

Town Council Regular Meeting
Town of Paonia, Colorado
July 22, 2014

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Council held Tuesday, July 22, 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; Deputy Clerk Corinne Ferguson; and Town Clerk Barbara Peterson.

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

Approval of Agenda

Trustee King moved to approve the agenda as presented. Trustee Stewart seconded and the motion passed unanimously.

Announcements

Mayor Schwieterman regrettably informed everyone that former Board member and current Planning and Zoning Commission (P&Z) Chairman Larry Wissbeck passed away last week. The Town has not heard of any service time yet. This is a tough time for the Board and Staff and it will take some time to fill his seat on P&Z. Mr. Wissbeck resigned his Board seat due to health issues before the April election and was presented with a Certificate of Appreciation at his home by Mayor Schwieterman at that time. Everyone will miss Larry as he had a big heart for this community.

Visitors

Steve Keenan suggested that the Town think “out of the box” regarding recreational marijuana and proposed that the Town consider owning and operating a retail recreational marijuana store.

Ed Marston noted there are a number of local households that utilize coal as their sole source of heat. There are no domestic sources of coal available since Oxbow stopped supplying. The West Elk mine has been asking for support and Mr. Marston suggested the Board contact the mine to ask about supplying the North Fork with local coal.

Unfinished Business

Ordinance 2014-04 - Codification

Mayor Schwieterman noted there was a work session tonight.

New Business

Thomas Waldo’s – Liquor License Renewal

Aaron Papke was present. Mr. Papke is requesting the renewal of a tavern liquor license for Thomas Waldo’s located at 240 Grand Avenue-Basement. Mayor Schwieterman noted the application in the packet and indicated that a new lease ending September 30, 2015 was also provided. Chief Leon indicated no issues. The state fee was also submitted. Trustee Kleinman moved to approve the liquor license renewal as presented. Trustees Goold and Stewart seconded and the motion passed unanimously.

Mountain Harvest Festival – Town Park Permission, Special Event Liquor License Request, and Street Closure Request

Margot Richardson and Heidi Heduk were present. Mayor Schwieterman noted the applications in the packet and informed the Board that Town Hall was no longer listed as a music venue, being replaced by KVNF. The street closure is being requested for the 200 block of Grand Avenue on Saturday night for attendees to travel between venues safely. The Homecoming football game is the same weekend. Ms. Sarah Bishop, Mountain Harvest Festival (NHF) Board Member, has been in communication with Paonia High School Principal Randall to mitigate possible impacts. There will be extra security. The Chili Cook-Off usually lasts until 7:00 p.m. with things usually concluding before the football game begins. Trustee King moved to approve MHF using the Town Park September 25 through September 28, 2014. Trustee Kleinman seconded. During discussion, it was noted the festival has \$1,000,000 in

insurance with the Town listed as an additional insured. Motion was brought to a vote and passed unanimously. Trustee Kleinman moved to approve the special event liquor license as requested. Trustee Goold seconded and the motion passed unanimously. Trustee Kleinman moved to approve the street closure as requested. Trustee King seconded and the motion passed unanimously.

Budget Calendar

Mayor Schwieterman noted a proposed budget calendar from Manager Rabe in the packets. The highlighted areas are when the Board is needed. Trustee Stewart move to approve the budget calendar as presented. Trustee King seconded and the motion passed unanimously.

Town Manager – Job Description, Application Process and Hiring Timeline

Trustee Goold noted the Personnel Committee had met with Manager Rabe and the proposed job description, process and timeline are satisfactory to the committee. Trustee Goold moved to approve the Town Manager job description as presented. Trustee Kleinman seconded and the motion passed unanimously. Trustee Kleinman moved to approve the application process and hiring timeline as presented. Trustee King seconded and the motion passed unanimously.

