

**Minutes**  
**Regular Board Meeting**  
**Town of Paonia, Colorado**  
**January 28, 2019**

**RECORD OF PROCEEDINGS**

The Regular Board Meeting held Tuesday, January 28, 2019, was called to order at 6:30 PM by Mayor Charles Stewart, followed by the Pledge of Allegiance.

**Roll Call:**

Trustee members present were as follows:

Mayor Charles Stewart  
Trustee William Bear  
Trustee Bachran  
Trustee Budinger  
Trustee Knutson  
Trustee Pattison

Trustee members Absent were as follows:

Mayor Pro-Tem Bookout

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

**Approval of Agenda**

Motion made by Trustee Bear, Seconded by Trustee Bachran to approve the agenda as presented. Voting aye: Trustee Bachran, Trustee Budinger, Trustee Bear, Trustee Knutson, Trustee Pattison.

**Public Comment:**

Suzanne Watson addressed the Town Board regarding the appointment of a Mayor Pro-Tem.

Mayor Stewart stated that the Board of Trustees chooses the Mayor Pro-Tem to act as Mayor in the absence of the Mayor and shall perform Mayor's duties.

**Announcements**

Mayor Stewart announced, former Mayor Bob Johnson passed away. A memorial will be held on February 27, 2020.

Trustee Pattison addressed a correction to the November 18, 2019 minutes regarding a motion to add discussion of creating a water committee to be on the agenda for the second meeting in January 2020. Discussion of the creation of a water committee requested by Trustee Pattison to be added to agenda for the February 11, 2020 meeting.

**Recognition of Visitors & Guests**

None.

**Consent Agenda**

**Special Event Permit Request:**

NSFIS/The Learning Council – February 1<sup>st</sup> – Edesia Kitchen  
Western Slope Conservation Center – February 7<sup>th</sup> – Edesia Kitchen

Written Warning regarding posting of liquor license was mailed to Edesia Kitchen and was in the packet.

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

## Mayor's Report

Nothing to report.

## Staff Reports

### Administrators report

- Infrastructure analysis meeting January 30, 2020
- Victims Advocacy Program and Public Works on call cell phones no longer supported – checking into other providers.
- Free public WIFI at Poulos Park-no additional cost - inquiring with Elevate regarding a sponsorship for the antenna.
- Streaming board meeting – issue being resolved
- Validated candidate signature petitions for Municipal April 07, 2020 Elections.
- Received (10) ten Trustee packets and (2) two Mayor packets.
- Accepting proposals for the Parks, Trails, and Recreation Master Plan – up to February 7, 2020
- Attended the County Commissioners meeting in Delta Colorado January 22, 2020

Discussion ensued by Trustee Knutson with regard to hosting a candidate forum for the upcoming Municipal April 07, 2020 Elections for the community. Administrator Ferguson advised having a non-municipal employee entity to host a candidate forum at the Town Hall community center (2) two weeks before ballots are mailed out.

Discussion ensued by Trustee Bear with regard to the completion date of the Clark Street project. Public Works Director Travis Loberg stated completion was delayed due to weather. Trustee Bear stated in regard to the change order of (\$50,000) fifty thousand dollars for the relaying of sewer pipeline and the (3) three manholes and would like to have a meeting with all the contractors involved in the Clark Street project.

Mayor Stewart advised that Administrator Ferguson meet with the contractors and report back the results of the meetings to the Board of Trustees.

Discussion Points:

- Meeting with Roop Excavation to be scheduled
- Executive session – change order of \$50,000

### Public Works report

Public Works Travis Loberg reported to the Board of Trustees.

Reporting points:

- Final sewer tie ins
- Snow plowing
- Fixing potholes
- Meeting with engineer - Minnesota Creek
- 2M tank – 250,000 gallons produced – 18,000 gallons spilled
- 1M tank – 65,000 gallons spilled
- Dumping at the (3) three springs.
- Sewer plant computer system – computer system is (10) ten years old – obtaining computer system repair cost the week of February 3<sup>rd</sup> through February 7<sup>th</sup>.

### Police Report

Police Chief Ferguson reported to the Board of Trustees.

