

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
June 08, 2021

RECORD OF PROCEEDINGS

The Regular Meeting held Tuesday, June 08, 2021, was called to order at 6:31 p.m. by Mayor Mary Bachran, followed by the Pledge of Allegiance. Formal Video Record at

https://www.youtube.com/watch?v=P_9avPvKKic

Roll Call

Verbal roll call was taken and those present were Mayor Bachran, Trustee Budinger, Trustee Knutson, Trustee Johnson, Trustee Meck and Trustee Pattison, and Trustee Bear.

Approval of Agenda

- Trustee Knutson moved to approve the agenda as presented, Trustee Budinger seconded. A verbal vote was taken with all Trustees voting “AYE,” motion passed.

Announcements

Mayor Bachran told the Board that the Town received notification from the American Rescue Plan for minor cities of a monetary allocation in the amount of \$369,232.79 that will be split between year 2021 and 2022, this will be going towards the water infrastructure.

Trustee Pattison made a request to add the JDS Hydro preliminary water study to the next meeting’s agenda to review the document before the release of the final document and give the Board and public the opportunity to comment and ask questions, both Trustee Meck and Trustee Johnson agreed with the request. A Public member suggested that the JDS Hydro engineer make their presentation in person.

- Trustee Pattison moved to add to the next meeting agenda the JDS Hydro water study including any communications regarding modifications to the water study be made public and include it in the packet, seconded by Trustee Johnson. A verbal vote was taken with all Trustees voting “AYE,” motion passed.

Mayor Bachran gave community kudos to a private citizen for purchasing plants that were planted in the Town’s planters on Grand Ave. She also gave thanks to Rio Bravo restaurant, KVNf radio station, and Farm & Home store for watering the plant over the weekends. Anyther big kudo went out to the Public Works garbage crew for a successful spruce up day in Paonia and stated that the Town will no longer be doing the big red dumpster at the Town Park next year due to the chaotic mess.

Recognition of Visitors & Guests

Paige Smith addressed the Board with her concern regarding Public Works Director Loberg and his testing on the B certification. Bill Brunner addressed the Board in regard to why Hawks Haven subdivision is not annexed. Discussion was ensued by Trustee Pattison and Trustee Bear agreed to direct the Finance and Personnel Committee to revisit the Administrator’s progress and goals. Trustee Knutson and Mayor Bachran were not in agreement and stated that it was not necessary at this time. Trustee Pattison addressed Town Attorney Nerlin in regard to what type of personnel issues can be discussed at an open meeting vs what needs to happen in an evaluation process or executive meeting if the Board decides not to do the Administrator’s formal evaluation. After several minutes of discussion regarding the interim evaluation for the Administrator,

- Trustee Pattison moved to direct the Finance & Personnel Committee to schedule an interim evaluation of the Administrator at the earliest possible time, seconded by Trustee Bear. A verbal vote was taken with four (4) Trustees voting “AYE,” Trustee Pattison, Trustee Meck, and Trustee Johnson, Trustee Bear and two (2) Trustees voting “Nay,” Trustee Knutson and Trustee Budinger, motion passed.
- Trustee Bear moved to have a 5 min recess, seconded by Trustee Knutson. A verbal vote was taken with all trustees voting “AYE,” motion passed.
- Recess – 7:10 pm
- Returned to open meeting – 7:15 pm

- Trustee Meck moved to have the consent agenda moved up after recognition of visitors and guest and discuss Cherry Days first, seconded by Trustee Knutson. A verbal vote was taken with all of the Trustees voting “AYE,” motion passed.

Consent Agenda

75th annual Cherry Days event:

Bob Bushta of the Cherry Days committee addressed the Board and asked to waive fees in the amount of \$525 in exchange for a sponsorship recognizing the Town. After several minutes of discussion regarding the waiving of fees. Trustee Pattison stated that she would like more information of what cost are associated with park events, clean up and extra watering from the staff. Public member Suzanne Watson was concerned with the Board’s motion and suggested that the Arbol Market get a refund for theirs too.

- Trustee Meck moved to waive the outstanding Cherry Days fees for \$525 in lieu of sponsorship as a one (1) time waive for this year only, seconded by Trustee Bear. A verbal vote was taken with all Trustees voting “AYE,” motion passed.

