

Minutes
Town Board Regular Meeting
Town of Paonia, Colorado
September 12, 2017

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Board of Trustees held Tuesday, September 12, 2017 was called to order at 7:00 PM by Mayor Charles Stewart, followed by the Pledge of Allegiance.

Roll Call:

Trustees present were as follows:

Bill Bear
Chelsea Bookout
David Bradford
Karen Budinger
Barry Pennell
Suzanne Watson

Town Staff present were as follows:

Town Administrator Ken Knight
Town Clerk Corinne Ferguson
Finance Officer Cindy Jones
Chief Neil Ferguson
Public Works Director Travis Loberg
Town Treasurer Ross King

A quorum was present and Mayor Charles Stewart proceeded with the meeting.

Approval of Agenda

Motion by Trustee Bear, supported by Trustee Bookout to approve the agenda as presented.

Motion by Trustee Bradford, supported by Trustee Bookout to amend the motion, tabling agenda items two (2) and eleven (11). Motion carried with six (6) ayes and zero (0) nays.

Main motion as amended. Motion carried with six (6) ayes and zero (0) nays.

Announcements

Resolution 2017-10 takes effect at the next regular meeting. The meeting will begin at 6:30PM.

Visitors

Sarah Bishop – on behalf of the Rotary Club of the North Fork Valley – read a statement for the record regarding concerns with the use of Poulos Park and a potential clean up and rehab project proposal that will be presented in the near future.

New Business

Public Hearing – Wildflower Children’s Collective Variance Request

Mayor Stewart opened the public hearing for Wildflower Children’s Collective at 7:15pm.

Mayor Stewart provided an explanation of the process for the public hearing and special review stating these facts:

The WCC proposal consists of permitting the use of a space inside a public-school building for a privately-operated preschool. Permission has been granted by Delta County School District #50. The planning commission recommends the approval of the variance request provided all state

and local permits are in place.

1. The location of the proposed special use permit is 718 Fourth Street, Paonia, CO 81428.
2. The zoning for the specified location is Public.
3. The Planning Commission met September 7, 2017 for the purpose of establishing recommendations to the Board for the variance request.
4. The Zoning Commission recommendations were read for the record.

Administrator Knight reviewed the Staff information for the proposed use and staff approval recommendation.

Candice Orlando and Heather Ramsey gave a presentation regarding the need for the additional preschool, location choice, and future plans for the administration of the preschool.

Board Comment:

Question and discussions ensued regarding for profit vs. not for profit status, lease length, other locations researched and issues with them.

Main area of concern noted were:

1. Potential issues with granting variances in general.

Public Comment:

Three (3) people spoke in favor of the variance request, noting the need for education space for preschool aged children, good use of the location, and the education provided by the program.

Mayor Stewart closed the public hearing at 7:36PM.

Discussion ensued between the Board members regarding the set up for the area, signage, issues with previously approved variance requests, and potential issues with other uses in the space.

Mayor Stewart re-opened the public hearing at 7:46PM to allow discussion with the applicant regarding signage at the location.

Mayor Stewart closed the public hearing at 7:48PM.

Discussion ensued regarding publication error and the need to re-publish and open the public hearing on October 10, 2017.

Motion by Trustee Bear, supported by Trustee Pennell to approve a temporary variance request for Wildflower Children's Collective, located at 218 4th Street, as recommended by the Planning Commission. Motion carried with five (5) ayes and one (1) abstention from Trustee Bookout.

Friends of the Paradise Theatre – Report of Corporate Changes

An updated report of officers and directors for the FOTP Board was submitted in the packet. Existing Manager, Sunshine Knight, replaces the former Director on the Board.

Motion by Trustee Bookout, supported by Trustee Budinger to approve the Report of Changes as submitted for the Friends of the Paradise Theatre. Motion carried with six (6) ayes and zero (0) nays.

Blue Sage Center of the Art's Liquor License Renewal

Mary Bachran, Treasurer of Blue Sage requests the annual renewal of the liquor license at 228 Grand Avenue. No issues were noted.

