

**Town Council Regular Meeting**  
**Town of Paonia, Colorado**  
**February 22, 2011**

RECORD OF PROCEEDINGS

The Regular Session of the Town Council held Tuesday, February 22, 2011 was called to order at 7:00 p.m. with the Pledge of Allegiance. Those present were Mayor Neal Schwieterman, Trustees Blake Kinser, Lucien Pevec, Corinne Ferguson, Sid Lewis, and David Weber; Scott Leon, and Town Clerk Barbara Peterson. Trustee Brian Ayers was absent.

Mayor Schwieterman determined a quorum was present and proceeded with the meeting.

**Approval of Agenda**

Trustee Weber moved to approve the agenda as presented. Trustee Kinser seconded and the motion passed unanimously.

**Announcements**

- Please excuse the mess as the community center room is being repainted.
- Trustee Ayers is not here tonight due to a family situation.
- First graders thanked Officer Ferguson for coming and reading to them.

**Visitors**

None

**Unfinished Business**

None

**New Business**

**Paonia State Bank – 1215 Second Street**

Attorney David Marek was present on behalf of Paonia State Bank (PSB). PSB is requesting that the grandfathered commercial non-conforming status be extended as the bank did not obtain ownership until November 2010. Mayor Schwieterman read a memo from Clerk Peterson advocating the grandfather status be allowed to expire. Discussion regarding the term “abandonment” ensued. Justin Hess, neighbor, voiced opposition to the commercial status of the property. December 15, 2009 was determined by the Clerk as the start of abandonment due to Mrs. Stelter informing the Clerk the keys had been given to PSB at that time. After further discussion, Trustee Weber moved that 1215 Second Street be considered as expired non-conforming because it has not been in use for a period of more than one year. Trustee Pevec seconded. Discussion resulted in Mr. Hess bringing forth a neighborhood petition if necessary. Motion was brought to a vote and passed unanimously.

**Davis – Home Occupation Request**

Mayor Schwieterman read a letter from the owner allowing the use, letters from neighbors, Ungaro and Wiggins, approving the use, Building Official comments and Planning and Zoning Commission (P&Z) minutes of February 15, 2011. Cindy Davis was present. Ms. Davis is requesting to be allowed to have a therapeutic massage business to be located in her residence at 312 Main Avenue. Ms. Davis had a previously approved Home Occupation license for the same business at 210 Onarga Avenue, but has moved due to safety issues with the sidewalk at that location. Trustee Pevec moved to approve the therapeutic massage Home Occupation license for Cindy Davis for the property located at 312 Main Avenue. Trustee Ferguson seconded and the motion passed unanimously.

**Geers and Beers – Street Closure Request**

Jason Jones, Smythe Boone, Judd Kleinman and Amber Kleinman were present. Geers and Beers is requesting to close the 300 block of Grand Avenue. While street closures are normally staff decisions,

staff is not comfortable with closing a main artery into Town. Jason Jones gave a brief economic impact report as a result of the festival. There would be a two to three hour tasting period after the parade. Mayor Schwieterman read a memo from Ron Rowell opposing the closure due to emergency and traffic concerns. Council requested that a map with alternate route designations be provided to emergency service entities prior to the event. Chief Leon indicated no problems with the parade from last year. After further discussion regarding neighbor access, Trustee Pevec moved to approve the street closure request as presented. Trustee Lewis seconded and the motion passed unanimously.

#### Resolution 2011-04 – Opposing State Park Closures

Mayor Schwieterman read for visitor benefit. The State is proposing to close both Paonia State Park and Sweitzer Lake State Park. Mayor Schwieterman indicated this resolution may not be necessary as the Delta County Board of County Commissioners (BOCC) met with the State Park personnel and the Division of Wildlife may take over managing the parks. Trustee Weber moved to approve Resolution 2011-04 as presented. Trustee Lewis seconded and the motion passed unanimously.

#### Paonia Foreclosures

Trustee Weber provided a list of seventeen homes in Paonia that are in the foreclosure process. The concern is that foreclosures may devastate a town. In Trustee Weber's research, in some cases proper paperwork has not been filed and people could lose their homes unnecessarily and illegally. The actual eviction of foreclosed upon homes is usually handled by the Delta County Sheriff's office. Trustee Weber is considering having the Town Clerk validate the paperwork for a fee. Trustee Pevec suggested the Town invest in those deeds of trust. Trustee Weber to consult with Bob Lario, a distressed property specialist. No action was taken on this item.

#### Additional Business

Mayor's Report: Mayor Schwieterman reported the BOCC has stopped the recycling trailer as it has worn out. Delta County has scheduled installation of a recycling area at the Adobe landfill. Trustee Lewis is unable to attend the Transit Authority quarterly meetings. As no other Trustee volunteered to attend the meetings, Mayor Schwieterman appointed himself. Pickin in the Park is applying for Cocker Kids Foundation grant funds and requests a letter of support. Trustee Pevec moved to authorize the mayor and clerk to write a letter of support for Pickin in the Park. Trustee Kinser seconded and the motion passed unanimously. AT&T has approached Delta County with regards to installing a cell tower at the municipal airport. The fees would amount to approximately nine-thousand dollars (\$9,000) a year. Details to be negotiated.

Public Works: Scott Leon reported the one-million gallon (1MG) treatment plant should be completed by the end of March. Staff is working on filling potholes. Public Works is also trying to coordinate with Delta County regarding discounted fees for clean-up days in the Spring.

Police Report: Chief Leon had nothing to report.

Finance Committee Report: Trustee Pevec reported looking into legal issues with regards to public investing.. The auditors report indicated the Town's assets exceeded its liabilities. Mayor Schwieterman, Trustee Pevec and Finance Officer Chesnik met to address weaknesses reported.

Parks Committee Report: Trustee Pevec requested the committee receive the latest copy of the parks maintenance contract to review before sending out to bid. Trustee Pevec will announce when the solar inauguration will be ready.

Public Safety Committee Report: Trustee Kinser had nothing to report.

Street Committee Report: Trustee Ferguson is investigating a lighting survey. There will be no recommendation to Council until the survey is completed.

Water/Sewer Committee Report: Trustee Weber reported the enterprise fund revenues are above projections and expenses are below estimations. The IMG project is looking good. The Bone Mesa agreement is coming along. Lawyers have submitted comments. Trustee Weber is recommending the sewer ordinance be reviewed as the Town intends to expand sewer service into Area A. A work session is scheduled for 6:00 p.m. before the next meeting. Trustee Weber moved to approve ECO Change Order #3 increasing the contract amount by \$1,135.64 for the IMG. Trustee Pevec seconded and the motion passed unanimously. Trustee Weber moved to approve a partial payment to ECO in the amount of \$63,975.02. Trustee Kinser seconded and the motion passed unanimously.

Personnel Committee Report: Trustee Kinser had nothing to report.

Minutes:

Correction noted. Trustee Weber moved to approve the minutes of January 25, 2011 as amended. Trustee Pevec seconded and the motion passed with an abstention from Trustee Kinser.

Disbursements:

Trustee Pevec moved to pay the bills ending February, 2011. Trustee Ferguson seconded and the motion passed unanimously.

8:55 p.m. Meeting adjourned.

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Mayor, Neal Schwieterman

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Town Clerk, Barbara J. Peterson