

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

RECORD OF PROCEEDINGS

The Regular Meeting held Tuesday, July 27, 2021, was called to order at 5:00 p.m. by Mayor Mary Bachran, followed by the Pledge of Allegiance. Formal Video Record at:

<https://www.youtube.com/watch?v=Th47oNu9ROY&pp=sAQA>

Work Session 5:00 p.m.

1. Work Session Roll Call
PRESENT
Mayor Mary Bachran
Trustee Karen Budinger
Trustee Dave Knutson
Trustee Michelle Pattison
Trustee Mick Johnson

ABSENT

Trustee William Bear
Trustee Tamie Meck

Trustee Meck arrived at 5:07 PM.

Trustee Bear arrived at 5:08 PM.

2. Chadwick, Steinkirchner, Davis & Co., PC - 2020 Audit Presentation by Lisa Hemann
Finance Director Cindy Jones introduced Lisa Hemann with Town auditing firm Chadwick, Steinkirchner, Davis & Co., PC.

Ms. Hemann provided a slideshow presentation that included a description of the duties of the auditor and the process to complete an audit.

Some topics of discussion were:

Governmental depreciation

Compensated absences of staff

Water Inventory

Estimates not included due to fluctuations in fees

Annual appropriations of funds for acquisitions

Reserve of out-of-Town tap fees

Sidewalk revenue changes

Mayor Bachran adjourned the work session at 5:55 PM.

Regular Meeting Roll Call

PRESENT

Mayor Mary Bachran
Trustee William Bear
Trustee Karen Budinger
Trustee Dave Knutson
Trustee Tamie Meck
Trustee Michelle Pattison
Trustee Mick Johnson

Approval of Agenda

2. Approval of Agenda
Motion to approve agenda moving Board Consideration of 2020 Audit under Treasurer's Report by Trustee Knutson seconded by Trustee Budinger.

Motion to amend main motion, removing Main Avenue Fence from executive session by Trustee Bear, seconded by Trustee Meck. Motion carried with five (5) ayes and one (1) nay.

Main motion, as amended carried unanimously.

Announcements

3. Announcements

Trustee Knutson announced his leave in the month of August and request to waive receipt of payment for any missed meetings.

Bill Brunner reported to the Board a proposed citizen's initiative regarding water information provided via CORA and legal mechanisms via municipal court.

4. Drought Update and Town Water Information

Updated spill and use data provided.

5. Resolution 2021-07 Rescind Local Disaster Declaration

Motion made by Trustee Bear, Seconded by Trustee Budinger to adopt Resolution 2021-07, rescinding local disaster declaration related to COVID-19. Motion carried unanimously.

Recognition of Visitors & Guests

1. Visitor's & Guests

Suzanne Watson - Stated the Town is required to provide ADA subtitles on YouTube videos.

Paige Smith - Reported her findings of items released via CORA request, which included review of receipts.

Board directed staff to investigate ADA compliance for videos.

Staff Reports

2. Administrator's Report

Written report provided in the agenda packet.

Town Attorney Report

Town Attorney requested rescheduling of the special meeting for meeting schedule, committee structure and roles and procedures to allow for attendance and inclusion of commercial billing procedures on the next agenda.

Motion made by Trustee Pattison, Seconded by Trustee Knutson to reschedule items requested by Town Attorney to 5:00 p.m. August 10th. Motion carried unanimously.

Treasurer's Report

3. Treasurer's Report

Treasurer King provided report of relevant financial information and recommended approval.

4. Consideration of Proposed 2022 Budget Calendar

Motion made by Trustee Budinger, Seconded by Trustee Knutson to accept the proposed calendar with minor changes.

Motion to amend the main motion by Trustee Pattison, Seconded by Trustee Meck adding a special session to the calendar to discuss ARPA grant funds. Motion to amend failed with one (1) aye and five (5) nays.

Motion to amend the main motion by Trustee Pattison, Seconded by Trustee Bear to include an agenda item for the ARPA grant funds no later than September 14th Board meeting. Motion to amend carried unanimously.

Main motion as amended carried unanimously.

5. Board Consideration of 2020 Audit

Motion made by Trustee Knutson, Seconded by Trustee Budinger to accept and submit the 2020 audit as presented.

Roll call tie vote:

Voting Yea: Mayor Bachran, Trustee Budinger, Trustee Knutson, Trustee Johnson

Voting Nay: Trustee Bear, Trustee Pattison, Trustee Meck

Motion carried with four (4) ayes and three (3) nays.

Motion made by Trustee Pattison, Seconded by Trustee Meck directing staff to prepare a report on how audit deficiencies will be addressed.

Motion carried with five (5) ayes and one (1) nay.

Disbursements

6. Disbursements

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

Motion carried unanimously.

Consent Agenda

7. Regular Minutes: 7/13/2021

Limited Winery– High Country Fruit LTD – July 31st and August 28th

Motion made by Trustee Knutson, Seconded by Trustee Budinger to approve consent agenda as presented.

Motion carried unanimously.

Unfinished Business

8. FIRST READING: Ordinance 2021-07 Outdoor Lighting Regulations

Aaron Watson presented information regarding the continued actions of the Dark Skies committee.

