internal policies have been adopted to alleviate some concerns.

Parks Committee Report: Trustee Lewis attended a (Citizens for Animal Welfare and Shelter (CAWS) meeting requesting input on dog parks.

Public Safety Committee Report: Trustee Ayers had nothing to report.

Street Committee Report: Trustee Ferguson had nothing to report.

Water/Sewer Committee Report: Trustee Weber reported the one-million gallon treatment (1MG) project is 86.41% complete. Trustee Weber moved to approve a partial payment to ECO in the amount of \$32,508.36. Trustee Ferguson seconded and the motion passed unanimously. Trustee Weber moved to amend the motion to pay ECO after April 12, 2011 to remain on the same payment schedule. Trustee Kinser seconded and the amended motion passed unanimously. The main motion was brought to a vote and passed unanimously.

Personnel Committee Report: Trustee Kinser had nothing to report.

Minutes:

Corrections noted. Trustee Lewis moved to approve the minutes of March 8, 2011 as amended. Trustee Ferguson seconded and the motion passed with an abstention from Trustee Kinser.

Disbursements:

Trustee Pevec moved to pay the bills ending March 22, 2011. Trustee Lewis seconded and the motion passed unanimously.

8:35 p.m. Meeting adjourned.

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Mayor, Neal Schwieterman

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Town Clerk, Barbara J. Peterson