

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
April 27, 2021

RECORD OF PROCEEDINGS

The Regular Meeting held on Tuesday, April 27, 2021, was called to order at 6:30 p.m. by Mayor Mary Bachran, followed by the Pledge of Allegiance. Formal Video Record at <https://www.youtube.com/watch?v=QO8yQF5GCFo>

Roll Call

PRESENT
 Mayor Bachran
 Trustee Bear
 Trustee Budinger
 Trustee Knutson
 Trustee Johnson
 Trustee Meck
 Trustee Pattison

Approval of Agenda

🚩 Motion made by Trustee Bear, Seconded by Trustee Budinger to table agenda items 7 & 8 to the next meeting.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson		X		
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison		X		
Mayor Bachran				

Announcements

Trustee Knutson stated that he attended the North Fork Resiliency Planning and Action Workshop online.

🚩 Motion made by Trustee Knutson, Seconded by Trustee Meck to schedule a work session via zoom from the Colorado Oil & Gas Industries and a presentation from Colorado Communities for Climate Change.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

Recognition of Visitors & Guests

A member of the public presented a letter requesting to have Poplar Ave. between 3rd St. & 4th St. closed to allow a play street. The request will be in the next meetings agenda.

- Play street – Temporary **play streets** (or 'playing out' sessions) are short **road** closures, usually organised by neighbors' on their own **street**, creating a safe space for children to **play** out together on their doorstep. **Play streets** typically allow children to **play** freely, without organised games or activities.

Staff Reports

Administrator’s Report:

- Administrator Ferguson discussed questions that the Board members had regarding the written report and updated the Board on current and new projects. The report was included in the packet.
- Answers were provided to Trustees Pattison questions.
- Boring at Lee’s park is scheduled to be completed Tuesday, April 28, 2021.
- North Fork Pool, Park and Recreation contract has been added to Munidocs.
- Scheduling of the water and sewer plant tours in the process for May 25th.
- Trustee Pattison suggested that the recommended tree species be added to the website.
- A member of the public questioned the status of the engineering water report.
- A member of the public was concerned about the Town following CDPHE guidelines regarding having a temporary ORC in place.
 - The temporary ORC currently has a verbal contract and is working pro bono for the Town. Pro bono: *Pro bono*, or *pro bono publico*, means for the public good in Latin. It is used mostly when professional service is rendered on a voluntary basis.

Treasurer’s Report:

- Reviewed disbursements and payroll.
 - Disbursements were included in the packet.

Disbursements

Disbursements Report:

🗳️ Motion by Trustee Knutson, Seconded by Trustee Budinger to approve the disbursements as presented.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

Consent Agenda

Regular Minutes:

- April 13, 2021

Special Event Liquor License:

- Friends of the Paradise Theatre

🗳️ Motion made by Trustee Budinger, Seconded by Trustee Knutson to approve the agenda as provided.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

Unfinished Business

Riverbank Neighborhood Major Subdivision Review Public Hearing:

The Board members for the Town of Paonia held a public hearing on April 30th for providing explanation and description of the 2021 Riverbank Neighborhood Major Subdivision. Included were the Planning Commission’s recommendations. Fredrick Zimmer representative of Ivo Renkema was present to discuss the purpose of the public hearing for the Town of Paonia’s Riverbank Neighborhood Major Subdivision application. Mayor Bachran stated that the purpose of the public hearing was to obtain citizen’s views and to respond to questions and answer any questions posed by citizens.

- The public hearing opened at 7:08 pm
- The Riverbank Neighborhood major subdivision project was proposed by Ivo Renkema in 2017, Planning Commission and Board meetings were held to inform citizens of the potential project and get feedback from the residents at that time. Modifications to the project have been made since and brought back to the Town Board in 2021, for reconsideration of approval by the Town Board.
 - A video presentation from the developer Ivo Renkema was provided.
- Concerns from the public:
 - Requests to re-zone from an R-2 to R-1.
 - Concerns about the emergency access off of Highway 133.
 - Frederick Zimmer (Ivo Renkema’s representative) stated that CDOT was aware of the access.
 - Concerns with the current water moratorium status were voiced by the public.
 - The public had concerns of the developer terraforming the landscape of the wetlands.
 - The public had concerns that the developer of the major subdivision not available for questions and answers to their concerns.
 - The town attorney suggested that the Board approve the project as is with conditions or deny the project.
- Public hearing closed at 8:07 pm.
- Planning Commission recommendations were included in the packet.
- Board discussion:
- Question regarding the number of units listed on page 198 of the major subdivision packet. Town Attorney stated that it will be updated in the current CC&R’s (Covenants, Conditions and Restrictions).
- Questions regarding the lots that are nearest to the river (lots 1, 2 and 10)
- Questions regarding “reference to a design committee” the Town does have such committee. Town attorney stated that it will be updated.
- Questions regarding the maintenance cost of the major subdivision’s roads.
- Concerns with the development cost of the lot requirements.
- Concerns with the installation of the water and sewer line prior to construction – The engineer of the project will verify the installation of the lines and submit a letter.

