

Minutes
Town Board Regular Meeting
Town of Paonia, Colorado
March 8, 2016

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Board of Trustees held Tuesday, March 8, 2016 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 Charles Stewart
Trustee David Bradford
Trustee Eric Goold
Trustee Ross King
Trustee Suzanne Watson

Trustee Amber Kleinman was absent

Town Staff present were as follows:

Town Manager/Town Clerk Jane Berry
Deputy Clerk Corinne Ferguson
Public Works Director Travis Loberg
Sergeant Neil Ferguson

A quorum was present and Mayor Schwieterman proceeded with the meeting.

Approval of Agenda

Motion by Trustee King, Supported by Trustee Goold to approve the agenda as amended, moving item number 11 – Consideration to Approve Spiegel Industrial Contract Modification – to follow the Executive Session. Motion carried with five (5) ayes and zero (0) nays.

Announcements

None

Visitors

Constantine Hirschfeld – 336 Rio Grande Avenue – requested increased speed enforcement and speed bumps on Rio Grande Avenue near Apple Valley Park.

Paul Douglas – 120 Colorado Avenue – questioned if the Thliveris property adjacent to the Paonia Public Library had been annexed in to town limits.

Bill Brunner – 608 Second Street – A letter and survey was sent by Mr. Brunner to in-Town registered voters. Mr. Brunner presented his postcard survey results to the Town Board and stated he believes Board issues are attitude, a lack of transparency, and an unwillingness to listen to the community.

Trustee Stewart read a statement refuting Mr. Brunner’s letter and survey results. Trustees King and Goold agree with Trustee Stewarts statement.

Trustee Watson stated she felt the survey was innovative.

Steven Keenan and Constantine Hirschfeld thanked the Board and the Mayor for a job well done for the Town.

Unfinished Business

None

New Business

2015 Mountain Harvest Creative Annual Festival Report

Heidi Hudek- Mountain Harvest Creative (MHC) Director – presented an overview of the MHC objectives. Bill Bishop presented the yearly financial analysis with an estimated \$400,000 economic impact for Paonia and surrounding areas of Delta County.

Consideration to Approve Letter of Support for Mountain Harvest Creative Musser Funding Application

Heidi Hudek – On behalf of the Mountain Harvest Creative – requests the Town provide a letter of support for the grant application packet provided to the Laura Jane Musser Foundation which will contribute to additional music programs in the local schools.

Motion by Trustee King, Supported by Trustee Goold, to approve the Letter of Support for Mountain Harvest Creative Musser Funding Grant Application. Motion carried with five (5) ayes and zero (0) nays.

Consideration to Approve Letter of Support for Friends of the Paradise Theatre Musser Funding Application

Elaine Brett – on behalf of Friends of the Paradise Theatre – requests the Town provide a letter of support for the grant application packet provided to the Laura Jane Musser Foundation which will contribute to the programs offered at the theatre.

Motion by Trustee King, Supported by Trustee Goold, to approve the Letter of Support for the Friends of the Paradise Theatre Musser Funding Grant Application. Motion carried with five (5) ayes and zero (0) nays.

Consideration to Approve Flying Fork Café, LLC Liquor License Renewal Application

No reported issues reported.

Motion by Trustee Bradford, Supported by Trustee King, to approve the Flying Fork Café, LLC Liquor License Renewal Application. Motion carried with five (5) ayes and zero (0) nays.

Consideration of Proposed Sidewalk Program Options

Trustee Bradford presented the handout regarding sidewalk replacement to the public. Per ordinances of the Town Trustee Bradford believes the Board has ten (10) options to consider regarding the replacement of the existing damaged sidewalks within Town.