Reporting points:

- Red tags issued for un-shoveled sidewalks.
- Purchasing new police vests from a local company
- Checking into a new color of police shirt – charcoal color
- (1) one reported accident due to the snow.

- Police blotter was included in the packet

### **Disbursements**

#### **Treasurer report**

Reviewed payroll.

Disbursement reports were included in the packet.

Motion by Trustee Budinger, seconded by Trustee Knutson to approve disbursements as presented. Voting aye: Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Pattison, Trustee Knutson.

### **Unfinished Business**

#### **Mayor Pro-Tem Appointment**

Discussion ensued by Mayor Stewart with regard to the resignation of the Mayor Pro-Tem and stated that by the municipal code chapter 2 article 2-2-30 the Mayor Pro-Tem is chosen by the Board of Trustees. Mayor Stewart suggested Trustee Bachran as Mayor Pro-Tem for her length of time and engagement on the Board of Trustees.

Motion by Trustee Budinger, seconded by Trustee Bear to appoint Trustee Bachran as the new Mayor Pro-Tem. Voting aye: Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Pattison. Voting nay: Trustee Knutson.

#### **Reallocation of Capital Funds**

Discussion ensued by Mayor Stewart with regard to Public Works Director Travis Loberg's request to reallocate (\$10,000) ten-thousand dollars budget line item for the purchase of a mini-truck for the purchase of a generator.

Public Works Director Travis Loberg presented the board with different generators and cost options. Documents and pictures were included in the packet.

Discussion Points:

- Hours on generator
- Life expectancy
- Storage of generator
- Maintenance cost

Motion by Trustee Bear, seconded by Trustee Knutson to approve and authorize Public Works Director Travis Loberg to purchase the generator with the reallocation funds of (\$10,000) ten thousand dollars. Voting aye: Trustee Bachran, Trustee Budinger, Trustee Bear, Trustee Knutson. Voting nay: Trustee Pattison.

#### **USDA Loan Refinance – AMKO Advisors Proposal**

Treasurer King reviewed proposal from AMKO Advisors and recommended board approval. Treasurer King stated he researched AMKO Advisors credentials and the communities that use this firm are satisfied.

Trustee Knutson is not in favor of approving the proposal from AMKO Advisors and advises to check into other municipal advisory firms for comparison.

Discussion Points:

- Fees & Timeline changes.
- Savings earned is towards the end to retire the debt earlier.
- Have Town Attorney review the proposal.
- AMKO Advisory timeline change
- Publishing Ordinance – timeline.
- Reviewal of proposal by Town Attorney

Motion by Trustee Knutson, seconded by Trustee Bear to seek (2) two more bids from other municipal advisory firms. Voting aye: Trustee Pattison, Trustee Knutson. Voting nay: Trustees Bachran, Trustee Budinger, Trustee Bear.

Motion by Trustee Bear, seconded by Trustee Bachran to direct Town Attorney Nerlin to review the AMKO Advisors proposal. Voting aye: Trustee Bear, Trustee Budinger, Trustee Bachran, Trustee Pattison. Voting nay: Trustee Knutson.

Motion by Trustee Budinger, seconded by Trustee Bachran to approve agreement and authorize Mayor Stewart to sign agreement subject to Town Attorney's review. Voting aye: Trustee Bachran, Trustee Budinger. Voting nay: Trustee Bear, Trustee Pattison, Trustee Knutson. Motion fails with 2 ayes and 3 nays.

## **New Business**

### **SIPA - Website**

Discussion ensued by Assistance to the Administrator Evan Bolt in regard to SIPA website.

#### Discussion Points:

- SIPA website - Free
- SIPA will supply training and tech support to Town staff at no cost to the Town.
- Domain and hosting fees will be the same.
- Town cost is having staff transfer documents from old to new website
- SIPA website is easy to navigate and has the ability to pay bills online.
- Town will go from a .com to co.gov.

Motion by Trustee Knutson, seconded by Trustee Bachran to Authorize Town to move to SIPA website with option to pay utility bills online. Voting aye: Trustee Bachran, Trustee Budinger, Trustee Bear, Trustee Knutson, Trustee Pattison.

