

**Minutes**  
**Regular Town Board Meeting**  
**Town of Paonia, Colorado**  
**March 12, 2019**

**RECORD OF PROCEEDINGS**

**Roll Call**

PRESENT  
Mayor Charles Stewart  
Mayor Pro-Tem Chelsea Bookout  
Trustee Mary Bachran  
Trustee William Bear  
Trustee Karen Budinger  
Trustee Samira Hart  
Trustee Dave Knutson

**Approval of Agenda**

Motion made by Trustee Hart, Seconded by Trustee Bear to approve the agenda as presented. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

**Announcements**

Trustee Knutson announced it is Sunshine Week, supporting the Sunshine Law that supports transparency.

**Recognition of Visitors & Guests**

None

**Consent Agenda**

Motion made by Mayor Pro-Tem Bookout, Seconded by Trustee Bachran to approve consent agenda items as presented. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

**Mayor's Report**

Mayor Stewart thanked Chief Ferguson and the officers of the Paonia Police Department for their assistance during the water issues.

**Staff Reports**

**Town Administrators Report**

Water System Update:

Administrator Knight reported the water system is running as designed. The 1MG tank is full at 10ft the 2MG tank is at 25 of 30 feet. Public Works plans to investigate some smaller leaks on spring-lines in the next few weeks as the weather warms up. The after-action meeting is tentatively scheduled March 28<sup>th</sup>, where staff will meet with the agencies that assisted. An after-action report will be finalized following the meeting. Staff again was thanked for the work put in during the water issue. There is no plan for a full update until the after-action meeting and report are completed.

Opened for questions. -

Mayor Stewart asked how much water was drawn from Roeber Reservoir. Approximately 2-acre feet of 20-acre feet offered. Roeber was shut off once the 1MG tank was filled.

Mayor Stewart recommended scheduling a work session for the first meeting in April to follow up from the after-action plan. Administrator Knight recommended giving additional time for the completion of the after-action report.

It was agreed upon to follow-up with scheduling at the next meeting.

**Public Works Report**

The crew has started cleaning gutters and storm drains.  
Continue to fill potholes.  
A new program was installed at the IMG plant to correct deficiency in system.

**Police Department Report**

In preparation for the upcoming trial at Delta County Chief Ferguson requested to be excused and stated he had nothing additional report.

Trustee Bear requested the officers please watch for those making U-turns on Grand Avenue.

**Town Treasurer Report**

Reviewed disbursements.  
Executed letter of credit with First State Bank.  
The emergency team helped track costs and in-kind services for the water issue.  
Mr. Donegan provided recommendations for compliancy to adhere with FEMA requirements for the Town purchasing policy.  
Preliminary information is being gathered for the audit.

**Disbursements**

Motion made by Mayor Pro-Tem Bookout, Seconded by Trustee Hart to approve disbursements as presented. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

**Unfinished Business**

Personnel Handbook Sections 202 & 209 Amendment – Access to Personnel Files and Medical Information Privacy

Mayor Pro-Tem Bookout read sections of changes recommended for the Board for a vote at next meeting.

Motion made by Mayor Pro-Tem Bookout, Seconded by Trustee Hart to table discussion to the next Board meeting. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

**New Business**

**PUBLIC HEARING:** 397 Clark Avenue A – Special Use

Mayor Stewart provided information regarding the application, documents in packet, and planning commission recommendations.

The Public Hearing procedures were explained for the public.

Hearing opened: 7:00PM.

Administrator Knight provided an overview of the requirement for a special use permit for 397 A Clark Avenue. No exterior adjustments are being made to the building. The interior uses are the only subject matter addressed in the special use application. a total of five (5) kilns will be in the building, one (1) for the instructor, four (4) for students. Frederick Zimmer added that the neighborhood impact is minimal. Traffic is increased right now due to Silver Leaf development.

Board Questions:

All fees paid? - Yes.

Discussion ensued regarding use of the driveway and/or easements for a road. Peter VanWinkle and Karen Goode were present as members of Paonia Clay Works and added they were agreeable to having eight days for commercial sales.

Discussion ensued regarding the levels of attendance for different activities. Trustee Knutson added that the Board would like to see the group take initiative to come to the Board if they begin to grow outside of the perimeters of approval.

