

**Minutes**  
**Town Board Regular Meeting**  
**Town of Paonia, Colorado**  
**November 27, 2018**

**RECORD OF PROCEEDINGS**

The Regular Meeting of the Town Board of Trustees held Tuesday, November 27, 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  
Samira Hart

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**

Motion by Trustee Budinger, supported by Trustee Bear to approve the agenda as presented.  
Motion carried unanimously.

**Announcements**

None

**Recognition of Visitors & Guests**

Mayor Stewart presented a certificate of appreciation to former Trustee Barry Pennell.

**Consent Agenda**

Minutes:

Regular Meeting November 13, 2018

Motion by Trustee Bachran, supported by Trustee Hart to approve the consent agenda as presented. Motion carried unanimously.

**Mayor's Report**

Nothing to report.

**Town Administrator's Report**

The Town is in the process of purchasing a license to use Archive social – a social media capturing program that will capture Town social media accounts for potential CORA requests and referral material.

Provided a memo regarding winter ice control and the decision to proceed with the use of a 20%

magnesium chloride solution in certain areas of Town as needed.

### **Public Works Department Report**

1. Most sidewalk projects complete.
2. Waterline break on Dry Gulch spilled approximately 137,000 gallons.
3. Siding and roof back on the 1MG storage tank.
4. Rio Grande ditch box repair scheduled following sidewalk completion.

### **Police Department Report**

1. The current blotter included in packet.

### **Treasurer's Report**

1. Disbursements and payroll have been reviewed.
2. Three (3) auditor responses were received. Interviews scheduled.
3. An update regarding investment accounts provided.

### **Unfinished Business**

#### **Vacant Trustee Seat**

Mayor Stewart provided an overview regarding the vacancy on the Board. Three letters of interest were received from Dave Knutson, Pamela Jackson, and Dave Bradford. Ms. Jackson withdrew her letter prior to the meeting. Mr. Bradford read a statement to the Board, which included the withdrawing of his letter as well.

Motion by Trustee Hart, supported by Trustee Budinger to appoint Dave Knutson to fill vacant Trustee seat until the next municipal election, April 2020. Motion carried unanimously.

#### **Newly Appointed Board Member Affirmation of Office**

Dave Knutson was affirmed to the vacant Board seat by Town Clerk Ferguson.

#### **Ordinance 2018-05 DMEA/Elevate Cable Franchise**

Mayor Stewart provided an overview regarding the initial presentation, publication, and required second reading of the cable franchise ordinance for Elevate.

Mark Kurtz was present on behalf of DMEA/Elevate and provided a background of the project, infrastructure requirements, and to answer any questions.

Discussion ensued regarding public access channels. A memorandum will be present to the Board at the next meeting.

Motion by Trustee Hart, supported by Trustee Bookout to adopt Ordinance 2018-05 a franchise agreement with DMEA dba Elevate for cable services as presented. Motion carried unanimously.

### **New Business**

#### **CIRSA – 2019 Optional Coverage Quote – No-Fault Waterline Rupture/Sewer Back-Up Coverage**

Presentation of the annual renewal for no-fault coverage for waterline and sewer line rupture.

Motion by Trustee Bear, supported by Trustee Hart to accept optional coverage for no-fault water and/or sewer line rupture for the amount of \$1,650 for 2019. Motion carried unanimously.

#### **USGS Gaging Station Seasonal Operation Maintenance Agreement Renewal**

Administrator Knight advised the Board of the required annual renewal of the gaging station

agreement for the tracking of the river flows, which directly affects the discharging permit for the sewer plant. Discussion ensued regarding placing required annual renewal on the agenda or processing administratively.

Motion by Trustee Bookout, supported by Trustee Hart to approve the annual USGS gaging station renewal as presented. Motion carried unanimously.

Motion by Trustee Budinger, supported by Trustee Hart to keep annual contract renewals on the agenda and authorize Administrator Knight to sign the contract. Motion carried unanimously.

#### Town Hall Holiday Closure Request

Town Hall historically closes December 25<sup>th</sup>, 26<sup>th</sup>, and January 1<sup>st</sup> for the holidays. Staff requested approval to close for an additional three (3) days, the 27<sup>th</sup>, 28<sup>th</sup>, and 31<sup>st</sup>.

Discussion ensued regarding regular business, how to contact staff in an emergency, and whether paid for by accrued vacation time or by the Town in addition to regular holidays.

Motion by Trustee Bear, supported by Trustee Hart to approve additional days off, using accrued comp or vacation time.

Motion to amend by Trustee Bear to partially staff Town Hall during the holiday dates. Motion failed for lack of a second.

Main motion carried unanimously.

#### Appreciation Letter – Governor Hickenlooper & Senator Bennett

Trustee Bookout read suggested letter to the Board, showing appreciation for the work done in support of the Town position against the proposed 4<sup>th</sup> quarter BLM lease sales.

Motion by Trustee Hart, supported by Trustee Bachran to approve suggested letter of thanks as presented. Motion carried with five (5) ayes and one (1) nay.

#### Discussion of Procedures Relating to Public Comment Period During Meetings

Trustee Bookout stated concern with how the public comment section of the agenda has been addressed at previous meetings. Trustee Bookout requests the Board discuss a policy that provides consistency and to encourage speakers who want discussion to follow the process to request to be on the agenda.

Discussion ensued regarding comments that need correction, simple responses, and processes.

Town attorney Nerlin suggested providing a draft policy to Governmental Affairs Committee for review and Board follow-up at a later date.

Motion by Trustee Bookout, supported by Trustee Hart to refer policy to Governmental Affairs Committee. Motion carried unanimously.

#### **Disbursements**

Motion by Trustee Bookout, supported by Trustee Budinger to authorize the disbursements as reviewed by the Town Treasurer and Finance Committee for November 27, 2018 in the amounts of, \$45,342.81 for accounts payable, \$19,968.21 for payroll taxes, and \$26,708.44 for payroll direct deposit. Motion carried unanimously.

#### **Public Works:** Trustees Bear & Bachran:

Met November 20<sup>th</sup> to discuss multiple ongoing and upcoming projects.

#### **Finance and Personnel:** Trustees Bookout & Budinger:

Nothing to report.

**Governmental Affairs:** Trustee Hart:

Nothing to report.

**S2C:** Trustees Budinger & Bachran:

Nothing to report.

**Tree Board:** Trustee Hart

Trustee Hart resigned as Board Advisory member due to schedule conflicts. The Tree Board appointment will be on the next agenda.

**Executive Session:**

Motion by Trustee bookout, supported by Trustee Hart 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 case 2017 CV 30118 Finding of Fact and Conclusions of Law and Judgement. Motion carried unanimously.

Entered executive session at 8:10PM.

Returned to open meeting at 9:21PM.

In attendance were: Mayor Stewart, Trustees Bachran, Bear, Bookout, Budinger, Hart, and Knutson, Town Attorney Nerlin, Special Council Nick Poppe via Conference call, Administrator Knight and Town Clerk Ferguson.

No issues noted.

Motion by Trustee Bookout, supported by Trustee Hart to continue executive session with Town Attorney at the next meeting. Motion carried unanimously.

**Adjournment**

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

The meeting was adjourned by Mayor Stewart at 9:24PM

s/s

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J. Corinne Ferguson, Town Clerk

s/s

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Charles Stewart, Mayor