

Town Council Regular Meeting
Town of Paonia, Colorado
June 10, 2014

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Council held Tuesday, June 10, 2014 was called to order at 7:00 p.m. with the Pledge of Allegiance. Those present were Mayor Neal Schwieterman Trustees Eric Goold, Ross King, Charles Stewart, Amber Kleinman, David Bradford and Suzanne Watson; Attorney David Marek; Chief Scott Leon; Public Works Director Travis Loberg; Finance Officer Cindy Jones; Deputy Clerk Corinne Ferguson and Town Clerk Barbara Peterson.

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

Approval of Agenda

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

Announcements

The Town received a very nice “thank-you” from Paonia Elementary Third Graders. Mayor Schwieterman noted the class had come to learn about what services the Town provides. Staff takes time out to provide the educational opportunity, and it is fun to have young visitors.

Visitors

Mary Bachran, Mountain Harvest Festival (MHF) Board Member, requested that the Town write a letter of support for a grant application due this week. Ms. Bachran noted the MHF provides scholarships, and read a sample letter of support to the Board. Trustee Kleinman moved to write a letter of support for the MHF grant application. Trustee Goold seconded. Discussion revealed the requested grant amount is \$4,000 to be used as general operating funds. Motion was brought to a vote and passed unanimously.

Unfinished Business

Ordinance 2014-05 - Codification

Mayor Schwieterman noted the work session prior to the meeting. Another work session was scheduled for 6:00 p.m. before the next regularly scheduled meeting.

Hawks Haven – Road Agreement/BLM Access

Mayor Schwieterman read an email from Allison Elliot declining an invitation to meet based on the results of the last meeting. Ms. Elliot has already stated that the resolution that was passed is not acceptable and for the time being, the road and BLM access will remain the same. Trustee King opined that means the original agreement is in effect and the Town will take no action until February 28, 2015.

New Business

BackCountry Bistro – Liquor License Renewal

Mary George was present. BackCountry Bistro is requesting a renewal of a hotel and restaurant liquor license for the property located at 210 Third Street. Chief Leon indicated no issues. Trustee Kleinman moved to approve the liquor license renewal as presented. Trustee Stewart seconded and the motion passed unanimously.

Slow Food Western Slope – Special Event Liquor Request

Slow Foods Western Slope is requesting a special event liquor license for a “slow meat” event on July 12, 2014 at the Paradise Theatre located at 215 Grand Avenue. The event is scheduled for 5:00 p.m. to 9:00 p.m.; allowing time for both set up and take down. Trustee Kleinman moved to approve the special event liquor license as requested. Trustee Stewart seconded and the motion passed unanimously.

Paonia Cherry Days – Special Event Liquor Request

Tina Walker was present. The Paonia Cherry Days is requesting a special event liquor license for a festival to be held at the Town Park, located at 700 Fourth Street, on July 4 from noon to 10:00 p.m. and July 5, 2014 from 11:00 a.m. to 10:00 p.m. Chief Leon indicated no issues. Trustee King moved to approve the special event liquor license as requested. Trustee Kleinman seconded. And the motion passed unanimously. Natalie Gladbach requested a donation/sponsorship from the Town to cover the liquor license and park rental fees. The total of the fees amounts to \$525. Trustee King moved to request a staff recommendation for dispensing of any fees. Motion died for lack of a second. Trustee Kleinman noted that the Town went through the process to create the fees to raise money for the town. If the Board starts waiving fees, or picking favorites of the festivals, then the Board may be routinely asked to waive fees for events at the parks. Trustee Goold was on that committee that worked on the fee schedule. It is expensive to the Town to have these festivals and the town needs to have some sort of income to offset those costs and recommended not waiving any fees. Trustee Stewart agreed and moved to not waive any fees. Trustee Goold seconded. During discussion, Ms. Gladbach clarified the request for a sponsorship, not a waiver of fees. Trustee Watson would like to see a breakdown of expenses. Trustee Stewart withdrew his motion. Trustee King moved to have staff analyze sponsorship request and provide a recommendation to the Board. Trustee Goold seconded and the motion passed with Trustee Goold voting “nay”.

KVNF – Special Event Liquor Request

Amber McDaniel was present. KVNF is requesting a special event liquor license for the BMW Rally being held at the Town Park, located at 700 Fourth Street, on July 17 from 5:00 p.m. until 11:59 p.m., July 18 and 19, 2014 from Noon until 11:59 p.m. each day. Ms. McDaniel noted the smaller licensed area this year. Chief Leon indicated no issues. Trustee Kleinman moved to approve the special event liquor license request as presented. Trustee King seconded and the motion passed unanimously.

