

Minutes
Regular Board Meeting
Town of Paonia, Colorado
Tuesday, May 12, 2020

RECORD OF PROCEEDINGS

The Regular Board Meeting was held electronically via Zoom due to Governor Polis Executive Order of COVID – 19 - social distancing.

The Regular Board Meeting was held electronically on Tuesday, May 12, 2020, was called to order at 6:34 PM by Mayor Charles Stewart.

Trustees present were as follows:

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

A quorum was present, and Mayor Bachran proceeded with the electronic meeting via Zoom.

Approval of Agenda

Motion to amend agenda by Trustee Bear, supported by Trustee Budinger. To table item #9 Ordinance 2020- Modification of Ordinance 2019-02 Amending Fences, Hedges, and Walls – First Read. To a future in-person board meeting. Motion carried unanimously.

Motion by Trustee Budinger, supported by Trustee Bear, to approve the agenda as amended. Motion carried unanimously.

Announcements

- Trustee Knutson reported that he attended the Colorado Oil and Gas Commission meeting on May 05, 2020, as the local government designee.
- Trustee Knutson has an informational document about the meeting to which will be emailed to Administrator/Town Clerk Ferguson to upload on the town’s website for public viewing.
- Mayor Bachran announced that there will be free masks until May 30, 2020, and 328 masks were made.

Recognition of Visitor’s and Guest

- Deborah Spiegel would like for the link for logging into the Zoom meetings to be added to the virtual meeting protocol and standards of conduct document.
- Administrator/Town Clerk Ferguson stated that the board decided not to include the link to the meeting protocol for security purposes.

Consent Agenda

Liquor License Renewal: The Living Farm Café, Paradise Theater, West Elk Wine & Spirits

Special Event Permit: Paradise Theatre – Pickin in the Park

Motion by Trustee Knutson, supported by Trustee Budinger. To approve the agenda as presented.

Discussions Noted:

- Chief Neil Ferguson reported no issues with the liquor license renewals or the special

event permit.

- Paradise Theater did not present insurance for Pickin in the Park's special event did not want to risk the event being canceled due to COVID-19. A letter from DC Hawkins Insurance stating that they will acquire insurance before the event was provided.
- The town will not provide the Paradise Theater a special event permit until proof of insurance is provided.

Motion by Trustee Knutson, supported by Trustee Budinger to amend and approve consent agenda contingent upon proof of insurance/liquor License for the Paradise Theater. Motion carried unanimously.

Mayor's Report

Nothing to report.

Planning Commission Trustee Appointment – Sec. 2-6-30 – Membership Terms.

Mayor Bachran proceeded with the appointment of one (1) member from the Board of Trustees to the Planning Commission seat. Trustee Budinger was appointed to the Planning Commission by the Mayor.

Staff Reports

Administrator's Reports – Corinne Ferguson

- Public Work's Loberg and Administrator/Town Clerk Ferguson met with SGM and discussed the asset inventory project.
- Public Works will be out marking water lines, meter pit, manholes, sewer lines, storm sewer drains.
- SGM will be on-site for two (2) weeks and will be working on data collection for the mapping portion of the asset inventory and GIS mapping.
- The GIS mapping will be four (4) to six (6) weeks, but with public works marking the sites, this will shorten the time frame.
- November 2020 Coordinated Election time frame to add Marijuana to the ballot - formal action – notification of participation is needed to be given to the County by July 24th, 2020 - The ballot language and draft ordinance will need to be submitted by September 4th, 2020.
- COVID-19 update.
- Delta County applied for a variance requesting to create its own reopening regulations vs following the States regulations.

Public Works Reported - Public Works Director Travis Loberg absentee – having computer connection issues, and Administrator/Town Clerk Ferguson proceeded with the report.

- On May 10th, 2020 there was a water line break located by Dry Gulch Road and O Road. Public Works crews were on site and the leak was repaired.
- The cause of the water line break was to be a water hammer this is a hydraulic shock, and it occurs when water stops or changes directions suddenly. The reason why this happened is unknown.
- A second (2nd) water leak was found and repaired quickly 200 (two hundred) feet from the original line break. There was mild water interruption caused by the water line breaks.
- Notification to the residence of street cleaning is in process regarding times and days public works will be out sweeping.
- Park cleaning and spring repairs to the parks are underway.

Public Comment:

Discussion ensued about the Town's annual spring cleanup day.

- Town's annual spring cleanup held in June – possibility postponed in fall 2020

Police Report – Chief Neil Ferguson

- Chief Ferguson announced that the Police Department is open and resuming VIN inspections.
- The policemen will be out doing code enforcement.
- Police blotter was included in the packet.

Town Attorney Report – Attorney Nerlin

- A memo was sent out and was discussed by the board members regarding the selection process for the appointment of the new judge.
- Discussion regarding the upcoming expiration of the interim administrator's contract.
- Attorney Nerlin suggested adding the Interim Town Administrator's contract to the agenda for discussion.