Motion by Trustee Bear, supported by Trustee Bookout to approve the annual liquor license renewal for Blue Sage Center for the Arts as presented. Motion carried with six (6) ayes and zero (0) nays.

Paonia Chamber of Commerce Special Event License Application

Doris Danielson was present on behalf of the Chamber of Commerce. The group requests a special event permit for the 4th annual Oktoberfest fundraiser to be held October 14, 2017, at 295 Clark Avenue.

No issues noted.

Motion by Trustee Pennell, supported by Trustee Watson to approve the Special Event License Application as provided. Motion carried with six (6) ayes and zero (0) nays.

Strand Sewer Tap Application

Glen Strand requests approval for the purchase of an out-of-Town sewer tap, to be located at 42097 Minnesota Creek Road. Tap application, pre-annexation agreement, and tap deposit of \$500.00 have been received.

Discussion ensued regarding the costs to tap, which are solely the owner's responsibility, the reason for the tap, which is an aging septic system, and whether out-of-town tap sales benefit the Town.

Motion by Trustee Bear, supported by Trustee Watson to approve the out-of-Town sewer tap sale to be located at 42097 Minnesota Creek Road as agreed. Motion carried with six (6) ayes and zero (0) nays.

Road Realignment Engineering Contract

Mayor Stewart provided the background regarding the Fifth Street/Grand Avenue road realignment project. An RFP was published and one (1) bid from Odisea Engineering was received. The contract total is for \$12,465.00 and includes three (3) phases:

- Phase 1: Intersection Alignment with Grand Avenue
- Phase 2: East Sidewalk Design and Reclamation of Turn Lane
- Phase 3: West Sidewalk Design and Crosswalk Location

The Public Works Committee requests Board approval, and added that approving the engineering does not mean the project will break ground immediately. Engineering the project will assist in budget planning when funds are available.

Motion by Trustee Bookout, supported by Trustee Bear to approve the Odisea proposal for engineering services for a road realignment and sidewalk improvements as provided. Motion carried with six (6) ayes and zero (0) nays.

Space to Create (S2C)

Mayor Stewart read a letter from Colorado Creative Industries for the record. Paonia was selected as the 2017 S2C participant. Included in the packet was a letter from the Boettcher Foundation, committing grant funds to the project. The local creative coalition is also prepared to begin fund raising to make this project a reality.

Colorado Creative Industries requests to do a joint announcement, announcing the award to Paonia. (*NOTE: Anticipated date of September 21 at 7:00 at the Blue Sage at the beginning of the Mountain Harvest Fest.*)

Discussion ensued regarding concerns with the housing limitations with the S2C program and potential of discouraging growth to remain eligible for the affordable housing.

The Board considered selection of an executive team to monitor and perform day-to-day activities, and a steering committee made up of all the partners in this endeavor.

Motion by Trustee Bookout, supported by Trustee Budinger to appoint Ken Knight, Town Administrator, Barry Pennell, Town Trustee, Elaine Brett, Organization Development Consultant, Board Member DCI, Susie Kaldis Lowe, Board President of the North Fork Valley Creative Coalition, and Mary Bachran, Board Treasurer, Blue Sage and Paonia Planning Commission member. Motion carried with five (5) ayes and one (1) nay from Trustee Bradford.

Motion by Trustee Bookout, supported by Trustee Budinger to create a restricted account to allow the Town to accept donations to be used exclusively toward Space to Create and directly

related activities. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Bookout, supported by Trustee Pennell to request the Colorado Creative Industries to schedule a joint announcement of the awarding of Space to Create with the Town of Paonia. Motion carried with five (5) ayes and one (1) nay from Trustee Bradford.

WSSC GOCO Grant Participation and Letter of Support

Jake Carter was present on behalf of the Western Slope Conservation Center, requesting Town participation and a letter of support for a GOCO grant application to assist with the North Fork River Corridor Project. Materials and a draft letter were included in the packet. The grant will assist with four (4) weeks of trail crew work for the river park, along the high school, and other Town property abutting the North Fork of the Gunnison River. The crews will work to remove invasive plant species such as Russian olive, tamarisk, white top, and others. Trustee Pennell noted his abstention as a sitting member of the WSSC board.

