

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
December 11, 2018

RECORD OF PROCEEDINGS

Roll Call

The Regular Meeting of the Town Board of Trustees held Tuesday, December 11, 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
Dave Knutson

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

Approval of Agenda

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

Announcements

None

Recognition of Visitors & Guests

None

Consent Agenda

Regular Minutes November 27, 2018
Aspen Yoga, Inc dba Louie's Pizza My Heart Liquor License Renewal

Motion by Trustee Bookout, supported by Trustee Hart to accept the consent agenda as presented. Motion carried unanimously.

Mayor's Report

Governmental Affairs Committee Appointment - Trustee Knutson

Planning Commission Letter of Interest Deadline – the Trustee seat is filled by Trustee Bear. The Planning Commission seats are a Mayoral appointment, with a tentative meeting set for January 15, 2019. Mayor Stewart set the deadline for letters of interest January 2, 2019 by 4:30pm.

Regular Meeting Cancellation - Official cancellation of meeting set for December 25th

Appointment of Christmas Light Contest Judges - Trustee Bookout and family volunteered.

Staff Reports

- Town Administrator's Report

USDOT grant application was not awarded. Administrator Knight thanked Elaine Brett and Ben Lehman for work on grant application.

Mayor Stewart noted the Board gives opportunity for the public to ask staff questions, which is a privilege and opportunity to ask questions and will proceed only in a civil fashion.

- **Public Works Report**

Sidewalk to bridge complete

Rio Grande ditch box and multiple minor sidewalk repairs are underway

IMG roof repair is complete – One (1) side panel needs further repair

Tank disinfection will be complete this week

Plan to start filling the tank the last week of December

- **Police Department Report**

November 30th - Officer Rogers resigned for personal reasons. Have offered full-time position to Officer Winnett

Attended several meetings regarding proposed Delta County sales tax increase for public safety. A presentation will be forthcoming

- **Town Treasurer Report**

Reviewed disbursements with Finance Officer and Committee

Interviewed candidates for auditing firms

Sending good thoughts and happy holidays to all

Disbursements

Motion by Trustee Budinger, Seconded by Trustee Hart to approve \$91,657.18 accounts payable, \$6,707.07 payroll tax, \$17,812.27 payroll direct deposit, and \$1,974.87 credit card payment. Motion carried unanimously.

Motion by Trustee Bookout, supported by Trustee Hart for Treasurer King and the Finance Committee to review and approve disbursements through December 2018, and bring to Board in January for final approval. – Motion carried with five (5) ayes and one (1) nay.

Unfinished Business

Independent Auditing Firm Selection

Town received three (3) proposals for auditing services. The Finance Committee, Treasurer King, Administrator Knight, and Finance Officer Jones held interviews with two (2) the firms. Treasurer King provided history of original request for proposal (rfp) and the second rfp process.

Administrator Knight added that following the two (2) interviews all involved were pleased with the interviews. Staff, Treasurer, and Finance Committee recommends the Board approve Chadwick, Steinkirchner, Davis & Co, P.C.

Trustee Knutson supports the recommendation and is impressed with the communication plan.

Motion by Trustee Budinger, Seconded by Trustee Bookout to accept the proposal from Chadwick, Steinkirchner, Davis & Co, P.C. Motion carried unanimously.

Final Town Hall Update for 2018 – Community Room Carpet

Town Hall project updates have been discussed during previous meetings. The estimate for carpet replacement in the community room is beyond the purchasing policy approval. Staff requests the Board approve the replacement quote for carpet as presented. Motion by Trustee Bear, supported by Trustee Hart to approve Guthrie's estimate as presented. Motion carried unanimously.

New Business

North Fork Cellars LLC Liquor Sales Room

Lillia McClure and Jessica Zimmerman were present on behalf of the applicant. They presented the plan for the location and sales.

Discussion ensued regarding foot traffic, seating, sales tax and the difference between liquor sales room and a regular license. Motion by Trustee Knutson, seconded by Trustee Bachran to submit without objection as presented. Motion carried unanimously.

Resolution 2018-18 Budget

Trustee Bachran commended staff on work preparing the budget. Motion by Trustee Bookout, Seconded by Trustee Bachran to adopt Resolution 2018-18 – the 2019 Budget. Motion carried unanimously.

Resolution 2018-19 Mill Levy

The resolution sets mill levy at 8.322 mills. Motion by Trustee Bachran, seconded by Trustee Bookout to adopt Resolution 2018-19 – setting the 2019 mill levy.

Memorandum of Understanding – School Resource Officer

The proposed agreement was included in the packet. Chief Ferguson has been working with School District for several months to get a SRO in the schools. The school district will provide \$20,000 a year for the police department budget and Chief Ferguson will schedule an officer in the school a minimum of three days a week.

Administrator Knight added that the anticipated \$20,000 is included in the 2019 budget and Thanked Chief Ferguson and the school district for working cooperatively. Trustee Knutson questioned how the SRO would be disciplined or released from the school.

Discussion ensued regarding how issues with the SRO will be mediated.

Motion by Trustee Knutson, supported by Trustee Budinger to accept the agreement with the additional wording to include the SRO and Police Chief and district superintendent in any mediation. Motion carried unanimously.

Suzanne Watson – Delta Avenue - questioned how the funds were being provided to the police department.

