

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
May 11, 2021

RECORD OF PROCEEDINGS

The Regular Meeting held via Zoom on Tuesday, May 11, 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=XG4rEWFAv0Y>

Roll Call

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

Approval of Agenda

Community member suggested to remove from the agenda the Mayor’s report - Building Official survey and suggested to table the ethics complaint against a Board until after the CIRSA trustee training.

🗳️ Motion made by Trustee Bear, Seconded by Trustee Budinger to agenda 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				

Announcements

Declaration of Stage (1) one Drought:

Mayor Bachran discussed that the Town is in a stage (1) drought.

Discussion ensued regarding entering stage (2) drought.

Mayor Bachran read a statement regarding rules about conducting the Board meetings.

Recognition of Visitors & Guests

None.

Staff Reports

Administrator’s Report:

- Administrator Ferguson discussed question that the Board members had in regard to the report and updated the Board on current and new projects. The report was included in the packet.
- Discussion on the status about the asset inventory.
- Discussion about the Paonia Ditch Company – Town Attorney Nerlin will provide a report at the next meeting.
- Dola error on finalization dates regarding the Administrative Grant contract agreement for the infrastructure analysis and are working on getting the contract agreement updated. The draft DOLA contract agreement is being reviewed by the Water Board Advisory Committee and staff for comments.

Public Work’s Report:

- Public Work’s Director Loberg’s report was included in the packet.
- Discussion ensued about the spring production.

- Discussion ensued about the status of the bulk water station.
- Discussion ensued on adding the policy of the bulk water station discussion to the next meeting's agenda.

Police Report:

- The police blotter was included in the packet.
- Discussion ensued about the officers still having to patrol for the Hotchkiss Police Department. Their last shift will be May 15th.

Finance Report:

- Finance report was included in the packet.

Attorney's Report:

- Board of Trustees training to be scheduled.
- Work session to be scheduled in June to discuss the North Fork Airport.

Treasurer's Report:

- Reviewed disbursements and payroll.
 - Disbursements were included in the packet.
- Requested the Board to review the draft fund balance & reserve policy before the formal discussion scheduled for May 25th meeting.

Disbursements

✚ Motion by Trustee Knutson, Seconded by Trustee Budinger 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:

- April 27, 2021

Liquor License Renewal:

- West Elk Wine & Sprints

Special Event Liquor License:

- Pickin Productions – Picken in the Park August 2021
 - Trustee Bear not in favor of not charging park use fees.
 - Item was removed from consent agenda and was placed in the regular agenda for approval.

✚ Motion made by Trustee Bear, Seconded by Trustee Knutson to approve the modified consent agenda removing Picken in the Park item from the consent agenda and placing it in the regular agenda for approval.

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

Picken in the Park Productions – Picken in the Park August 2021:

- Discussion about the Picken in Park’s previous request for waiving park use fees in exchange for a sponsorship.
- Discussion about reviewing the current policy and possibly modifying it to be consistent in waiving of event fees.
 - Mayor Bachran directed the Governmental Affairs & Public Safety (GAPS) and Public Works Committees to review the current fee policy and bring it back to the Board,

🗳️ Motion made by Trustee Knutson, Seconded by Trustee Meck to approve the Request for Rob Miller’s Picken in the Park Production – August 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				

🗳️ Motion made by Trustee Meck, Seconded by Trustee Bear to add to the next agenda the discussion with possible action regarding the requirement of vendors to use the concrete area.

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 Pattison, Seconded by Trustee Bear to broaden the discussion on how the Town requires various organizations to use various areas of the park.

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

Clark’s End Variance Application:

- Lynn Mattingly developer of Clark’s End Subdivision brought forth a variance application requesting the road grader slope on the cul-da-sac at the south end be increased by a 0.5%. The variance request was reviewed by the Planning Committee and was recommended approval by the Board on April 30th at 1:00 pm.
- Trustee Pattison asked the Town Attorney regarding how to proceed in the future regarding the chapter 17 flood section and a section where it talks about exception that the Planning Commission can grant in section 17-1-50 in the of the Town code.

- ✚ Motion by Trustee Knutson, Seconded by Trustee Bear to approve the Clark's End variance application.

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 for 15-minute recess.
 - Recess – 7:26 pm
 - Returned to open meeting – 7:36 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				

Ordinance 2021-TBD Board of Appeals:

- Discussion ensued about the Board of Appeals in combination with the Board of Adjustments. The Board of Appeals consists of the building area and the Board of Adjustments consist of the zoning area.
- Discussed incorporating the language to the building application and zoning applications the right to appeal.
- Discussed section in the Town code needs to be cleaned up. The building code is still in review with possible adoption of the 2018 code. A section in the first chapter of the 2018 building code specifically has a section about the Board of Appeals which needs to be noted that it is being amended and needs to reflect the change.
- Discussed page 2 Sec. 18-11-10 Appeals Procedures states 4 members and the current code 18-4-30 list 5 members 1 being the Building Inspector.
 - Needs the language clarified and reflect the Town code.
- Discussed to use the guidance from the IBC in appendix B in the selection of the members.
- Discussed page 3 Sec. 18-11-30 Fees. Trustee Pattison is not in favor of having a fee to be able to appeal.

