

**TOWN OF PAONIA**  
**REGULAR TOWN BOARD MEETING AGENDA**  
**TUESDAY, APRIL 14, 2015**  
**7:00 PM**

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. ANNOUNCEMENTS

E. VISITORS

F. 7:00 PM PUBLIC HEARING

1. New Tavern Liquor License Application for Anna Megan MacMillan dba No Fo Food
2. 312 Grand Avenue, Paonia, Colorado

G. UNFINISHED BUSINESS

3.
  1. Consideration to Approve Perpetual Access Agreement for William and Gloria Crank

H. NEW BUSINESS

4.
  1. Consideration to Approve WestWater Engineering Agreement Eighth Amendment – Lamborn Mesa Water System Improvements Project: Raw Waterline Additional Engineering Services
  2. Consideration to Approve WestWater Engineering Agreement Ninth Amendment – Lamborn Mesa Water System Improvements Project: CDPHE Compliance Order Engineering Services
  3. Consideration to Approve New Tavern Liquor License Application for Anna Megan MacMillan dba No Fo Food at 312 Grand Avenue, Paonia, Colorado
  4. Consideration to Approve Filter Tech Systems Inc. Change Order Request #4
  5. Other

I. REGULAR BUSINESS

1. Mayor's Report
2. Town Manager's Report
  - Public Works Report
  - Police Department Report
3. Committee/Meeting Reports
  - a. Finance & Personnel
  - b. Public Works
  - c. Governmental Affairs
  - d. Services & Recreation
  - e. Facilities & Development
  - f. Public Safety
  - g. Website
4. Minutes
  - a. March 24, 2015 Regular Meeting
  - b. April 2, 2015 Special Meeting
  - c. Disbursements

J. ADJOURNMENT

**RULES OF PROCEDURE AND CONDUCT  
FOR TOWN OF PAONIA BOARD OF TRUSTEES MEETINGS**

**Section 1. Schedule of meetings** - Regular Board of Trustees meetings will be held on the second and fourth Tuesdays of each month, except on legal holidays. Meetings begin at 7:00 p.m. or as scheduled and posted on the agenda.

**Section 2. Officiating officer** - The meetings of the Board of Trustees shall be conducted by the Mayor or, in his absence, by the Mayor Pro Tem. The Town Clerk or a designee will record the minutes of the meeting.

**Section 3. Time of meetings** - Meetings begin at 7:00 p.m. or as scheduled and posted on the agenda. The members shall be called to order by the Mayor. The Mayor shall lead the Pledge of Allegiance. The Town Clerk shall then proceed to call the roll, note the absentees and announce whether a quorum is present.

**Section 4. Schedule of Business** - If a quorum is present, the Board of Trustees shall proceed with the business before it, which may be conducted in the following manner:

- (a) Roll Call.
- (b) Approval of agenda.
- (c) Announcements.
- (d) Visitors.
- (e) Unfinished business.
- (f) New business.
- (g) Regular business:
  - 1. Mayor's Report.
  - 2. Town Manager's Report
    - a. Public Works report.
    - b. Police report.
  - 3. Committee/Meeting reports:
  - 4. Minutes.
  - 5. Disbursements.
- (h) Adjournment.

**Section 5. Priority and Order of Business** – the Mayor may determine the priority and order of business without debate, subject in all cases to an appeal by the Board of Trustees.

**Section 6. Presentations to the Board** - Items on the agenda presented by individuals, businesses or other organizations will be given 2 to 5 minutes to make a presentation. On larger issues presenters will be given more time, as determined beforehand by the Mayor. After the presentation, Trustees will be given time to ask questions or make comments after being recognized by the Mayor.

**Section 7. Public Comment** – after discussion of agenda items has been completed by the Board of Trustees, the public and members of the media will be allowed the opportunity to comment or ask questions on the agenda item. Each member of the public wishing to address the Town Board shall raise his or her hand to be recognized. After being recognized by the Mayor, the individual shall rise and state their name, the address of their residence and any group they are representing prior to making comment or asking a question. Comments or questions will be directed to the Mayor or presiding officer, not to an individual trustee or other Town employee.

