

Town Council Regular Meeting
Town of Paonia, Colorado
October 22, 2013

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Council held Tuesday, October 22, 2013 was called to order at 7:05 p.m. with the Pledge of Allegiance. Those present were Mayor Neal Schwieterman, Trustees Larry Wissbeck, Brian Ayers, Eric Goold, Ross King, Amber Kleinman and Sarah Sauter; Public Works Director Travis Loberg; Finance Officer Cindy Jones; Deputy Clerk Corinne Ferguson and Town Clerk Barbara Peterson. Chief Scott Leon and Attorney James Briscoe were 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. Trustees Sauter and Goold seconded and the motion passed unanimously.

Paonia High School Update

Jason Sturgis, attending for Paonia High School Student Council, reported the school is celebrating Pride Week. It was decided that rather than promoting “anti-Bullying”, to focus on more positive attitude. Students were encouraged to post a video focused on what to do instead of what not to do using the assigned “word of the day”. The High School football team won the North Fork Bowl against Hotchkiss for the first time in six (6) years. The undefeated high school volleyball team hosts the District games this weekend. The Speech and Knowledge Bowl teams are recording their performances this week. The Student Council is interested in participating in a mock election and will coordinate with the Town staff.

Announcements

Mayor Schwieterman thanked the new Eccentric Artists gallery owners for the donated mannequin to display the Peruvian garb given to the Mayor during his visit last year.

Visitors

None

Unfinished Business

Gutshall – Greenhouse Variance Request

Ms. Tamra Gutshall was present. Ms. Gutshall is seeking permission to have a greenhouse on her property located at 220 Box Elder Avenue. The property is currently a non-conforming lot and the greenhouse installation would increase the lot coverage to 34%, above the required 30% lot coverage. Two (2) variances are requested for setbacks and one (1) variance request to exceed lot coverage. Mayor Schwieterman noted this issue has been before Planning and Zoning Commission (P&Z) twice. According to legal opinion, it is not necessary to hold another public hearing on this issue. Mayor Schwieterman read P&Z minutes of October 1, 2013 and a letter from Ms. Gutshall alleging an unfair review from P&Z and reiterating points of view. Trustee Wissbeck moved that all variance requests be denied and that the greenhouse be removed within thirty (30) days. Trustee King seconded. Trustee Ayers thinks the setbacks should be maintained, but does not have an issue with the greenhouse itself. Discussion regarding a cease and desist order ensued. Mayor Schwieterman noted the greenhouse is considered a structure in the Land Development Regulations (LDR). The two (2) months that the cover would be on would be from mid-September to mid-November. Motion was brought to a vote and failed with Trustees Sauter, Ayers, Goold, and Kleinman voting “nay”. Trustee Kleinman moved to have the structure comply with side setbacks, allow for 34% lot coverage and allow until Spring to come into compliance. Trustee Sauter seconded. Trustee Kleinman amended the motion to allow until April 1, 2014 to come into compliance. Trustee Sauter continued the second. The amended motion was brought to a vote and passed unanimously. The main motion was brought to a vote and passed with Trustee King voting “nay”.

New Business

Delta County Economic Development (DCED) – Update and Funding Request

Sarah Carlquist, Director; Brad Harding, President of the DCED Board; and John Gavin, DCED Board member were present. Mr. Harding gave a presentation of the accomplishments of the organization and requested continued financial support. Discussion regarding mine layoffs and re-education efforts and a soil health conference ensued.

7:52 p.m. Trustee Goold left the meeting.

7:53 p.m. Trustee Goold resumed his seat.

DCED would like to have a work session to discuss the broadband issues and opportunities. The next roundtable discussion will be held on November 21, 2013 at Memorial Hall in Hotchkiss. Mr. Gavin imparted that the super wi-fi hotspot on Grand Avenue has been activated, averaging thirty (30) connections a day with over 130 individual users. Mr. Gavin reminded the Board of Trustees that this program will cease at the end of the year unless a decision is made to provide funding. Mr. Harding indicated that DCED will be at the Heart and Soul Community Symposium this weekend in Hotchkiss. Discussion regarding the super wi-fi privacy and data collection ensued.

8:06 p.m. Trustee Ayers left the meeting.

Mike Drake, visitor, would like to see DCED go after grants to piggyback on efforts for incentive funds. Mr. Drake expressed approval on the soil initiative and would like to see that continue.

8:08 p.m. Trustee Ayers resumed his seat.

Resolution 2013 – 08 – E911 Charge Increase

Connie Johnson, Delta County Dispatch Supervisor was present. The resolution supports a thirty-cent increase in order to fund digital equipment upgrades to replace the current analogue system.

8:10 p.m. Trustee Sauter left the meeting.

