

Town Council Regular Meeting
Town of Paonia, Colorado
April 22, 2014

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Council held Tuesday, April 22, 2014 was called to order at 7:00 p.m. with the Pledge of Allegiance. Those present were Mayor Neal Schwieterman, Trustees David Bradford, Eric Goold, Ross King, Amber Kleinman, Charles Stewart, and Suzanne Watson; Chief Scott Leon; Finance Officer Cindy Jones; Deputy Clerk Corinne Ferguson and Town Clerk Barbara Peterson.

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

Approval of Agenda

Mayor Schwieterman suggested removing the Creek Vista/Hawks Haven – BLM Access and Road Agreement from the agenda, as the Planning and Zoning Commission (P&Z) minutes are not ready. Given that the P&Z meeting was a good one representing divergent points of view, it is important to have those minutes. Mayor Schwieterman also suggested removing Thomas Waldo's – Liquor License Report of Corporate Changes removed, as a Report of Corporate Changes will not be the correct process. Trustee Kleinman moved to approve the agenda as amended. Trustee Goold seconded and the motion passed unanimously.

Announcements

Mayor Schwieterman announced Board Orientation would be held on Monday, April 28, 2014 from 4:00 p.m. until 8:00 p.m. here at Town Hall. Tami Tanoue, General Counsel for Colorado Intergovernmental Risk Sharing Agency (CIRSA), the Town's insurance carrier and Elyse Ackerman-Cassleberry from the Department of Local Affairs (DOLA) will be providing instruction for the orientation.

Visitors

None

Unfinished Business

Fruita High School – Town Park Use

Kevin Cargill was present. Mr. Cargill is requesting use of the park for football scrimmages on July. Trustee Goold spoke with the Coach Brent McRae regarding the request and high school rules and regulations. This is non-mandatory and will only have scrimmages. Mr. Carville indicated there would be approximately twenty-five (25) boys and may have teams from Grand Junction and Delta also come down for a scrimmage. The boys would like to camp overnight at the park and leave on July 18, 2014. Mr. Carville had spoken with Teen Center coordinators regarding July 10, but will need to reconfirm for July 17. Motion was brought to a vote and passed unanimously.

New Business

Delta County Housing – Letter of Support Request

Mayor Schwieterman noted the draft letter in the packets. This support is for a continuation of a project with the Housing Authority for Owner Rehabilitation Grants. The grants partner with the owner, the housing authority and the local municipality. The Town has budgeted for three (3) each of these grants at a cost of \$250.00 for the municipal contribution portion. Specifics regarding what the grants cover ensued. Trustee Kleinman moved to approve the Delta County Housing letter of support as requested. Trustee Goold seconded and the motion passed unanimously.

North Fork Valley Creative Coalition – Projects Update

Susie Kaldis, Director of the North Fork Valley Creative Coalition, presented mock-ups for consideration for the signage project. The signing project entails having downtown flags noting Paonia, Crawford and Hotchkiss as part of a designated Creative District, and requested installation the beginning of June. Signs will be vinyl instead of fabric and the Coalition is working with all the Chambers of Commerce. The "Welcome to Paonia" sign blew down last week, so the Coalition and the Paonia Chamber are working together to replace the metal frame with a sturdier wooden frame. Trustee Watson would like to see different backgrounds for visual harmony with other street signs. Ms.

Kaldis noted contact information was on the back of the mock-up and anyone is welcome to submit suggestions. Trustee Bradford was concerned because Public Works does not do an adequate job of maintaining the streets, so what effect will installing and removing the signs have on their workload.

7:35 p.m. Chief Leon left the meeting.

Trustee Watson is not against the signs, but some things do get shoved to the side. Public Works have issues that have not been taken care of and may need the time to do those things. Trustee Watson also took the opportunity to remind the Town to be careful to not just complete the fun projects. Trustee Bradford asked that if installation was going to be a deal breaker, would someone else be able to install the signs? Trustee Kleinman noted that because Creative District is an important designation and is an economic driver, that it is not too much to have a couple of Town staff install the signs. Trustee King moved to approve the concept as presented with specifics to be worked out at a later date. Trustee Goold seconded. Ms. Kaldis clarified that this is not just a fun project, but part of economic development to highlight contributions by artists, agriculture community, chefs, and other creatives.

7:40 p.m. Chief Leon returned.

Motion was brought to a vote and passed unanimously.