**Section 8. Content of Comments** – Comments or questions should be confined to the agenda item or issue(s) under discussion. The speaker should offer factual information and refrain from obscene language and personal attacks.

**Section 9. Unacceptable Behavior** – Disruptive behavior will result in expulsion from the meeting.

**Section 10. Posting of Rules of Procedure and Conduct for Paonia Board of Trustees meetings** - These rules of procedure and conduct shall be provided in the Town Hall meeting room for each Board of Trustees meeting so that all attendees know how the meeting will be conducted.

**Minutes**  
**Town Board Regular Meeting**  
**Town of Paonia, Colorado**  
**April 14, 2015**

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Board of Trustees held Tuesday, April 14, 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 Eric Goold  
Trustee Ross King  
Trustee Charles Stewart  
Trustee Suzanne Watson  
Trustee Amber Kleinman

Town Staff present were as follows:

Town Manager Jane Berry  
Town Attorney David Marek  
Finance Officer Cindy Jones  
Police Chief Scott Leon  
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 Stewart, Supported by Trustee King to approve the amended agenda. Motion carried with six (6) ayes and zero (0) nays.

**Paonia High School Update**

Laura Lund was present on behalf of the Paonia High School Student Council. There are four (4) weeks left of school. The tennis, track, and baseball seasons are well under way and continue to play well. The Junior/Senior Prom will be April 25, 2015 and Graduation is May 23, 2015.

**Announcements**

No announcements were made.

**Visitors**

None.

**No Fo Food – Tavern Liquor License Request – 312 Grand Avenue**

*(Deputy Clerk note: This is not the official transcript, but a summary of the proceedings. The Public Hearing was recorded to be kept as the official record.cf)*

The Public Hearing began at 7:13 pm with a roll call vote.

Trustees present were as follows:

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

Mayor Schwieterman noted this is a quasi-judicial procedure and turned the meeting over to Attorney

Marek. Attorney Marek outlined the procedure for the public hearing and read the Preliminary Findings and Report. The application was noted for the record. Anna Megan MacMillan, owner of No Fo Food, provided an overview of the private event and weekend brunch schedule, hours of operation, safety features planned, and the parking plan for the business location. Ms. MacMillan plans to run a farm to table establishment that will primarily utilize existing agricultural businesses in the area.

Travis Greenhough (213 Niagara Avenue) and Elaine Brett (1899 Hawks Haven Road) spoke in favor of the establishment and liquor license. Ms. MacMillan's culinary training in the North Fork Valley, work philosophy, and hospitality was noted. No opposition was stated.

The Public Hearing concluded at 7:31pm.

### **Unfinished Business**

#### **Consideration to Approve Perpetual Access Agreement for William and Gloria Crank**

William and Gloria Crank were present. Town Manager Berry gave the background information regarding the road encroachment on to the Crank property. Attorney Marek drafted an access agreement to preserve the mutual interests for the Cranks and the Town. The easement agreement will allow for an increased set-back that will benefit the Town and vehicle accessibility.

Trustee King added he worked with Mr. Crank throughout the process and has been assured the agreement will not set precedent should the Town face a similar situation at a future date.

Motion by Trustee King, supported by Trustee Stewart to approve the Perpetual Access Agreement. Motion carried with five (5) ayes and zero (0) nays.

### **New Business**

#### **Consideration to Approve WestWater Engineering Agreement Eighth Amendment – Lamborn Mesa Water System Improvements Project: Raw Waterline Additional Engineering Services**

Town Manager Jane Berry introduced the Eighth Amendment request, explaining it is a retroactive housekeeping item regarding the completed Reynolds Spring raw water line installation project. The original contract was a bare bones, a-la-cart type agreement so additional costs will continue to be addressed on a case-by-case basis. Trustee King requested the engineers to present an overall plan and project future costs as soon as possible.

Motion by Trustee King, supported by Trustee Stewart to approve the Westwater Engineering Eighth Amendment in the amount of \$26,456.58, increasing the overall contract to \$341,496.58. Motion carried with five (5) ayes and zero (0) nays.

