

Minutes
Town Board Regular Meeting
Town of Paonia, Colorado
September 25, 2018

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Board of Trustees held Tuesday, September 25, 2018 was called to order at 6:30 PM by Mayor Charles Stewart, followed by the Pledge of Allegiance.

Roll Call:

Trustees present were as follows:

Charles Stewart
Mary Bachran
Bill Bear
Chelsea Bookout
Karen Budinger
Barry Pennell

Town Staff present were as follows:

Administrator Ken Knight
Clerk Corinne Ferguson
Finance Officer Cindy Jones
Public Works Director Travis Loberg
Treasurer Ross King

A quorum was present, and Mayor Charles Stewart proceeded with the meeting.

Approval of Agenda

Mayor Stewart advised the Board that the minutes for September 11, 2018 are not complete and requested the Board remove them from consent agenda.

Motion by Trustee Bookout, supported by Trustee Budinger to approve the agenda as amended. Motion carried unanimously.

Announcements

Trustee Pennell announced he must resign his seat effective October 1, 2018. Town Attorney Nerlin recommended discussion be placed on the next agenda.

Trustee Bookout advised the Board that she will be travelling to Washington D.C. to discuss the BLM lease sales and requested changes.

Recognition of Visitors & Guests

Bill Brunner – Discussion Regarding Building & Zoning – Bill Brunner was present to discuss his agenda request. Mr. Brunner referenced an article in the September 15, 2018 Delta County Independent, discussing a permit issued for a property on Niagara Avenue. A written statement was read for the Board.

Lynne Bear – Paonia Senior Center – 592 Grand Avenue – provided an update regarding the status of the senior center and plans for the future.

Consent Agenda

Minutes:

Special Meeting September 10, 2018

Blue Sage Center of the Arts Liquor License Renewal

Motion by Trustee Bear, supported by Trustee Bookout to approve the consent agenda as amended. Trustee Bachran recused herself from the vote. Motion carried unanimously.

Mayor's Report

Mayor Stewart read two proclamations for the record and community.

Proclamation – Paonia Elementary School – Transformational Impact Award

Proclamation – National Walk or Ride to School Day

Town Administrator's Report

1. Brick sales for the Town Park memorial wall continue. Eighteen (18) bricks have been sold at the cost of \$5,200.

Public Works Department Report Director Loberg was called out on a water leak.

1. Pinhole testing complete at IMG water tank.
2. In-Town waterline repairs near completion.
3. Waiting on parts for the new PRV valve.
4. Clark avenue engineering finalized.
5. All vehicles are properly marked with decals.

Police Department Report

1. The current blotter included in packet.

Treasurer's Report

1. Disbursements and payroll have been reviewed.
2. Received the draft 2017 audit.
3. Presentation will be in next month.
4. Direct soliciting for auditor rfp's will begin soon.

Unfinished Business

Ordinance 2018-04 – Municipal Code Amendment

Mayor Stewart provided an overview regarding the previous discussion of amending municipal code regarding loitering for begging. Some case law states the section is unconstitutional because of freedom of speech. The ordinance has been reviewed by Town Attorney and believes it is prudent to remove the provision.

Mayor Stewart read the ordinance caption for Board and community repealing section 10-5-40 a(1).

Motion by Trustee Budinger, supported by Trustee Bookout to adopt first reading of ordinance 2018-04 and set for public hearing October 23, 2018. Motion carried unanimously.

New Business

Blue Sage Center for the Arts Letter of Support

Mary Bachran – on behalf of the Blue Sage Center – requests the Town provide a letter of support for a state historical fund grant application.

Motion by Trustee Bookout, supported by Trustee Pennell to approve the request for a letter of support for the State Historical Fund Grant and authorize Town Administrator Knight to sign on behalf of the Board of Trustees. Motion carried unanimously.

Steve Clisset – Poulos Park Temporary Water Feature

Mr. Clisset was not present.

Discussion ensued regarding the source of water for the art feature, and cost to the town.

Motion by Trustee Bachran, supported by Trustee Bookout to approve the temporary placement of a water feature in Poulos Park, provided by Steve Clisset as presented. Motion carried unanimously.

Arts in the Park Contract Approval

Administrator Knight gave a brief discussion of the Arts in the Park contract agreement for the Board.

Trustee Bear believes the contract should have a limit for the number of art pieces in any park at any given time.

Motion by Trustee Bear if art piece is sold in Town sales tax is required and to limit number of items displayed to one at a time and authorizing the Town Administrator to approve or reject the art pieces. Motion failed for lack of a second.

Discussion ensued regarding implementing a nominal fee, individual art display approval, and the criteria regarding arts approval.

Motion by Trustee Bookout, supported by Trustee Bachran to approve the arts in the park contract agreement for temporary art placement in Town park.

Motion to amend main motion by Trustee Bookout, supported by Trustee Pennell to require the artists be responsible to pay 10% commission of sale for art displayed on Town property. Motion carried unanimously.

Main amended motion carried unanimously.

Ark Land Company aka Arch Coal Easement Modification

Town Administrator Knight gave a description of the correction easement contract presented in the Board packet. The express easement does not match the physical location of the lines.

Motion by Trustee Bear, supported by Trustee Bachran to approve the correction easement between Mountain Coal Company, LLC and the Town of Paonia as presented.

Disbursements

Motion by Trustee Bookout, supported by Trustee Budinger to authorize the disbursements as reviewed by the Town Treasurer and Finance Committee for September 25, 2018 in the amounts of, \$40,340.37 for accounts payable, \$6,415.37 for payroll taxes, \$ 16,753.12 for direct deposit. Motion carried unanimously.

Finance and Personnel: Trustees Bookout & Budinger:

1. An issue with an employee termination was discussed.
2. Suggested changes for the Personnel Liaison Group will be on the next agenda.

Public Works: Trustees Bear & Bachran:

1. Discussed the projects reported during the public works report.
2. The Minnesota Creek bridge rail will be repaired in its entirety.

Governmental Affairs: Trustees Pennell & Hart:

Nothing to report.

S2C: Trustees Budinger & Bachran:

Arts Market Survey to begin Thursday at 5:30pm at Poulos Park.

Tree Board: Trustee Hart

Nothing to report.

Executive Session

Motion by Trustee Bookout, supported by Trustee Budinger to enter 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) specific to Eric Pace. Motion carried unanimously.

Entered executive session at 8:11pm.
Returned to open session 8:53pm.

Those present were Mayor Stewart, Trustees Bear, Bookout, Budinger, Bachran, and Pennell, Town Administrator Knight, and Town Attorney Nerlin.

No issues noted.

Adjournment

Motion by Trustee Bear, supported by Trustee Bachran to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned by Mayor Stewart at 8:54pm

s/s
J. Corinne Ferguson, Town Clerk

s/s
Charles Stewart, Mayor