West Elk Wine and Spirits – Liquor License Renewal

No one was present to represent the West Elk Wine and Spirits. The West Elk Wine and Spirits is requesting a renewal of a retail liquor license for the property located at 427 Samuel Wade Road. Chief Leon indicated no problems. Trustee King moved to approve the liquor license renewal as presented. Trustee Goold seconded and the motion passed unanimously.

Paonia Liquors Inc – Liquor License Renewal

Mary Barker was present. Paonia Liquors is requesting a renewal of a retail liquor license for the property located at 4 Third Street. Chief Leon indicated no problems. During discussion, it was noted that all the liquor establishments participated in TIPS (Training for Intervention ProcedureS) last year. Trustee King moved to approve the liquor license renewal as presented. Trustee Goold seconded and the motion passed unanimously.

Perry – Hedge Variance Request

Bo and Jeanne Perry were present. Mayor Schwieterman noted the application, read the Building Official comments, applicable Land Development Regulations sections, the photos presented, read the P&Z minutes of April 15, 2014 and a letter from Chris Peretti indicating safety concerns. Mr. Perry read a prepared statement indicating a monitoring of traffic of one (1) vehicle per twelve (12) hours on average. There has not been an incident regarding cars at that intersection. There is a yield sign on Orchard Avenue 21 feet from the intersection at Seventh Street and Orchard Avenue that is blocked by tree growth. Mr. Perry contends that the hedges have provided a theft barrier as well as prevented the dumping of garbage into the yard. Trustee Stewart recused himself from the discussion and vote on this issue due to a conflict of interest. This was brought to P&Z because of Code Enforcement and a complaint received regarding visibility. Trustee Goold indicated that P&Z had a unanimous vote, and moved to approve keeping the hedge at six (6) feet. Trustee Kleinman seconded. Trustee Bradford struggled with why the regulation height of 42 inches is not applicable and does not see a compelling reason to grant a variance. Trustee King agreed with Trustee Bradford. Trustee Watson thinks variances are important, although the Town does have instances of non-conformity. However, this hedge is difficult to see around. Trustee Watson does not think hedges should be lumped in with walls or fences, and it is unrealistic to keep a hedge to 6 feet. Trustee Watson is in favor of reworking the ordinance, but asked if the Town wanted to become landscaping police? Trustee Watson does not have an issue with the hedge in the front of the house, but the sight lines around the corner are problematic. Trustee Goold does not think it is the Town's place to become the landscape police. The ordinance should be changed, but Perry's should not be punished in the meantime. None of the neighbors has complained. Issues regarding privacy, speed mitigation, allegations and less theft all prompted the motion. Trustee Goold felt that variances are there to be evaluated in context. Mayor Schwieterman noted that typically the Town does not require the property owner to obtain a survey, but if there is a monument, it could be done fairly inexpensively. Trustee Watson thinks there may be property in front in the right-of-way that the Perry's do not own, but even if there is some encroachment, it is not a bother as long as the owners realize a sidewalk may be installed at a later date. Trustee Watson suggested replanting the hedges on the corner at an angle. Mr. Perry suggested the Town move the traffic sign to the corner. Trustee Bradford feels that even though some good points are raised, the only way to fairly treat citizens is to abide by the ordinance in place. Trustee Watson said that it seems that the Town is making rules around the convenience of traffic and vehicles, but we also need to think about what makes it pleasant to live here. Motion was brought to a vote and failed with Trustees Goold and Kleinman voting "aye"; Trustees Bradford, King, and Watson voting "nay; and Trustee

Stewart abstaining. Trustee Kleinman moved to allow a chance for the applicants to meet with the Building Official and Police Chief for a possible compromise. Discussion ensued with Trustee Bradford wanting to be included in the possible compromise negotiations. Trustee Goold seconded. The compromise proposal would be brought back to the Board. Motion was brought to a vote and passed with Trustee Stewart abstaining.

Resolution 2014-08 – CWCB Grant Agreement

The Colorado Water Conservation Board has awarded the Town \$310,000 from State funds along with the Gunnison Basin Roundtable awarding \$75,000 from Basin funds for the Lamborn Water Treatment Plant project. The indemnification clause was removed from the agreement. The Town is providing \$40,000 out of the total of \$500,000 matching funds for the project. Trustee King moved to adopt the resolution and grant agreement as presented. Trustee Goold seconded and the motion passed unanimously.