#### **Consideration to Approve WestWater Engineering Agreement Ninth Amendment – Lamborn Mesa Water System Improvements Project: CDPHE Compliance Order Engineering Services**

Town Manager Jane Berry introduced the Ninth Amendment request. WestWater Engineering assisted in drafting a new community notification letter and developing a plan to comply with the Compliance Order received from the Colorado Department of Public Health and Environment (CDPHE). WestWater has assisted in addressing the deficiencies with the IMG storage tank as well.

Motion by Trustee King, supported by Trustee Stewart to approve the Westwater Engineering Ninth Amendment in the amount of \$5,776.44, increasing the overall contract to \$347,273.02. Motion carried with five (5) ayes and zero (0) nays.

#### **Consideration to Approve New Tavern Liquor License Application for Anna Megan MacMillan dba No Fo Food at 312 Grand Avenue, Paonia Colorado**

Mayor Schwieterman stated that the business fits well within the local economy and supports the agricultural businesses. While not a voting member Mayor Schwieterman supports the request.

Trustee Goold added he too supports the endeavor and considers Ms. MacMillan an asset to the community.

Motion by Trustee Goold, supported by Trustee Kleinman to approve the Liquor License request for No Fo Food. Motion carried with five (5) ayes and zero (0) nays.

Barbara Peterson addressed the Board stating that two members of the Board have a direct financial benefit because of their interests in Revolution Brewery and that is a conflict of interest.

Trustee King stated he owns the Building Revolution Brewery's tasting room is in and has no ownership of the actual business. Trustee Goold added he has reported the potential conflict to the

State and is an employee of Revolution Brewery. Attorney Marek stated if there is no financial benefit there is no conflict of interest.

**Consideration to Approve Change Order #4 for Filter Tech Systems, Inc. (FTS) Lamborn Mesa Water System Improvements Project: Ultra-Membrane Water Filtration Equipment**

Town Manager Berry introduced the change order request for FTS Treatment Equipment Supply Contract. Most facilities are supplied power with a three-phase system. The Town currently has access to single-phase, provided by DMEA. The change order addresses the modification of the plan to include a converter that will convert the electric service from single-phase to three-phase. Two options were provided.

Option 1: Requires two separate components per motor, the converter, and a filter. The cost is \$37,079.

Option 2: Requires a single piece of equipment that will perform the same functions as option 1. The cost is \$29,140.

Discussion ensued regarding the projected costs to bring three-phase electrical power to the desired location. Town Manager Berry was instructed to request a cost analysis from DMEA.

Motion by Trustee King, supported by Trustee Bradford to approve Change Order #4, Option 2, in the amount of \$29,140, bring the amended contract amount to \$715,173.00. Motion carried with five (5) ayes and zero (0) nays.

**Regular Business**

**Mayor's Report:** Mayor Schwieterman noted the second meeting for the FEMA preparedness group is scheduled for this upcoming Thursday, April 16, 2015 at 2pm. The Municipal Quarterly Meeting is scheduled for April 22, 2015. A highlight of the meeting will be the State Demographers presentation and population projections for the County and Region.

**Town Manager:** Town Manager Berry asked Deputy Clerk Corinne Ferguson to read thank you cards and notes of encouragement received by the Town staff. An informational handout regarding the first quarterly report required by CDPHE has been submitted.

The Town, in cooperation with the Army Corps of Engineers, continues to address the issues that occurred on the Gunnison River where the Town sewer facility is located. The work was completed by a private contractor that the Town did not engage or approve any access of work on Town land. A significant amount of time has been spent with WestWater Engineering, the Army Corp, and the contractor working on a remediation plan. The plan was submitted to the Army Corp April 10, 2015. The Town, as land owner, is responsible for work completed regardless of whether permission was granted. The contractor has been cooperative in the plan to correct the issues. The costs are projected to be \$7,000 to \$8,000. Discussion ensued regarding responsibility of the costs, reimbursement from responsible party, and measures to prevent future occurrences.

