

**Town Council Regular Meeting**  
**Town of Paonia, Colorado**  
**May 27, 2014**

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Council held Tuesday, May 27, 2014 was called to order at 7:02 p.m. with the Pledge of Allegiance. Those present were Mayor Pro-Tem Charles Stewart, Trustees Eric Goold, Ross King, Amber Kleinman, David Bradford and Suzanne Watson; Attorney David Marek; Chief Scott Leon; Public Works Director Travis Loberg; Finance Officer Cindy Jones; and Deputy Clerk Corinne Ferguson. Town Clerk Barbara Peterson was in the audience. Mayor Neal Schwieterman was absent.

Mayor Pro-Tem Stewart determined a quorum was present and proceeded with the meeting.

**Approval of Agenda**

Trustee King moved to approve the agenda as presented. Trustee Goold seconded and the motion passed unanimously.

**Announcements**

None

**Visitors**

Linda Long heard that a mural will be painted in the room and requested an update. Clerk Peterson noted that after the Resolution was passed on the values recognized by the Heart and Soul project, she was instructed to have the values painted on the wall. Trustee Goold was unaware that passing the resolution included painting them on the wall. Trustee Watson asked that the mural be placed on the agenda for the next meeting. Clerk Peterson was unclear on how this was a policy decision. Mayor Pro-Tem Stewart thinks the project should wait until it has been discussed. Trustee Kleinman wanted to know why this was an issue. After further discussion regarding the budget and financing, Mayor Pro-Tem Stewart advised to put the issue on the agenda for the next meeting.

**Unfinished Business**

**Ordinance 2014-05 - Codification**

Mayor Pro-Tem Stewart noted the work session prior to the meeting. No action was taken.

**New Business**

**Audit - Presentation**

Auditor Pete Blair was present. Auditor Blair had gone over the audit in detail with Finance Committee members, Trustees Stewart and Bradford on May 6, 2014. Auditor Blair provided a synopsis of the audit, and thanked Council for due diligence in changing internal controls, as well as Finance Officer Jones for making his job much easier with fewer adjustments. Paonia's finances are fairly stable and the Board can feel strongly that the numbers are accurate. Auditor Blair noted that all findings from previous years have been resolved. Investments and debts were reviewed. Discussion regarding post-employment benefit, TABOR reserve and asset evaluations ensued. Trustee Bradford moved to accept the audit as presented. Trustee Goold seconded and the motion passed unanimously.

**Slow Food Western Slope – Special Event Liquor Request**

Jim Brett was present. Slow Foods Western Slope is requesting a Special Event Liquor license for a live music event on June 14, 2014 at the Paradise Theatre located at 215 Grand Avenue. Mr. Brett stated this will be the first live act at the Paradise since the renovations started. The event is scheduled for 6:00 p.m. to 11:00 p.m.; allowing time for both set up and take down. Trustee King moved to approve the special event liquor license as requested. Trustee Kleinman seconded and the motion passed unanimously.

**Hawks Haven**

Mayor pro-tem Stewart stated the Board voted to hold an executive session to determine the recourse the Town may have against Hawks Haven for breach of contract. The Board exited the meeting to chambers for executive session at 7:42 pm. Deputy Clerk Ferguson requested the Board return to the

meeting, the motion made at the previous meeting was to add an executive session to the agenda; an executive session had not been called. Trustee Bradford moved to go in to 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). Trustee King seconded and the motion passed unanimously.

7:42 pm. Adjourned

8:16 pm. Reconvened

Those present for the executive session were: Mayor Pro-Tem Charles Stewart, Trustees Eric Goold, Ross King, Amber Kleinman, David Bradford and Suzanne Watson; Attorney David Marek.

**Road Agreement:**

Trustee King noted that the streets committee had met and discussed the agreement and brought forward a recommendation to the Board, moving to approve the completion of Pan American Avenue and Vista Drive with the following nine (9) points:

1. Hawks Haven Home Owners Association (HHHOA) will construct a forty (4) foot wide road, including a four (4) foot pedestrian/bike path. The road and path will be built within the platted fifty (50) foot easement. Utility easements will remain on both sides of the road easement. A maximum of eight (8) percent grade will be allowed.
2. The road will be gravel, subject to the standards required by the Town of Paonia.
3. The road will be completed no later than February 28, 2015.
4. The road beginning at the junction of Vista Drive and Pan American Avenue proceeding east will remain gravel and maintained by HHHOA.
5. All roads will be engineered and subject to approval by the Town of Paonia.
6. Gates/fences will be removed by February 28, 2015. All chains/locks will be removed immediately.
7. Town will take operation and maintenance responsibility as of February 28, 2015.
8. A performance bond in an amount equal to the estimated costs will be provided to the Town no later than June 30, 2014.
9. This agreement is null and void should any provision not be met.

