

**Town Council Regular Meeting**  
**Town of Paonia, Colorado**  
**June 25, 2013**

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Council held Tuesday, June 25, 2013 was called to order at 7:00 p.m. with the Pledge of Allegiance. Those present were Mayor Neal Schwieterman, Trustees Corinne Ferguson, Amber Kleinman, Brian Ayers, Eric Goold, Ross King, and Larry Wissbeck; Chief Scott Leon; Public Works Director Travis Loberg; Finance Officer Cindy Jones; Attorney James Briscoe; 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 Request at the applicant's request. The Audit – Presentation is being tabled, as the auditor is ill. The Federal Oil and Gas – Withdrawal Request is also being tabled as the request of the citizens' committee. Trustee King moved to approve the agenda as amended. Trustee Ferguson seconded and the motion passed unanimously.

**Announcements**

- The Town had drafted a letter to the Secretary of the Interior in support of national regulations for drilling operations. A thank you letter was received.
- The North Fork Valley Creative District has been certified at the State level. Many opportunities are now available for marketing as well as financial benefits to our local economy. Efforts were applauded.
- Former Finance Officer Kristin Chesnik was sentenced to four (4) years Department of Corrections for the theft of Town funds. The sentence was in line with what the Town was requesting. This process has been difficult for everyone.
- This community had three (3) people pass away and the very recent fire had two (2) families who lost everything. The Town office is working short-handed, the community is grieving, and Mayor Schwieterman suggested that people treat each other with extra patience, care and kindness as we interact with each other.

**Visitors**

Sarah Bishop, representing the Rotary Club, noted the club has changed its name to the Rotary Club of the North Fork Valley. Poulos Park was cleaned to get ready for Cherry Days. The club is requesting that a cigarette butt container be available and placed at the rear of the park. The Board thanked the Rotary Club for all their efforts.

**Unfinished Business**

**Employee Retirement Plan**

Mayor Schwieterman noted the memo from Attorney Briscoe and a lengthy stack of papers. Council concurred there was not enough time to read everything submitted. Trustee King moved to table this issue until the next meeting. Trustee Ayers seconded and the motion passed unanimously.

**New Business**

**Backcountry Bistro – Local Liquor License Request**

Mary George was present. Backcountry Bistro is requesting a local liquor license of a hotel and restaurant liquor license for the property located at 210 Third Street. Attorney Briscoe opened the proceedings at 7:15 p.m. with verification of the roll call. Attorney Briscoe noted that preliminary to this hearing, the application, lease, and floor plan were examined. Fingerprints were submitted to the Colorado Bureau of Investigation (CBI). The findings are that there has been no denial at that location within the last two (2) years, the applicant has right of possession, the location is not prohibited by

zoning, the application was filed more than thirty (30) days in advance of this hearing, the building does not appear to be within 500 feet of any school and notice was posted on the premises. The application meets statutory requirements. The CBI report has not been received, and no known criminal activities. Ms. George presented a petition with 80 signatures and voiced a need from customers to fill a niche not currently provided in Paonia. The intent is to provide tappas (small plates with a variety foods similar to appetizers-bjp) for the evening hours until 10:00 p.m. including a small bar. Clerk Peterson noted that no written comments were received. Linda M. Little, owner of Third Street Bistro inquired about handicap restroom access and a fire door, but those items are under the purview of the Building Official. Margot Richardson voiced her opinion that his is a good idea as the atmosphere would be different, and beneficial.

7:26 p.m. Public comment period closed.

Mayor Schwieterman voiced a personal comment that this community is becoming a destination for restaurants and this would not only fill a niche, but would be a wonderful addition to the restaurants offered in Paonia. Trustee King moved to approve the local liquor license request as presented. Trustees Kleinman and Ayers seconded and the motion passed unanimously.

#### Third Street Bistro – Liquor License Renewal

Linda M. Little was present. Third Street Bistro is requesting a renewal of a hotel and restaurant liquor license for the property located at 212 Third Street. Chief Leon indicated no problems. Ms. Little indicated that there have been many private parties, but not regular hours due to health issues. Trustee Goold moved to approve the liquor license renewal as presented. Trustees Kleinman and King seconded and the motion passed unanimously.

#### Cherry Days Committee – Park Camping Request

Sarah Sauter was present. The Cherry Days Committee is requesting that vendors be allowed to stay in vendor tents overnight in the Town Park to provide security for wares. Port-a-potties will be available after the bathrooms are locked. Trustee Kleinman moved to allow security camping for Cherry Days at the Town Park. Trustee Ayers seconded and the motion passed with Trustee Goold voting “nay”.

#### Paonia High School Facilities Improvement Committee - Update

Cindy Schwartzendruber was present. Ms. Schwartzendruber showed the master plan drawing, noting the second planning meeting has been concluded. The third planning meeting is scheduled for July 19, 2013 at noon with a community barbeque. Areas will be roped off to provide a better understanding on how things are going to be laid out. The committee is requesting permission to clean up dead wood and trash on Town property, as the Town owns 90 feet back from the river. The committee has been in contact with the Western Slope Conservation Center (WSSC) for not only the cleanup, but also with the North Fork Pool, park, and Recreation District (NFPPR) for trail connections. The trail clean up will happen during July and August. This work is being done while construction grants are being pursued. NFPPR has a master plan that includes trails. There is also an agreement with Riverbank Neighborhood to connect the trails through the proposed subdivision. The Town approved Ralph D’Alessandro to remove tamarisk and trash around the wastewater treatment plant. The committee is also working with Mr. D’Alessandro for this project. Trustee Kleinman moved to allow the Paonia High School Facilities Improvement Committee to clean up and improve the river corridor for the property in question. Trustee Goold seconded. Discussion regarding indemnification ensued. Trustee Kleinman moved to amend the motion to make the approval conditional upon the committee indemnifying the Town from injury and damages. Trustee Ayers seconded. The amended motion came to a vote and passed unanimously. The main motion was brought to a vote and passed unanimously. Ms. Schwartzendruber indicated that when the clean up is completed, the committee, WSSC and NFPPR would be back for the actual trail construction.

