

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
April 13, 2021

RECORD OF PROCEEDINGS

The Regular Meeting was held in person on Tuesday, April 13, 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=Q8S89RgzMxM>

Roll Call

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

Approval of Agenda

Trustee Knutson requested to be added to the agenda and request the Boards direction on testifying in support of SB21-200 – Reduce Greenhouse Gases Increase Environmental Justice.

🚩 Motion made by Trustee Johnson, Seconded by Trustee Budinger to amend the agenda to add Trustee Knutson discussion with possible action.

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 agenda as amended.

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 Budinger to table item 7 modification of Board Meeting schedule. Motion failed.

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		X		

Announcements

Mayor Bachran proclaimed Friday April 30, 2021 Arbor Day.

Recognition of Visitors & Guests

A member of the public stated that there are no restrooms at Apple Valley park and that this issue needs to be addressed.

A member of the public read a statement about their concerns with the timeline of the hiring process of a Building Inspector for the Town.

Staff Reports

Administrator’s Report:

- Administrator Ferguson discussed questions the Board members had on the report that was included in the packet and updated the Board on current and new projects.
- Trustee Pattison asked about adding her questions to the packet so that they are public record and requested the Town Attorney’s direction. Trustee Pattison asked her questions during the meeting.
- Board members expressed their concern about JDS Hydro’s report being delayed.
- A public member asked that the statutes regarding Planning Commission meeting scheduling be looked into.
- A public member asked if the Town has a temporary certified ORC.
- A public member who is on the Water Advisory Committee asked to see the timeline of all delinquencies from the State.

Public Works report:

- The Public Works Director discussed questions that the Board members had regarding his report that was included in the packet and updated them on current and new projects.
- A public member suggested the Board schedule a work session to discuss water.

Police Report:

- The police blotter was included in the packet. Nothing to report.

Attorney Report:

- Attorney Nerlin discussed questions from the Board regarding the memorandum that was included in the packet and updated the Board on current and new projects.

Finance Report:

- Finance Officer Jones discussed questions that the Board members had regarding her finance report that was included in the packet.

Treasurer’s Report:

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

Disbursements

Disbursements Report:

🗳️ Motion by Trustee Budinger, Seconded by Trustee Knutson 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:

- o March 23, 2021

Special Minutes:

- o April 06, 2021

Special Event Liquor License:

- o Blue Sage Center for the Arts
- o The Learning Council
- o Relocation of the Approved Special Event for Friends of the Paradise Theatre.

Liquor License Renewals:

- o Curiel, LLC dba Rio Bravo
 - o Trustee Pattison stated that the lease agreement for liquor licenses does not need to be included in the packet and a statement stating the business is able to be residing in the building will suffice.

- ✚ Motion made by Trustee Knutson, Seconded by Trustee Meck to approve the agenda as with additions to the special minutes of April 06, 2021.

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:

- Letters from the Freimuths regarding the marijuana ordinance was included in the packet.

- ✚ Motion made by Trustee Pattison, Seconded by Trustee to review and discuss the comments submitted by community member Paige Smith one at a time.

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 Budinger, Seconded by Trustee Knutson to make no change to the first “WHEREAS.”

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 Pattison, Seconded by Trustee Meck to strike out in the second “WHEREAS” collectively referred to as “marijuana stores” by the constitution.

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				

- Trustee Meck stated that medical marijuana and retail stores language needed to be clearer.

✚ Motion by Trustee Pattison, Seconded by Trustee Bear to change “stores” to “establishments” in the third “WHEREAS.”

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 Bear to include the marijuana ballot language.

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 Budinger to accept the comments no. 5: Page 2, 6-4-170 operating fees and license term.

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 Budinger, seconded by Trustee Johnson to keep the current definition on comment no. 6: page 3. 6-4-20 Defined terms.

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 Budinger, seconded by Trustee Johnson to keep both G and H definitions on comment no. 7 & 8 page 3, 6-4-20 defined terms.

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 amended by Trustee Meck, seconded by Trustee Johnson to replace LDR on comment no. 7 page 3, 6-4-20 defined terms with land use regulations as stated in chapter 16 of the Town code.

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 Budinger, seconded by Trustee Knutson to keep current language on comment no.9: page 3, 6-4-20 defined terms.

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 Budinger, seconded by Trustee Knutson to strike out cultivation on comment no.10: page 3, 6-4-60 unlawful acts.

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 that all semantic differences be left as is for comments 12, 13, 14, 16, and 17.

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 Budinger, seconded by Trustee Johnson to leave comment no.15 as is.

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 Knutson to change the Article number from 6 to 4 on comment no.18: page 11 and 12, 6-4-170 operating fees and license term.

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				

- A public member was concerned with the clarity of fees and the process of the marijuana applicant.
- Town attorney stated the fees will be set by resolution and reviewed by the Board.

- ✚ Motion by Trustee Bear, seconded by Trustee Knutson to approve adding section 150 on comment no.18: page 11 and 12, 6-4-170 operating fees and license term.