Trustee Kleinman asked if with the new upgrades if people could text in emergencies. Ms. Johnson indicated that yes, and sometimes texts get through when cell phone calls do not.

8:11 p.m. Trustee Sauter resumed her seat.

The fee is based on billing address and pay-as-you-go or “burn” phones do not have that capability. Mayor Schwieterman noted that this resolution was brought forth by Sheriff McKee at the Municipal Quarterly meeting. There is a definite need. Radios are becoming obsolete. Some of the funds would help to pay for one (1) salary. If upgraded, dispatch would have the capability to be moved if there were a major power outage in an emergency event. The Public Utilities Commission (PUC) is the approving agency. Mayor Schwieterman read the resolution for visitor benefit.

8:16 p.m. Trustee King left the meeting.

8:19 p.m. Trustee King resumed his seat.

Trustee Goold moved to approve Resolution 2013-08 as presented. Trustee Kleinman seconded and the motion passed unanimously.

Foreign Product Manufacturing – Congress Petition Request

Greg Mellott was not present. Trustee King moved to dispense with consideration. Trustee Sauter seconded and the motion passed unanimously.

Western Slope Conservation Center (WSCC) – Special Event Liquor License Request

Brian Amstutz was present requesting a special event liquor license for the Western Slope Conservation Center Film Festival on November 16, 2013 to be held at the Paradise Theatre located at 215 Grand Avenue. Trustee Sauter recused herself. The event is being held at the Paradise Theater and hopes to inspire environmental action. Trustee King moved to approve the liquor license request. Trustee Ayers seconded and the motion passed unanimously.

Chamber of Commerce – Special Event Liquor License Request

Mike Drake was present requesting a Special Event Liquor License Request for the Alchemy Fashion and Costume show November 1, 2013, the Music Event December 21, 2013 and the New Years Eve party on December 31, 2013 to be held at the Paradise Theatre located at 215 Grand Avenue. Mayor Schwieterman spoke with Chief Leon prior to the meeting. Chief Leon stated he had no concern at this time with any request this evening. Trustee King moved to approve the Special Event Liquor License

request as presented. Trustee Kleinman seconded and the motion passed unanimously.

KVNF – Special Event Liquor License Request

Rick Watts was present with a Special Event Liquor License Request for KVNF concert fundraisers on November 8 and November 22, 2013 to be held at the Paradise Theatre located at 215 Grand Avenue. Trustee King moved to approve the Special Event Liquor License request as presented. Trustees Kleinman and Ayers seconded and the motion passed unanimously.

Additional Business

Mayor's Report: Mayor Schwieterman updated the Council on the Telluride meeting with Colorado Water Conservation District. There were many funding requests made and with the flooding on the Front Range funding will change direction. Mayor Schwieterman and Clerk Peterson voluntarily withdrew the Town from the agenda with permission to return out of cycle at the beginning of 2014.

Public Works: Director Loberg reported progress on the Apple Valley Park upgrade. There were a few water leaks in Town that have been repaired. Winter maintenance has begun. The Paonia Ditch is scheduled for shut-off next week. Director Loberg and Trustee Kleinman inspected the tennis courts and found no issues. Trustee Kleinman questioned whether a roundabout on Third Street and Grand Avenue was feasible; Mr. Loberg will look in to it. The potholes on Niagara Avenue have been repaired.

Police Report: Chief Leon was unavailable to report.

Finance Report: Trustee Wissbeck reported that Council is in this middle of working on the draft budget for 2014.

Parks Report: Trustee Kleinman announced that the re-opening of Apple Valley Park has been postponed until Spring, 2014.

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

Street Report: Trustee Kleinman reported the ongoing review of the Third Street Engineering Contract. Mayor Schwieterman submitted photos to the Railroad showing the uninstalled pedestrian crossing on Third Street. Public Works Director Loberg also spoke with the Railroad Regional Manager to no avail.

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

Personnel Report: Trustee Wissbeck gave an update of the ongoing process to determine the hiring of a Town Manager.

Minutes:

Corrections noted. Trustee Goold requested an update on the legality of staff meetings; Mayor Schwieterman submitted the question to legal and received a response, this discussion is being addressed. Trustee Goold moved to accept the minutes for September 24, 2013 as amended. Trustee Wissbeck seconded and the motion passed unanimously.

Disbursements:

Trustee Ayers moved to pay the bills through September 24, 2013. Trustee Kleinman seconded, and the motion passed unanimously.

Trustee Wissbeck moved to pay the bills through October 22, 2013. Trustee Ayers seconded, and the motion passed unanimously.

8:46 p.m. Meeting adjourned.

Town Clerk, Barbara Peterson

Mayor, Neal Schwieterman