

**Minutes**  
**Regular Board Meeting**  
**Town of Paonia, Colorado**  
**February 11, 2020**

**RECORD OF PROCEEDINGS**

The Regular Board Meeting held Tuesday, February 11, 2020, was called to order at 6:35 PM by Mayor Charles Stewart, followed by the Pledge of Allegiance.

**Roll Call:**

Board members present were as follows:

Mayor Charles Stewart  
Trustee William Bear  
Trustee Mary Bachran  
Trustee Karen Budinger  
Trustee Dave Knutson  
Trustee Michelle Pattison

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

**Approval of Agenda**

Motion made by Trustee Bear, seconded by Trustee Budinger to remove item 10 (WSSC) Western Slope Conservation Center. Move item 11 (S2C) Space to Create to visitors and guests. Approve the agenda as amended. Voting aye: Trustee Bear, Trustee Budinger, Trustee Bachran, Trustee Knutson, Trustee Pattison. Motion carries.

**Announcements**

None.

Trustee Appointment – Carolyn Diehl Oath of Office.

New Trustee Carolyn Diehl was sworn in on February 11, 2020, at 6:37 pm by Interim Administrator/Town Clerk Ferguson.

**Visitors and Guests**

Bill Brunner questioned the current engineer's study in regard to the Water Moratorium Ordinance conditions.

Administrator Ferguson stated the engineer is informed of the Water Moratorium Ordinance conditions that need to be met.

Space to Create-Request for Board of Trustees Commit a Town Owned Parcel for Housing  
Mayor Stewart read summary notes.

Discussion ensued by the Board of Trustee members in regard to Space to Create housing project.

Discussion Points:

- Ownership of the property - Town of Paonia.
- Ownership of the units
- Financial stability

- Financial responsibility
- Art Space is a nonprofit and is committed to keeping the units cost affordable.
- Property management of the units – Art Space.
- Commitment from the Town of Paonia - when the Town applied and accepted the project.
- Financial funding.
- Water taps - how many the Town will be able to sell after the engineering is complete.
- Property market value
- No funds coming out from Town's budget- the only cost to Town is time staff spent on the project.
- Land remediation – apply for Brownfields grant for land remediation testing.
- Twin Lakes property will stay under Town of Paonia - tax exempt.
- Paonia S2C team members have been working on the project for (3yrs.) three years.
- Traffic study - required
- Water taps
- Units – property tax - partners responsibility.

Public comment Points:

- The Town's long-term economy - S2C stated that it will incentives the community by holding creative classes, a community center, and support the arts and community development.
- Bill Brunner is not in favor of the S2C housing project - wants the community to vote.
- Chris Kendall is concerned with the viability of Twin Lakes property for the reason that it was formerly a sewer plant.
- Affordable housing in Paonia - will be addressed in the Town of Paonia's master plan.
- Concerns with the Twin Lakes landform.
- Utilization of the units - anyone involved in creative pursuits.

The predevelopment period will show details regarding the property, cost, and if it is viable land to develop on.

**Consent Agenda**

Amended Minutes - Regular Board Minutes, November 18, 2019.

Regular Minutes - January 14, 2010

Amended minutes from the November 18, 2019 meeting adding the motion to place on the agenda discussion of creation of a water committee.

Motion by Trustee Bachran, seconded by Trustee Knutson to approve the consent agenda as presented. Voting aye: Trustee Bear, Trustee Budinger, Trustee Bachran, Trustee Knutson, Trustee Pattison, Trustee Diehl. Motion carries.

**Mayor's Report**

Committee Appointments

Mayor Stewart appointed

- Trustee Diehl and Trustee Bear to Public Works - Utilities - Facilities.
- Trustee Budinger and Trustee Knutson to Finance and Personnel.
- Trustee Pattison and Trustee Bachran to Governmental Affairs and Public Safety.



