

**Minutes**  
**Town Board Regular Meeting**  
**Town of Paonia, Colorado**  
**September 13, 2016**

**RECORD OF PROCEEDINGS**

The Regular Meeting of the Town Board of Trustees held Tuesday, September 13, 2016 was called to order at 7:00 PM by Mayor Charles Stewart, followed by the Pledge of Allegiance.

Trustees present were as follows:

Mayor Charles Stewart  
Trustee Bill Bear  
Trustee David Bradford  
Trustee Bill Brunner  
Trustee Karen Budinger  
Trustee Chelsea Bookout  
Trustee Suzanne Watson

Town Staff present were as follows:

Town Manager Dan Dean  
Town Clerk Corinne Ferguson  
Sergeant Neil Ferguson  
Public Works Director Travis Loberg  
Finance Officer Cindy Jones  
Town Attorney David Marek  
Treasurer Ross King

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

**Approval of Agenda**

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

**Announcements**

None

**Visitors**

**DMEA – Elevate Fiber Update**

Virginia Harman, John Monday, Mark Kurtz and Brad Harding were present on behalf of DMEA and the Elevate Fiber project. Paonia is the first town to reach the pre-registration goal and will be the first town to receive services. The last mile of fiber lines are being installed with a three (3) week timeline for completion. Pre-registered customers will begin to be tied in during the month of October, with activation projected for late October and early November. An additional zone directly outside of Town has been approved and added based on high-density pre-registration.

**Mountain Harvest Creative – Mountain Harvest Festival Update**

Sarah Bishop, President of the Mountain Harvest Creative was present. This year the Festival is scheduled for September 22-25, 2016. This is the 16<sup>th</sup> annual festival and received the 2016 Governor's Award for best festival in a small community. Board members were encouraged to participate by signing up to introduce different festival activities.

**Mountain Harvest Creative, Blue Sage Center for the Arts, the Learning Council**

Annette Pretorius and Mary Bachran were present. A grant was received that supported the implementation of a pilot arts education program for elementary aged children from the North

Fork Valley. Orchestra and movement classes will be offered after school until 5pm.

### **Unfinished Business**

#### **Appointment of North Fork Valley Airport Advisory Board – Town of Paonia Representative**

Mayor Stewart provided a brief history regarding the Board of Trustees right to appoint an ex-officio member to the airport advisory board. Four (4) candidates provided a letter of interest. Trustee Bill Brunner, Town Treasurer Ross King, and two community members, Larry Peth and Stan Park. Trustee Brunner withdrew his name from consideration based on the community interest in the position. The Facilities and Development Committee, comprised of Trustees Watson and Bookout recommended Stan Park for the position based on the desire to obtain more community involvement and interaction with the Board.

Discussion ensued regarding the duties required from the advisory board member. Trustee Bradford reminded the Board of current Colorado law regarding potential conflicts of interest. Discussion ensued regarding board member conduct.

Trustee Bradford read a prepared statement for the record regarding Board members code of conduct.

Motion by Trustee Bradford that Trustee Watson be required to apologize for remarks that are belligerent, impertinent, personally abusive and disparaging. If Trustee Watson fails to apologize, I move she be required to leave the meeting until she is prepared to apologize. Motion failed for lack of a second.

Mayor Stewart added that it is critical that outbursts, negative comments, and disruptions end. Trustee Brunner suggested each board member be provided with Roberts Rules of Order.

Mayor Stewart stated he wanted the airport advisory position voted on by written, non-secret ballot. Stan Park received four (4) of six (6) votes and was duly appointed as the Town of Paonia representative for the North Fork Airport Advisory Board.

### **New Business**

#### **Consideration to Approve Report of Changes for Friends of the Paradise Theatre dba Paradise Theatre**

The Paradise Theatre Board requests the Town Board approve the Report of Changes, updating the theatre Board members.

Motion by Trustee Bradford, Supported by Trustee Brunner to approve the Report of Changes for the Paradise Theatre. Motion carried with six (6) ayes and zero (0) nays.

#### **Consideration to Approve Operating Manager Change for Friends of the Paradise Theatre dba Paradise Theatre**

The Paradise Theatre Board requests the Town Board approve the Operating Manager Change for the Paradise Theatre from Diana Yourell to Sunshine Knight.

Motion by Trustee Bear, Supported by Trustee Watson to approve the Operating Manager Change for the Paradise Theatre. Motion carried with six (6) ayes and zero (0) nays.

#### **Consideration to Approve Contractor for Old Sewer Plant Site Cleanup**

Public Works Director Travis Loberg solicited three (3) bids to clean up the old sewer plant site, to include the removal of dirt piles, concrete, and debris. Two (2) contractors submitted bids, with one declining due to schedule conflicts.

Discussion ensued regarding the lack of detail presented in the bids, and whether the two (2) out buildings should be removed.

Director Loberg and Town Manager Dean stated the bids were requested with very short notice.