Trustee Watson seconded the motion. Mayor Pro-Tem Stewart suggested each point of the motion be discussed with the understanding that changes made applied to the original motion.

1. Discussion ensued regarding the current twenty-four foot (24) width of Vista Drive and what it would entail to widen to forty (40) foot, the cost to maintain gravel roads, and the continued request for traffic calming features. Dave Knutson requested a speed bump installation on Vista Drive on behalf of the Creek Vista Home Owners Association (CVHOA).
2. Discussion ensued regarding the Town standard for gravel roads, using the Delta County standard which is the American Association of State Highway and Transportation Officials (AASHTO) standard.
3. No discussion.
4. Discussion ensued whether the Town needed to specify what type of private road the HHHOA chose to have. Trustee King moved to amend point four (4) to read: The road beginning at the junction of Vista Drive and Pan American Avenue proceeding east will remain a private road. Trustee Watson seconded and the amendment to the original motion point four (4) passed unanimously.
5. No discussion.
6. Discussion ensued about the gates, locks, and chains removal timeline, current traffic concerns, and whether the trustees who live in Pan American HOA or Creek Vista HOA should recues themselves. The determination from Town attorney Marek was the trustees do not have a vested interest in the outcome and can participate should they chose to do so.
7. Discussion ensued regarding the usual one year after completion prior to Town taking road ownership. Trustee Bradford moved to amend point seven (7) to read: Town will take operation and maintenance responsibility one year after road completion. Trustee Goold seconded and the amendment to the original motion point seven (7) passed unanimously.
8. Discussion ensued regarding the June bond requirement date being inefficient for completion. Trustee Bradford moved to amend point eight (8) to read: A performance bond in an amount equal to the estimated costs will be provided to the Town no later than August 15, 2014. Trustee King seconded and the amendment to the original motion point eight (8) passed unanimously.
9. No discussion.

Ms. Elliot addressed the Board stating that she attended the meeting expecting to begin to modify and negotiate a new road agreement but felt that this motion was not a negation but a dictation on how the agreement was going to be written. Ms. Elliott expressed disappointment that the P&Z

recommendation was not being considered. The P&Z meeting was thorough and the recommendation accomplished the health and safety issue, the BLM access move, and allowed for a more stringent assessment of the road conditions, traffic issues, and width of the road. The P&Z recommendation was to go slow with the latter issues, and allow time to see how the few changes affected things. Ms. Elliot added that the motion was a one-sided directive, not a negotiation.

Trustee Stewart explained that the discussion was for the Board to see what they were willing to amend on the original agreement.

Ms. Elliot asked what will happen if the developers do not agree. Trustee Stewart stated that there would not be an agreement at that point, other than the original agreement.

Trustee Goold noted that the P&Z meeting was a nice meeting, but that is easier to do when the commission has no real authority. This subject has been on the radar since 2005 and is getting nowhere. Mistakes were made and this motion is an effort to not repeat the same mistakes. Trustee Goold expressed concern about the widening of Vista Drive and asked if the Board could move forward without including that portion of the motion, but ultimately wants to see a signed official road agreement.

Mayor Pro-Tem Stewart stated the motion he will make should Trustee Kings motion fail is that the developers move forward with the gravel road plan, a bond issued within the parameters suggested, and moving the BLM access to a permanent location. Trustee Goold moved to amend Trustee Kings original and amended motion subject to approval from all parties. Trustee Goold withdrew his motion to amend.

Trustee Kleinman moved to amend original motion, point one (1) to narrow back to 24 foot at the base of Vista Drive. Trustee Bradford seconded. Discussion ensued on the acceptable width for Town roads. The motion was brought to a vote and failed with Trustees King, Goold, Bradford, Stewart, and Watson voting "nay".

The original motion, including amendments, was brought to a vote and passed with Trustees Kleinman and Stewart voting "nay".

