

**Town Council Regular Meeting**  
**Town of Paonia, Colorado**  
**August 9, 2011**

RECORD OF PROCEEDINGS

The Regular Session of the Town Council held Tuesday, August 9, 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**

Jeff Reynolds, representing KVNF was present. Trustee Weber outlined the challenge with KVNF required by the Federal Communication Commission (FCC) to have two (2) feeds for the Emergency Broadcast System and if the Hoak Media lease is not picked up, KVNF is out of compliance. The signal is not picked up through police signals, nor through the internet. After brief discussion, Mr. Reynolds will research the actual service area and provide a succinct paragraph to the clerk. Mayor Schwieterman will then provide that information to Delta County, Hotchkiss and Crawford to facilitate a conversation regarding cost sharing.

**New Business**

**Paonia Airport – Clawson Hangar Request**

Michael Clawson, Fixed Base Operator, submitted two (2) privately financed capital improvement proposals. Mr. Clawson is proposing to construct a 50 feet x 46 feet hangar and extending the taxiway to the new hangar as well as installing a new Jet A fueling facility at the airport located at 38506 Back River Road. The improvements are at no cost to either Delta County or the Town of Paonia, although approval from each entity is necessary. The new hangar will be able to fit three (3) planes and the taxi extension will be accomplished with concrete. The jet fuel facility will be located inside a secure area. Trustee Ayers noted Mr. Clawson has been doing a good job maintaining the runway, grounds, and making available courtesy bikes and car to accommodate visitors. After discussion, Trustee Ferguson moved to approve the hangar construction as presented. Trustee Lewis seconded and the motion passed unanimously. Trustee Weber moved to approve the installation of a Jet A fuel tank as presented. Trustee Kinser seconded and the motion passed unanimously.

### Non-Motorized Access - Proposal

Mayor Schwieterman reported a brief historical summary for visitor benefit. Council reviewed the initial proposal and passed a resolution to participate in a coordinated election in November. Items brought up in the work session included a sunset clause and what dollar amount would be assessed on a monthly basis. Council is utilizing the Paonia Pathways report that was completed for a Colorado Department of Transportation (CDOT) grant. The report assesses each portion of sidewalks in town limits and prioritizes those portions that need addressing. TABOR items are able to be on the ballot in even numbered years. Citizen comments were generally favorable. Noted concerns included prioritization, installation of sidewalks where developers were not required, and trees in the right-of-way that will need attention when work begins on that portion of the sidewalk. This fund will be a dedicated fund strictly for sidewalks and associated costs, as well as the eventual use to connect trails/paths within Town limits.

### Non-Motorized Access – Ballot Wording

Clerk Peterson noted that the use of “non-motorized access” was used so the fund was not limited to just sidewalks. Riverbank Neighborhood has indicated that there will be paths through the new development with the possibility of adding a pedestrian bridge across the river to connect walking avenues. This fund could be used as matching funds for grant applications such as the pedestrian bridge. The trees along the road are a concern and this fund could also be used to address the trees at the time that portion of the sidewalk is addressed. The wording does need to be kept simple and the ideas of how much and a sunset clause will be considered. A work session was scheduled for 6:00 p.m. before the next meeting on August 23, 2011.

### Ordinance 2011-04 – Sewer Rates

Trustee Weber noted the ordinance has not been revised since 2005. The proposed new rate structure for commercial entities is essentially revenue neutral, with the fiscal model showing a slight \$600.00 a year increase in revenue. The intent is to introduce fairness for the commercial sector. Rates would now be based on a base rate plus an usage rate which would be dependent upon water usage. Residential rates would not change. Trustee Weber went on to explain the Biological On Demand component which says that not all sewer water is equal. Some commercial entities are charged for *what* goes down the drain. Restaurants have more biological material to treat at the wastewater facility than a residential household. The high volume users will have a regressive rate structure for usage in consideration of essential businesses that are needed for a community. Mayor Schwieterman read four (4) letters from Paonia Care & Rehab, Hay’s Drug, Don’s Market and Paonia Cleaners opposing the new ordinance. Ron Rowell, owner of Paonia Cleaners noted that most his water has already been recycled and filtered. Gretchen King, owner of Revolution Brewery noted that most of the water that comes through the meter for the brewery is consumed and not going down the sewer, thereby not creating a fair rate structure. After lengthy discussion, Trustee Weber moved to table this item pending legal review. Trustee Ferguson seconded and the motion passed with Trustee Ayers voting “nay”. A work session was scheduled for 6:00 p.m. on September 13, 2011.