Building Department – Colorado Code Consulting Contract

Staff requests Board acceptance of the annual contract with Colorado Code Consulting.

Discussion ensued regarding how building inspections are scheduled.

Bill Brunner – 2nd Street – Questioned if the contract gives the building official authority over zoning regulations. Attorney Nerlin added that the contract is for building code enforcement, although zoning does dictate building regulations. Suzanne Watson – Delta Avenue - questioned which codes the inspector follows.

Motion by Trustee Bachran, supported by Trustee Hart to approve the annual contract with Colorado Code Consulting and authorize Administrator Knight to sign on behalf of the Town. Motion carried unanimously.

The Board recessed for five (5) minutes.

Resolution 2018 – 17 Multi-Jurisdictional Hazard Mitigation Plan

Administrator Knight provided history regarding multiple meetings and participation in the Hazard Mitigation Plan. The proposed resolution affirms the Town participation. Chief Ferguson reported the plan was last updated in 2009. In case of a natural disaster the Town must be participating jurisdiction to receive state and federal assistance.

Suzanne Watson – Delta Avenue - questioned if any grant funds may be available to the Town through the program. Trustee Bear explained that funding would be available for hazard mitigation work prior to an emergency.

Motion by Trustee Hart, supported by Trustee Bear to adopt Resolution 2018-17, Multi-Jurisdictional Hazard Mitigation Plan as presented. Motion carried unanimously.

Memorandum of Understanding – DMEA/Elevate Public Access

Attorney Nerlin provided an overview regarding Elevate public access memorandum.

Discussion ensued regarding the equipment for broadcasting.

Motion by Trustee Knutson, supported by Trustee Bookout to table approval to next meeting. Motion carried unanimously.

Ordinance 2019-TBD De-Annexation/Disconnection Municipal Code Addition

Mayor Stewart provided information regarding state statute regulations to allow a property owner to petition to de-annex from Town, the proposed ordinance puts in place a process for applying and reviewing de-annexation.

Discussion ensued regarding why a person would want to de-annex and how staff handles out-of-town utility accounts.

Patty Walsh-Oenick – O Road – questioned in the policy can be used to Town's advantage to annex an area. Attorney Nerlin stated it should not be used as a negotiation tool.

Motion by Trustee Bear, supported by Trustee Hart to approve the proposed ordinance and set for a second reading. Motion carried unanimously.

Resolution 2018-20 Town Fee Schedule

The proposed resolution is necessary to include fees for the disconnection/de-annexation application process. The other resolution adjustment is staff requested modification to fees for Public Records Request. Discussion ensued regarding fees for electronic requests. Attorney Nerlin noted the price per page is not included but costs for time does apply for actual staff time.

Mayor Stewart - questioned if doubling the fee is a punishment for exercising the right to apply to de-annex and may seem prejudicial to the applicant.

Bill Brunner – Second Street - questioned records request fee change and stated he believes the policy is to intimidate a person when making a request for public records.

Suzanne Watson – Delta Avenue – suggested more documents be placed on the website.

Discussion ensued regarding online materials, process for filing a records request, current, suggested, and potential fee increases.

Motion by Trustee Bear, supported by Trustee Knutson to adopt Resolution 2018-20, with disconnection fee set at \$500 plus actual costs. Motion carried unanimously.

Tree Board Advisory Member Appointment

Trustee Hart resigned as Trustee advisor due to schedule conflicts. The advisory member must be a Board member and is a requirement of the municipal ordinance. Trustee Bachran volunteered and was so appointed.

Bill Brunner – Presentation to the Board

Attorney Nerlin read a statement for the record regarding the history of the court case and findings of fact. The Board of Trustees has not made a final decision on how to proceed and does not anticipate discussion from Board of staff regarding the agenda item.

Mayor Stewart opened the floor to Mr. Brunner.

Mr. Brunner read a prepared statement to the Board against appealing court ruling in case and encouraged the Board to seek an unbiased opinion.

Committee Reports

- Finance & Personnel – nothing to report
- Public Works/Utilities/Facilities – nothing to report
- Governmental Affairs/Public Safety – meeting scheduled for tomorrow morning at 9am
- S2C - Executive Committee – nothing to report
- Tree Board – nothing to report

Executive Session

Motion by Trustee Hart, supported by Trustee Bachran to enter 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); continued discussion specific to Case 2017 CV 30118 Findings of Fact, Conclusions of Law, & Judgement. Motion carried unanimously.

Entered executive session at 8:57pm.

Returned to open session at 955 pm.

Those in attendance were Mayor Stewart, Trustees Bookout, Bachran, Bear, Budinger, Hart, and Knutson, Town Administrator Knight, Town Attorney Nerlin, Town Clerk, Ferguson, and via telephone Special Council Poppe.

No issues noted.

Motion by Trustee Hart, supported by Trustee Bookout to extend the meeting until 10:10pm. Motion carried unanimously.

Motion by Trustee Bookout, supported by Trustee Bear to direct special council not to file an appeal and respond to affidavit of fees as discussed. Motion carried unanimously.

Adjournment

Motion by Trustee Bear, supported by Trustee Bachran. Meeting adjourned at 10:10pm.

_____/s/_____
J. Corinne Ferguson, Town Clerk

_____/s/_____
Charles Stewart, Mayor