Regular Minutes:

- May 25, 2021.

Liquor License Modification Request:

- Berg Harvest Mercantile.
- Trustee Bear moved to approve the consent agenda as presented, seconded by Trustee Knutson. A verbal vote was taken with all Trustee voting “AYE,” motion passed.

Staff Reports

Administrator’s Report:

Administrator Ferguson was absent for the meeting and her report was included in the packet. Discussion ensued by public member Paige Smith on questions she had regarding the play street and the insurance coverage. Mayor Bachran stated that CIRSA had been contacted and as long as this is a Town sponsored event the Town’s CIRSA policy will cover it, and the next process is having a \$75 fee in place and application. Trustee Pattison asked that the Town Administrator provide a detailed plan process of how the parks will get addressed, would like to have a draft timeline of when the unauthorized accessory dwelling units in town will be presented to the Board, under number 2 of the administrator’s report, Trustee Pattison stated that she would like details about the project that will be cut back, and the cost associated.

- Trustee Pattison moved to schedule the Western Slope Consulting (Parks Rec & Trails Master Plan) zoom work session meeting for June 17th from 5:30 pm to 7:30 pm and the zoom information be made public, seconded by Trustee Meck. A verbal vote was taken with all Trustees voting “AYE,” motion passed.

Police Report:

Chief of Police was absent for the meeting and the police blotter was included in the packet. Mayor Bachran briefly updated that there has been code enforcement on weeds & brush.

Attorney’s Report:

Town Attorney Nerlin’s report was included in the packet and briefly updated the Board on the Nayrth Fork Valley Airport and at the next meeting representatives from the County will be present, a memorandum of understanding regarding the airport was included in the report. The attorney also advised the Board on the upcoming CIRSA training that is scheduled for June 28 and requested that if the Board members had specific topics, they would like to discuss to advise him beforehand.

Public Works Report:

Trustee Pattison requested to have updated reports of the water spill and water treated to be added to the next agenda. Trustee Pattison also stated that she received a comment from the

public about the fill station being expensive compared to other areas and people have been going elsewhere to purchase bulk water and would like an analysis of how much it would take to pay off the new equipment based on the usage. Trustee Bear agreed that it is expensive and pointed that there is a line item in the budget for the fill station that can be looked at in relation to Trustee Pattison's question about cost.

Finance Report:

The report was included in the packet. Trustee Pattison had questions regarding the COVID-19 grant funds and she requested to have the purchase policy and a statement cost of the police sign that is being purchased with the COVID-19 grant funds be added in the next agenda.

Treasurer's Report:

Treasure King stated that the payroll and disbursements were reviewed, and the Treasurer will be absent from June 21st to 28th and requested that the Finance & Personnel Committee and the Administrator review and sign checks in his absence.

Disbursements

Discussion and concern regarding the Ellen Hansen Smith Center project cost. After several minutes regarding the issue,

- Trustee Bear moved to amend the main motion to pay disbursement by holding the payment of \$11,346.73 to Clisset LLC for the Ellen Hansen Smith Center project and requested that it be brought back to the Board, seconded by Trustee Knutson. A verbal vote was taken with all Trustees voting "AYE," motion passed.

- Trustee Knutson moved to approve disbursements as presented, seconded by Trustee Budinger. A verbal vote was taken with all Trustees voting "AYE," motion passed.

Unfinished Business

Dark Skies Proposed Ordinance Review:

Aaron Watson told the Board that the Town of Nucla and Naturita received their Dark Skies certification. A brief presentation regarding the difference in lumens and what they look like. Trustee Pattison addressed the greenhouse lighting and the kind of impact this will cause for those who operate one. Aaron Watson addressed the Board that a lighting inventory of the Town lights will need to be done once the ordinance is approved. The Boards' direction to Aaron Watson was to re-write the ordinance and review it with the Dark Skies Committee and send it to the Attorney for review to be brought back to the Board for final review and possible approval.