Motion by Trustee Brunner, Supported by Trustee Watson to table a decision until the next Regular Board meeting, giving the contractors an opportunity to provide a more complete bid.

Motion by Trustee Bear, Supported by Trustee Bradford to amend the original motion to include the demolition and removal of both out buildings. Motion carried with six (6) ayes and zero (0) nays.

Amended motion by Trustee Brunner, Supported by Trustee Watson to table a decision until the next Regular Board meeting, giving the contractors an opportunity to provide a more complete bid, and to include the demolition and removal of both out buildings. Motion carried with six (6) ayes and zero (0) nays.

### **Regular Business**

Mayor's Report: Mayor Charles Stewart had nothing to report.

Town Manager Report: Town Manager Dan Dean reported:

1. A written report was included in the packet.
2. Water Court approved the water rights transfer for the Beaver Dam Ditch water.
3. Received a quote to replace the linoleum in the Town Hall kitchen and small hallway. Work will begin in the near future.
4. Received the water line construction phasing map from WestWater Engineering. Trustees Bear, Bradford and Town Manager will begin meeting with property owners soon.
5. Work continues with Municode and the Town Attorney regarding the updated codification.
6. Received the enforcement order release from Colorado Department of Public Health and Environment (CDPHE).
7. The pre-bid meeting for the out of town water line project was very successful with about twenty (20) contractors and two supply houses present.

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

1. The crew continue to work on cleaning up the Croussen and Devaney properties.
2. The fuel spill at the old sewer plant is being addressed.
3. The sidewalk repairs are ahead of schedule.
4. Soliciting estimates to replace the motor for the leaf vacuum.

Police Department Report: Sergeant Neil Ferguson reported:

1. A written report was included in the packet.
2. CIRSA will be directing a defensive driving training for the department at the North Fork Airport September 30<sup>th</sup>.
3. No issues noted with the Ute Trail car show at Town Park.
4. The next Municipal Court date is October 6<sup>th</sup> at 4:30pm.

Treasurers Report: Town Treasurer Ross King reported:

1. Disbursements have been reviewed.
2. Met with the Public Works Committee to discuss wastewater and water rate studies.
3. Continuing the review of the Elevate Fiber Franchise Agreement.

### **Committee Reports**

1. Finance and Personnel: Working on the draft 2017 budget with Finance Officer Cindy Jones.
2. Public Works: The conference call scheduled with Leroy Cruz was re-scheduled due to health issues with Mr. Cruz. Refined data has been submitted to Mr. Cruz as well.
3. Public Safety: Have a meeting scheduled for next week.

4. Governmental Affairs: Nothing to report.
5. Services & Recreation: Requested a meeting to discuss the parks maintenance contract.
6. Facilities & Development: Have a meeting scheduled with Alex Johnson of the Western Slope Conservation Center.

**Minutes**

Motion by Trustee Budinger, Supported by Trustee Bookout to approve the Regular Town Board Meeting Minutes for August 23, 2016. Motion carried with six (6) ayes and zero (0) nays.

**Disbursements**

Motion by Trustee Bear, Supported by Trustee Budinger to authorize the disbursements as reviewed by the Finance Committee with the Town Treasurer Ross King, in the amounts of \$28,611.19 for accounts payable, \$6,618.69 for payroll taxes, \$116,000.00 COLOTrust transfer, and \$16,294.62 for payroll. Motion carried with six (6) ayes and zero (0) nays.

**Executive Session**

Motion by Trustee Bradford, supported by Trustee Budinger to go in to executive session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a). Motion carried with six (6) ayes, and zero (0) nays.

The Town Board entered Executive Session at 10:05PM.

As provided by Town Manager Dan Dean:

The Board returned to open session at 10:44PM.

Motion by Trustee Bookout, supported by Trustee Budinger to authorize Mayor Stewart to execute three Listing Contracts for Lots 1 and 2 located at 38976 Highway 133 and a parcel at 38784 Marsh Road, Paonia, CO; and authorizing Town Attorney David Marek to proceed with subdividing the property using Willmore and Company; and further authorizing up to \$3,000 to prepare the properties for sale. The motion was approved on a 6-0 vote.

10:10 p.m. Motion by Trustee Bradford supported by Trustee Bookout to go 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). Voting aye were Trustees Bookout, Bradford, Bear, Watson, and Budinger. Voting nay was Trustee Brunner.

The Board returned to open session at 10:25 p.m.

Trustee Brunner stated that he believed the discussion had gone beyond the scope of the executive session without providing specific details.

The board discussed their working relationships.

**Adjournment**

The meeting was adjourned by Mayor Charles Stewart at 10:36 PM

\_\_\_\_\_/s/\_\_\_\_\_  
J. Corinne Ferguson, Town Clerk

\_\_\_\_\_/s/\_\_\_\_\_  
Charles Stewart, Mayor