

**Minutes**  
**Town Board Regular Meeting**  
**Town of Paonia, Colorado**  
**October 13, 2015**

**RECORD OF PROCEEDINGS**

The Regular Meeting of the Town Board of Trustees held Tuesday, October 13, 2015 was called to order at 7:00 p.m. by Mayor Pro-Tem Charles Stewart, followed by the Pledge of Allegiance.

Trustees present were as follows:

Mayor Pro-Tem Charles Stewart  
Trustee David Bradford  
Trustee Ross King  
Trustee Amber Kleinman  
Trustee Suzanne Watson  
Trustee Eric Goold

Town Staff present were as follows:

Town Manager/Town Clerk Jane Berry  
Deputy Clerk Corinne Ferguson  
Finance Officer Cindy Jones  
Investigator Neil Ferguson  
Public Works Director Travis Loberg

Deputy Clerk Ferguson determined a quorum was present and Mayor Pro-Tem Stewart 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**

None

**Visitors**

None

**Unfinished Business**

None

**New Business**

**Discussion Requested by Bill Brunner of the 2014 Audit, Viewpoints, and Restriction on the Samuel Wade Road Funds**

Bill Brunner, 608 Second Street, provided a brief history of his request to be on the agenda and in a public forum. Mr. Brunner expressed concern that an agenda presentation will not allow him adequate time for discussion. The five main points were as follows:

1. The viewpoints document is an interpretation and is not part of the official audit
2. The graphs provided in the viewpoints are misleading
3. The Town water rates are adequate and should not be increased
4. The additional payments to the auditing firm were not approved correctly
5. The Samuel Wade Road contract does not require funds be restricted to the bridge only

Mayor Pro-Tem Stewart stated the viewpoints are only recommendations from the auditors. RubinBrown is a highly trained firm and it would be foolish for the Board not to take their information into consideration when reviewing the audit.

Trustees Goold and King appreciate the opinions being shared, questions asked, and participation from the community. Discussion ensued regarding the audit billing process, improved increases, and additional vital services provided by RubinBrown.

Ethel Leslie, 331 North Fork Avenue, and Jen Brunner, 608 Second Street, expressed concern for the lack of a formal contract change being presented to the public and the Board at an open meeting prior to the additional auditing services being performed and paid for.

Larry Garrett, 331 North Fork Avenue, added the Town should be focused on things that help re-focus and support the community during tough times. Mr. Garrett believe the airport facility costs the Town nothing, but brings people to Paonia for business and recreation which is an asset to the Town. The airport also provides vital services such as search and rescue assistance and firefighting.

Trustee Bradford noted repeated late audits since 2008, and believes while the 2014 audit process may not have been perfect, it is much improved. The Board invited the community to please attend upcoming budget meetings and be part of the process.

#### Presentation of the 2016 Town of Paonia Proposed Budget and Adoption of Special Meetings Schedule

Town Manager Berry presented the 2016 Notice of Budget and the proposed budget to the Board and staff, noting the proposed budget is balanced. Several items for discussion included in the proposed budget are:

1. The potential for an amended 2015 budget
2. New accounts have been added for better clarification
3. Current projects are planned to be fully funded
4. No mill levy increase
5. Modest general fund increase projected
6. Continuing level of services provided
7. Rate increases recommended for water, sewer, and trash services

Town Manager Berry provided the proposed budget special meeting schedule for review, adding there is potential for additional meetings to be added on an as needed basis.

Motion by Trustee King, Supported by Trustee Goold to adopt the Notice of Budget and the Budget Special Meetings Schedule. Motion carried with six (6) ayes and zero (0) nays.

#### Consideration to Approve Letter of Support for the Friends of the Paradise Theatre Colorado Tourism Office Grant Application

Elaine Brett was present on behalf of the Friends of the Paradise Theatre, requesting a letter of support for the Colorado Tourism grant application. The grant will help support additional marketing, specifically for the annual Paonia Film Festival, scheduled for April 2016.

Mayor Pro-Tem Stewart read the proposed letter for the public.

Motion by Trustee Kleinman, Supported by Trustee Goold to approve a letter of support request for the Friends of the Paradise Theatre Colorado Tourism Grant Application. Motion carried with six (6) ayes and zero (0) nays.

#### Consideration to Approve Fourteenth Amendment to WestWater Engineering Agreement for the Lamborn Mesa Upper Water Treatment Plant Improvements Project

The fourteenth amendment is for additional engineering services to include contract administration, and construction inspections of the improvements phase of the 2MG upper system.

Motion by Trustee King, Supported by Trustee Bradford to approve the Fourteenth Amendment to WestWater Engineering contract in the amount of \$68,000.00, increasing the total contract amount to \$464,979.86. Motion carried with six (6) ayes and zero (0) nays.