Ordinance 2014-04 - Codification

Mayor Schwieterman noted this process started in 2006. Codification takes all the ordinances of the Town and puts them into one document known as the Town Code. The code has gone through numerous revisions with a tentative adoption date scheduled for May 13, 2014. Board members are reading through to familiarize with the document. If there are issues, please provide input to staff. A public work session was scheduled for 6:00 p.m. on May 6, 2014. Concerns about public awareness and process ensued. The code is not available electronically until after it has been adopted. Trustee Bradford moved to have assignments and set a date for completion at the work session. Trustee King seconded and the motion passed unanimously.

Ordinance 2014-05 – Water Rates

Mayor Schwieterman noted that due to the bond issue for the Lamborn Water Treatment Plant project, new rates needed to be adopted for loan/debt service. The base rates for all water services are increased by \$5.00 as well as a few slight modifications. Trustee Kleinman moved to adopt Ordinance 2014-05 as presented. Trustee Goold seconded. Discussion revealed that the emergency clause was suggested by Bond Counsel. Motion was brought to a vote and passed unanimously.

Additional Business

Mayor's Report: Mayor Schwieterman noted the previous Board chose to have the new sitting Board address the Town Manager position. Over the last couple of weeks, Mayor Schwieterman has spoken with Elyse Ackerman-Cassleberry, DOLA representative, and Dave Knutson, Human Resource consultant, to review the situation and provide an avenue to move forward. Trustee King wanted to know why this was not on the agenda. Mayor Schwieterman indicated this issue was tabled indefinitely, and this discussion is not to make any decision, but to address potential directions. Trustee Stewart voiced reservations that because this was not on the agenda, the public is unaware the topic would be discussed. Mr. Knutson indicated this is only for possible path to get a recommendation to the Board. Mayor Schwieterman said that this is only scoping for future action. Trustee Bradford indicated the information would be advantageous and as controversial as this issue has been, the more open the Board needs to be. Trustee King said his intent was only to table for one meeting. Trustee Stewart moved to have the information from Ms. Cassleberry and Mr. Knutson be delayed until the next meeting. Trustee Goold was not opposed to hearing the information tonight. Motion died for lack of a second. Ms. Cassleberry discussed options moving forward to include making an offer to an existing candidate, although an offer may have been compromised by a lack of consensus over the last few meetings. Mr. Knutson voiced his concerns of the transition for both staff and the board adjusting to a new manager and put forth the suggestion of an interim manager to assess the financial situation, and setting the path for a permanent manager. Trustee Kleinman asked about grant timing. Ms. Cassleberry said there is no time crunch as yet. Mayor Schwieterman said that if the Board wants to move forward with an interim, a Personnel Committee would be beneficial to have a deeper understanding of the issue to bring forth a recommendation to the Board. Trustee King moved to put this on the agenda for the next meeting and appoint interim committees to act in the absence of a Town Manager. Trustee Bradford seconded and the motion passed unanimously. Trustees Kleinman and Goold volunteered to be on the interim Personnel Committee.

Mayor Schwieterman read a P&Z letter of resignation from Phil Nichols.

Public Works: Director Loberg was not available due to a family emergency.

Police Report: Chief Leon submitted a written report. There has been an increase in crime. Chief Leon advised residents to keep their car doors locked due to the recent theft of two (2) vehicles, one not found yet. The Library investigation continues with the implementation of a Mesa County investigator. The Paonia Liquor Store investigation continues with a possible suspect, although the

imaging system is poor quality and the suspect wore gloves.

Minutes:

Corrections noted. Trustee Bradford moved to accept the minutes of April 8, 2014 as amended. Trustee Kleinman seconded, and the motion passed unanimously.

Disbursements:

Trustee Stewart moved to pay the bills through April 22, 2014. Trustee Stewart pointed out a disbursement to a citizen noting Town records had them on sewer when they were discovered to have been on a septic system. Trustee Kleinman seconded and the motion passed unanimously. Trustee King requested a copy of the audit upon availability.

Human Resource Consultant David Knutson voiced his sorrow at the lack of conclusion regarding the Town Manager. Mr. Knutson's concentration was on the recruitment aspect and felt he lacked in helping with the actual decision making process and encouraged the Board to have a discussion regarding the pros and cons of the candidates.

9:45 p.m. Meeting adjourned.

Town Clerk, Barbara Peterson

Mayor, Neal Schwieterman