8:55 p.m. Meeting recessed.

9:01 p.m. Meeting reconvened.

### Dog Park – Apple Valley

Mayor Schwieterman noted the Paonia Coalition proposal, a petition opposing the dog park, and more general information. There needs to be a determination tonight due to a pending grant proposal for Apple Valley park. Trustee Lewis read the summary of the Paonia Coalition proposal for visitor benefit. The proposal requests that the current leash law be amended to allow Council to designate an off leash area and that the off leash area be at the Apple Valley park. Many people spoke in favor and against the proposal. Benefits include an area where dogs may get exercise, the socialization aspects, the fact that many people already use the back area of the park as an off-leash area, and it would provide an avenue for pet owner education. Concerns included the location next to the tennis courts, children playing in the park, barking, irresponsible pet owners not picking up after their pet, and maintenance issues. Trustee Ferguson noted it is unethical for her to vote to change the law to fit lawbreaking habits and thinks the area is too small. Trustee Weber pointed out there are Bureau of Land Management (BLM) accesses on the edges of town within walking distance. Trustee Lewis felt Apple Valley was a central location, reiterated benefits and moved to create a resolution to create an off leash area in Apple Valley park and change the ordinance so that dogs may be allowed in designated off leash areas. Trustee Ayers seconded. The motion failed with Trustee Lewis voting “aye” and Trustees Kinser, Ayers, Ferguson, and Weber voting “nay”.

### Additional Business

Mayor's Report: Mayor Schwieterman reported the Town sent a letter and a photo to Union Pacific Railroad. According to their agreement with the Town, the repair is in the railroad purview and should be addressed quickly. Colorado Water Trust held a meeting this week at Town Hall regarding in stream flows for the North Fork. Mayor Schwieterman will follow up on the ideas presented regarding water in the North Fork.

Public Works: Scott Leon reported having multiple water line breaks. Specifically, a four (4) inch line will need 600 feet of pipe replacement. The storm drain on Third Street is proving to be difficult to isolate and repair. 1200 feet have been cleaned from massive amounts of sand and gravel accumulated. There is a Town Park irrigation problem that still needs to be identified and Public Works is working on it.

Police Report: Scott Leon reported that at the last Council meeting, it was brought up regarding a call placed. Chief Leon investigated the situation and the officers did respond. The current break-ins are currently under investigation.

Finance Committee Report: Trustee Ayers reported reviewing disbursements.

Parks Committee Report: Trustee Lewis had nothing to report.

Public Safety Committee Report: Trustee Ayers had nothing to report. Trustee Kinser noted a letter to the editor regarding the Police at baseball game in the park. Trustee Kinser investigated and there was a call to the Police Department as a disturbance was brewing. It was evident that the situation diffused when the police arrived on site. Trustee Kinser does not have a problem if the Police stayed to watch part of the game as it shows community support for the kids.

Street Committee Report: Trustee Ferguson had nothing to report.

Water/Sewer Committee Report: Trustee Weber reported inspecting the new water treatment plant. Turbidity reports are much better, the water is cleaner and the same technology is being considered for the upper level system also known as the Two-Million water treatment plant. Trustee Weber will consult with the Finance officer regarding funding for manholes and ground water infiltration.

Personnel Committee Report: Trustee Kinser had nothing to report. Trustee Lewis moved to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e). Trustee Kinser seconded and the motion passed with Trustee Weber abstaining.

10:37 p.m. Meeting recessed.

10:49 p.m. Meeting reconvened.

The participants of the session were Mayor Schwieterman, Attorney Briscoe, Trustees Weber, Ayers, Ferguson, and Lewis. No concerns were noted.

Minutes:

Corrections noted. Trustee Weber moved to approve the minutes of July 26, 2011 as amended. Trustee Ayers seconded and the motion passed with abstentions from Trustee Lewis and Kinser.

Disbursements:

Trustee Ayers moved to pay the bills ending August 9, 2011. Trustee Weber seconded, and the motion passed unanimously.

8:25 p.m. Meeting adjourned.

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Mayor, Neal Schwieterman

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Town Clerk, Barbara J. Peterson