Public comment:  
None.

Hearing Closed: 7:13PM.  
Open for Board discussion and deliberation.  
Requests are:  
Manufacturing Pottery – As presented.

Motion made by Trustee Bear seconded by Trustee Knutson to approve artistic manufacturing of pottery. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

Workshops – The Planning Commission recommendation limited to five students, no more than three times per month.

Motion made by Trustee Bachran seconded by Trustee Bear for the holding of workshops with twelve (12) students, three (3) times per month. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

Use of Property for Retail Sales - The Planning Commission recommended approval with limitations set by Board. The applicants are agreeable to limit 8 days per month.

Motion made by Trustee Bear seconded by Trustee Hart to approve the use of the property for retail sales up to 8 days per month.

Original Motion amended by Trustee Knutson, Seconded by Trustee Bear adding a restriction to end activity at 9pm. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

Curb Apron and Traffic Control on Minnesota Avenue -  
Discussion ensued regarding additional traffic crossing the sidewalk, needing a sidewalk apron and installing of traffic control sign.

Motion by Trustee Bear, Second by Trustee Bachran to require the applicant to install sidewalk apron and a traffic control sign for Minnesota Avenue.

Re-opened public hearing at 7:26PM

Mr. Zimmer requested approval to install the apron when/if damage occurs. Trustee Bear recommended the sidewalk apron be installed proactively.

Trustee Bachran questioned if the apron can be installed without damaging the sidewalk. Yes.

Hearing closed at 7:29pm.

Discussion ensued regarding the timeline for apron installation.

Motion to amend main motion by Trustee Bachran, Second by Trustee Bear to allow six months for completion of sidewalk apron installation and traffic control sign installation.

Seconded by Trustee Bear. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

Motion by Trustee Bear, Second by Trustee Bachran requiring an approximate 6-month review following the installation. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

Re-opened public hearing at 7:35pm

Peter VanWinkle requested a year review to follow in line with the lease.

Close hearing: 7:38pm.

Motion by Trustee Bear, Second by Trustee Budinger to plan installation with Public Works Director Loberg and bring plan to public works committee meeting. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

Attorney Nerlin stated Mr. Loberg can provide the direction to the applicant and follow with the public works committee.

Motion by Trustee Knutson to delegate the decision regarding the apron installation be given to the public works committee for final decision. Motion failed for lack of a second.

Main amended motion carried. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

5-minute recess.

Revised Preliminary Environmental Assessment for the North Fork Mancos Master Development Plan

Andrew Forkes-Gudmundson was present on behalf of Citizens for a Healthy Community, requesting the Board submit additional comments regarding the Revised Preliminary Environmental Assessment for the North Fork Mancos Master Development Plan (NFMMDP). Mr. Forkes-Gudmundson explained the changes to the original proposal, which he described as "high water intensive" and provided data regarding the scale of water used in comparison to domestic use.

Discussion ensued regarding access to the required amounts of water, seismic feasibility studies, traffic, and open-river definition.

Motion made by Mayor Pro-Tem Bookout, supported by Trustee Hart stating the Board wishes to comment and for Administrator Knight to work with Mr. Forkes-Gudmundson to address the issues discussed and bring letter to Board at next meeting. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Budinger, Trustee Hart, Trustee Knutson. Voting Nay: Trustee Bear.

### **Committee Reports**

#### Finance & Personnel

Nothing to report.

#### Public Works/Utilities/Facilities

Nothing to report.

#### Governmental Affairs/Public Safety

Willing to reschedule building department meeting for water work session in April if needed.

Plastic Bag Reduction plan to come before the Board at next meeting.

Dark Sky's plan to come before the Board in the near future.

#### Space to Create

Nothing to report.

Tree Board

Working on the Arbor Day Celebration.

**Executive Session**

Motion made by Mayor Pro-Tem Bookout, Seconded by Trustee Hart to enter in to executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; Town Administrator Review. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

Entered in to executive session at: 825pm

Returned to open session at: 9:20pm

Those in attendance were: Mayor Stewart, Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson, Town Attorney Bo Nerlin, and Town Administrator Ken Knight.

No issues noted.

**Adjournment**

9:25pm

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J. Corinne Ferguson, Town Clerk

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Charles Stewart, Mayor