### **BLM Access**

Ms. Elliott stated she needed to discuss the current events with the other developers and is not prepared to move forward with the relocation of the BLM access at this point. Ms. Elliott stated the BLM access is basically the only negotiation tool they have, and while the developers have no intention to close the temporary BLM access point, the developers will not be moving the location and turning over control to the Town at this point.

Mayor Pro-Tem Stewart moved that the BLM access be relocated and made permanent as previously described, and that the Town of Paonia take control of the access. Trustee Kleinman seconded the motion and discussion ensued regarding other access point locations, traffic, and parking issues. Mayor Pro-Tem Stewart stated the issue has been beat to death and called for a vote. The motion failed for lack of a mayoral tie breaker with Trustees Bradford, King, and Watson voting "nay" and Trustees Gold, Kleinman, and Stewart voting "aye".

Trustee Bradford moved that the streets committee look at other options and bring a permanent BLM trailhead location to the Board. Trustee Goold seconded and the motion failed with Trustees King, Kleinman, Stewart, and Watson voting "nay".

Trustee Bradford moved that the parks and streets committee work together to bring a recommendation for a permanent BLM access point. Motion failed for lack of a second.

### Interim Town Manager

Mayor Pro-Tem Stewart noted that in the open work session on May 20, 2014, four (4) candidates: Steven Rabe, Mark Garcia, Stefani Conley and James White, were interviewed for thirty (30) minutes each. While all candidates were good, Mayor Pro-Tem Stewart was extremely impressed with Mr. Rabe due to his experience, ability to answer the interview questions, and pricing. Council concurred that the town needs a Town Manager. Council also agreed that a further personal interview with Mr. Rabe was not necessary. Costs to the Town are approximately \$34,500. Mayor Pro-Tem Stewart moved to approve hiring Mr. Rabe subject to a background check, resume confirmation, and contract negotiation. Trustee King seconded and the motion passed unanimously.

### Town Website

Clerk Peterson noted the State Internet Portal Authority (SIPA) grant was denied, the Town website is failing and requested direction. The Town does have another quote for \$4,000 to rebuild a new site.

Because this item was not budgeted, Clerk Peterson is asking for direction. Mayor Pro-Tem Stewart feels that it is critical that the Town communicates with its citizens and this item is critical. Clerk Peterson noted that depending upon what the Town wants, a new website could cost upwards of \$25,000. After discussion, Mayor Pro-Tem Stewart moved to solicit proposals to repair or upgrade the website across the spectrum so the options are clear. Trustee Kleinman seconded. Clerk Peterson noted that although staff would love to have a more interactive website, all the bells and whistles come with a price. Dave Knutson indicated the Town could get a free website through CIRSA (Colorado Intergovernmental Risk Sharing Agency). It's an embarrassment that citizens cannot look up minutes. Motion was brought to a vote and passed unanimously.

**Additional Business**

**Mayor's Report:** Mayor Schwieterman was not available to report.

**Public Works:** Director Loberg reported continued work on the Apple Valley Park path. The streets are being cleaned with the sweeper and the crew is finishing some repair work on Third Street.

**Police Report:** Chief Leon submitted a written report. Petty thefts have increased. Chief Leon also reported the 95% of code enforcement has been due to weeds.

**Finance Report:** Trustee Bradford noted the continued oversight on a regular basis and the Town is proceeding in a stable fashion.

**Personnel Report:** Trustee Kleinman noted the telephone interviews with potential Interim Town Managers happened last week.

**Parks Report:** Trustees Watson and Kleinman had nothing to report.

**Public Safety Report:** Trustees Stewart and Goold had nothing to report.

**Street Report:** Trustee King had nothing to report. Dave Knutson requested an update on sidewalks. Trustee King noted the Mayor was working on setting up a citizen committee to provide repair parameters.

**Water/Sewer Report:** Trustee King reported a meeting with Director Loberg and Engineer to evaluate assess the IMG water storage tank roof and the .5MG water storage tank. The Town received notification of the bond sales.

**Minutes:**

**May 13, 2014** The minutes of May 13, 2014 were not available.

**May 20, 2014** Correction noted. Trustee Bradford moved to accept the minutes for May 20, 2014 as amended. Mayor Pro-Tem Stewart seconded and the motion passed unanimously.

**Disbursements:**

Trustee Bradford moved to pay the bills through May 27, 2014. Trustee Kleinman seconded and the motion passed unanimously.

9:57 p.m. Meeting adjourned.

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Deputy Town Clerk, Corinne Ferguson

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Mayor, Neal Schwieterman