

Town Council Regular Meeting
Town of Paonia, Colorado
February 28, 2012

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Council held Tuesday, February 28, 2012 was called to order at 7:04 p.m. with the Pledge of Allegiance. Those present were Mayor Neal Schwieterman, Trustees Corinne Ferguson, Lucien Pevec, Brian Ayers, and David Weber; Scott Leon; Travis Loberg; and Town Clerk Barbara Peterson. Trustees Blake Kinser and Sid Lewis were absent.

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

Approval of Agenda

Mayor Schwieterman noted the Elementary School is not available for the update and suggested removing it from the agenda. Trustee Weber moved to approve the agenda as amended. Trustee Ferguson seconded and the motion passed unanimously.

Announcements

- None

Paonia High School (PHS) Update

Anthony Roeber was present. The Student Council representative announced the following:

- Paonia took the 2A State Championship for wrestling. 14 students qualified for State and 9 students placed at the tournament. Coach Andy Pipher was named Coach of the Year. Paonia High School broke the state record for all divisions with 25 pins.
- The Speech team has qualified and will be attending State on March 10, 2012.
- Girls basketball has qualified for State.
- Boys basketball won district and will be going to regionals in Denver.
- Basketball and track practices have begun.
- Kaitlin Johnson won a Daughter of American Revolution (DAR) award.
- Mayor Schwieterman noted our students are accomplishing amazing things and are a bright point in our community.

Visitors

- None

Unfinished Business

Resolution 2012-04 – Partnership Agreement

Mayor Schwieterman read Resolution 2012-04 summary authorizing the partnership agreement with North Fork Vision 2020 and the Orton Family Foundation. Elaine Brett noted that Alexis Halbert has been hired as the project coordinator. Ms. Brett, Ms. Halbert and Ms. Sally Kane attended sessions in Chicago with four (4) other towns and the Foundation to collaborate and help each other through the Heart and Soul process. This process will help to identify community values that will help in the Town's Master Planning process. Trustee Weber is concerned about "commitment creep". Ms. Brett explained that the work is in-kind and there is nothing that would be added to the workload at the Town. This process allows the logging of staff time as in-kind over the two-year period. Attorney Briscoe felt that the Town's in-kind could be accomplished Clerk Peterson's time alone. After discussion regarding Golden, CO that has completed a project with the Orton Foundation, Trustee Pevec moved to adopt Resolution 2012-04 as presented. Trustee Ferguson seconded and the motion passed unanimously.

New Business

American Legion Baseball – Park Request

Trustee Weber indicated the American Legion would like to use the Town Park baseball field from 10:00 a.m. to 8:00 p.m. on July 19 through July 22, 2012. This request is coming to Council because staff does not take park reservations in July for the Town Park due to Cherry Days and the BMW Rally. There are no conflicting events. Trustee Weber moved to approve the park request as presented. Trustee Ayers seconded and the motion passed unanimously.

Resolution 2012-05 – Creative District

Mayor Schwieterman read Resolution 2012-05 summary authorizing the certification of a creative district to be named the North Fork Valley Creative District. The application to the State was submitted by members of the art community. The application to be designated as a creative district, if awarded, would provide another funding avenue for economic development, as well as promoting tourism, provide marketing resources, planning and implementation. At the state level, arts are recognized as being important contributors to local economies. Delta County Tourism would be the sponsor/managing entity. The Town is requesting support, not funds. After discussion regarding representation, Trustee Pevec moved to adopt Resolution 2012-05 as presented. Trustee Ferguson seconded and the motion passed unanimously.

Resolution 2012-06 – Great Outdoors Colorado Support Paonia Junior/Senior High School

Mayor Schwieterman read Resolution 2012-06 summary supporting the local government planning grant for the Paonia Jr./Sr. High School Master Planning project. Mayor Schwieterman checked with Attorney Briscoe and the language in the resolution is standard as a pass through agency. Trustee Ferguson moved to adopt Resolution 2012-06 as presented. Trustee Pevec seconded and the motion passed unanimously.

West Home Center – Sale Proposal

Josie West was present. Mayor Schwieterman noted the information in the packets for the sale of two (2) lots adjacent to the Town parking lot behind Town Hall that are currently owned by West Home Center. Ms. West would like to see a sale price of \$30,000.00 for both lots, of which one contains a small garage with electricity. Mayor Schwieterman indicated the building may be used for Police Department storage. Trustee Weber moved to refer the sale of property to legal for negotiation. Trustee Ferguson seconded and the motion passed unanimously.

North Fork Coal Working Group - Agreement

Mayor Schwieterman read Attorney Briscoe review of the agreement and acknowledged Trustee Lewis's notes. Trustee Weber provided a brief history of the group noting that it has evolved into information dissemination for the local entities involved. Trustee Weber moved to adopt the North Fork Coal Working agreement as presented. Trustee Ayers seconded and the motion passed unanimously.

