

Minutes
Town Board Regular Meeting
Town of Paonia, Colorado
January 13, 2015

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Board of Trustees held Tuesday, January 13, 2015 was called to order at 7:00 p.m. by Mayor Neal Schwieterman, followed by the Pledge of Allegiance.

Trustees present were as follows:

Mayor Neal Schwieterman
Trustee David Bradford
Trustee Eric Goold
Trustee Ross King
Trustee Amber Kleinman
Trustee Charles Stewart
Trustee Suzanne Watson

Town Staff present were as follows:

Town Manager Jane Berry
Police Chief Scott Leon
Public Works Director Travis Loberg
Finance Officer Cindy Jones
Deputy Clerk Corinne Ferguson

Deputy Town Clerk Corinne Ferguson determined a quorum was present and Mayor Schwieterman proceeded with the meeting.

Approval of Agenda

Motion by Trustee King, Supported by Trustee Kleinman to approve the agenda as presented. Motion carried with six (6) ayes and zero (0) nays.

Announcements

Mayor Schwieterman announced the winners of the 2014 Christmas lights judging. The winners were:
1st Place – 111 Dorris Avenue – Ron Gill
2nd place – 23 Alder Court – Erin Chartier
3rd place – 401 Niagara Avenue – Glen Bonine
Kids choice award – 1525 First Street – Paul & Myrl Shideler

Visitors

None

Public Hearing: Codification

The public hearing regarding Codification Ordinance 2014-04 and Codification Ordinance 2014-09 began at 7:16pm. Mayor Schwieterman read the introduction of Ordinance 2014-04 and gave a brief overview of the codification process. Trustee Goold provided clarification that while codification was in process the Town had Ordinances in place, and that the codification allows all the ordinances to be recorded in one document. Trustee Bradford added the long process was beneficial, errors were corrected, and there will be more non-pressing matters addressed at a later date.

Mayor Schwieterman read the introduction of Ordinance 2014-09.

No public comment was received during the public hearing regarding either ordinance.

Public hearing regarding Codification Ordinance 2014-04 and Codification Ordinance 2014-09 ended at 7:24pm.

Unfinished Business

Appointment of Town Attorney David Marek

Town Manager Berry stated that per Colorado Revised Statute 31-1-304 the Town Attorney David Marek should have been appointed following the regular election in April, 2014.

Motion made by Trustee King, Supported by Trustee Stewart to appoint David Marek as Town Attorney until April 30, 2016. Motion carried with six (6) ayes and zero (0) nays.

Minutes:

Motion made by Trustee Stewart, Supported by Trustee Kleinman to approve the Work Session Minutes from December 9, 2014. Motion carried with six (6) ayes and zero (0) nays.

Corrections to the Regular Minutes from December 9, 2014 were noted.

Motion made by Trustee Bradford, Supported by Trustee Kleinman to approve as amended the Regular Minutes from December 9, 2014. Motion carried with six (6) ayes and zero (0) nays.

Consideration for Second Reading and Adoption of Ordinance 2014-04

Mayor Schwieterman read the introduction to Ordinance 2014-04.

Motion made by Trustee King, Supported by Trustee Stewart to approve the second reading and adoption of Ordinance 2014-04. Motion carried with six (6) ayes from Trustees David Bradford; Eric Goold; Ross King; Amber Kleinman; Charles Stewart; and Suzanne Watson. Zero (0) nays.

Mayor Schwieterman read the introduction to Ordinance 2014-09. Attorney Marek noted the date portion needed to be filled in for January 13, 2015.

Motion made by Trustee King, Supported by Trustee Stewart to approve the second reading and adoption of Ordinance 2014-04 as amended. Motion carried with six (6) ayes from Trustees David Bradford; Eric Goold; Ross King; Amber Kleinman; Charles Stewart; and Suzanne Watson. Zero (0) nays.

New Business

Consideration to Approve Renewal of Liquor or 3.2 Beer License Application for Aspen Yoga, Inc. – DBA Louie’s Pizza My Heart

Police Chief Leon stated no issues were reported.

Motion made by Trustee Stewart, Supported by Trustee King to approve the Aspen Yoga Inc. – DBA Louie’s Pizza My Heart Liquor License Renewal. Motion carried with six (6) ayes and zero (0) nays.

Consideration to Adopt Resolution 2015-01: Rules of Procedure and Conduct for Board of Trustees Meetings

Trustee Bradford stated the adoption of the Rules of Procedure used to be a regular housekeeping item for the Board of Trustees. The Media was added to Section 7 under Public Comment.

Motion made by Trustee Goold, Supported by Trustee Watson to adopt Resolution 2015-01. Motion carried with six (6) ayes and zero (0) nays.