Motion made by Trustee Pattison, Seconded by Trustee Knutson to accept the first read of ordinance 2021-07 and modify section 6-5-7 review by Board of Appeals. Motion rescinded.

Motion made by Trustee Pattison, Seconded by Trustee Johnson to modify ordinance to include appeals property by Board of Appeals and refer to the Planning Commission for review and recommendation and inclusion in the zoning code. Motion carried unanimously.

9. FIRST READING: Ordinance 2021-06 Municipal Code Modification of Chapter 6 Article 1. - Alcoholic Beverage Licensing and Distance from Public Schools

Motion made by Trustee Bear, Seconded by Trustee Budinger to modify ordinance 2021-06 limiting license types to Bed and Breakfast Permit, hotel and Restaurant License and Lodging and Entertainment license.

Motion to amend by Trustee Budinger, Seconded by Trustee Bear to include a 250 ft distance restriction.

Motion amendment roll call tie vote:

Voting Yea: Trustee Budinger, Trustee Bear, Trustee Meck

Voting Nay: Trustee Johnson, Trustee Pattison, Trustee Knutson, Mayor Bachran

Amended motion failed with three (3) ayes and four (4) nays.

Main motion failed with one (1) aye and five (5) nays.

Motion made by Trustee Knutson, Seconded by Trustee Pattison to direct the Town Attorney to modify the ordinance to update the distance restriction to 350 feet and no other additional restrictions.

Motion carried unanimously.

10. SECOND READING: Ordinance 2021-05 Imposition of Marijuana Occupational Tax
Motion made by Trustee Budinger, Seconded by Trustee Knutson to accept second reading and adopt Ordinance 2021-05 as presented.

Motion carried unanimously.

Motion made by Trustee Pattison, Seconded by Trustee Budinger to recess for five minutes.

Motion carried unanimously.

Meeting resumed.

11. Board Consideration of: Coronavirus Relief Fund Update and Remaining Funds for Expenditure

Motion by Trustee Bear, Seconded by Trustee Knutson to table a decision on remaining CVRF funds until September 14th meeting.

Motion carried with five (5) ayes and one (1) nay.

New Business

12. Planning Commission Open Seat Appointment

One letter of interest was received. Mayor Bachran reappointed Monica Foguth to the Planning commission.

13. Modification To Water Rates During Drought Designation

Motion made by Trustee Pattison, Seconded by Trustee Knutson to make no modifications to water rates while under drought restrictions.

Motion carried unanimously.

14. Board Review Provided by Finance & Personnel Committee - Town Attorney Hiring Process

Motion made by Trustee Pattison, Seconded by Trustee Meck to accept documents provided and include potential for virtual meeting attendance and option of hourly and/or fixed-price contract.

Motion carried unanimously.

15. Board Review Provided by Finance and Personnel Committee - Town of Paonia

Purchasing Policy Updates and Attorney Review Regarding Non-Essential Purchases
Trustee Budinger provided information to the Board regarding the proposed purchasing policy including modified language for FEMA requirements. Detailed language would be included in a supplemental purchasing procedure manual.

No decision made. Finance and Personnel Committee will revise and bring back to the Board at an upcoming meeting.

Mayor's Report

16. Mayor's Report

Written reports were provided in the packet.

Trustee Pattison asked for an agenda discussion of the building department survey information following the August 10th special meeting.

Committee Reports

17. Finance & Personnel – Nothing additional to report.

Governmental Affairs & Public Safety

Requesting Board direction on information provided regarding dog registrations.

Motion made by Trustee Budinger, Seconded by Trustee Knutson to draft an ordinance for review that includes annual license renewal.

Motion carried with five (5) ayes and one (1) nay.

Public Works – Utilities-Facilities

Tree Board – Reported success at tree board booth during Cherry Days. The Board is working on a mission statement and banner design. Meeting date to be determined for August.

Advisory Water – continue to work toward recommendations for use of the ARPA funds and JDS Hydro report priority list.

Motion made by Trustee Pattison, Seconded by Trustee Johnson to extend the meeting for two (2) hours.

Motion carried unanimously.

Executive Session

18. Motion by Trustee Bear, Seconded by Trustee Pattison to enter executive Session for a conference with the Town's Attorney for the purpose of receiving legal advice, pursuant to CRS 24-6-402(4)(b) legal advice for the Trustees in the case of Pace v Town of Paonia, 20CV01389.

Motion carried unanimously.

Motion made by Trustee Bear, Seconded by Trustee Budinger to enter executive session for discussion of a personal matter under CRS 24-6-402(2)(f) for a personal matter to discuss the interim evaluation of the Town Administrator. Additional clarification that the session is specifically for the review.

Motion carried unanimously.

The Board entered executive session at 9:33pm.

The regular meeting resumed at 11:17pm.

In attendance were Mayor Bachran, Trustees Bear, Budinger, Johnson, Knutson, Meck, and Pattison, Town Attorney Bo Nerlin and Town Administrator/Clerk Corinne Ferguson.


No issues noted.

Adjournment

The meeting was adjourned by Mayor Bachran at 11:19 p.m.



Corinne Ferguson, Town Administrator/Clerk



Mary Bachran, Mayor