#### Consideration to Approve Fifteenth Amendment to WestWater Engineering Agreement for the Clock IMG Water Treatment Storage Rehabilitation Project

The fifteenth amendment is for additional engineering services necessary to repair the structural cracks at the roof truss support connections on the IMG water storage tank.

Motion by Trustee King, Supported by Trustee Bradford to approve the Fifteenth Amendment to

WestWater Engineering contract in the amount of \$4,800.00, increasing the total contract amount to \$469,779.86. Motion carried with six (6) ayes and zero (0) nays.

Consideration to Approve Change Order #5 for the Lamborn Mesa Upper Water Treatment Plant Improvements Project

Change order #5 is a minor administrative change in measurements from yards to tons which increases the agreement by \$.75.

Motion by Trustee King, Supported by Trustee Bradford to approve Change Order #5 in the amount of \$.75, increasing the total contract amount to \$946,282.86. Motion carried with six (6) ayes and zero (0) nays.

Consideration to Approve Change Order #6 for the Lamborn Mesa Upper Water Treatment Plant Improvements Project

Change order #6 consists of extending approximately 115 lineal feet of 8 inch pipe for the temporary bypass waterline which increases the agreement by \$8,630.75.

Motion by Trustee King, Supported by Trustee Bradford to approve Change Order #6 in the amount of \$8,630.75, increasing the total contract amount to \$954,913.61. Motion carried with six (6) ayes and zero (0) nays.

Consideration to Approve Change Order #7 for the Lamborn Mesa Upper Water Treatment Plant Improvements Project

Change order #7 consists of the addition of one column, adjustment in floor drain trenches, and the addition of another floor drain trench which increases the agreement by \$2,397.00.

Motion by Trustee Bradford, Supported by Trustee King to approve Change Order #7 in the amount of \$2,397.00, increasing the total contract amount to \$957,310.61. Motion carried with six (6) ayes and zero (0) nays.

**Regular Business**

Mayor's Report: Mayor Schwieterman was not in attendance. Mayor Pro-Tem Stewart had nothing to report.

Town Manager Report: Town Manager Jane Berry reported:

1. Tentatively planning the Municipal Quarterly meeting for mid-November.
2. Attended Region 10 district meeting September 28<sup>th</sup>.
3. Attending Region 10 broadband meeting to discuss the middle mile broadband implementation.
4. Received official notice from Bowie Resources that 78 employees have been laid off effective November 30, 2015.

Public Works Department Report: Public Works Director Travis Loberg:

1. Public Works continues to repair water leaks as they occur.
2. The 1MG floor prep work is substantially complete.
3. The 2MG building foundation has been poured. The building installation is scheduled for next week.

Police Department Report: Investigator Neil Ferguson:

1. MRA Construction completed the evidence vault construction. The evidence vault is now state compliant.
2. The police department is now compliant with the National Incident Based Reporting System (NIBRS), which was implemented in 2012.
3. Taffine Patterson is in the final stages of the FTO training program.

Committee/Meeting Reports:

- Finance and Personnel: Nothing to Report.
- Public Works: Discussion included the co-housing project, water and sewer extension near the library, and the state water compliance notices.

- Governmental Affairs: Requests volunteers to fill empty seats on the Zoning Board of Adjustments and the Planning Commission.
- Services & Recreation: Discussion included trash services and trees located in the right-of-way.
- Facilities & Development: Reviewed the Board retreat outcomes and how it relates to the 2016 budget.
- Public Safety: Nothing to Report.

The blue leaf bag program will not be offered this year. The Town plans to the repair of the leaf vac.

Minutes:

Motion by Trustee Bradford, Supported by Trustee Goold to approve the Town Board Regular Meeting Minutes for September 22, 2015. Motion carried with six (6) ayes and zero (0) nays.

Disbursements:

Motion by Trustee King, Supported by Trustee Kleinman to authorize the disbursements through the period of October 8, 2015 as reviewed by the Finance Committee with the Town's Finance Officer. Motion carried with six (6) ayes and zero (0) nays.

Executive Session: 9:05pm

Motion by Trustee King, Supported by Trustee Bradford to go into executive session to conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b) related to: Peterson Lawsuit and Kristin Chesnik Civil Suit. Motion Carried with six (6) ayes and zero (0) nays.

Meeting reconvened at 10:28pm with no concerns noted.

Adjournment:

The meeting was adjourned by Mayor Pro-Tem Stewart at 10:29pm

/s/

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J. Corinne Ferguson, Deputy Town Clerk

/s/

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Neal Schwieterman, Mayor