

Town Council Regular Meeting
Town of Paonia, Colorado
August 26, 2014

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Council held Tuesday, August 26, 2014 was called to order at 7:02 p.m. with the Pledge of Allegiance. Those present were Mayor Neal Schwieterman, Trustees Eric Goold, Ross King, David Bradford, Charles Stewart and Suzanne Watson; Attorney David Marek, 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. Trustee Amber Kleinman was absent.

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

The Department of Local Affairs (DOLA) has awarded the Town a \$200,000 grant to help repair the Clock water storage tank roof.

Paonia High School Update

Josh Altman, Zach Milner, and Bo Pipher were present. There are a few new teachers. The school received an average of 21.8 for ACT scores, measured against a state wide average of 20.3. The Legacy Foundation has awarded \$50,000 for Advanced Placement (AP) classes, which are being coordinated with Cedaredge High School via cameras and microphones purchased with the grant money. If students receive a 3 or higher (on a scale of 5) in a class, then they are eligible for college credit for that class. A magazine out of Denver has ranked Paonia 4th in the state in sports, including sportsmanship and character. There is a football game scheduled for Friday night at the Town Park against Monte Vista. Girls' volleyball starts next Tuesday.

Visitors

None

Unfinished Business

Ordinance 2014-04 - Codification

Mayor Schwieterman noted the bulk of the work has been completed and the Board is expecting to adopt the code soon with an amending document shortly thereafter.

Ordinance 2014-07 – Retail Marijuana Tax

Mayor Schwieterman noted the packets contained a memo from Attorney Marek regarding the two (2) potential ordinances for consideration. Trustee Stewart moved to go into executive session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). Trustee King seconded and the motion passed unanimously.

7:12 p.m. Meeting recessed.

7:31 p.m. Meeting reconvened. Those participating in the executive session were Mayor Schwieterman, Trustees Bradford, Goold, King, Stewart and Watson; Attorney Marek and Manager Rabe. No concerns were noted.

Attorney Marek noted the excise tax for retail would start at 5% and could be adjusted not to exceed 10%. The other option is an occupational tax based on a rate of \$10 per transaction at the retail level, or \$100 per transaction at the wholesale level. The Board concurred on a sales tax rather than an occupational tax. Trustee King moved to adopt 2014-07 as presented. Trustee Stewart seconded. Mayor Schwieterman read the ballot question for visitor benefit.

“SHALL THE TOWN OF PAONIA TAXES BE INCREASED BY \$50,000.00 IN 2015 (THE FIRST FULL FISCAL YEAR OF SUCH TAX INCREASE) AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, BY IMPOSING, EFFECTIVE JANUARY 1, 2015, A NEW TAX ON (1) THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY AND (2) THE SALE WITHIN THE TOWN OF PAONIA RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS PERMITTED BY ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION AT THE RATE OF FIVE PERCENT (5%) OF THE PRICE PAID BY THE PURCHASER OR TRANSFEREE OF THE RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS, WITH THE RATE OF EITHER OR BOTH TAXES BEING ALLOWED TO BE INCREASED OR DECREASED WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF TAXATION DOES NOT EXCEED TEN PERCENT (10%), IN ACCORDANCE WITH ANY ORDINANCES HEREAFTER APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA; PROVIDED THAT ANY SUCH TAX SHALL BE IMPOSED ONLY IF RETAIL MARIJUANA ESTABLISHMENTS ARE PERMITTED WITHIN THE TOWN; AND SHALL THE TOWN BE AUTHORIZED TO COLLECT AND SPEND SUCH REVENUE AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION?”

Jere Lowe, thought the change in Taxpayers Bill Of Rights (TABOR) limitation reflected a more reasonable amount. Manager Rabe indicated that if the Town does end up with a refund situation, he will come back for a presentation. Motion was brought to a vote and passed unanimously.

Upper North Fork Area Planning Commission (UNFAPC) - Appointment

Trustee King volunteered to represent the Town at the Upper North Fork Area Planning Commission (UNFAPC) meetings. Mayor Schwieterman so appointed Trustee King.

Additional Business

Mayor's Report: Mayor Schwieterman thanked Trustee Stewart for chairing the August 12, 2014 meeting in his absence. Charter Communications notified the Town of a surcharge increase. Ellie Roberts submitted a grant to the Colorado Department of Transportation (CDOT) Safe Routes to School (SRTS) program and was awarded funds to address how to improve getting more kids to walk and bike to school. Mayor Schwieterman and Clerk Peterson attended the first meeting at the Library last Friday. Chief Leon will be helping with obtaining some baseline data.

Town Manager: Manager Rabe submitted a written report. The office will be closed on Monday, September 1, 2014 for Labor Day. Manager Rabe provided a presentation regarding the difference between a Comprehensive Plan which deals mainly with land use, and a Strategic Plan. The Board was advised to review and think about what is wanted as the decision will make a difference in next year's budget.

Public Works: Director Loberg reported working on Apple Valley park with approximately three (3) weeks left to finish. Staff is working on spring lines. Second Street is completed and open for traffic. Trustee Goold said the football field looks great. Director Loberg mentioned the School District has had people over to fix the Eagle's nest.

Police Report: Chief Leon submitted a written report. There was another burglary at the library, although this time it appears someone hid inside, as there were no signs of forced entry and an interior door had been broken. There are no suspects as of yet. Chief Leon answered Trustee specific questions regarding the report.

Finance Report: Trustees Stewart and Bradford continue to meet and review all financials.

Parks Report: Trustee Watson had nothing to report.

Personnel Report: Trustee Goold reported the committee has scheduled a meeting with Manager Rabe for Tuesday, September 2, 2014 at 3:00 p.m.

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

Street Report: Trustees Bradford and King attended a Colorado Department of Transportation (CDOT) meeting as part of the Delta County Commissioners agenda. Delta County projects were reviewed.

Water/Sewer Report: Trustee King indicated a preference to have the engineering consultant come and give an updated presentation on the water treatment project at the next meeting. Clerk Peterson advised that a public hearing for that purpose has already been scheduled for the meeting on September 23, 2014.

Minutes:

Corrections noted. Trustee Bradford moved to accept the minutes of August 12, 2014 as amended. Trustee Goold seconded and the motion passed unanimously.

Disbursements:

Trustee Stewart moved to pay the bills through August 26, 2014. Trustee Bradford seconded and the motion passed unanimously.

New Business

Executive Session – Legal Advice (Chesnik)

Trustee Stewart moved to go into executive session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). Trustees Bradford and King seconded and the motion passed unanimously.

7:54 p.m. Meeting recessed.

8:32 p.m. Meeting reconvened. Those participating in the executive session were Mayor Schwieterman, Trustees Bradford, Goold, King, Stewart and Watson; Attorney Marek and Manager Rabe. No concerns were noted.

8:33 p.m. Meeting adjourned.

Town Clerk, Barbara Peterson

Mayor, Neal Schwieterman