Public Members:

- A community member suggested meeting with local builders, contractors, and have the community more involved.
- A community member suggested the Board look into the Town code regarding the section about the Board of Appeals and Board of Adjustments.

300 Block of Poplar Avenue Street Closure Request – Barb Heck:

- Barb Heck presented a request to have Poplar Ave. between 3rd St. & 4 St. turned into a play street. This would consist of closing the street to through traffic on weekends from morning until dusk.
 - Closing street from early Saturday morning to Sunday night through summer months except for the 4th of July weekend.
 - Board suggested publishing the street closure.
 - Sawhorses would be used to close the street. Board suggested adding some kind of reflector to them.
 - Board questioned the having insurance. Town Attorney stated that he will check with CIRSA in regard to having insurance for a street closure / play street.

- ✚ Motion by Trustee Pattison, Seconded by Trustee Bear to approve the street closure prior to the first weekend following the 4 weekends and bring back to 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				

- ✚ Motion made by Trustee Pattison, Seconded by Trustee Meck that when the request from Barb Heck comes back for review that the Board have a policy that is consistent with this type of street closure “play streets” and make sure that it is fairly applied across town.

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				

DMEA – Franchise Agreement Update:

- DMEA representative Jim Heneghan discussed the franchise agreement and has answered questions.
- Discussed the concern about “Gross Revenues” in page 2 section 1.7 and being taxed on a service.
 - Jim Heneghan stated that it is the State’s “case law” and that DMEA is required to follow.
 - A public member stated that they would like to see where in the “case law” shows’ this requirement.
- Discussed the **Net Usage**: This represents the total **electricity** consumption minus the total amount of **electricity** sent back to the grid by the solar installation those who have solar and produce electricity are not subject to paying the fee. Jim Heneghan stated that this is called “Retail Net Reading” and it is dictated by the state which DMEA is required to follow.
- Discussed the concern about “Public Project” in page 2 section 1.10.
- Discussed the concerns about “Change of Franchise Fee & Other Items” in page 6 section 5.1. Jim Heneghan stated that the Town sets the fee.
- Discussion ensued to modify the franchise collection fee in the Town code. Look into alternative contracts. The Town’s franchise agreement is dated to end in July 2021. Jim Heneghan stated that DMEA’s term of franchise agreements is 20 years.

- ✚ Motion made by Trustee Budinger, seconded by Trustee Knutson to introduce the DMEA franchise agreement first read and bring back with Case Law specifically related to tax.

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				

Ordinance – TBD Accessory Dwelling Units:

- Discussion ensued on the draft ordinance & summary about accessory dwelling units (ADU's) was presented by the Governmental Affairs & Public Safety Committee (GAPS). Requested the Board to review and make recommendations.
- Discussion ensued in the current method to approve ADU's was through a variance.
- Discussion ensued about tabling the item until the infrastructure analysis was completed and until the water moratorium issue was resolved.
- Discussed how the Board would like to proceed with the current unapproved ADU's in Town and direct staff and the building inspector on it.

✚ Motion made by Trustee Bear, seconded by Trustee Pattison to direct staff to look into unapproved and identify the ADU's in Town and bring the results back to the Board.

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				

Community Member Ethics Complaint:

- Trustee Knutson recused him self from the vote.

✚ Motion made by Trustee Bear, seconded by Trustee Pattison to table item until Suzanne Watson complainer was able to be present in the meeting and have the item as first on the agenda.

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				

Mobile Retail Food Establishments:

- Discussed the food truck issues and amending the Town code. A document with recommendations from the GAPS committee was included in the packet.
- Suggestion to as pop-up restaurants.
- Suggestions to have businesses register with the Town.

✚ Motion made by Trustee Budinger, seconded by Trustee Knutson to direct the GAPS and the Town Attorney work together on drafting an ordinance.

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

- Mayor's report was in the packet.
- Working on CDOT grant.

✚ Motion made by Trustee Pattison, seconded by Trustee Meck to add to the agenda for the next meeting review of the Powers of the Mayor.

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				

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Committee Reports

Finance & Personnel report:

- Nothing to report.

Governmental Affairs & Public Safety report:

- Reported on current and new projects.
- The short-term rentals overview was in the packet.

Public Works-Utilities-Facilities report:

- Reported on current and new projects.

Tree Board:

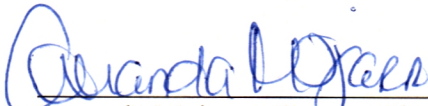
- Reported on current and new projects.

Advisory Water report:

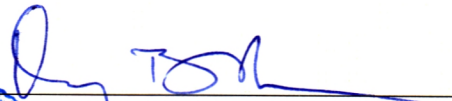
- Reported on current and new projects.
- Discussed the hazard with the non-finished guard rails at the Minnesota Creek.

Adjournment

The meeting was adjourned by Mayor Bachran at 9:02 pm


 Amanda Mojarro, Deputy Clerk




 Mary Bachran, Mayor