

**Town Council Regular Meeting**  
**Town of Paonia, Colorado**  
**June 24, 2014**

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Council held Tuesday, June 24, 2014 was called to order at 7:00 p.m. with the Pledge of Allegiance. Those present were Mayor Neal Schwieterman Trustees Eric Goold, Ross King, Charles Stewart, Amber Kleinman, David Bradford and Suzanne Watson; Interim Town Manager Steve Rabe; Chief Scott Leon; Public Works Director Travis Loberg; Finance Officer Cindy Jones; and Town Clerk Barbara Peterson.

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

**Approval of Agenda**

Trustee Kleinman moved to approve the agenda as presented. Trustee Goold seconded. During discussion, Trustee King noted he received a letter from the Hawks haven Homeowners Association and would like to address on the agenda where appropriate. Mayor Schwieterman suggested putting it first under Unfinished Business. Trustee King move to amend the motion to include Hawks Haven Homeowner's Association – Letter under Unfinished Business. Trustee Kleinman seconded and the motion passed unanimously. The main motion was brought to a vote and passed unanimously.

**Announcements**

None

**Visitors**

Ed Marston brought to the Board's attention that when the Harvester Building was remodeled, the owners were required to pay for parking spaces that were not available for off-site parking. Mr. Marston and his partners paid in \$13,000 to the Town. It is many years later and many other businesses have been remodeled and repurposed and not any of them had to pay money in lieu of parking spaces, and the Town has not used the money to increase parking spaces. Mr. Marston feels the Town should be consistent and collect funds from all the other businesses that have remodeled/repurposed or return his funds. The Board concurred to have staff research this issue.

Mike Drake, Paonia Chamber of Commerce, noted the five (5) Delta County Chambers of Commerce are pursuing a planning grant program sponsored by a number of federal agencies to boost economic development opportunities. Mr. Drake is not requesting a letter of support at this time, but wanted to make the Board aware of an upcoming project, if the proposal is accepted.

**Unfinished Business**

**Hawks Haven - Letter**

Trustee King read a letter from the Hawks Haven Homeowners Association (HH-HOA) requesting that the motion made at the Board of Trustees meeting held on May 27, 2014 regarding the Vista Drive road agreement be corrected to reflect the Hawks Haven LLC (HH-LLC), which is not the same legal entity. Trustee King agreed that the motion did reflect the HH-HOA and should be corrected to reflect HH-LLC, developers, successors and assigns instead.

**Ordinance 2014-04 - Codification**

Mayor Schwieterman noted there was a work session tonight and another work session is scheduled for 6:00 p.m. before the next regularly scheduled Board meeting.

**Living Farm – Parking Variance**

Mayor Schwieterman read part of a memo from Manager Rabe with the recommendation to authorize temporary parking permit for a period not to exceed one (1) year and direct the business to construct the required off-street parking (5 spaces) in accordance with Town regulations. Trustee King moved to adopt option 2 as recommended by staff. Trustee Kleinman seconded. Discussion regarding owner notification and the third option of denying the request ensued. Trustee Kleinman clarified that the parking will need to be paved, as gravel is not considered "dustless". During the year, the Town will review the regulations. Motion was brought to a vote and passed with Trustee Bradford voting "nay".

## **New Business**

### **Chamber of Commerce – Special Event Liquor Request**

Mike Drake was present. The Chamber of Commerce is requesting a special event liquor license for the World Cup finals to be held at the Paradise Theatre located at 215 Grand Avenue on July 13, 2014 from Noon to 11:59 p.m. Trustee King moved to approve the special event liquor license as requested. Trustee Kleinman seconded and the motion passed unanimously.

### **KVNF – Special Event Liquor Request**

Rick Watts was present. KVNF is requesting a special event liquor license for the Concert Series in the Park for every Thursday night in August at the Town Park, located at 700 Fourth Street, from 6:00 to 10:00 p.m. each night, respectively. Trustee King moved to approve the special event liquor license as requested. Trustee Kleinman seconded. Discussion regarding compliance with state statute requirements and insurance liability ensued. Motion was brought to a vote and passed with Trustee Bradford voting “nay”.

### **2014 Audit – Letter of Engagement**

Mayor Schwieterman noted the letter from Blair and Associates agreeing to conduct the audit for the year ending 2014. Costs are comparable to 2013. Trustee King moved to accept the letter of engagement for the 2014 audit. Trustee Kleinman seconded and the motion passed unanimously.

