

**Town Council Regular Meeting**  
**Town of Paonia, Colorado**  
**April 26, 2011**

RECORD OF PROCEEDINGS

The Regular Session of the Town Council held Tuesday, April 26, 2011 was called to order at 7:02 p.m. with the Pledge of Allegiance. Those present were Mayor Neal Schwieterman, Trustees Brian Ayers, Lucien Pevec, Corinne Ferguson, Sid Lewis, and David Weber, and Town Clerk Barbara Peterson. Trustee Blake Kinser and Scott Leon were absent.

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 Weber seconded and the motion passed unanimously.

**Announcements**

- Mayor Schwieterman noted Clerk Peterson ended up being gone longer than anticipated due to a family emergency and requested patience while work is brought current.

**Visitors**

None

**Unfinished Business**

**New Business**

**Elsewhere Studios – Letter of Support Request**

Karen Goode from Elsewhere Studios is requesting a letter of support for the artist in residency program held at 107 Third Street. Elsewhere Studios is part of a national alliance, which handles the marketing to bring expertise and connections to share. All different artist media types are welcome. Elsewhere Studios has been working with the North Fork Vision 20/20 group as well as working with the creative coalition. Mayor Schwieterman suggested this program fits nicely with the goal of utilizing different assets for a sustainable community. Trustee Pevec moved to write a letter of support as requested. Trustee Ayers seconded and the motion passed unanimously.

**Parks Maintenance Agreement - Award**

Mayor Schwieterman noted two (2) bids were received from Mikel Altenhofen and Dwayne Greer. Scott Leon and Trustee Pevec interviewed Mr. Altenhofen. Mr. Altenhofen is low bidder and was hired as a contract employee for the interim before the contract was awarded. Trustee Pevec moved to award the Parks maintenance contract for one (1) year to Mikel Altenhofen. Trustee Lewis seconded. Discussion resulted in the contract being awarded in the amount of \$32,844 for six (6) months. The Town had budgeted \$36,000 for the contract. More discussion regarding absorbing these duties with an in-house person ensued. There is not enough work to keep someone busy during the winter months plus the costs of equipment making it difficult for the Town to incorporate these duties. Different budget scenarios were entertained with no resolution, as there are too many variables. Motion was brought to a vote and passed unanimously.

**Paonia Liquors Inc. – Liquor License Renewal**

Mary Barker was present. Paonia Liquors Inc. is requesting a renewal of a retail liquor license for the premises located at 4 Third Street. Mayor Schwieterman noted at the staff meeting, Chief Leon had indicated no problems. Trustee Weber moved to approve the liquor license renewal as presented. Trustee Ayers seconded and the motion passed unanimously.

**Ordinance 2011-03 – Private Roads**

Mayor Schwieterman reported that the Colette was brought to the Town's attention last November. In conjunction with the possible Creek Vista/Hawks Haven proposal, it was made aware that the Land

Development Regulations (LDR) does not address private roads. In the Colette case, compliance with Ordinance 2000-04 cannot be brought about with out part of the residence on the property being torn down. After many discussions with the planner, Attorney Briscoe drafted the ordinance to address present and future issues regarding private drives. Mayor Schwieterman read the Planning and Zoning Commission (P&Z) minutes of April 19, 2011. Attorney Briscoe noted that 14a includes a maintenance agreement that would be reviewed by the Development and Review Committee (D&R). Trustee Weber felt the Town does not need to dictate how citizens have driveways. This issue was contributed by a past issue of Lee's park whereby the town had agreed to the development without paving. Citizens complained and the Town ended up paving that section of the road at all citizens' expense instead of the developer's expense. Discussion regarding actual benefit ensued. Trustee Pevec thought it might be useful to define driveways in the LDR and not have a D&R approval as it could be subjective. After further discussion, Trustee Pevec moved to not adopt Ordinance 2011-03. Trustee Weber seconded and the motion passed unanimously.

#### Colette – Street Variance Request

David Marek was present on behalf of Phyllis Colette. Mayor Schwieterman read the application summary and P&Z minutes of April 19, 2011 for visitor benefit. Attorney Marek noted the original Colette's are deceased and the requirement to change the road from twenty-five (25) to forty (40 feet wide creates an extreme hardship. The plat note may not be deleted. An amending ordinance is required to change the annexation ordinance. Trustee Weber moved to instruct legal to amend ordinance 2000-04 striking paragraph 1a. Trustee Ferguson seconded. Discussion resulted in the *Main Street* to be changed correctly to *Main Avenue*. Motion was brought to a vote and passed unanimously.

8:20 p.m. Meeting recessed

8:25 p.m. Meeting reconvened.

#### Chandler – Junk Ordinance Violation

Mayor Schwieterman noted a letter from Sgt. Sanchez regarding 208 Clark Avenue. The Police Department is requesting Council continue administrative action for a warrant from District Court. Clerk Peterson noted Ms. Chandler was attempted to be contacted, but the telephone number on file was not a good number. Trustee Weber moved to handle 208 Clark Avenue as following section 10 of Ordinance 2010-01. Trustee Lewis seconded. Discussion regarding why District Court versus Municipal Court, spring clean up days and screening options ensued. Motion was brought to a vote and passed unanimously.

