

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
July 14, 2020

RECORD OF PROCEEDINGS – Formal Record Video at:
https://youtu.be/TEVI_zBVht0 **Written Action Minutes Only**

Roll Call

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

Approval of Agenda

Motion made and seconded to approve the agenda as amended. Motion carried.

Main motion amended and seconded to move item 7 - Western Slope Conservation Center after item 14 - Town Administrator - draft job description and procedure for evaluation. Motion carried.

Announcements

None.

Recognition of Visitors & Guests:

- Mountain Harvest Festival representative Thomas Backhus announced the cancelation of Mountain Harvest Festival due to the COVID-19 pandemic.

Recognition of Former Mayor Charles Stewart:

- The Board of Trustees and Mayor Bachran recognized former Mayor Charles Stewart with a plaque for his service.

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 the case of Eric Pace v. Town of Paonia; Town Attorney Professional Services Agreement.
Motion made and seconded to move 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 the case of Eric Pace v. Town of Paonia; Town Attorney Professional Services Agreement. Motion carried.

Entered executive session: 6:40 pm

Returned to open meeting: 7:38 pm

Executive session attendees:

Mayor Bachran
Trustee Bear
Trustee Budinger
Trustee Knutson
Trustee Pattison

Trustee Johnson
Trustee Meck
Former Mayor - Mayor Stewart
Town Attorney Nerlin
Administrator Ferguson

No issues noted.

Staff Reports

Administrator's Report:

- Reported on multiple updates and projects.
- A letter from Pickin Production, Rob Miller regarding the cancelation of Pickin' in the Park events was included in the packet.
- A monthly energy report was included in the packet.

Public Work's Report:

- Reported on ongoing and new projects.
- A Community member noted concern with the parks' watering system.

Police report:

- A new police officer started on July 14, 2020.
- An explanation of the code enforcement process was provided.
- The Police blotter was included in the packet.
- Reported on multiple ongoing projects.

Attorney's Report:

- Town Attorney Nerlin announced his resignation with the law of firm of J. David Reed - Mr. Nerlin provided options for the Board, which included retaining Attorney Nerlin, remaining with J. David Reed, or soliciting interest from new law firms.
- Reported on current and ongoing projects.

New Business

Resolution 2020-13 – Appointment of Officers:

Mayor Bachran read the Resolution 2020-13 Appointment of Officers.

Discussion points:

- Discussed the re-appointment of Town attorney Nerlin due to his resignation with the law office David J. Reed.
- Discussion regarding the swearing-in of officers.
- Resolution 2020-13 - appointments of officers was included in the packet.

Motion made and seconded to approve Resolution 2020-13. Motion carried.

Paonia Skate Park Update:

- Administrator Ferguson read the notes regarding the in-kind donation and concerns for the Paonia Skate Park projects. Notes were included in the packet.
- A letter of recommendation will be brought to the next meeting.
- A board member recommended having a detailed plan and cost for the project.
- A board member suggested setting a contribution cap.

Intent to Participate in November Coordinated Election:

Discussion points:

- The deadline for the intention to participate in the November election is July 24th, 2020.
- Add the Marijuana initiative on the ballot

- Governmental Affairs and Public Services committee has prepared a draft language for the marijuana question and will be presented at the July 28th, 2020 meeting.
- Important dates for the November election was included in the packet.

Motion made and seconded to take formal action to participate in the November 2020 elections. Motion carried unanimously.

ClearGov – Financial Management Software:

- Cindy Jones presented ClearGov’s financial software. ClearGov’s Software proposal documents were included in the packet.

Board discussion points:

- A board member suggested the board view the ClearGov's video tutorials.
- (3) three board members were in favor of the software.
- The software proposal was included in the packet.

Motion made and seconded to approve the purchase of ClearGov – Financial Management Software system with the wave setup and the annual fee of \$6,870 guaranteed for (5) five years. Motion carried.

Employee Health Insurance Renewal:

- Administrator Ferguson discussed the renewal of employee health insurance. The employee renewal health insurance was in the packet.
- A board member suggested deferring the decision of contribution increase.
- Discussion regarding the impact it will have on employee's salaries.
- The employee health document was included in the packet.