### **.5MG Storage Tank – Bid Award**

Mayor Schwieterman clarified that when the process of evaluating the Half-Million Gallon (.5MG) water storage tank started, it was discovered that the floor had been reconstructed, making the storage capacity approximately 220,000 gallons, not the 500,000 as described. Mayor Schwieterman noted the bid summary and evaluation with regards to Schedule A and B and noted the low bids from Ridgeway Valley Enterprises for Schedule A, Alternate 2 in the amount of \$147,903.08; and E.C.O. Contracting for Schedule B, Alternate 1 in the amount of \$31,050.00. Mayor Schwieterman read a memo from Public Works Director Loberg recommending waiting on this portion of the water treatment project as the bids came in significantly over budget, making the cost per gallon very high. It is thought that if the Town waits on this aspect, and depending upon how the rest of the project goes, the Town may be able to get a new storage tank in that location with more capacity. There are no major concerns for taking this piece out of sequence at this time. Trustee King moved to accept the Public Works Director recommendation to not award the .5MG storage tank award at this time. Trustee Bradford seconded. Discussion regarding engineering estimates ensued. Additional components were added to the bid after the budget was determined in order to become compliant with the Health Department, which accounted for the bids coming in higher than the original engineer’s estimate. Motion was brought to a vote and passed unanimously.

## **Additional Business**

**Mayor’s Report:** Mayor Schwieterman reported that Clerk Peterson had requested direction on including or excluding the report of corporate changes and modification of premises to the draft ordinance. The draft ordinance was sent out with Clerk Peterson receiving conflicting directions. Trustees King and Kleinman think the draft ordinance should proceed with all aspects proposed. The primary benefit of having staff approve standard liquor licensing matters is timing for the applicants. Trustee King feels that the process is cumbersome and bureaucratic, and Board review does not contribute anything. Trustees Watson was concerned about the public being able to comment on a proposed event. Clerk Peterson noted the administrative action does not take the public comment period away. Trustee Bradford does not want to change the current process. Trustee Stewart is concerned that contentious events may be approved. Trustee Stewart to submit language for the draft ordinance.

Trustee Watson had voiced concern at the last meeting regarding the Town’s Facebook page. Currently the link to the Facebook page is not open to the general public. Bids are coming in for a new website.

8:08 p.m. Trustee Kleinman left the meeting.

Trustee Watson is concerned that there may be legal issues and the Town might want to consider not having a Facebook page. Trustee Watson to meet with Deputy Clerk Ferguson regarding the Facebook page and the Town website.

8:10 p.m. Trustee Kleinman resumed her seat.

Mayor Schwieterman received a letter from the Town of Hotchkiss terminating the Building Official

agreement.

Town Manager: Manager Rabe submitted a written report. The sponsor request from Cherry Days did not arrive in time for packets, but Manager Rabe did have a chance to talk with staff, and review the budget regarding the request. It appears that funding for Cherry Days was struck from the current budget, so there is no money allocated in the 2014 budget, and there is a donation policy and process. Trustee King moved to direct staff to notify the Cherry Days Committee. Trustee Goold seconded. During discussion, it was noted the new policy was worked on for the past two years. This is the first year the policy has been implemented. Motion was brought to a vote and passed unanimously. Mr. Robert Bushta was in the audience and said, "(c)onsider the Committee notified."

Manager Rabe dispersed a list of attributes for a permanent Town Manager and requested the Board complete the form.

Manager Rabe submitted a task list showing status on projects in process.

Individual meetings with Board Members will be scheduled for next week. When asked about the Committee system, Manager Rabe will leave things as is for now.

Public Works: Director Loberg reported the clean-up days went very well. Streets are getting swept and curbs are being painted in preparation of Cherry Days. The department continues work on the Apple Valley Park path.

Police Report: Chief Leon submitted a written report. Chief Leon also reported a burglary on June 11, 2014 at a rental house. The department is also preparing for July events.

Finance Report: Trustee Bradford and Stewart continue to meet weekly to review financials.

Parks Report: Trustees Watson reported the weed situation around the Miner's statue in the Town Park is being addressed.

Personnel Report: Trustees Kleinman and Goold had nothing to report.

Public Safety Report: Trustees Stewart and Goold had nothing to report.

Street Report: Trustees King and Bradford had nothing to report.

Water/Sewer Report: Trustees King and Watson had nothing to report.

Minutes:

Corrections noted. Trustee King moved to accept the minutes of June 10, 2014 as amended. Trustee Kleinman seconded and the motion passed unanimously.

Disbursements:

Trustee Stewart moved to pay the bills through June 24, 2014. Trustee Bradford seconded and the motion passed unanimously.

8:27 p.m. Meeting adjourned.

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Town Clerk, Barbara Peterson

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Mayor, Neal Schwieterman