## **Staff Reports**

### **Administrators Report**

- 2020 Presidential Primary - ballots go out February 12, 2020.
- 2020 Presidential Primary super Tuesday - March 03, 2020.
- No stamp required when using a designated drop of ballot box.
- Voters are required to sign their ballots.
- Completed boundary and annexation survey to be included in the 2020 census.
- Planter in front of the Town Hall's was relocated for better access for the glass enclosed bulletin board .
- Soliciting bids for replacing Town Hall's lights.
- Streetlights ordered - date of arrival and installation of new lights undetermined.
- Attending One Delta County meetings - in the event the board chooses to participate in the future.
- The Delta County Economic Alliance meets every 2 weeks - working on developing a draft (IGA) Intergovernmental Agreement between individual communities and the county.
- Planning and Zoning code meeting update February 27, 2020.

### **Public Works Report**

- Clark sewer project finishing up the week of the 14th.
- Clark alley - fixing in spring of 2020.
- Bulk water fill station - (2) two quotes - (1st) first one is a new Coleman fill station - (2nd) second one is a retro fit into the current fill station - more information on these options is being gathered.
- Water production went down from 230,000 gallons per day to 189,000 per day gallons - found large leak near the 1 mil plant - leak has been fixed
- 2M - spilling 89,000 gallons per day.
- 1M - 100,000 gallons per day.

### **Police Report**

- Received applications for the administrative clerk position for the police and public works department – extended deadline date to receive applications to February 21, 2020.
- Police blotter was included in the packet.

### **Treasurer's Report**

- Payroll and disbursement were reviewed.

## **Disbursements**

Motion by Trustee Budinger, seconded by Trustee Knutson to approve disbursements with exception of Roop disbursement. Voting aye: Trustee Bear, Trustee Bachran, Trustee Budinger, Trustee Knutson, Trustee Pattison Trustee Diehl. Motion carries.

Disbursements documents were included in the packet.

## **Unfinished Business**

## USDA Loan Refinance - Discussion Continued

Trustee Diehl recused her vote.

### Discussion Points:

- AMKO advisors' bond - bond counsel - no fee
- Looking into other bond counsel firms - bond counsel costs are high - bond counsel cost is \$600 an hour.
- Board concerned with approval of the AMKO Advisors agreement.
- Town Attorney stated that AMKO Advisors needed to know about the current water moratorium, and past water issues in February 2019.
- The Town Attorney stated that more reviews will be needed as the process moves along.
- A memo with the review and recommendations of the AMKO Advisors agreement from the Town Attorney's office was included in the packet.
- An email from AMKO Advisors to Town Administrator Ferguson, and the Preliminary official statement documents were included in the packet.

Motion by Trustee Budinger seconded by Trustee Bachran to approve the AMKO Advisors agreement. Voting aye: Trustee Budinger, Trustee Bachran, Trustee Knutson, Trustee Bear. Voting nay: Trustee Pattison. Motion carried with 4 ayes and 1 nay.

## New Business

### Picken In the Park - Rob Miller

Motion by Trustee Bachran seconded by Trustee Budinger to approve Picken in Park large park event. Voting aye: Trustee Bachran, Trustee Budinger, Trustee Bear, Trustee Knutson, Trustee Pattison, Trustee Diehl. Motion carries.

Large park event and road closure applications were included in the packet.

Discussion ensued by Picken in the Park event organizer Rob Miller asked the Board Members to waive fees in exchange for sponsorship.

### Discussion Points:

- Waive park rental fees
- Waive road closure fee
- Need more lighting and plug in outlets at the park.

Discussion ensued by the Board of Trustees regarding waiving fees for Picken in Park and concerned with the issues it can bring if approved.

### Discussion Points:

- Closing North Fork - residential issue - no
- Move porter potties along 5th street - ground is not leveled - will be looking into a better area to have the porter potties.
- Approving request can cause other entities who hold similar events to request waiving fees from the Town Board.
- Cost to Town - Town staff time - public works - police department



Public Comment:

- Picken in the park is a community-oriented event.
- Picken in the Park is a fun event that is held in paonia.

Motion by Trustee Pattison, seconded by Trustee Knutson to waive park and road closure fees in exchange for Town recognition from Picken in Park. Voting aye: Trustee Bachran, Trustee Budinger, Trustee Knutson, Trustee Pattison. Voting nay: Trustee Diehl, Trustee Bear. Motion carries with 4 ayes 2 nays.

