

**Minutes**  
**Regular Town Board Meeting**  
**Town of Paonia, Colorado**  
**August 11, 2020**

**RECORD OF PROCEEDINGS**

The Regular Board Meeting held Tuesday via Zoom, August 11, 2020, was called to order at 6:33 PM by Mayor Mary Bachran, followed by the Pledge of Allegiance.

**Roll Call**

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

**Approval of Agenda**

Agenda Approval  
 Motion made by Trustee Knutson, Seconded by Trustee Meck, and unanimously carried to approve the agenda as presented. Voting Yea: Trustee Bear, Trustee Budinger, Trustee Knutson, Trustee Pattison, Trustee Johnson, Trustee Meck

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**

Shop Safe Shop Local Salute  
 Carried forward to next in-person meeting.

Announcements  
 None.

**Recognition of Visitors & Guests**

5. Visitors & Guests  
 Tree Board Chair, Paula Martin  
 Dark Skies Update, Aaron Watson

Tree Board Chair, Paula Martin updated the board on the following:

- Arbor Day tree planting was a success
- Sick tree day was a success
- (2) Two trees will be planted in the fall at the Paonia Elementary School as a welcome back for the kids.

Board & Public comments:

- Discussion ensued by the community regarding a proposal to replace in Town sidewalks without taking trees out.
- Roger Brail suggested using “Rob O’Donnell” for replacing sidewalks.
- A community member noted concern regarding the cost of pruning and removing trees.

- A community member noted concern with the loss of shade to homes from the removal of trees.

Dark Skies:

- Aaron Watson updated the Board on the new streetlights.
- (IDA) International Dark-Sky Association approved the streetlights.
- 2700 Kelvin are the new installed lights.

Compliments and Complaints regarding the new lights:

- A petition was signed by homeowners at the top of Pan American requesting to have the streetlight at the corner turned off.
- The 2nd and Clark neighborhood spoke out against a streetlight being bright on the corner of their street.
- Aaron Watson suggested that if the lights have been off for several years then they should remain off and for areas where complaints of bright streetlights he recommended to place a dimmer on the lights at an extra cost to the Town.
- Aaron Watson suggested the Town contact the shield company regarding the complaints with the shields.
- Three community members were not in favor of the new streetlights and expressed their concerns in regarding the brightness.
- Two community members were in favor of and grateful for all the lights that were replaced in town with the new 2700 kelvin lights.
- Town Administrator Ferguson discussed that in past it was discussed to replace all the lights in Town and stated that the lights will be assessed on a case by case basis in the near future.

**Executive Session**

6. Executive Session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); regarding U.S District Court Civil Action #20-CV-01389-STV - Eric Pace v. Town of Paonia.

Motion made by Trustee Bear, Seconded by Trustee Knutson, and unanimously carried to enter into executive session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); regarding U.S District Court Civil Action #20-CV-01389-STV - Eric Pace v. Town of Paonia.

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				

Entered into executive session: 7:20 pm

Returned to open meeting:

Council Member	Attendees	Other	Attendees
Trustee Bear	X	Administrator/Clerk Ferguson	X
Trustee Budinger	X	Town Attorney Nerlin	X
Trustee Johnson	X	Special Attorney Poppe	X
Trustee Knutson	X		
Trustee Meck	X		
Trustee Pattison	X		
Mayor Bachran	X		

7. Potential Action Following Executive Session

None.

**Staff Reports**

8. Administrator Report:

- Discussed multiple open projects
- The first Let's Talk series was about the food trucks was a success.
- The Let's Talk series about building will be on August 26th at 4:00 pm.
- The community suggested a Let's talk series about streetlights.
- Community member Roger Baril discussed the proposal of the pilot program for replacing sidewalks, and Administrator Ferguson stated that a plan is in the works.

Public Work's Report:

- Main Avenue Culvert bid award on the agenda for tonight's meeting.
- Trustee Bear requested a cost assessment of the third street storm sewer repair.
- Water spill spreadsheet update was requested by Trustee Pattison - Spreadsheet is in the works.

Police Department Report:

- Yard signs for Back the Badge available in the Paonia Police Department.
- August 19th, 2020 first day of school and the Schools Resource Officer (SRO) will be back at the Paonia High, Junior, and Elementary schools.
- The police blotter was in the packet.

9. Let's Talk! Series

- The Let's Talk series about building will be held August 26th at 4:00 pm.
- The community suggested a town streetlighting to be the next Let's talk series.
- Let's Talk series will be held every few months on the last Wednesday at 4:00 pm.

**Disbursements**

10. Treasurer's Report:

- Reviewed payroll and disbursements

11. Disbursements:

Motion made by Trustee Knutson, Seconded by Trustee Budinger, and unanimously carried to approve disbursements as presented. Voting Yea: Trustee Bear, Trustee Budinger, Trustee Knutson, Trustee Pattison, Trustee Johnson, Trustee Meck

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				

**Regular Business**

12. Paonia Skate Park Update:

- Jay Canoed provided updates regarding the Paonia Skate Park.
- Delta County donated \$10,000 towards the Paonia Skate Park project.
- Upcoming grant cycles - The Tony Hawk and El Palmar.
- Jay Canoed asked the Town to finalize the contribution amount for the next grant cycle for March 2021.
- Summary of the recommended contributions were in the packet.