#### Mountain Harvest Festival – Park Use/Special Event Liquor and Fee Waiver Requests

Margot Richardson, Director; Sarah Bishop, President; and Bill Bishop, Treasurer were present. Mountain Harvest Festival (MHF) is requesting to utilize the Town Park for the event scheduled for September 26 through September 29, 2013. Trustee Goold moved to allow the park use as requested. Trustee Ferguson seconded and the motion passed unanimously. Ms. Richardson noted the MHF is requesting a special event liquor license in order to provide a drink locally tent including wine and beer. Trustee King moved to approve the special event liquor license as requested. Trustee Kleinman seconded. During discussion it was noted the festival does not conflict with football or homecoming. Motion was brought to a vote and passed unanimously. MHF is requesting the fees for the park, community center and street closure be waived due to the amount of economic stimulus the festival brings to town. Trustee Kleinman voiced the opinion that because this is an established event and increased costs in maintaining the park, she is not in favor of waiving fees. Trustee Goold concurred noting the Town is talking about actually charging fees to provide for the additional staff time and

maintenance costs incurred by these special events. The fees include a \$100 deposit for the park, \$35 for use of the community center and \$100 for the street closure. Mr. Bishop noted these items were not budgeted for this year. Trustee Kleinman moved to allow the fee waivers as requested. Trustee Ayers seconded and the motion failed with Trustee Ayers voting "aye". MHF also requested that vendors be allowed to camp in their tents in the park for security reasons. Trustee Ferguson moved to approve the security camping request as presented. Trustee Kleinman seconded and the motion passed with Trustee Goold voting "nay". It was noted that until a policy is determined, the Board would vote on security requests.

#### Town Manager Position - Update

Trustee Wissbeck noted this matter has been before the Board for months. The Personnel Committee has been working with Human Resource consultant, Dave Knutson to discuss alternatives, fiscal constraints, dual versus sole position and advertising. It is the recommendation of the Personnel Committee to advertise the position and request grant funding from the Department of Local Affairs (DOLA) and hire a full-time Town Manager if the grant funds are awarded. If grant funds are not awarded, then other options will be discussed. A recruitment committee consisting of the Personnel Committee, Dave Knutson and Bill Bishop, who has extensive background in personnel issues. Trustee Wissbeck moved to adopt the Personnel Committee recommendations as presented. Trustee Goold seconded and the motion passed unanimously.

#### Additional Business

Mayor's Report: Mayor Schwieterman reported submitting a cost estimate of \$88,000 from the Town at the Chesnik sentencing hearing. The judge denied adding it to restitution costs because it was not made available to the defense prior to sentencing. This estimate should have been part of pre-sentencing procedures. Mayor Schwieterman suggested sending a letter to the Chief District Attorney to register a grievance regarding restitution. Trustee Wissbeck moved to draft a letter citing disapproval regarding restitution. Trustee Goold seconded and the motion passed unanimously.

Public Works: Public Works Director Loberg reported the Third Street repairs are going well, but will not be completed by July 4, 2013. The road will remain open for visitors and dust control will be mitigated in the dirt area. Grand Avenue parking stripes will be painted before July 4, 2013. Mayor Schwieterman reported that due to personnel shortage, utility bills would be estimated for this month for accounts not on radio read meters. There have been concerns regarding hairline cracks in the newly laid concrete. The humidity levels have been extremely low. There is a one-year warranty and the contractors are applying a curing compound on the concrete to mitigate.

Police Report: Chief Leon reported an accident on the highway. The department has started traffic monitoring, documenting 87 cars in less than an hour with 2 minor violations. Mayor Schwieterman thanked the Department for exceptional work over the last couple of weeks. Officers have gone above and beyond to help this community. A pothole at the corner of Second Street and Main Avenue is a hazard and is scheduled for repair, but currently only has a warning ring painted around it.

Finance Report: Trustee Wissbeck reported that although the sentencing is resolved, a civil suit might be pursued. The Finance Committee has received the audit and the town books are in good order.

Parks Report: Trustees Kleinman and Goold reported a future meeting with the School District.

Public Safety Report: Trustees Ayers had nothing to report.

Street Report: Trustee King had nothing to report.

Water/Sewer Report: Trustee King had nothing to report.

Personnel Report: Trustee Wissbeck reported a full-time Deputy Town Clerk position is available.

#### Minutes:

Minutes were not available.

Disbursements:

Trustee Wissbeck moved to pay the bills ending June 25, 2013. Trustees Ferguson and Ayers seconded and the motion passed unanimously.

8:53 p.m. Meeting adjourned.

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Town Clerk, Barbara Peterson

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Mayor, Neal Schwieterman