Western Slope Conservation Center – 2020 Riverpark Project Updates.

Removed from agenda.

Discussion Regarding Dogs at Large.

Discussion ensued regarding the increase of dogs at large and the nuisance it has caused for the Town residence.

Discussion Points:

- No housing for dogs – only veterinary in paonia - Dr. Vincent retired
- Paonia Chief Ferguson contacted Dr. Raymond a vet located in Hotchkiss on Pitkin to house dogs – collecting information of housing cost.
- Town Administrator Ferguson advised to meet with Governmental Affairs regarding the dog's at large issue.
- Chief Ferguson advised residents to license their dogs with the Town – 1<sup>st</sup> offence is \$50, 2<sup>nd</sup> offence is \$100, and 3<sup>rd</sup> is court summons for at dogs at large.
- Town Administrator Ferguson advised to promote a free or reduced fee for a month to license dogs.
- Increase fee for dogs at large
- Fence Hight

Motion by Trustee Pattison, seconded by Trustee Budinger to set a free month for dog license with plenty of advertisement. Once free month ends fee will revert back to regular cost. Voting aye: Trustee Pattison, Trustee Budinger, Trustee Bachran, Trustee Diehl. Voting nay: Trustee Bear, Trustee Knutson. Motion carries with 4 ayes and 2 nays.

Motion by Trustee Diehl, seconded by Trustee Pattison to refer the fence ordinance specific to the height to Governmental Affairs. Voting aye: Trustee Diehl, Trustee Pattison, Trustee Bachran, Trustee Budinger, Trustee Bear, Trustee Knutson. Motion carries.

Discussion Regarding the Creation of a Municipal Water Committee.

Discussion ensued by Trustee Pattison regarding the creation of a Municipal Water Committee to have a structured water system that will include input from the out of Town water users.

Discussion Points:

- Trustee Diehl advised to refer the subject matter to the Public Works – Utilities – Facilities Committee.
- Municipal Water Committee – members to serve on the board – director of the board – Town Board council member to be on the Municipal Water Committee.
- Municipal Water Committee – committee will be an advisory board only and will report to the Town Board.



- Town Attorney Nerlin advised the Town Board to discuss the subject matter further in reference to Title 31 of the state statutes.
- Need to have an adequate number of people wanting to serve on the water committee.

Motion by Trustee Pattison, seconded by Trustee Diehl to instruct Town staff to put a call out to request applications or resumes from people, to join the Municipal Water Committee and set an operate application deadline date and submit the application to the Public Works committee and have the Public Works committee make the initial Water Committee appointment . Motion withdrawn by Trustee Pattison.

Discussion of Proposed Language Amending Municipal Code Chapter 18 – Temporary Signs as Provided by Trustee Pattison.

Discussion regarding the proposed language amending the temporary sign code in the Municipal code chapter 18 section 2. 18-6-40 was presented to the Town Board by Trustee Pattison. The draft ordinance was included in the packet.

Discussion Points:

- Updating the language from the Municipal code chapter 18 section 2. 18-6-40 to Trustees Pattison’s recommended language.
- Town Attorney Nerlin advised the board to review the language further.

Motion by Trustee Pattison, seconded by Trustee Bachran to send the drafted ordinance for review by Town Counsel in coordination with the Town Attorney and its understanding pertaining to its intent to adhere .Voting aye: Trustee Pattison, Trustee Bachran, Trustee Knutson, Trustee Bear, Trustee Diehl, Trustee Budinger. Motion carries.

Discussion of Proposed Language Amending Municipal Code Chapter 2 – Elections as Provided by Trustee Pattison.

Discussion regarding the proposed language amending the Elections code in the Municipal code chapter 2 section 2. 2-1-40 as presented to the Town Board by Trustee Pattison.