Board and Staff discussion points:

- Letter from a concerned citizen regarding the impacts was provided.

- Cost concerns.
- Town-owned optional locations for the Skate Park - consideration of the new location be an in-kind donation. - it is not considered as in-kind because it is a Town-owned property.

Motion made by Trustee Pattison, Seconded by Trustee Johnson and carried with 1 nay, 5 ayes to approve contribution as recommended by staff contingent on the GOCO funding. Voting Yea: Trustee Bear, Trustee Knutson, Trustee Pattison, Trustee Johnson, Trustee Meck. Voting Nay: Trustee Budinger

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				

### 13. Paonia Tree Board Appointment

- Jeff Thompson is interested in serving on the Tree Board. A statement by the interested candidate was in the packet.

Motion made by Trustee Meck, Seconded by Trustee Knutson and unanimously carried to appoint Jeff Thompson to serve on the Tree Board. Voting Yea: Trustee Bear, Trustee Budinger, Trustee Knutson, Trustee Pattison, Trustee Johnson, Trustee Meck

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				

### 14. Delta County General Election Intergovernmental Agreement

- The Delta County General Election Intergovernmental Agreement for the November General Elections was in the packet.

Motion made by Trustee Budinger, Seconded by Trustee Knutson and unanimously carried to approve the Delta County General Election Intergovernmental Agreement as presented. Voting Yea: Trustee Bear, Trustee Budinger, Trustee Knutson, Trustee Pattison, Trustee Johnson, Trustee Meck

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				

### 15. Main Avenue Culvert Bid Award

- Discussion ensued regarding the culvert bid award. Received three bids the staff and public works committee recommended to award Roop Excavating who was the lowest bidder at \$20,200. Bids were in the packet.

Motion made by Trustee Meck, Seconded by Trustee Bear and unanimously carried to award the Main Avenue culvert bid to Roop Excavation in the amount of \$20,200 of 80 feet of culvert pipe. Voting Yea: Trustee Bear, Trustee Budinger, Trustee Knutson, Trustee Pattison, Trustee Johnson, Trustee Meck

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 Knutson, Seconded by Trustee Bear, and unanimously carried to extend meeting until 9:35 pm.

Voting Yea: Trustee Bear, Trustee Budinger, Trustee Knutson, Trustee Pattison, Trustee Johnson, Trustee Meck

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				

16. Ordinance 2020-TBD Creation of Water Advisory Board

- Discussion ensued regarding tabling Ordinance 2020-TBD Creation of Water Advisory Board until the next in person meeting.

Motion made by Trustee Pattison, Seconded by Trustee Knutson and unanimously carried to table Ordinance 2020-TBD Creation of Water Advisory Board until the next in person meeting. Voting Yea: Trustee Bear, Trustee Budinger, Trustee Knutson, Trustee Pattison, Trustee Johnson, Trustee Meck

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				

17. Resolution 2020-TBD Marijuana Ballot Language

- Discussion ensued regarding the proposed resolution for the Marijuana ballot language.
- Draft resolution 2020-TBD for the marijuana ballot language was in the packet.
- Town Attorney Nerlin's memorandum regarding the Marijuana ballot language was in the packet.
- Number of questions to have on the ballot - 1 or 2
- Type of Marijuana - retail / medical
- Sunset clause
- Pot for potholes slogan
- A community member suggested a carbon tax

Motion made by Trustee Budinger, Seconded by Trustee Pattison and carried with 4 eyes - 2 nays to approve the Town allowing recreational and medical marijuana as a two

question on the ballot with a sunset of 5 years and revenue will go to streets and infrastructure. Voting Yea: Trustee Budinger, Trustee Pattison, Trustee Johnson, Trustee Meck. Voting Nay: Trustee Bear, Trustee Knutson.

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**

18. No Items for Approval  
None.

**Mayor’s Report**

19. CDOT Revitalizing Main Street Grant Information  
The Town of Paonia applied for the CDOT Revitalizing Main Street Grant.

20. Mayor’s Report  
Board and staff retreat - October 02, 2020, from 2:30 to 5:30pm. Board only from 2:30 to 4:00pm and staff and board from 4:00 to 5:30pm.

**Committee Reports**

21. Finance & Personnel  
Tabled.

Governmental Affairs & Public Safety

Tabled.

Trustee Pattison announced the Let's Talk session regarding Building and Building Inspection will be held August 26, 2020 at 4:00 pm.

Public Works-Utilities-Facilities

Tabled.

Space to Create

Tabled.

Tree Board

Tabled.

**Adjournment**

22. Adjournment  
Mayor Bachran adjourned the meeting at 9:47 pm.

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Amanda Mojarro, Deputy Clerk

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Mary Bachran, Mayor