1. Require property owners to replace existing sidewalks at the property owner expense.
2. Require property owners to replace existing sidewalks and split the cost with the Town.
3. The Town of Paonia replace the sidewalk in the right-of-way, using funds solely from the Paonia Sidewalk Fund.
4. Require property owners to remove trees and shrubs in the right-of-way and replace the sidewalks at their expense.
5. The Town remove trees and shrubs from the right-of-way, replace the sidewalks, and bill the property owner.
6. The Town of Paonia remove trees and shrubs in the right-of-way and replace the sidewalk using funds solely from the Paonia Sidewalk Fund.
7. The Town of Paonia cut roots of trees and shrubs in the right-of-way and replace the sidewalk using funds solely from the Paonia Sidewalk Fund. A liability was noted regarding weakened trees/root systems.
8. Install ramp type material over existing roots and cost share with the Town.
9. Sidewalks moved to private property, with a Town easement, to avoid the existing trees and shrubs using funds solely from the Paonia Sidewalk Fund.
10. The Town follows arborist recommendations – paid for by the property owner – and replaces sidewalks using funds solely from the Paonia Sidewalk Fund.

Discussion ensued regarding tree and shrub responsibility, possible leveraging and optional uses of the sidewalk fund (sidewalk only), timelines for 2016 sidewalk replacement, and the Paonia Pathways Report.

Motion by Trustee Bradford, Supported by Trustee King, to table further discussion until the April 26, 2016 Regular Town Board Meeting. Motion carried with five (5) ayes and zero (0) nays.

Consideration of First Reading of Amended Ordinance 2016-01 Water Rates Ordinance

Mayor Schwieterman read Draft Ordinance 2016-01 heading for the record. Town Manager Berry

provided a timeline and procedures for a first and second reading of a proposed ordinance. Discussion ensued regarding erroneous comments that the Town will be able to “cancel” out-of-town taps at the will per the new draft ordinance and that changes presented in the current draft version are policy only, with no monetary changes to rates or charges.

Bill Brunner – 608 Second Street – requested the seasonal and special rates be added back in to the new ordinance.

Motion by Trustee King, Supported by Trustee Stewart, to approve first reading of Proposed Ordinance 2016-01: *AN ORDINANCE GOVERNING THE PROVISION OF WATER SERVICE BY THE TOWN OF PAONIA, COLORADO, SETTING FORTH THE RATES AND FEES FOR WATER SERVICE, WATER TAPS, AND RELATED SERVICES; MODIFYING AND CARRYING FORWARD CERTAIN POLICIES RELATING TO WATER AS PREVIOUSLY ESTABLISHED BY ORDINANCE, AND REPEALING OR AMENDING ALL OTHER ORDINANCES IN CONFLICT OR INCONSISTENT HERewith*, second reading set for Regular Town Board Meeting April 12, 2016. Motion carried with five (5) ayes and zero (0) nays.

Consideration to Approve WestWater Engineering Proposal for Water Distribution Projects

Trustee Bradford provided an overview of the WestWater Engineering proposal for the replacement of Town water distribution lines. Construction will need to be completed by October 31, 2016 to remain compliant with the funding agreements.

Discussion ensued regarding the necessity of the waterline replacement, potential costs associated with the line replacement, and the locations of the lines being considered for replacement.

Motion by Trustee King, Supported by Trustee Bradford, to approve the WestWater Engineering Water Distribution Proposal not to exceed the amount of \$198,700.00. Motion carried with five (5) ayes and zero (0) nays.

Consideration to Approve SGM Engineers Proposal for Third Street Project

Trustee King provided an overview of the Third Street project. The project would be completed in two phases with Phase I replacing waterlines, storm drains, sewer connections, curbs and gutters from Grand Avenue to the Railroad tracks, and the 200 to 400 block of Box Elder Avenue in 2016. Phase II will continue the waterlines, storm drains, sewer connections, curbs and gutters replacement on Third Street from the Railroad track to Lamborn Avenue in 2017. The SGM engineering proposal is estimated at 10% of the total project cost.

Discussion ensued regarding street reconstruction following project completion.

Motion by Trustee King, Supported by Trustee Bradford, to approve the SGM Engineering Third Street Project Proposal for Phase I and Phase II not to exceed the amount of \$259,003.00. Motion carried with four (4) ayes and one (1) nay from Trustee Watson.

Consideration to Approve WestWater Engineering Proposal for Splitter Diversion Box on German Creek Raw Water Supply

Public Works Director Loberg received a request by Water Commissioner Tuck to install a splitter box to better allocate the German Creek raw water supply. The engineering proposal will ensure proper location and design of the splitter box.