Weller – Hedge Variance Request

Patricia Weller was present. Mayor Schwieterman noted the application, diagram, Building Official comments and information from other towns regarding hedges provided by Trustee Watson. A letter from Ms. Kay Findley in favor of the variance was read for visitor benefit as well as the draft Planning and Zoning Commission (P&Z) minutes of June 3, 2014.

7:33 p.m. Trustee Goold left the meeting.

7:35 p.m. Trustee Goold resumed his seat.

Ms. Weller was amenable to the compromised reached at the P&Z meeting; allowing the hedge to be at 6-feet and making sure house numbers are visible. Ms. Weller indicated that the hedge has been neatly kept since the property was purchased. Trustee Goold felt that 6-feet was appropriate in this case as there are no traffic visibility concerns. Trustee Bradford thinks the hedge may have been there a long time, but it was within the height limit. Ms. Weller said she read the minutes of the Ayers variance and has no intentions of removing her hedge. The hedge is at 8-feet right now with very little greenery at the bottom. Drastic pruning may make the hedge an eyesore. Trustee Watson thinks parameters for hedges should be different than fences, the ordinance needs to be restructured and the whole variance process is confusing. Trustee Bradford thinks the ordinance is very clear; 48” in front. The more variances that are granted, the larger the problem becomes. Trustee Bradford moved to grant a one-year variance, review the current ordinance and modify within a year. Trustee Goold seconded. During discussion, the Board concurred that the hedge may be left at 8-feet for a year. Motion was brought to a vote and passed with Trustees King and Stewart voting “nay”.

Living Farm – Parking Variance

Emma Stopher-Griffin was present. The Living Farm is requesting to be allowed to have five (5) parking spaces where Inn customers may be able to park overnight on Grand Avenue. Mayor Schwieterman noted the application, a permission letter from the owner, sample windshield notification, parking ordinances, Building Official comments, photos, a letter from Theo Colburn to deny the variance request, and the draft P&Z minutes were read for visitor benefit. Mayor Schwieterman disclosed ex-parte communication as Ms. Stopher-Griffin has called regarding the windshield placard idea. Mayor Schwieterman is in favor of the placards, as other businesses such as liquor license holders could utilize for people who should not be driving after imbibing. Ms. Stopher-Griffin has read the ordinances and does not see where they pertain to this situation and thinks it would be rude and unreasonable to have guests park around the block. To have more parking in the rear of the lot would cost approximately \$3,000 to move the fence and create a new walkway. Currently, the staff parks in the back. Chief Leon noted the “no overnight parking” signs were put up before he started working for the Town, and are validated by the Model Traffic Code. It was pointed out that the Land Development Regulations have off-street parking requirements, but the payment in lieu of spaces has been suspended. Trustee Watson suggested the Inn have valet parking. Ms. Stopher-Griffin said

that option was not financially feasible. Dave Knutson noted that other hotel/motels had to meet the requirement. Trustee Stewart said the bigger issue is to have a rule that is fair with the presumption to comply, although this request seems to be a matter of convenience. The employees could park in the lot behind Town Hall, a block away, leaving the parking spaces behind the business for guests. Ms. Stopher-Griffin felt that would also be a hardship. Trustee Goold felt the Town should do whatever to help businesses in town and suggested that the “no overnight parking” signs be removed. Trustee Goold moved to remove the “no overnight parking” signs in the 100 block of Grand Avenue. Trustee Kleinman seconded. Discussion regarding people sleeping in cars ensued. Chief Leon would like the opportunity to come up with an alternative to bring back to the Board. Trustee Goold withdrew the motion. Trustee Goold moved to direct staff to come up with a recommendation regarding overnight parking signage. Trustee Kleinman seconded. Discussion resulted in the information coming back for the next meeting, if possible. Motion was brought to a vote and passed with Trustees King and Stewart voting “nay”.

Town Manager DOLA Grant - Amendment

Mayor Schwieterman noted the amendment allows for the interim manager for the Department of Local Affairs (DOLA) grant. Trustee King asked if the 75% was in effect. Dave Knutson specifically asked that question of Elyse Ackerman-Cassleberry, DOLA Regional Director, who had indicated a 50/50 cost split between the Town and DOLA, although that specific language is not reflected in the grant amendment. Trustee King moved to approve the DOLA grant amendment as presented. Trustee Bradford seconded and the motion passed unanimously.

Interim Town Manager - Contract

Mayor Schwieterman made sure everyone had the red-lined version, noting this would assist the Town to show the Internal Revenue Service that Mr. Rabe is a consultant and not an employee. Mr. Rabe had no issue with any of the proposed changes. Mayor Schwieterman introduced Mr. Steven Rabe. Trustee Bradford moved to approve the edited version of the Interim Town Manager contract as amended and offer the position to Mr. Steven Rabe. Trustee Kleinman seconded. Discussion noted the contract is agreeable to Mr. Rabe, the Town’s insurance carrier will name Mr. Rabe as an additional insured, and Mr. Rabe will not have the benefit of governmental immunity, but will provide only limited liability to the Town. Discussion regarding scope of authority ensued. It was noted the job description was not formally adopted by the Town, although the corporate structure was adopted when the budget was adopted last December. Motion was brought to a vote and passed unanimously.