A permit has been issued to allow the Blue Sage Center for the Arts to install a barrier free ramp in front of their building. All appropriate fees and bonds have been paid. Trustee Watson expressed concern regarding encroachment in to the right of way and foot traffic flows. Town Manager Berry offered to meet with Trustee Watson to review the map, design, and pertinent information.

The Delta County Economic Development (DCED) meeting is scheduled for April 27, 2015 in Orchard City. Town Manager Berry pitched an idea for cost sharing the proposed fiber-optic upgrade and a meeting is planned to discuss further.

The new Town auditors will be on-site beginning April 20, 2015.

The new Town website is available on-line. Patience is requested as new items are added and things are tweaked to better suit the sharing of information. Photos can be submitted for review along with historical information for a History Corner on the website. Former Interim-Town Manager Rabe e-mailed to compliment the finished product.

Letters were sent to the State and Representatives regarding HB 15-255 which shifts the Mineral and Severance tax funds from local government to the State budget. The bill passed which will add additional hardships with the Town budget.

- **Public Works:** Public Works Director Loberg is attending an Annual Conference where he will receive continued education required for the renewal of his licenses. Significant sections

of the 1 MG roof replacement have been completed. The tank rehabilitation crew are on-site and began work Friday, April 10, 2015. The 2MG Plant Upgrade Project RFP will be in the April 15, 2015 DCI, due May 7, 2015.

The Public Works Department continues work on several projects including alley repair, pothole repair, ditch cleaning, parks brush cleanup, and streets cleaning.

- Police Report: Chief Leon provided a written report. The Police Department has been very busy. The Backcountry Bistro was burglarized April, 11, 2015 with \$200 cash and miscellaneous items stolen. A residence had two weapons stolen April 12, 2015. After other crimes were committed in Delta County the Sheriff's Department and Paonia PD worked together to investigate. Two arrests were subsequently made.

Three identity thefts were reported by individuals in the same neighborhood. The investigation continues to identify any correlations between the victims.

An influx of transients have been noted in Town. Identifying property owners who are allowing and encouraging it is on-going.

### Committee/Meeting Reports:

- Finance & Personnel: Nothing to report.
- Public Works: A committee meeting is planned with Attorney Marek to discuss the Hawks Haven Road Agreement. Trustee King requested the meeting with the County regarding the airport be scheduled.
- Governmental Affairs: Discussion of Code implementation continues.
- Services & Recreation: Nothing to report.
- Facilities & Development: The Committee met to discuss Town owned property and how to encourage economic development.
- Public Safety: Discussion continues regarding priority of services offered by the Town, the police department budget, staffing levels, and a possible survey regarding priorities from the community.
- Website: Nothing to report.

Lisa VanAmberg expressed her disappointment with the Exodus Adventures boot camp move to Volunteer Park. Ms. VanAmberg asked that when addressed the Town use different standards for large groups and small, local groups.

Barbara Peterson offered an apology to Trustees Goold and King and appreciates the clarification regarding Revolution Brewing.

### Minutes:

Motion by Trustee King, Supported by Trustee Kleinman to approve the Minutes from March 24, 2015 as amended. Motion carried with five (5) ayes and zero (0) nays.

Trustee Goold offered an apology to the Board, specifically the Parks and Recreation Committee for his comments and behavior at the March 24, 2015 Board meeting. Trustee Watson accepted his apology and will pass it along to Trustee Bradford as well.

Motion by Trustee King, Supported by Trustee Goold to approve the Special Meeting Minutes from April 2, 2015. Motion carried with five (5) ayes and zero (0) nays.

### Disbursements:

The disbursement dates have been changed to allow more time for Board review. Motion by Trustee King, Supported by Trustee Stewart to authorize the payment of the bills through April 9, 2015 in the amount of \$26,971.73. Motion carried with five (5) ayes, zero (0) nays.

8:55 p.m. Meeting adjourned.

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J. Corinne Ferguson, Deputy Town Clerk

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Neal Schwieterman, Mayor