

**Town Council Regular Meeting**  
**Town of Paonia, Colorado**  
**June 14, 2011**

RECORD OF PROCEEDINGS

The Regular Session of the Town Council held Tuesday, June 14, 2011 was called to order at 7:00 p.m. with the Pledge of Allegiance. Those present were Mayor Neal Schwieterman, Trustees Brian Ayers, Corinne Ferguson, Lucien Pevec, Blake Kinser, Sid Lewis and David Weber, Scott Leon, and Town Clerk Barbara Peterson.

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

**Approval of Agenda**

Mayor Schwieterman noted Dog Park – Apple Valley was added to the agenda. Trustee Lewis moved to approve the agenda as amended. Trustee Kinser seconded and the motion passed unanimously.

**Announcements**

- Master Nathan Giffin won the “If I were Mayor...” contest and will chair the June 28, 2011 Council meeting.

**Visitors**

None

**Unfinished Business**

**Thliveris – Easement Request**

Trustees Weber and Ayers were able to visit the site. Trustee Weber concluded the easement would not preclude building on the Town property. Mayor Schwieterman read the letter from Mr. Thliveris for visitor benefit. Trustee Weber moved to approve the electric easement for the property located at 89 Samuel Wade Road. Trustee Ferguson seconded and the motion passed unanimously.

**New Business**

**Slow Food – Sponsor Request**

Jim Brett, leader of the Western Slope Chapter, was present. Slow Foods is holding its 3<sup>rd</sup> annual food, farm, film and wine festival in celebration of what the area farmers, ranchers and vintners have to offer. Mr. Brett gave a brief presentation of the program and what efforts and activities the group is working towards. Slow Foods is requesting monetary support between \$200.00 and \$500.00. Mr. Brett was advised to obtain a copy of the donation policy and submit for the next year budget. No action was taken.

**American Legion – Park Permission Request**

Larry Ertenberg was present. The American Legion Post 97 is requesting to use the Town Park from July 27 through July 30, 2011 for the beer tent at the BMW Rally from 11:00 a.m. to Midnight each day. Trustee Pevec moved to approve the American Legion Post 97 using the Town Park for the beer tent at the BMW Rally as requested. Trustee Ayers seconded and the motion passed unanimously.

**American Legion – Special Event Liquor Request**

The American Legion Post 97 is requesting to sell alcohol at the BMW Rally to be held in the Town Park located at 700 Fourth Street on July 27, 28, 29, and 30, 2011 from 11:00 a.m. to Midnight each day. Chief Leon indicated no problems in past years. Trustee Pevec moved to approve the special event liquor application as requested. Trustee Kinser seconded and the motion passed unanimously.

### Mesa County Youth Football – Park Camping Request

Kevin Carville, coach for the Mesa County Youth Football, is requesting to be able to bring approximately 25 boys plus 20 adults to camp in the Town Park while holding a football camp during the day on August 10 and 11, 2011. Mr. Carville has spoken with Ellen Smith to utilize the Teen Center in the event of rain. The football team would be willing to perform some community service while they are in town. After discussion on where the team could camp, Trustee Pevec moved to grant Mesa County Youth Football – Park Camping Request continued

permission to the Mesa County Youth Football team to use the Town park and facilities on August 10 and 11, 2011 as requested. Trustee Weber seconded and the motion passed unanimously.

### Baldwin – Home Occupation Request

Mr. Baldwin was present. Mayor Schwieterman noted information provided in packets and read the Planning and Zoning (P&Z) minutes of June 7, 2011 as well as a letter of support from a neighbor for visitor benefit. Mr. Baldwin noted that due to comments made at P&Z, that the business will concentrate on internet sales and not advertise in town. Mr. Baldwin also agreed that the sign will adhere to current Land Development Regulations (LDR) of two (2) square feet. Work shall be done in the detached shop located on the property. Trustee Weber noted the application violates three sections of the LDR: 1) The proposed sign is too large; 2) retail sales are not allowed; and 3) the anticipated traffic flow would be detrimental to Box Elder Avenue. Mr. Baldwin agreed to modify his application. Maridell Rose, 222 North Fork Avenue, voiced concerns of having retail sales in a residential neighborhood as it may reduce property values. Ms. Rose also objected to the sign. Mr. Baldwin agreed to not install a sign at all. After discussion, Trustee Weber moved to approve the request on the condition that the site does not become a retail outlet, the application is amended to not have a sign and the number of cars is reduced to two per day. Trustee Kinser seconded and the motion passed with Trustee Pevec voting “nay”.