Motion by Trustee Pattison, seconded by Trustee Bachran to refer the drafted ordinance to the Town Attorney for review. Voting aye: Trustee Pattison, Trustee Bachran, Trustee Knutson, Trustee Bear, Trustee Diehl, Trustee Budinger. Motion carries.

Motion by Trustee Pattison, seconded by Trustee Bachran to have the Town Clerk in conjunction with the Town Attorney to review the drafted ordinance for issues and consider the Town Clerk’s revised ordinance. Voting aye: Trustee Pattison, Trustee Bachran, Trustee Knutson, Trustee Bear, Trustee Diehl, Trustee Budinger. Motion carries.

**Committee Reports**

Finance & Personnel

- AMKO Adviser’s draft ordinance was not included on the agenda.
- Employee liaison – discussed the matter to appoint a new member.

Governmental Affairs & Public Safety

- (GAPS) Governmental Affairs and Public Safety priority list to be addressed at the next meeting on February 25, 2020.



- Trustee Pattison informed that a meeting with the committee member Trustee Bachran and Chief Ferguson to discuss dogs ‘at large issue will be scheduled.

Public Works – Utilities – Facilities

- On January 30, 2020 met with committee member Trustee Bachran, Town staff, and JDS Hydro.
- On March 07, 2020, a Public Works – Utilities – Facilities meeting to discuss Clark sewer project change order and answer questions regarding the water moratorium.

Space 2 Create

Nothing to report.

Tree Board

- Arbor Day – April 24<sup>th</sup>.
- Arbor Day celebration – May 1<sup>st</sup> – participation from students.
- Planting trees in honor of Ed Marston and Jordan Schevene
- Recommended Apple Valley to plant the trees.

Motion by Trustee Bear, seconded by Trustee Bachran to extend the meeting to 10:30pm. Voting aye: Trustee Bachran, Trustee Bear, Trustee Pattison, Trustee Budinger, Trustee Diehl. Motion carries.

Executive Session

**Executive session for a conference with the Town Attorney for the purpose of receiving legal advice on specific questions to discuss the West Fourth Street Town Lot purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a);**

**Motion to enter executive session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under interest under C.R.S. Section 24-6-402(4)(a); regarding the West Fourth Street Town Lot.** Motion made by Trustee Bachran, Seconded by Trustee Bear. Voting aye: Trustee Bear, Trustee Bachran, Trustee Budinger, Trustee Knutson, Trustee Pattison, Trustee Diehl.

**Executive session for a conference with the Town Attorney for the purpose of receiving legal advice on specific questions to discuss the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); Clark Alley Sewer Line Project.**

**Motion to enter executive session for a conference with the Town attorney for the purpose of receiving legal advice on the Clark Alley Sewer Line Project specific legal questions under interest under C.R.S. Section 24-6-402(4)(e).** Motion made by Trustee Bachran, Seconded by Trustee Bear. Voting aye: Trustee Bear, Trustee Bachran, Trustee Budinger, Trustee Knutson, Trustee Pattison, Trustee Diehl.

Entered executive session at 9:40pm.

Returned to open meeting at 10:36pm.

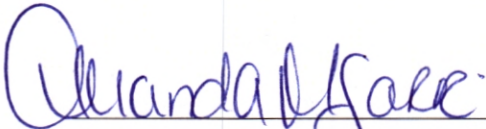
In attendance were: Mayor Stewart, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Pattison, Trustee Knutson, Trustee Diehl, Town Attorney Nerlin, Administrator Ferguson, Public Works Director Travis Loberg.

Motion by Trustee Bear, seconded by Trustee Knutson to pay Roop Excavation invoice less 25%. Voting aye: Trustee Bear, Trustee Bachran, Trustee Budinger, Trustee Knutson, Trustee Pattison, Trustee Diehl.

**Adjournment**

Motion by Trustee Bear, seconded by Trustee Bachran to adjourn the meeting. Voting aye: Trustee Bear, Trustee Bachran, Trustee Budinger, Trustee Knutson, Trustee Pattison, Trustee Diehl.

Meeting adjourned at 10:39pm.

  
Amanda Mojarro, Deputy Clerk

  
Charles Stewart, Mayor