Motion by Trustee King, Supported by Trustee Stewart, to approve the WestWater Engineering splitter box proposal in the amount of \$6,850.00. Motion carried with five (5) ayes and zero (0) nays.

Consideration to Approve Splitter Box Installation at German Creek Springs Pipeline

The fabrication of the splitter box will be completed and installed by the July 1, 2016 deadline.

Motion by Trustee Goold, Supported by Trustee Bradford, to approve the German Creek Splitter Box fabrication and installation not to exceed the amount of \$20,000.00 to \$25,000.00.

Motion by Trustee Stewart, Supported by Trustee Bradford to amend original motion not to exceed \$25,000.00. Motion carried with five (5) ayes and zero (0) nays.

Amended Motion by Trustee Goold, Supported by Trustee Bradford, to approve the German Creek Splitter Box fabrication and installation not to exceed the amount of \$25,000.00. Motion carried with five (5) ayes and zero (0) nays.

Consideration to Approve Letter of Support for DMEA for Federal Energy Regulatory Commission (FERC) Rate Penalty Issue

The letter of explanation included with the packet.

Trustee King left the meeting at 9:21pm

Trustee King returned at 9:23pm

Motion by Trustee Bradford, Supported by Trustee Goold, to approve the letter of support to DMEA regarding the FERC Rate Penalty Issue. Motion carried with four (4) ayes and one (1) abstention from Trustee King.

Regular Business

Mayor's Report: Mayor Neal Schwieterman had nothing to report.

Town Manager Report: Town Manager Jane Berry reported:

1. Per C.R.S. 1-5-406 the Trustee Ballot order was selected by a random lot drawing performed by the Clerk and Deputy Clerk.

Public Works Department Report: Public Works Director Travis Loberg reported:

1. The public works department continues to address waterline breaks
2. Training continues at the 2MG water treatment plant
3. Street sweeping continues when time allows

Police Department Report: Sergeant Neil Ferguson reported:

1. Training continues, with a Standard Field Sobriety Maneuver training, school resource officer (SRO) training, and Rifle training
2. All police officers are now equipped with level 3 vests
3. Animal Control calls are up as the weather warms up
4. Speed Studies are underway

Committee/Meeting Reports:

- Finance and Personnel: Nothing to report
- Public Works: Nothing additional to support
- Governmental Affairs: Had a productive meeting with DMEA officials regarding broadband
- Services & Recreation: A Town policy regarding naming of Town property will be provided for the next meeting
- Facilities & Development: Nothing to report
- Public Safety: Nothing to report

Minutes:

Motion by Trustee King, Supported by Trustee Stewart to approve the Town Board Regular Meeting Minutes for February 23, 2016. Motion carried with four (4) ayes and one (1) abstention from Trustee Goold.

Disbursements:

Motion by Trustee Stewart, Supported by Trustee King to authorize the disbursements through the period of March 4, 2016 as reviewed by the Finance Committee with the Town's Finance Officer. Motion carried with five (5) ayes and zero (0) nays.

Executive Session:

Motion by Trustee Stewart, Supported by Trustee King to convene 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) specific to the Spiegel Industrial contract. Motion carried with five (5) ayes and zero (0) nays.

The Town Board entered into Executive Session at 9:50 PM.

The Town Board reconvened the Regular Meeting Session at 10:16 PM.

Participants in the Executive Session were Mayor Neal Schwieterman, Trustee Bradford, Trustee King, Trustee Stewart, and Trustee Watson, Town Manager Berry, and Town Attorney David Marek. No concerns were noted.

Consideration to Approve Spiegel Industrial Contract Modification

Motion by Trustee King, Supported by Trustee Bradford, to approve the Spiegel Industrial Contract Modification. Motion carried with five (5) ayes and zero (0) nays.

Adjournment:

The meeting was adjourned by Mayor Neal Schwieterman at 10:21 pm

J. Corinne Ferguson, Deputy Town Clerk

Neal Schwieterman, Mayor