

**Town Council Regular Meeting**  
**Town of Paonia, Colorado**  
**May 14, 2013**

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Council held Tuesday, May 14, 2013 was called to order at 7:03 p.m. with the Pledge of Allegiance. Those present were Mayor Neal Schwieterman, Trustees Corinne Ferguson, Brian Ayers, Eric Goold, Ross King, Amber Kleinman and Larry Wissbeck; Chief Scott Leon; Public Works Director Travis Loberg; Attorney James Briscoe, Finance Officer Cindy Jones and Town Clerk Barbara Peterson.

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

**Approval of Agenda**

Mayor Schwieterman noted that there was a request to table the Jackson Minor Subdivision and recommended striking from the agenda. Trustee Ferguson moved to approve the agenda as amended. Trustee Kleinman seconded and the motion passed unanimously.

**Paonia High School (PHS)**

Today was the Seniors last day. No one was available to report.

**Announcements**

- Mayor Schwieterman (wearing traditional ceremonial garb) is back from Ilave, Peru, where he was treated like a Head of State. The Schwietermans had a dedicated bodyguard, and their version of a Special Weapons and Tactics (SWAT) team cleared the Town Square for a ceremonial flag raising. Trustee Goold has challenged the Mayor to wear the traditional garb in exchange for donating \$10.00 to the General Fund. Mayor Schwieterman indicated as they were leaving, they saw an overloaded van with a llama tied on the back roof. The llama did not look distressed, but seemingly enjoying the breeze.

**Visitors**

Dan Gannon, Grand Master of the Masonic Lodge, stated he had an unfortunate experience with the Building Official. Mr. Gannon recently returned from a trip to Denver and received a letter from Building Official, Chad Gartman. Mr. Gannon read the letter for visitor benefit, requesting information regarding brick repairs at the Masonic Lodge. Mr. Gannon was very offended at two (2) lies stated in the letter; Mr. Gartman said never spoke to Mr. Gannon and he has been Grand Master since 1974. Mr. Gannon feels the Town does not need to employ this person of authority, as the letter was wholly unacceptable. Mayor Schwieterman indicated the matter was brought to his attention on Friday and informed Mr. Gartman's supervisor, Clerk Peterson. A letter of apology was sent out today. The original issue of the bricks is being addressed. Mr. Gannon has a contractor and a building permit has been applied for, and the brick situation will be repaired shortly.

Sarah Sauter, Western Slope Conservation Center (WSCC), announced a successful grant application award from the Colorado State Parks Trails Grant Program. The WSCC was awarded \$45,000 for a planning/engineering grant. A new grant has been applied for construction. Ms. Sauter thanked the Board of Trustees for their support.

**Unfinished Business**

**North Fork Mosquito Abatement District (MAD) – Funding Request**

Trustee Wissbeck noted this was discussed at the last meeting.

7:19 p.m. Trustee Goold left the meeting.

Trustee Wissbeck noted that money was found in the budget out of decommissioning funds.

7:20 p.m. Trustee Goold resumed his seat.

Trustee Wissbeck moved to approve donating \$500 to the North Fork Mosquito Abatement District out of decommissioning funds. Trustee Kleinman seconded. Discussion regarding making the funds a loan ensued. Motion was brought to a vote and passed with Trustee Ayers voting “nay”.

### **New Business**

#### **Delta County – Oil and Gas Update**

Bruce Bertram, Delta County liaison for the Colorado Oil and Gas Commission, was present. Mr. Bertram provided a PowerPoint presentation regarding oil and gas activity in Delta County.

#### **Paonia Liquors – Liquor License Renewal**

George and Mary Barker were present. Paonia Liquors is requesting a renewal of the retail liquor license for the property located at 4 Third Street. Ms. Barker noted that a liquor license has been at that location since 1992. Unfortunately, twice this year, employees have sold alcohol to underage Department of Revenue Liquor Enforcement Division officers. Ms. Barker indicated they do train their employees and are taking every step possible to avoid future violations, including adding additional video security measures and mandatory employee liquor training classes. Mayor Schwieterman noted the disciplinary actions are being taken by the State and the Town has had no other issues. Trustee King moved to approve the liquor license renewal as presented. Trustee Goold seconded and the motion passed unanimously.

#### **One Thirty Three, L.L.C. (133) – Liquor License Renewal**

Jennifer McGavin was present. One Thirty Three, L.L.C., doing business as West Elk Wine and Spirits, is requesting a renewal of a retail liquor license for the property located at 427 Samuel Wade Road. This property was annexed last year and Delta County Clerk Eddins forwarded the file to the Town. Chief Leon indicated no problems. Trustee King moved to approve the liquor license renewal as presented. Trustee Goold seconded and the motion passed unanimously.