### **Water Tap Moratorium Ordinance - Effective Date**

Discussion ensued by Mayor Stewart in regard to the effective date of the water tap moratorium ordinance that was adopted by the citizens' initiative. Town Attorney Nerlin referenced the memo that was included in the packet along with the Ordinance 2020-01 - Water Tap Moratorium and concluded that the effective date was based on the factors being certification results of January 16, 2020, contest period of January 29, 2020 of election results.

#### Discussion Points:

- Language in neither the Citizens Initiative nor the Ordinance include specification of an effective date of the moratorium.
- If the Proposed Ordinance contained provision that it would be adopted as an emergency at time of approval, it would have been adopted as one.
- Contest period for the water tap moratorium was January 24, 2020
- Pursuant to C.R.S 31-16-105 - Ordinance shall be published
- Water tap application process takes 48 hours to complete.
- Effective date needed to be determined by the State Statute C.R.S 31-16-105.

#### Public Comment:

- Bill Brunner was not in favor of the effective date of the water tap moratorium.

### **Sign Code - Posting of Handbills - Posters and Placards Discussion**

Discussion by Bill Brunner in regard to posting of handbills specifically on the power poles. Mr. Brunner described to the Board Members his encounter with the Paonia Police while he was posting his handbills on a utility pole for the upcoming Municipal election in April 07, 2020. Mr. Brunner read section 5. - Ordinance Effect of Ordinance No. 2017-11. Ordinance No. 2017-11 and sec. 18-6-40, Election sign letter, and sec. 7-2-50 were included in the packet.

Discussion Points:

- DMEA owns power poles.
- Town Administrator Ferguson contacted DMEA in regard to people posting on the power poles. DMEA advised that preferably no posting be on the power poles.
- Chapter 18 - Article 6 - Signs - Section 18-6-40 - Exemptions
- Guidelines for candidates.
- No Election signs within 100ft of a polling place are permitted.
- Town Hall is a polling place
- Delta County requires the 100ft sign to be put up once ballots go out.
- Delta County is part of the Towns (IGA) Intergovernmental Agreement.

Motion by Trustee Pattison to amend section 18-6-40 of Ordinance No. 2017-11 regarding exemptions to Chapter 18 - Article 6 - signs to state explicitly that the exemptions apply only to the permit fee section of the article.

Motion withdrawn by Trustee Pattison.

Discussion Point:

- Exemption section 18-6-40 is not clear
- Current Ordinance cannot be changed and requires a new Ordinance.
- Mayor Stewart stated that the Board of Trustees can direct Town Attorney to draft the new Ordinance.
- Trustee Pattison will draft up a language to amend the current language in section 18-6-40 of Ordinance No. 2017-11 regarding exemptions to chapter 18- Article 6 regarding signs and present drafted Ordinance to the Board of Trustees at the next Board Meeting.

## **Committee Reports**

### Finance and Personnel

Trustee Knutson recently joined the committee and is impressed with how detailed and thorough disbursements are checked. Finance and Personnel will be Meeting on January 29, 2020.

### Governmental Affairs and Public Safety

Trustee Pattison reported meeting with Trustee Knutson and recently appointed Trustee Diehl on January 24, 2020.

Reporting points:

- Reviewed the building code and updates are going to be reviewed by Planning and Zoning on February 27, 2020.
- (RFP) request for proposal for Municipal Judge will be released in February 2020.

Areas of interest to be added to agenda:

- Building Inspection income vs expenses
- Short term rentals
- Affordable housing
- Code of Conduct review and rules for meeting procedures
- Regulation of food trucks.

### Public Works-Utilities-Facilities

- Committee will be meeting prior to the next meeting
- Meeting with contractors January 30, 2020 for initial meeting.

### Space 2 Create

- Housing program is moving forward
- S2C is looking at Town properties to potentially build.
- (17) seventeen units of workspace recommended in town. Document of the Arts Market survey regarding this information can be found on the S2C website.

Public Comment:

- Bill Brunner is concerned with the S2C housing program.

Tree Board

Nothing to report.

**Adjournment**

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

Adjourned at: 8:44pm

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Amanda Mojarro, Deputy Clerk

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Charles Stewart, Mayor