

**Town Council Regular Meeting**  
**Town of Paonia, Colorado**  
**July 26, 2011**

RECORD OF PROCEEDINGS

The Regular Session of the Town Council held Tuesday, July 26, 2011 was called to order at 7:04 p.m. with the Pledge of Allegiance. Those present were Mayor Neal Schwieterman, Trustees Corinne Ferguson, Blake Kinser, Sid Lewis, Brian Ayers, and David Weber, Attorney James Briscoe, Scott Leon, and Town Clerk Barbara Peterson. Trustee Lucien Pevec was absent.

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

**Approval of Agenda**

Trustee Weber moved to approve the agenda as presented. Trustee Kinser seconded and the motion passed unanimously.

**Announcements**

- Trustee Ayers will be attending an airport meeting to discuss hazardous power line issues.

**Visitors**

- Ellen Smith thanked Council for support on behalf of the BMW Rally. Ms. Smith noted the Beemers are sending a \$5,000.00 donation check to the Town. Ms. Smith detailed other BMW donations to community groups. The Beemers also thanked the Town for the bathroom upgrades. The BMW Rally is requesting use of the Town Park from July 11 through July 15, 2012. This is only one week after Cherry Days. Mikel Altenhofen, Parks Maintenance Contractor was present and indicated he could make the watering schedule work for both events with minimal damage to the park lawns. Trustee Ayers moved to approve the BMW Rally request for July 11-15, 2012. Trustee Kinser seconded and the motion passed unanimously.

**Unfinished Business**

**Thomas Waldo's – Modification of Premises**

Aaron Papke was present. An architect drawing for the proposed fencing area was submitted in packets. Council concerns included not having control now, the lack of a dedicated bouncer, and lighting. Mr. Papke indicated that on busy nights, he would ensure someone is out on the patio at all times. On slower nights, an extra waitress would float. It was determined that servers are allowed to consume alcohol beverages while on duty, but are not allowed to be visibly drunk. Gustavo Brett, a visitor, noted he plays music at the location and has not had any negative experiences. The modification of premises request failed for lack of a motion.

**Television Signals – Lease Transfer Request**

**New Business**

**Third Street Bistro – Liquor License Renewal**

Linda M. Little was present. The Third Street Bistro is requesting a renewal of a hotel/restaurant liquor license located at 212 Third Street. Chief Leon noted no problems. Trustee Pevec moved to renew the liquor license as presented. Trustee Weber seconded and the motion passed unanimously.

**Thomas Waldo's – Liquor License Renewal**

Aaron Papke was present. Thomas Waldo's is requesting a renewal of a tavern liquor license located at 240 Grand Avenue basement. Mayor Schwieterman noted the renewal forms as well as the modification of premises information provided in the packets. Mr. Papke indicated customers complaining about not being able to smoke or consume alcohol outside. An architect is designing the

fence to make it difficult to pass drinks through. Chief Leon indicated that there have been undocumented reports of altercations that were noted via other investigations. Mr. Papke was unaware of the requirement to report altercations and will be happy to comply. Concerns noted included patrons carrying alcohol walking outside the designated outside area to which Mr. Papke is considering adding more staff for monitoring purposes, as well as interaction between patrons and pedestrians and vehicle traffic as Third Street is rather busy. Mayor Schwieterman read a letter from Ed Marston, building owner, allowing the modification. After discussion, Trustee Ferguson moved to approve the liquor license renewal as presented. Trustee Pevac seconded and the motion passed unanimously.

Trustee Ferguson would like to see the architect design. A concern regarding the monitoring as there is a significant amount of space between the bar and the proposed outside patio. Mr. Papke indicated the design would be available in the next few days. The building official would need to ensure compliance with building codes before coming back to Council for approval. Trustee Ferguson moved to table this item pending architect drawings. Trustee Weber seconded and the motion passed unanimously.

### **Additional Business**

**Mayor's Report:** Mayor Schwieterman reported there will be a work session on August 2, 2011 at 7:00 pm here at Town Hall regarding in-stream flows. This presentation will provide information from The Colorado Water Trust and Trout Unlimited to possibly find ways to keep water in the North Fork. Regarding the Galaxy Bike sign, the Building Official has written a report and Attorney Briscoe has submitted an opinion. Mayor Schwieterman will begin conversations with the owners after returning from out of town, and report progress in an executive session until Council is comfortable in making a decision.

**Public Works:** Scott Leon reported four (4) water breaks, two (2) on the raw water side, one (1) on Fourth Street and one (1) on Grand Avenue. Public Works has started working on spring repairs, although the weather is delaying progress. The new one million gallon (1MG) water treatment plant is doing well despite minor programming errors.

**Police Report:** Scott Leon reported two (2) burglaries at one (1) at North Fork Accounting and one (1) at Subway. The department has identified potential suspects and the offenses are under investigation. Mayor Schwieterman noted continued positive feedback regarding the bike patrol officer and the department in general.

**Finance Committee Report:** Trustee Pevac reported having questions on the quarterly and mid-year finance reports, but had not had the opportunity to speak with the Finance Officer. Overall, the Town is in decent financial shape. Trustee Weber reported specific numbers to that same effect.

**Parks Committee Report:** Scott Leon reported significant progress on the concrete for the basketball courts at Apple Valley Park. Trustee Lewis met with the dog park coalition and will be meeting with the Town Clerk on Monday at 1:00 p.m. at Town Hall.

**Public Safety Committee Report:** Trustee Ayers had nothing to report. Trustee Weber questioned police fine revenues are down significantly and wondered if tickets were being written. Chief Leon indicated the department was short staffed for a while, but since the bike patrol officer was hired, the numbers are rising. Trustee Weber noted a citizen complaint and wondered if the telephone system would allow for the forwarding of calls to a cell phone. Chief Leon to investigate the citizen complaint and the procedure that was followed.

**Street Committee Report:** Trustee Ferguson had nothing to report.

**Water/Sewer Committee Report:** Trustee Weber reported incorporating comments into the second draft of the proposed sewer ordinance. There will be an impact on large users and will be less restrictive for multiple businesses in a single building. Sewer users not connected to water will be assigned rates by Council decision. Scott Leon indicated satisfaction of work done by ECO

**Water/Sewer Committee Report continued:**

Contracting at the 1MG treatment plant. After brief discussion regarding the water committee inspecting the new system, Trustee Weber moved to approve ECO final payment in the amount of \$25,860.10. Trustee Ferguson seconded. Discussion regarding publication requirements ensued. Motion was brought to a vote and passed unanimously.

**Personnel Committee Report:** Trustee Weber had nothing to report.

Minutes:

Corrections noted. Trustee Weber moved to approve the minutes of July 12, 2011 as amended. Trustee Ferguson seconded and the motion passed with an abstention from Trustee Ayers.

Disbursements:

Trustee Ayers moved to pay the bills ending July 26, 2011. Trustee Pevec seconded. Discussion regarding engineering costs ensued. Motion was brought to a vote and passed unanimously.

8:25 p.m. Meeting adjourned.

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Mayor, Neal Schwieterman

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Town Clerk, Barbara J. Peterson