Consideration to Adopt Resolution 2015-02: Adding Town Manager Jane Berry to the WPCRF or DWRLF as an Authorized Representative

Motion made by Trustee King, Supported by Trustee Kleinman to adopt Resolution 2015-02. Motion carried with six (6) ayes and zero (0) nays.

Consideration to Approve Extension of Pre-Annexation Agreement for 1669 Harding Road – E. O’Reilly

Mike Jackson was present on behalf of Elizabeth Coyle O’Reilly requesting that a previous pre-annexation agreement between the Town and Mr. Carrier (who sold the property to Ms. O’Reilly) be extended for an additional five (5) years. Mr. Jackson noted that the property is listed for sale and the potential loss of the tap could present problems within the Delta County regulations. Discussion ensued regarding the timeline and tap installation.

Motion made by Trustee Stewart, Supported by Trustee King to extend the pre-annexation agreement

for 1669 Harding Road until January 13, 2020. Motion carried with six (6) ayes and zero (0) nays.

Consideration Award Contract for Professional Auditing Services for Fiscal Years: 2014, 2015, 2016

Town Manager Berry provided a spreadsheet showing the criteria of the Request for Proposals (RFP) had been met by three (3) auditing firms. The firms were: Hamblin and Associates, RubinBrown, and Blair and Associates. Best standard practices suggest to change auditing firms every five (5) years. Trustee Stewart noted the pros and cons for each firm and stated that the recommendation of the Finance Committee is to award the contract to RubinBrown. Discussion ensued regarding the increase in cost, the working history for Manager Berry with RubinBrown, and the working history with the Town and Blair and Associates.

Motion made by Trustee Stewart, Supported by Trustee King to award the Auditing Services Contract for Fiscal Years 2014, 2015, 2016 to RubinBrown. Motion carried with five (5) ayes and one (1) nay from Trustee Goid.

Consideration to Approve Fifth and Sixth Amendments to Engineering Agreement with WestWater Engineering for Water System Improvement Project

Town Manager Berry and the Water/Sewer Committee met and discussed the amendment request to the WestWater Engineering master agreement. Additional items such as design work were not originally included but have been necessary as the project progresses.

The Fifth Amendment addresses the cost associated with the Reynolds Spring Raw Water Line bidding and award process in the amount of \$5865.00.

The Sixth Amendment addresses the cost associated with the 1.0 MG Storage Tank Roof Replacement in the amount of \$6640.00.

Motion made by Trustee King, Supported by Trustee Watson to approve the Fifth and Sixth Amendments to the WestWater Engineering Water System Improvement Project Agreement. Motion carried with six (6) ayes and zero (0) nays.

Consideration to Approve Seventh Amendment to Engineering Agreement with WestWater Engineering for Water System Improvement Project

Town Manager Berry stated that WestWater Engineering was requested by the Town to conduct the Public hearing and submit the results to the State regarding the 2.0 MG Upper System Project.

The Seventh Amendment addresses the costs associated with the Public Hearing and document submittal in the amount of \$2,035.00.

Motion made by Trustee King, Supported by Trustee Watson to approve the Seventh Amendment to the Westwater Engineering Water System Improvement Project Agreement. Motion carried with six (6) ayes and zero (0) nays.

Consideration to Approve Change Order(s) 1, 2, 3 for Filter Tech Systems Lamborn Mesa (Upper) Water Treatment Plant Equipment Procurement

Town Manager Berry discussed the advantages of having Filter Tech procure equipment and materials directly instead of through a general contractor at a later date. Trustee King questioned if an extension of the three-phase Delta Montrose Electric Association (DMEA) electrical source to the Treatment Plant site could save money.

Motion made by Trustee King, Supported by Trustee Kleinman to approve Filter Tech Change Orders 1, 2, and 3 in the amount of \$9,793.00. Motion carried with six (6) ayes and zero (0) nays.

Consideration to Authorize Town Manager Jane Berry to Obtain Engineering Proposals for Rehabilitation of the 1.0 MG Water Storage Tank

Town Manager Berry explained that the Colorado Department of Public Health and Environment (CDPHE) inspection reflected the lack of maintenance on the 1.0 MG water storage tank. The sanitary survey conducted by CDPHE noted "significant deficiencies." The tank needs major repairs that were not planned for before the roof replacement project was started. Additional costs are estimated to fall between \$350,000.00 to \$500,000.00. Funding options were discussed. A committee meeting with Town Manager Berry, Mayor Schwieterman, and Steve LaBonde from WestWater Engineering was scheduled for Friday, January 16, 2015 at 10am.