Motion made and seconded to renew the employee health insurance. Motion carried.

Ordinance 2020-06 Modification of Fences, Hedges, and Walls:

Motion made and seconded to approve as amended Ordinance 2020-06 Modification of Fences, Hedges, and Walls second reading as modified to move the language under title section 2. Amendment of the Town Code - number 5 - a,b,c - down to number 7. motion carried.

Main motion amended to strike language (but not more than 6 feet, 6 inches) under Section 2. Amendment of the Town Code - number 5 paragraph. Motion carried

Community member points:

- A community member was concerned with the second Whereas of the recital’s language and the height of fences.

Ordinance 2020-07 Modification of Municipal Code Regarding Appointment of Officers:

Discussion ensued regarding Ordinance 2020-07 modification of Municipal Code Regarding Appointment of Officers.

Discussion points:

- The draft ordinance was included in the packet.
- A community member suggested including the state statue in the ordinance.
- Discussion ensued to modify the language of the ordinance.
- Town Attorney suggested to bring the ordinance for adoption at the next board meeting and have the ordinance reference the operate state statue - 31-4-304.

Motion made and seconded to approve Ordinance 2020-07. Motion failed

Motion made and withdrawn to amend the ordinance section 2, part B to change C.R.S. state statute to 31-4-304.

Motion made and seconded to defer the decision for more consultation with the Town Attorney until the next meeting. Motion carried.

Chief of Police Memorandum of Understanding:

Discussion ensued on the Chief of Police memorandum of understanding.

Discussion points:

- A board member was not in favor of the reporting structure and suggested that it needs to be reviewed.
- A community member was concerned with the language in section 5 regarding 2-3-10.
- Chief of Police Memorandum of Understanding was in the packet.

Motion made and seconded to approve Chief of Police Memorandum of Understanding. Motion carried.

Town Administrator – Draft Job Description & Procedure for Evaluations:

Discussion ensued regarding the Town Administrator's 3 and 6-month draft job description and procedures for evaluation.

- Town Administrator's 3 and 6-month draft job and evaluation procedures were included in the packet.

Motion made and seconded to approve the proposed 3 and 6-month job description and evaluation of the Town Administrator. Motion carried.

Western Slope Conservation Center – Draft Letter Regarding Resource Management Plan:

Discussion ensued regarding the Western Slope Conservation Center – Draft Letter Regarding Resource Management Plan.

- Western Slope Conservation Center Director Ben Katz presented a letter of support. The draft letter of support was included in the packet.

Motion made and seconded to approve and authorize the Mayor to sign the letter of support. Motion carried.

Consent Agenda

Regular Minutes:

June 9, 2020

June 23, 2020

Special Minutes:

June 4, 2020

Local Liquor License Renewal:

Linda Little – dba 3rd Street Bistro

Motion made and seconded to approve the consent agenda as presented. Motion carried.

Disbursements

Treasurer's Report:

- Reviewed disbursements and payroll.
- The audit was filed and accepted by the State of Colorado.

Disbursements:

Disbursement documents were in the packet.

Motion made and Seconded to approve disbursements as presented. Motion carried.

Mayor's Report

Mayor's Report:

- Mayor Bachran reported that she has been in contact with CML regarding the Roberts Rules of Order and will have more information at the next board meeting.

Committee Reports

Finance & Personnel report:

- Meeting July 07, 2020

Governmental Affairs & Public Safety report:

- Met June 24, 2020
- Discussed the ballot language regarding Marijuana.
- The food truck listing session will be July 29, 2020, at 4:00 pm.
- Discussed the issue regarding housing for dogs at large.
- Discussed Grand Ave signage.
- Listening session regarding building inspection will be on August 12, 2020, at 4:00 pm

Public Works-Utilities-Facilities report:

- Meeting July 23, 2020.

Space to Create report:

- Nothing to report.

Tree Board report:

- The sick tree day held July 11, 2020, was a success with 14 people signing up.

Adjournment

- Mayor Bachran adjourned the meeting at 9:33 pm.

Amanda Mojarro, Deputy Clerk

Mary Bachran, Mayor