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 Budinger, seconded by Trustee Johnson to leave comment no. 19: page 12, 6-4-180 public nuisance.

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 Knutson to take all comment changes and have them be incorporated into the ordinance and be brought back before the Board for review.

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				

- Trustee Meck requested that the document be redlined with the changes.

Board Discussion:

- Trustee Meck was concerned with only having 3 locations and having no medical marijuana stores.
- Trustee Pattison suggested adding a caveat language stating “with one of the licenses being a medical store.”
- Trustee Johnson was in favor of leaving it at 6 stores with a total of 12 marijuana licenses and mirroring the liquor stores hours.

- ✚ Motion by Trustee Knutson, seconded by Trustee Budinger to table the Board of Appeals until the next meeting.

- Public member stated to also include Mayor Bachrans report in the packet.

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				

Proposed Ordinance Language Regarding Outdoor Lighting Regulations:

- Aaron Watson discussed his update on the exemption section concerning the flag poles and the holiday lights. This has been revised. Added the lighting revision group’s variance language. Answered the Board’s questions regarding the proposed ordinance and requested the Board’s direction. A draft copy of the proposed lighting ordinance was sent to the International Dark Skies Association to approve the changes that have been made. Aaron Watson stated the association stated that more work is needed on the exemptions and to put a limit of unshielded light.
- Trustee Pattison stated that the signage maximum does not match the Town code.
 - Mayor Barchan suggested stating to add in the language stating in alignment to Town Code.
- Trustee Pattison suggested clarifying the application fee language stating that there will be an application fee subject to Board resolution and removing the specific dollar amount from the lighting ordinance.
- Mayor Bachran suggested adding language clarification on the number of shielded fixtures someone can have depending on their lot size under section 6-5-4, Provision and Requirement: no. 5 regarding the number of lumen limits. Under lighting curfews no. 8 letter B. suggested adding evening events. Trustee Knutson suggested stating 1 hour after approved activities. Under letter B. The following are exempt from the provisions of subsection (A) to add a clause stating a variance is required under (e). Change displayed to illuminated under (5) same section.
- The Boards direction given was to add the changes discussed and bring back for review.

Modification of Board Meeting Schedule:

- The Board members discussion ensued on the modification of changing the Board meetings from 2nd and 4th Tuesday to a 3-week schedule. Trustee Bear and Pattison were not in favor of a 3-week schedule due to time sensitive approvals and the length of the meetings. Trustee Bear suggested lightening the agenda. The Board members in favor suggested trying out the 3-week schedule for a month.
- Trustee Pattison suggested having a follow up work session with Cassandra Shank to get guidance and suggestion on how to conduct meetings before starting the new 3-week schedule.
- Town attorney suggested keeping the regular Board meetings for May until after the Board members have the work session with Cassandra Shank and start the new schedule in June.
- Two public members were not in favor of the suggested new schedule.

🚩 Motion made by Trustee Johnson, seconded by Trustee Budinger to extend the meeting another 15 min – From 9:55 pm to 10:10 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				

- ✚ Motion made by Trustee Meck, seconded by Trustee Pattison to table the Modification of Board Meeting Schedule to the first meeting on May 11, 2021.

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				

New Business

Ordinance 2021-TBD Board of Appeals:

- Tabled to the first meeting in May.
 - May 11, 2021

Trustee Knutson’s request to testify about the senate bill in support of SB21-200 – Reduce Greenhouse Gases Increase Environmental Justice:

- Trustee Knutson’s discussion was on his testimonial statement to supporting SB21-200 – reduce greenhouse gases increase environmental justice and was requesting the Board’s direction on whether testifying as an elective official commenting on his own behalf or as representing the Town Board.
- The Board was not in favor of Trustee Knutson testifying his statement on behalf of the Town Board and were in favor of Trustee Knutson testifying as an individual.

- ✚ Motion made by Trustee Bear, Seconded by Trustee Pattison that Trustee Knutson testify his statement as an individual.

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				

Mayor’s Report

- Tabled until the first meeting in May.
- April 27, 2021

Committee Reports

Finance & Personnel report:

- Tabled until the first meeting in May.
- April 27, 2021

Governmental Affairs & Public Safety report:

- Tabled until the first meeting in May.
- April 27, 2021

Public Works-Utilities-Facilities report:

- Tabled until the first meeting in May.
- April 27, 2021

Tree Board:

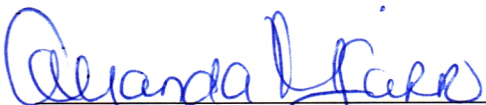
- Tabled until the first meeting in May.
- April 27, 2021

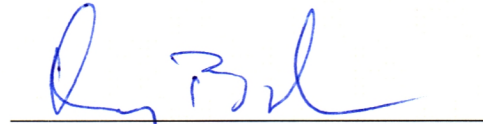
Advisory Water report:

- Tabled until the first meeting in May.
- April 27, 2021

Adjournment

The meeting was adjourned by Mayor Bachran at 10:20 pm


Amanda Mojarro, Deputy Clerk


Mary Bachran, Mayor