✚ Motion made by Trustee Bear, Seconded by Trustee Budinger to accept variance 1 and incorporate the Administrator’s recommendations.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson		X		
Trustee Meck		X		
Trustee Pattison	X			
Mayor Bachran				

- Two trustees were in favor of the road bond. One Trustee was concerned with the cost of the bond and about the road development.

✚ Motion made by Trustee Pattison, Seconded by Trustee Bear to deny variance 2 and have the staff work with the developer.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

✚ Motion by Trustee Pattison, Seconded by Trustee Johnson to re-zone to R-1.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

✚ Motion by Trustee Knutson, Seconded by Trustee Budinger to prohibit development beyond phase 1 until the water moratorium is lifted and water taps are purchased for the property.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

✚ Motion by Trustee Bear, seconded by Trustee Meck to send the project back to the Planning Commission for further review on the bonding issue.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger		X		
Trustee Johnson		X		
Trustee Knutson		X		
Trustee Meck		X		
Trustee Pattison		X		
Mayor Bachran				

- One of the Board members would like to see a letter from CDOT regarding the access of the highway.

✚ Motion amended by Trustee Meck, seconded by Trustee Bear to add clarification from the highway department requiring the use of access.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger		X		
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

✚ Motion by Trustee Knutson, seconded by Trustee Budinger to approve the major subdivision with conditions and staff contain the SIA-bonds.

Council Member	For	Against	Abstain	Absent
Trustee Bear		X		

Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison		X		
Mayor Bachran				

Unfinished Business

Retail Marijuana Ordinance 2021-01 – Second Read:

- Clarification regarding the “block” definition to be included – “restrict to one (1) block one (1) store per block”.
- Concerns with enforcing medical marijuana and people not wanting it.
- Include the definition of spot zoning.
- Page 9 under locations 4-5 should read “a max of 1 per block.”

✚ Motion made by Trustee Pattison, seconded by Trustee Johnson to accept the retail marijuana ordinance 2021-01 with changes noted.

Council Member	For	Against	Abstain	Absent
Trustee Bear		X		
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck		X		
Trustee Pattison	X			
Mayor Bachran				

- Community member read her statement regarding the ordinance.
- Community member pointed out the legal age is 21.

New Business

Ordinance 2021-TBD Board of Appeals:

- Tabled

Mayor’s Report Building Official Survey.

- Tabled

Mayor’s Report

- Nothing to report.

Committee Reports

Finance & Personnel report:

- Personnel Liaison Committee is – JoAnn Katzer, Dave Knutson, and Elaine Brett.
- Community member commented on the in-Town vs. Out-of-Town definition of a citizen of Paonia.

Governmental Affairs & Public Safety report:

- Meeting on May 5th at 10:00 am.
- Received 216 responses from the short-term rental survey and a draft of the results is in the works.
- Asked the Board to look into 16-11-20 & 16-11-30 of the code regarding renting of rooms.
- Dog kenneling locations are being investigated.
- Add as an agenda item the mobile retail food establishments.

✚ Motion made by Trustee Bear, Seconded by Trustee Meck to extend the meeting until 10:29 pm.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			

Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

Public Works-Utilities-Facilities report:

- Met on 4-13-21.
- Final Sur Plus resolution.
- Discussed transformer issues.

Tree Board:

- Arbor Day proclamation and Tree planting will be Friday at 9:30.
- Amending list of approved trees for the Town right-of-way and will be brought forth to the Boar.

Advisory Water report:

- Met 4-24-21.
- Discussed recommendations regarding the drought.

Executive Session:

- Motion made by Trustee Bear, Seconded by Trustee Budinger to enter into an 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); to a citizen complaint filed by Ms. Suzanne Watson against a member of the Board of Trustees, Dave Knutson.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson			X	
Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

- Enter at 9:36 pm.
- Returned to open meeting at 10:01 pm.
- Present were all the Board members except for Trustee Knutson who recused himself from the session, Town Administrator and Town Attorney Nerlin.

- Motion made by Trustee Bear, Seconded by Trustee Jonson to add as an agenda item to further investigate at an open meeting.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson			X	
Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

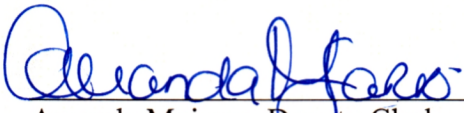
- Motion made by Trustee Bear, Seconded by Trustee Johnson to direct the Town Attorney and Staff to contact CIRSA for Trustee training.

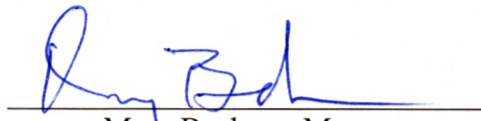
Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison	X			

Mayor Bachran				
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Adjournment

The meeting was adjourned by Mayor Bachran at 10:05 pm


Amanda Mojarro, Deputy Clerk


Mary Bachran, Mayor