### Dog Park – Apple Valley

Mayor Schwieterman noted this item is a product of long term thought from the Parks Committee with considerable input from citizens. The Town received e-mails both for and against a dog park. Trustee Lewis indicated the idea came about from a Colorado Municipal League (CML) workshop at the 2008 annual meeting. CAWS has shown an active interest in becoming the lead citizen group for this issue. Trustee Lewis noted that a dog park is a good idea as it will provide space for owners to allow dogs to exercise, social interaction for both dogs and owners, and may bring commerce to town as tourists look for designated off-leash areas. After detailing pros and cons, Trustee Lewis moved to instruct legal counsel to provide permissive language for a fenced, off-leash area for dogs by amending the current animal control ordinance. Trustee Ayers seconded. Discussion resulted in a number of residents speaking both for and against the off-leash area at Apple Valley park. It was noted that an animal control officer was hired, the leash law was reinstated and animal at large complaints have diminished. Concerns that stakeholders should have been part of the discussion, a lack of formal proposal, adequate space, alternate sites and where these costs will fit into the budget were discussed. After discussion, Trustee Weber moved to table the original motion until a preliminary dog park proposal is presented. Trustee Kinser seconded. Discussion regarding codification ensued. The tabling motion was brought to a vote with Trustees Kinser, Ferguson and Weber voting “aye”, Trustees Pevec, Ayers and Lewis voting “nay”. Mayor Schwieterman broke the tie by voting “aye” and the tabling motion passed. Original motion was tabled.

### Additional Business

Mayor’s Report: Mayor Schwieterman reported attending a recycle meeting in Hotchkiss where efforts are being made to be able to recycle throughout Delta County. An amending ordinance for the junk ordinance has been submitted to Council for comments.

Public Works: Scott Leon reported the One-Million Gallon (IMG) Treatment Plant project is waiting for the Skayda computer system. A project list was submitted to Council. It was noted Public Works is still understaffed and six weeks were lost for spring projects due to weather.

Police Report: Chief Leon reported no major crimes. Officer Nicholas Rogers was hired last week and will be trained for bike patrol.

Finance Committee Report: Trustee Pevec had nothing to report.

Parks Committee Report: Trustee Pevec reported the turf support in front of the gazebo cannot be installed until the end of the season. The Teen Center bathrooms will be updated with donated money

from the BMW Rally.

Public Safety Committee Report: Trustee Ayers thinks the speed limits should be 25 miles per hour within Town limits.

Street Committee Report: Trustee Ferguson had nothing to report.

Water/Sewer Committee Report: Trustee Weber reported the new sewer ordinance is ready for its first draft. The discrepancy on the actual credit from Pall was noted. The IMG project is now 95.7% complete. Trustee Weber moved to approve ECO payment in the amount of \$11,945.52. Trustee Ferguson seconded. During discussion it was noted that the Town still has the retainage amount. Motion was brought to a vote and passed unanimously.

Personnel Committee Report: Trustee Kinser had nothing to report.

Minutes:

Corrections noted. Trustee Weber moved to approve the minutes of May 24, 2011 as amended. Trustee Kinser seconded and the motion passed unanimously.

Disbursements:

Trustee Pevec moved to pay the bills ending June 14, 2011. Trustee Ferguson seconded and the motion passed unanimously.

9:17 p.m. Meeting adjourned.

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Mayor, Neal Schwieterman

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Town Clerk, Barbara J. Peterson