Motion by Trustee Bradford, supported by Trustee Watson to authorize Mayor Stewart to sign a letter of support for the Western Slope Conservation Center GOCO grant application packet as presented. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Watson, supported by Trustee Bookout to approve participation and submission of the GOCO Grant application with Western Slope Conservation Center. Motion carried with six (6) ayes and zero (0) nays.

Change Order #15 – Out-of-Town Waterline Project

Included in the packet is change order #15 from WestWater Engineering. This is the reconciliation change order for the final contract costs, including an increase of \$2,009.32 for the total costs on all bid schedules on the out-of-Town waterline project, and an additional \$2,147.10 for excess pipe materials retained by the Public Works Department.

Motion by Trustee Bookout, supported by Trustee Budinger to approve Change Order #15 in the amount of \$2009.32 and retaining excess pipe in the amount of \$2,147.10, increasing the total contract amount to \$86,470.06. Motion carried with six (6) ayes and zero (0) nays.

2018 Budget Calendar Approval

Included in the packet is the tentative budget calendar and deadlines for the 2018 budget review season. Discussion ensued regarding several conflicting dates.

Motion by Trustee Bear, supported by Trustee Pennell to adopt the proposed budget calendar as amended. Motion carried with six (6) ayes and zero (0) nays.

CIRSA 2018 Quotes

Included in the packet were the Property/Casualty and Worker's Compensation 2018 contribution quotes from CIRSA, the Town insurance pool.

Discussion ensued regarding the difference in costs from 2017 to 2018, notice of loss increases, CIRSA audit results, and whether the Board can delay acceptance.

Motion by Trustee Budinger, supported by Trustee Bradford to accept the proposed 2018 CIRSA insurance quote as presented. Motion carried with six (6) ayes and zero (0) nays.

Recess called at 9:00PM

Reconvened at 9:07PM

Unfinished Business

Executive Session- Continued from 8/22/2017

Motion by Trustee Bookout, supported by Trustee Bradford to enter in to executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; specific to the Public Works Director Travis Loberg and Finance Officer

Cindy Jones. Motion carried with six (6) ayes and zero (0) nays.

The Board entered executive session at 9:10PM

The Board returned to open session at 9:39PM

Those in attendance were: Mayor Stewart, Trustees Bear, Bookout, Bradford, Budinger, Pennell, and Watson; Town Attorney Bo Nerlin, Town Administrator Ken Knight, Treasurer Ross King, PW Director Travis Loberg, and Finance Officer Cindy Jones.

No issues noted.

Discussion of a Personnel Matter Regarding the Town Administrator and Town Clerk –
Continued from 8/22/2017

Mayor Stewart provided an explanation of the agenda item, stating that Administrator Knight expressed concerns regarding comments made by Trustee Watson, specific to the Town Clerk providing transportation for the Administrator for personal appointments while on Town time.

Town Administrator Knight stated the accusations were appalling and unethical, and that he will not permit disparaging comments to stand unanswered.

Trustee Watson stated she will seek legal counsel regarding the issue and requested the item be tabled until legal counsel could be obtained.

Town Attorney Nerlin acknowledged Trustee Watson's right to due process and counsel, but believes this is an administrative issue that can be resolved.

Motion by Trustee Bradford, supported by Trustee Bear to table discussion until after the next agenda item. Motion carried with six (6) ayes and zero (0) nays.

Discussion of a Letter of Complaint

Mayor Stewart provided an explanation of the agenda item, stating that a letter of complaint from Town Administrator Knight, signed by four members of the Town staff, and addressed to the Board had been included in the packet. Mayor Stewart noted he did not believe this was the right time to address the letter.

Town Administrator Knight requested to read the letter for the public.

Discussion ensued regarding the statements made in the letter, social media comments, and the seriousness of false accusations and formal complaints.