#### Greenhouse Waterline

Mayor Schwieterman noted that at the last repair of the five-inch (5") waterline, the Town was notified of lower pressure to four (4) home. As the situation exists, the Town is unable to deliver adequate pressure, which must be fixed. Differing options have different cost associations. Public Works Director Leon has recommended that the Minnesota Domestic Pipeline (MDP) assume the four (4) properties in question and the Town upgrade a portion of the line and help repair other portions. MDP seems agreeable and the homeowners who have been contacted are agreeable as well. Trustee Weber noted the Town would need to allow the four (4) properties to consolidate with MDP 2) total costs at approximately \$10,000 to be coast shared and 3) devise legal agreement with the four (4) owners. Trustee Ferguson noted the Town will be upgrading the lines and voiced concern if the agreement does not go through. Discussion to continue at the committee level.

#### Additional Business

Mayor's Report: Mayor Schwieterman received a letter from the Colorado State Parks, noting both Sweitzer and Paonia State Parks will be maintained as state park for 2012. SB 11-208 will combine the Department of Wildlife (DOW) and Colorado State Parks and if that passes then a revaluation will be done. On March 30, 2011, an emergency change order was requested for the one million gallon project (1MG). The problem is that the plant is only working part time resulting in a vapor lock and an entire system reboot. The cost to fix this error is approximately \$9,900. Mayor Schwieterman directed an e-mail be sent out which should not have happened, so an executive decision was made to go ahead with the fix. There are more problems and parts issues and a meeting will be set up to talk to the manufacturer and the engineer. Western Slope Conservation Center sent a thank you note for participating in the Tapping Paonia project. Senator Marsha Looper sent a handwritten thank you letter for support on the late bill regarding nutrients. There is a new group called the Water Infrastructure Network (WIN) regarding over 4.5 million dollars of unfunded water mandates. The Federal Congress is poised to reduce funding by 1 billion. Colorado already has a shortfall of 1 billion. WIN is holding meetings to try and notify state and federal agencies that the proposed approach does not work for

small communities.

Public Works: Mayor Schwieterman reported more issues at the one million gallon (1MG) treatment plant. The springs clean up days are trying to be coordinated with the free drop off day with Delta County. Mayor Schwieterman to telephone the new solid waste coordinator.

Police Report: Mayor Schwieterman reported more criminal mischief. The department has added hours, shifted work schedule and multiple other measures to apprehend suspects.

Finance Committee Report: Trustee Ayers met with Jim Ventrullo regarding investment policies. The Town is not allowed to buy real estate as an investment. Clerk Peterson to try and obtain Colorado specific investment guidelines from the Colorado Municipal League (CML).

Parks Committee Report: Trustee Pevec reported the Frisbee golf stations were ordered and will be installed shortly. A drawing was submitted for the interim bike project at the old sewer lagoon site. Volunteers are ready to take on the hand-shaping portion of the work. There will be a cost of approximately \$4-600 for installation of drainpipe. These funds have been donated and Trustee Pevec is requesting the Town to take the project via pass through funds. Trustee Pevec moved to have the Town take on the \$4-600. as pass through funds for the temporary bike park project. Trustee Ferguson seconded. Discussion resulted in the plans to be reviewed by Colorado Intergovernmental Risk Sharing Agency (CIRSA). The North Fork Trails will do maintenance for the short-term project. Trustee Weber moved to amend the motion to give approval to the North Fork Trails to partner with the Town to build a bike park on the old wastewater treatment plant grounds contingent upon CIRSA approval. Trustee Pevec seconded and the amended motion passed unanimously. The main motion was brought to a vote and passed unanimously.

Public Safety Committee Report: Trustee Ayers reported a stop sign is old and faded. Trustee Ayers also requested a "stop ahead" sign as well as the speed limit on Niagara Avenue to be dropped to 20 mph. Speed limits shall be addressed at time of codification. Trustee Ayers was requested to fill out a "Request for Service" form for the sign issues to be submitted in the front office.

Street Committee Report: Trustee Ferguson reported progress on the light survey and is hoping to have a presentation soon. Regarding the police issue with vandalism, Trustee Ferguson has been talking with the property owners regarding lights on the back side of the storage area and recommends that Delta-Montrose Electric Association (DMEA) turn back on lights at that area.

Water/Sewer Committee Report: Trustee Weber moved to allow MDP to increase the number of taps on the waterline to incorporate four (4) existing taps, to solicit a letter from MDP merging the four (4) existing taps and solicit a letter from MDP regarding cost sharing. Trustee Pevec seconded and the motion passed unanimously. The Water Committee met with Bone Mesa to define what projects are necessary. Trustee Weber has a Pall change order in the amount of \$12,000 for which more information is needed. Trustee Weber moved to approve payment to ECO in the amount of \$56,267.13 less retainage. Trustee Lewis seconded and the motion passed unanimously.

Personnel Committee Report: Trustee Weber asked about reimbursement of cell phone of the Police Department. Trustee Kinser is researching.

Minutes:

Clerk Peterson did not have the minutes available for review. They will be available at the next meeting.

Disbursements:

Trustee Pevec moved to pay the bills ending April 26, 2011. Trustee Ferguson seconded and the motion passed unanimously.

9:50 p.m. Meeting adjourned.

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Mayor, Neal Schwieterman

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Town Clerk, Barbara J. Peterson