#### **Payment Service Network (PSN) - Agreement**

Mayor Schwieterman noted the agreement and attorney comments in the packets. PSN services would allow for customers to pay bills online, over the telephone, or with a smart phone, with a credit or debit card for utility billing. Mayor Schwieterman had spoken with both Clerk Peterson and Finance Officer Jones and currently about 20% utilize on the Town’s direct pay option. It is anticipated that an additional 20% will utilize this service within the next two (2) years. The Town will pass on the convenience cost. Attorney Sandra Nettleton’s memo details the financial liability and other cautionary items for Council’s consideration. Trustee King voiced concerns about access to customer accounts. Trustee Goold feels the fees are staggering. Finance Officer Jones noted that while the automatic withdrawal of funds from the Town account seems disturbing at first glance, the Town is protected through common banking practices. PSN did agree to have a one (1) day lag to review the invoice before deducting and if there were issues, the transaction could be reversed. Trustee Wissbeck noted the annual fees were going to run more than six-hundred (600) dollars a year. Trustee Goold thinks the status quo is fine. Trustee Wissbeck moved to approve signing the PSN agreement as outlined for one year. Trustee Kleinman seconded and the motion passed with Trustees King and Goold voting “nay”.

### **Additional Business**

**Mayor’s Report:** Mayor Schwieterman reported attending a recycling meeting. The group is moving forward and continuing talks with Delta County. Mr. Steve Seminer called and thanked the Town for work done on the football field. Mayor Schwieterman fulfilled his promise to talk about the Peru trip, noting that after four (4) hours of ceremony, Llave town officials requested a number of items, one being a fire truck. Llave has approximately 25,000 people and no fire truck. Also requested was a source to sell quinoa, the only grain with all essential aminos, solar panels and second hand clothing. Lake Titicaca sits at an elevation of 12,500 feet, and is a closed water basin. They are asking advice on how to deal with lake pollution.

**Public Works:** Public Works Director Loberg reported waiting for estimates for paving costs on Third Street. Asphalt bids have been coming in high. Staff has been working on sidewalks and replaced a ditch culvert. Trustee Kleinman thanked Public Works for attending to the trees at the old sewer lagoon site.

**Police Report:** Chief Leon reported no major crimes. The department has been working on code enforcement and spring clean up. An upset citizen called regarding a perceived lack of animal control. Paonia has the highest number of dog calls in the county with 538 calls year-to-date that have been

addressed by the department, 13% of which are animal control calls. The Town has significantly enforced animal control and Mayor Schwieterman offered the opinion that it seems to be working.

Finance Report: Trustee Wissbeck reported the budget being busted. The Third Street repair has consumed all the emergency repair funds and the paving was not budgeted. The Town will be doing a supplemental appropriation at the end of the year to account for unbudgeted expenses. Staff has been working on extending the budget projections to assess debt service for the 5.5 million dollar water treatment plant project. In the event debt service cannot be assumed for the new water treatment plant project as presented, the project will be split into phases.

Parks Report: Trustee Kleinman and Clerk Peterson attended a BMW Rally meeting with the Teen Center. If there is a youth group that would like to provide the bike wash as a fundraiser, please contact Bob Bushta.

Public Safety Report: Trustees Ayers had nothing to report.

Street Report: Trustee King will review bids with Director Loberg. Trustee King has still not received any communication from the railroad regarding the proposed crossings. The Town received the computer-aided design (CAD) printouts from Wilmore and Associates regarding the street lighting. Time has been scheduled to review the files. Trustee Ayers noted Delta County is reviewing a name change on the road going to the airport. Any suggestions may be made to Delta County Geographical Information System (GIS) Department.

Water/Sewer Report: Trustee King reported receiving a letter that will need approval from the property owner to review individual utility records.

Personnel Report: Trustee Wissbeck reported the Town has been trying to figure out a way to hire a Town manager. Trustee Goold had submitted a proposal to the Board, which has been respectfully declined, as some matters need further discussion. There are other options still under consideration; combine the Clerk/Manager position, or just a Manager, or hire present Clerk on interim basis for a year. The full-time option requires budget considerations and if the Town could get a grant, it may be worth it to wait until after the grant is awarded. Trustee Ferguson further clarified that knowing the existing budget cannot sustain the full-time position, then waiting may be the best for that option. The dual position option had outcry for advertising. The committee continues to discuss and is hoping to have a recommendation for the next meeting. Trustee Ferguson also noted that a temporary employee has now been transitioned to full-time permanent on probation.

Minutes:

Corrections noted. Trustee Ayers requested the sentence about Ms. Gutshall's offensive action to be stricken from the record. Trustee Ferguson disagreed because Ms. Gutshall made a point of a public apology. Trustee Goold indicated the minutes reflected what was actually said. Trustee King moved to approve the minutes of April 23, 2013 as amended. Trustees Goold seconded and the motion passed unanimously.

Disbursements:

Trustee Wissbeck moved to pay the bills ending May 14, 2013. Trustee Ayers seconded and the motion passed unanimously.

9:15 p.m. Meeting adjourned.

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Town Clerk, Barbara Peterson

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Mayor, Neal Schwieterman