Additional Business

Mayor's Report: Mayor Schwieterman reported that after the last Council meeting, the owners of Galaxy Bike initially decided to remove the sign portion out of the frame, making it substantially comply with Town regulations. The owners then requested that the Town remove the frame and install on private property. Because there was not specific direction from Council on the parameters for installing on private property, Attorney Briscoe review the relevant information and provided the opinion that the best fit would be to comply with the requirements outlined in C-2, Residential Commercial zoning, requiring a fifteen (15) foot setback from the sidewalk. This information was communicated to the Galaxy Bike owners. The metal sign is currently out of the right-of-way and the regulations are substantially compliance. Mayor Schwieterman noted there were two (2) subjects not addressed tonight as well as no minutes in the packets due to time constraints. Once the new bookkeeper is hired, the time crunch should dissipate.

Public Works: Public Works Director Loberg reported a sewer plug was discovered last Friday due to motor oil being dumped into the system.

Police Report: Chief Leon submitted a written report. The Police Department will be hosting training for banks with the Federal Bureau of Investigation (FBI) in the next couple of weeks. The ProCycling Challenge, starting in Telluride on August 20, 2012 will be coming through Town and the Western State College cycling team will also be traveling through. Both cycling events will have an impact on the Town. Chief Leon noted the Town has utilized the resources of the Dolphin House; a child advocacy center for victims of sexual assault, and requested the Town donate \$200 to the non-profit facility. Trustee Pevec moved to donate \$200 to the Dolphin House. Trustee Ayers seconded and the motion passed unanimously.

Finance Committee Report: Trustee Pevec reported information in packets regarding Peak Investments. Trustee Pevec then outlined the details of the proposed agreement. After discussion regarding Town liability, Trustee Pevec moved to open an investment account with Peaks Public Investment Advisors with all the ColoTrust funds. Trustee Ayers seconded. Discussion regarding semantics of the motion ensued. Trustee Pevec moved to rescind the original motion. Trustee Ayers seconded and the motion passed unanimously. Trustee Pevec moved to open an investment account

under the direction of Peaks Public Investment Advisors using ColoTrust investment monies. Trustee Ayers seconded. Discussion regarding follow up on references ensued. Motion was brought to a vote and passed unanimously.

Parks Committee Report: Trustee Lewis was not available to report.

Public Safety Committee Report: Trustee Ayers reported chunks of concrete by the Third Street railroad crossing. Chief Leon may have local contact for Public Works Director Loberg to resolve the issue.

Street Committee Report: Trustee Ferguson had nothing to report.

Water/Sewer Committee Report: Trustee Ferguson reported work continues on the water ordinance. Public input and attendance is welcome.

Personnel Committee Report: Trustee Weber noted there were thirteen (13) applicants for the bookkeeper position. Four candidates were selected for interviews with the Personnel Committee and Clerk Peterson. Trustee Weber was very impressed with the quality of applicants. The employee health plan was changed without coming to Council. The plan changed from a health savings account back to a health maintenance option. Trustee Weber has reviewed the change and approves. Susie Leon has been doing the Town Hall cleaning as well as being a temporary on-call employee for both Public Works and the Police Department. Discussion ensued regarding her status as either an employee or contract labor ensued. Council concurred to write up a contract for the cleaning, to be paid via Accounts Payable and remain a part-time employee for on-call duties. Trustee Weber announced that Kristin Chesnik embezzled a significant amount of money based on an investigation by the Town auditor, Pete Blair. The extent of involvement has cleared everyone except Ms. Chesnik. Trustee Weber noted that position needs proper checks and balances. The new bookkeeper shall be under the purview of the Clerk. The people that Ms Chesnik reported to were remiss in their jobs and suggested the persons on the Finance Committee have financial backgrounds. Trustee Weber noted that it appears that Ms. Chesnik did not perform the bookkeeper duties for the last six months and noted an Internal Revenue Service penalty payment in the amount of \$21,000. Trustee Weber noted audit findings of 2008 and 2009, noting the importance of paying attention to deficits and implementing corrections. There is no user manual for incoming Council members. Each committee needs to write a list of jobs and duties performed by the Committee for future Council members. New protocols have been requested from Mr. Blair. Mr. Brunner expressed outrage at the explanations and requested those overseeing that office to step down off Council.

Minutes:

Not available.

Disbursements:

Trustee Pevec moved to pay the bills ending February 28, 2012. Trustee Ayers seconded, and the motion passed unanimously.

9:00 p.m. Meeting adjourned.

Mayor, Neal Schwieterman

Town Clerk, Barbara J. Peterson