Community Values Graphic – Community Center

Mayor Schwieterman asked the Board why this is on the agenda. Trustee King indicated because some members of the Board are opposed to having the graphics painted on the Community Center walls. Not all resolutions are posted on the walls. Mayor Schwieterman read a letter from Alexis Halbert, Chamber of Commerce President.

8:45 p.m. Trustee Kleinman left the meeting.

8:48 p.m. Trustee Kleinman resumed her seat.

Elaine Brett noted the Heart and Soul team listened to thousands of people in the valley for the past two (2) years to provide the value statements submitted for the resolution. The statements were validated with a survey. Paonia recognized that viewing the community statements for what is valued most and should be proud to have a visible reminder. Mayor Schwieterman noted that Resolution 2014-05 adopted the community values and that is was discussed at that time his vision of have the statements put on the walls. Mayor Schwieterman reminded the Board that at Board orientation with Tami Tanoue, that once a decision is made, individual Board members should get behind the decision and not undermine it. If the question is regarding funding, there are funds in an approved line item in the budget, making it a legal use of funds. Trustee King did not remember saying that he did not have any objections, but did not envision having a mural on the back wall. Vic Ullrey, visitor, said this is a government building and should remain neutral and the mural is not appropriate. Sue Strong noted this room is rented out and, as such, the mural should not be in government offices. Dave Knutson pointed out the Heart and Soul group worked on that project for two (2) years and there were plenty of opportunities for people to provide input. Mr. Knutson is very proud of what they came up with and feels the value statements reflect a majority of the people in Paonia. Trustee Bradford was uncomfortable because the specific expense of the mural was not discussed. Mayor Schwieterman said that when a budget is passed, the Board does not involve themselves in the day-to-day operations and this expense is in a line item. Trustee Watson felt that basing the Board decision on the community values were in conflict the procedures the Board is bound to follow with the United States Constitution, Colorado State Statutes and Town of Paonia ordinances. Board members were given a bright orange piece of paper with the value statements and that should be enough. Trustee Goold was uncomfortable because costs were not submitted and the resolution was a divided vote. Trustee Stewart felt that the

problem was not the value statements, as most are agreeable, but when the Board adopted the values that now there is a perception that the Board is telling people what their values are and that is what people are finding offensive. Trustee Stewart moved to have the graphics project not move forward. Trustee King seconded and the motion passed with Trustee Kleinman voting “nay”.

Additional Business

Mayor’s Report: Mayor Schwieterman reported that Clerk Peterson has drafted an ordinance to delegate authority to staff to approve local liquor license renewals and special event requests. Clerk Peterson is requesting direction on including or excluding the report of corporate changes and modification of premises to the ordinance. Clerk Peterson will email the ordinance for Board perusal and comment.

Public Works: Director Loberg reported continued work on the Apple Valley Park path. Spring clean up days are this week and next week on regularly scheduled trash days. Trustee Kleinman thanked the staff for a prompt clearing of the culvert at Apple Valley. The Town has not heard anything yet on the environmental assessment from the engineer regarding the 2MG water treatment project. Bid opening for the .5MG tank and roof will happen on Monday, June 16 at 2:00 pm at Town Hall. The engineer will be doing a “walk-through” for the raw water line while here.

Police Report: Chief Leon submitted a written report. Chief Leon also reported a lead on the burglary and auto theft due to an arrest made in Grand Junction, leading to a suspect.

Finance Report: Trustee Bradford noted the Finance Officer was on vacation last week. Finance Officer Jones said the budget to actual reports were not in the packets, but should be available by the end of the week.

Personnel Report: Trustees Kleinman and Goold had nothing to report.

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

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

Street Report: Trustees King and Bradford had nothing to report.

Water/Sewer Report: Trustees King and Watson had nothing to report.

Minutes:

May 13, 2014 Corrections noted. Trustee Bradford moved to accept the minutes of May 13, 2014 as amended. Trustee Goold seconded and the motion passed unanimously.

May 27, 2014 Corrections noted. Trustee Goold moved to accept the minutes for May 27, 2014 as amended. Trustee Kleinman seconded and the motion passed unanimously.

Disbursements:

Trustee Bradford moved to pay the bills through June 10, 2014. Trustee Goold seconded and the motion passed unanimously.

9:57 p.m. Meeting adjourned.

Town Clerk, Barbara Peterson

Mayor, Neal Schwieterman