Treasure Report - Treasurer King

- Reviewed disbursements and payroll

Disbursements

- Disbursements were included in the packet.

Motion by Trustee Budinger, supported by Trustee Knutson to approve disbursements as presented. Motion carried unanimously

Unfinished Business

New Business

Discussion of SCADA (Supervisory Control and Data Acquisition) and Operations System – Clock Water Treatment System (IMG Plant)

Discussion Points:

- Administrator/Town Clerk and members of the Public Works Committee lead the discussion regarding the SCADA proposals from different firms. The staff's recommendations were to go with the Browns Hill Engineering & Controls proposal.
- Discussed the purchase package vs the lease package.
- Town Staff and Trustee Bear recommended the lease package.
- The Browns Hill Engineering & Controls service quote and SCADA proposal were included in the packet.
- What the consequences of early contract termination.
- The board would like to see references from other communities who have used The Browns Hill Engineering & Controls service
- Attorney Nerlin suggested having staff to continue to proceed in the direction of getting the background check and allowing time for the attorney to be able to review the contract and present the findings to the board at the next meeting.

Mayor Bachran and the Board of Trustees directed staff to continue to proceed with gathering references, review of the contract with the attorney, and gather information regarding what the contract consequences for an early termination.

Ordinance 2020- Modification of Ordinance 2019-02 Amending Fences, Hedges, and Walls – First Read

- Item was tabled.

Ordinance 2020- Modification of Municipal Code Article 7 – Tree Board – First Read

- Tree Board met and discussed changes to the ordinance Sec. 7-5-90 Article 7
- Tree Board draft ordinance was included in the packet.
- The document with the suggested changes was included in the packet.

Public Comment:

- Suzanne Watson suggested looking at a sample ordinance from Tree City U.S.A.
- Thomas Markle commented about the Tree Board having authority on private property. Attorney Nerlin stated that the Tree Board is for public property and public right away.

Motion by Trustee Budinger, supported by Trustee Pattison to adopt Ordinance 2020-TBD striking out language - Sec. 7-5-90 – Dead of diseased tree removal on private property. Motion carried unanimously.

Discussion Regarding Town Administrator

Discussion ensued by Trustee Knutson regarding the Interim Administrator’s contract different options.

- Option one (1) - negotiate to rehire Town Clerk Corinne Ferguson as the Town Administrator/Town Clerk.
- Option two (2) - contract and hire a new Town Administrator
- Option three (3) – not hire a Town Administrator
- Option four (4) – collaborate with other municipalities to share an administrator
- Option five (5) – negotiate Town Clerk Corinne Ferguson’s interim administrator contract for three (3) years with collaboration from the Mayor.
- Trustee Budinger suggested discussing the issue at the next meeting.
- Interim Administrator contract expires May 31st, 2020
- Trustee Meck suggested that the board consider searching for a new administrator.
- Mayor Bachran stated there are not enough funds to hire a new administrator.
- Trustee Pattison is in favor of extending the interim administrator Corinne Ferguson’s contract
- The current interim administrator’s contract was included in the packet.

Public comment

- Suzanne Watson – concerned with the spousal relationship of the chief of police and the interim administrator/town clerk.
- Thomas Markle – consider a person who is less deep-rooted to Paonia.

The Board directed Trustees Knutson and Budinger to draft a contract and give it to Town Clerk Corinne Ferguson to review and recommended to have Mayor Bachran meet with Town Clerk Corinne Ferguson regarding the possibility of her extending her contract.

Appointment of Municipal Judge Interview Committee

Discussion ensued on the Town Attorney and Police recommendation committee for the municipal judge appointment. There were four (4) applicants who applied for the judge position.

Proposed Committee will consist of the following committees and members:

- Chief of Police Neil Ferguson
- Town Attorney Bo Nerlin
- Personnel Committee Member – Trustee Pattison

- Governmental & Public Safety Committee Member – Trustee Knutson

Motion by Trustee Bear, supported by Trustee Meck to adopt the suggested interviewing committee to perform the municipal judge selection. Motion carried unanimously.

Committee Reports

Finance and Personnel

- Finance and Personnel met and went over disbursements. Will continue to work along with the Mayor on the position of the Town Administrator.
- Suggested language regarding retaliation was in the packet for the board to review and discuss at the next meeting.

Public Works – Utilities – Facilities

- Met and discussed multiple projects
- Trustee Bear commented that Frederick Zimmer has not furnished documents from Silver Leaf that have been requested of him.

Governmental Affairs and Public Safety

- Scheduled to meet May 13th, 2020.

Space to Create

- Nothing to report

Tree Board

- May 1st, 2020 was the Arbor day celebration in memory of Jordan Schevene.
- Tree species planted - Autumn Blaze Maple tree.

Adjournment

Motion by Trustee Knutson, supported by Trustee Budinger to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 8:35 pm

Amanda Mojarro, Deputy Clerk

Mary Bachran, Mayor