Motion made by Trustee Stewart, Supported by Trustee King to authorize Town Manager Berry to Obtain Engineering Proposals for the 1.0 MG Water Tank Storage Rehabilitation. Motion carried with

six (6) ayes and zero (0) nays.

Consideration to Adopt Resolution 2015-03 Designating Town Hall as Official Posting Location and The Delta County Independent as the Official Publication Newspaper for Posting Notices

Mayor Schwieterman read the introduction to Resolution 2015-03. Trustee Kleinman exited at 8:45pm.

Motion made by Trustee King, Supported by Trustee Goold to approve Resolution 2015-03 Designating Town Hall and the Delta County Independent as the official publication and posting place. Motion carried with five (5) ayes and zero (0) nays.

Trustee Kleinman returned at 8:48pm.

Consideration to Adopt Resolution 2015-04 Encouraging Registration and Use of the 9-1-1 Emergency Notification System

Mayor Schwieterman read the introduction to Resolution 2015-04 and encouraged the community to register their cell phones as well to assist dispatchers in an emergency situation.

Motion made by Trustee Bradford, Supported by Trustee Watson to approve Resolution 2015-04 Encouraging the Registration and Use of the 9-1-1 System. Motion carried with six (6) ayes and zero (0) nays.

Regular Business

Mayor's Report: Mayor Schwieterman noted the request of Town Manger Berry to change the Town Board Committee system. The new system is as follows:

Finance and Personnel: Trustees Stewart and King
Public Works: Trustees King and Bradford
Governmental Affairs: Trustees Stewart and Kleinman
Services and Recreation: Trustees Bradford and Watson
Facilities and Development: Trustees Goold and Kleinman
Public Safety: Trustees Goold and Watson

Town Manager: Manager Berry provided a spreadsheet showing holidays observed by neighboring communities as well as the federal government. Manager Berry requested that the Board approve the addition of Martin Luther King Day as a Town observed holiday for the recognition and celebration of cultural diversity as well as a benefit to Town employees. Discussion ensued regarding alternative options and financial impact.

Motion made by Trustee Kleinman, Supported by Trustee King to observe Martin Luther King Day as a Town holiday. Motion carried with five (5) ayes, zero (0) nays, and one (1) abstention from Trustee Watson.

The chill in the Community Room as well as the gas odor are indications of the necessary repairs to Town Hall. Manager Berry will continue to work with Chief Leon to schedule and complete needed repairs.

Town Manager Berry discussed the FYI handouts included in the packets and asked if the Board wished to continue to approve letters of support that do not bind the Town to any monetary requirement. Discussion ensued with the majority of the Board wanting letters of support presented to the Board for approval and to allow community input.

A Drinking Water Enforcement Order was received and has been reviewed with the Public Works Director Loberg, Mayor Schwieterman, and the Water/Sewer committee. The Order details violations, significant deficiencies, and recommendations for the Town drinking water system. Failure to comply with the completion of the 2.0 MG Filtration and Storage Project upon initial deadline has resulted in a fine in the amount of \$1,105.00. Town Manager Berry considers this a significant warning and the necessity to get on track and compliant is a major priority. Public Works Director Loberg assured the Board and Community that the Town has not failed any water quality tests which are performed on a monthly basis. The water has the potential for contaminates that the current treatment system does not treat at the State required level. Town Manager Berry reiterated that she wants the Board and the community to be aware and support the Town compliance effort.

Recess at 9:50pm.

Reconvened at 9:55pm.

- Police Report: Chief Leon submitted a written report. The police department made it through the holiday season with no significant incidents and continues to work closely with the Paonia schools.
- Public Works: Director Loberg had nothing additional to report.

Committee/Meeting Reports:

- Finance: Trustees Stewart and Bradford continue to meet weekly and review all transactions regarding Town finances. The reports in the Board packets include disbursements for the end of the year 2014.

Parks: Trustees Kleinman and Watson had nothing to report.

- Personnel: Trustee Kleinman had nothing to report.
- Public Safety: Trustee Stewart had nothing to report.
- Streets: Trustees King and Bradford had nothing to report.
- Water/Sewer: Trustees King and Watson had nothing additional to report.
- Website: Trustee Watson reported the website committee absent Trustee Goold met Monday, January 12, 2015 with Town Manager Berry, Deputy Clerk Ferguson, and Christy Eller, the Town website designer. Trustee Watson read a written statement encouraging the appearance, transparency, ease, and functionality of the new Town website.

Disbursements:

Motion made by Trustee Bradford, Supported by Trustee Stewart to authorize the payment of the bills through January 13, 2015, including year-end 2014 disbursements. Motion carried with six (6) ayes, zero (0) nays.

10:10 p.m. Meeting adjourned.

Deputy Town Clerk, Corinne Ferguson

Mayor, Neal Schwieterman