Ordinance 2014-08 – Delegating Liquor Licensing

Mayor Schwieterman noted Trustee King requested this ordinance. Ordinance 2014-08 would delegate routine liquor licensing matters: local liquor license renewals, special event permit requests, modification of premises and report of changes, to staff for processing. Trustee King moved to adopt Ordinance 2014-08 as presented. Trustee Kleinman seconded. During discussion, Trustee Bradford felt that this should not pass because the Board would be relegating authority. Trustee Kleinman pointed out the Board has not denied any liquor application noted in the ordinance. Trustee Watson thinks these issues do not take up much of the Board's time and does not want to shirk the duty of voting on these applications. Trustee Stewart indicated that it seems the only benefit to the ordinance would be for the applicants due to timing issues. Mayor Schwieterman noted that special meetings have been called over the years to address some of those time constraints on applications. Concerns were stated that a lot of these applications are approved and if there is an issue, the Board would not have the oversight. Trustee King feels these are administrative actions and he is very comfortable handling these applications on a routine basis. Means and methods are addressed in the ordinance for protests and any issues. Paige Smith, visitor, voiced the opinion that the process stays with the Board. Lynne Bear, visitor, concurred saying that is why the Board is elected. Trustee Stewart moved to amend the motion to add if a protest is filed, then should be remanded to the Board, as part of Additional Conditions 1B. Trustee Kleinman seconded. Amended motion came to a vote and failed with Trustees Kleinman and Stewart voting "aye". Main motion was brought to a vote and failed with Trustees Kleinman and King voting "aye".

Additional Business

Mayor's Report: Mayor Schwieterman reported that while the BMW Rally had a slight drop in attendance, many locals were seen enjoying the music. Special event vendors do pay taxes.

Town Manager: Manager Rabe submitted a written report. Manager Rabe scheduled a meeting with the Streets Committee for Tuesday afternoon, July 29th to meet with Ed Marston. A meeting with the Water Committee was also scheduled for Wednesday morning, July 30th. Manager Rabe handed out copies of a proposed regulatory ordinance for recreational marijuana. It was noted these licenses are State licenses and not local licenses like liquor. Section 6-4-40 designates a local authority, which does not necessarily mean a Board. The Town Attorney has been doing the bulk of the research and Manager Rabe is working with staff for a map. No establishments may be located in residential zones.

Public Works: Director Loberg reported repairing a few leaks in pressure regulating valve vaults, and one at Apple Valley Park. Concrete was poured at the corner of Second Street and Main Avenue with the last section scheduled for next week. The Apple Valley project is still ongoing.

Police Report: Chief Leon submitted a written report. Chief Leon indicated the Rally had no major incidents and answered Trustee specific questions regarding the report.

Finance Report: Trustee Stewart noted that Finance Officer Jones would like to open an additional account at First Colorado National Bank specifically to track grant funds for the Town. Existing account signers will be utilized. Trustee Stewart moved to allow the opening of an account at First Colorado National Bank utilizing existing signatories. Trustee Bradford seconded. Finance Officer Jones clarified that this account would only take in money, generally through wire transfers from the grantors and then would be transferred, as appropriate to one of the Town's other funds. Motion was brought to a vote and passed unanimously.

Parks Report: Trustees Watson and Kleinman had nothing to report.

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

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

Street Report: Trustees King and Bradford reported meeting to discuss how the sidewalk fee funds will be spent, where to start and reviewed the Pathways Report.

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

Minutes:

Trustee Bradford moved to accept the minutes of July 8, 2014 as presented. Trustee Goold seconded and the motion passed unanimously.

Disbursements:

Trustee Stewart noted the Town has a loan coming from the Colorado Water Resource and Power Development Authority (WPA) via bonds that have been issued. The issue is that there is a loan payment due August 1, 2014 in the amount of \$21,218.91 that was not budgeted. Trustee Stewart noted this will be coming out of reserves and the Town will re-appropriate later, if necessary. Trustee Stewart moved to approve the loan payment in the amount of \$21, 218.91 to the WPA. Trustee King seconded and the motion passed unanimously. Trustee Stewart moved to pay the bills through July 22, 2014. Trustee Bradford seconded and the motion passed unanimously.

8:07 p.m. Meeting adjourned.

Town Clerk, Barbara Peterson

Mayor, Neal Schwieterman