Motion by Trustee Bradford, supported by Trustee Bookout to table discussion until after the Finance & Personnel Committee can investigate and report back to the Board. Motion carried with six (6) ayes and zero (0) nays.

Town Attorney Nerlin requested that the committee findings be provided to the attorney and Board for confidential review prior to public dissemination.

North Fork Pool, Park, and Recreational District provided a draft letter for approval regarding the GOCO grant application for the implementation of baseball fields at the Crossroads Recreation area in Hotchkiss.

Motion by Trustee Bear, supported by Trustee Pennell to approve the GOCO Grant letter of support as presented, and authorize Mayor Stewart to sign on behalf of the Board of Trustees.

Regular Business

Mayor's Report: Mayor Charles Stewart:

1. A CIRSA work session with Tamie Tanoue is tentatively set for September 26, 2017 at 5PM, prior to the regular Board meeting which will begin at the new time of 6:30PM.
2. Would like the Board to consider moving toward electronic packets and requested the staff to follow up with prospective ideas.

Town Administrator's Report: Town Administrator Ken Knight:

1. CML Regional meeting is scheduled for September 27, 2017 at 4PM.
2. The Treasurer King, Finance Officer Jones, and Administrator Knight will be attending DOLA finance meeting September 19, 2017.
3. The Ferrari Club will be in Town September 24, 2017 on Grand Avenue from 11:30AM to 1:30PM.

Public Works Department Report: Public works Director Travis Loberg:

1. Paving east of the railroad on Third Street is complete.
2. All of Box Elder Avenue is connected to the new waterline.
3. The next section is from Box Elder to Grand Avenue.
4. The Sanitary Survey was completed today.
5. The Snow Plow map is complete.
6. The water survey is later this month.
7. Trustee Bradford met with Colorado State Forester, Kami Long, and discussed the planned tree inspection in Town Park, and along Third Street. She will be providing a proposal for the work.
8. WestWater Engineering is working with Wilmore and Company regarding the river levels for bridge repair.

Police Department Report: Police Chief Neil Ferguson:

1. A written report and statement was provided in the packet.
2. Fires in Poulos Park are under investigation.
3. An officer had a physical altercation while attempting to detain a person with a felony warrant. Minor injuries were sustained.
4. CIRSA will be here next week for annual driving training.
5. Officer Byrge is scheduled to attend defensive tactics training the end of September.
6. A pursuit occurred on August 25, 2017, ending in Gunnison County. The pursuit was called off for safety.

Treasurer's Report: Town Treasurer Ross King reported:

1. Disbursements and payroll have been reviewed.
2. A draft audit should be available within the next seven (7) days, with the presentation on the next regular agenda.

Committee Reports

Finance and Personnel: Trustees Bookout & Budinger:

1. Nothing additional to report.

Public Works: Trustees Bear & Bradford:

1. Met with Administrator on August 31st to discuss a variety of items, including:
2. Fifth Street realignment
3. Bridge repair/timeline
4. Poulos Park/ Rotary project with Barbara Heck and Sarah Bishop

Governmental Affairs: Trustees Pennell & Watson:

1. Nothing additional to report.

Minutes

Motion by Trustee Budinger, supported by Trustee Bookout to approve the minutes for August 22, 2017, as amended. Motion carried with five (5) ayes, zero (0) nays, and one (1) abstention from Trustee Bradford.

Disbursements

Motion by Trustee Budinger, supported by Trustee Bookout to authorize the disbursements as reviewed by the Town Treasurer and Finance Committee for September 11, 2017, in the amounts of, \$98,889.84 for accounts payable, \$6,663.97 for payroll taxes, \$277.05 for payroll checks, and \$16,157.91 for payroll. Motion carried with six (6) ayes and zero (0) nays.

Adjournment

Motion by Trustee Bear, supported by Trustee Bookout to adjourn the meeting. Motion carried with six (6) ayes and zero (0) nays.

The meeting was adjourned by Mayor Stewart at 10:41PM

_____/s/_____
J. Corinne Ferguson, Town Clerk

_____/s/_____
Charles Stewart, Mayor