Ordinance 2021-03 Board of Appeals:

Town Attorney Nerlin told the Board that their requests from the last meeting were incorporated into the ordinance. Trustee Pattison stated that the language in the document where it has Board of Adjustments needs to be Board of Appeals. Public was concerned with how someone could make an appeal and another member suggested that the Board of Adjustments and Appeals should be separate. After several minutes of discussion on the item,

- Trustee Knutson moved to approve Ordinance 2021-03 Board of Appeals, seconded by Trustee Budinger. A verbal vote was taken with all Trustees voting "AYE," motion passed.

DMEA – Franchise Agreement Update:

In the packet was the third reading of the DMEA – Franchise Agreement and naytes from staff were also included regarding the case law request. A public member addressed the Board regarding the proper way to agendize the DMEA – Franchise Agreement as an ordinance. The motion made by Trustee Budinger to accept agreement failed, and Mayor Bachran stated to get the franchise agreement properly agendized as an ordinance. Discussion was made regarding discrimination on Paige 111 section 8-10 and,

- Trustee Knutson moved to include the terms in the nays-discrimination paragraph “gender expression and sexual orientation,” seconded by Trustee Pattison. A verbal vote was taken with all Trustees voting “AYE,” motion passed.

New Business

Professional Engineering services – Water Infrastructure Analysis Scope of Services –

Amendment to Contract:

Trustee Bear spoke briefly about what was discussed in the Public Works meeting in attendance with the Public Works Director and Town Administrator. Those Issues discussed were the 1 million tank is naye online and should be brought back according to JDS Hydro, Trustee Pattison requested the following items: all of the data of the 1million tank including treatment, spillage and when it went online/off and wants this to be made available to the public. Trustee Pattison also requested a copy of the DOLA stop work order, a detailed report addressing the reason why JDS Hydro did naye have the data they requested available to them under Task 1 section (A), a report from JDS Hydro and Town staff regarding Task 1 section (B) what the reasons were for only having the annual customer metered demand and naye what they requested, would like the reason why the project was delayed for 1 year, requested additional information and details regarding Task 2 section (C), Trustee Pattison is naye in favor of JDS Hydro looking at only 3-months of data and prefers that they look at 5-years’ worth of data. Trustee Bear’s motion to approve the JDS-Hydro expenditure of funds proposed fees - Task 1 for \$4,980 and Task 2 for \$4,000 & \$769.49, seconded by Trustee Johnson failed. After several minutes of discussion,

- Trustee Bear moved to approve Task 1 for \$4,980, seconded by Trustee Budinger. A verbal vote was taken with four (4) Trustees voting “AYE,” and one (1) Trustee voting “Nay,” Trustee Pattison. Motion passed.
- Trustee Bear moved to request that the Town staff provide all records and communications produced by JDS Hydro and the Town since the inception of the study and bring back within 30 days to the Board, seconded by Trustee Meck. A verbal vote was taken with all Trustees voting “AYE,” motion passed.

Grand Avenue Street Projects – Approval of SGM Engineering Fee Estimate:

Trustee Bear and Trustee Meck gave a brief description of the street project. The engineer will provide a bid package and over see any construction and approve it. This project is estimated to fix approximately two and half (2.5) blocks. The project will begin in July 2021.

- Trustee Bear moved to approve the SGM Engineering fee for the street project for \$10,492, seconded by Trustee Budinger. A verbal vote was taken with trustees voting “AYE,” motion passed.

Ordinance 2021-TBD Amended Tree Board Ordinance:

Trustee Meck presented the amended ordinance that she worked on correcting and briefly explained what the changes were. Trustee Pattison suggested revising the code and have all Advisory Board report to the Board.

- Trustee Knutson moved to approve the Ordinance 2021-TBD Amended Tree Board as presented by Trustee Meck, seconded by Trustee Budinger. A verbal vote was taken with all Trustees voting “AYE,” motion passed.
- Trustee Knutson moved to continue the agenda for 15 minutes, seconded by Trustee Budinger. A verbal vote was taken with four (4) Trustees voting “AYE,” and one (1) Trustee voting “Nay,” Trustee Bear.

Open Meeting’s Law Review:

Attorney Nerlin briefly explained the open meeting’s law. Trustee Pattison disagrees with the requirement of the open meeting’s law and suggested to waive the attorney client privileges specific to the executive session that the Board had for the complaint that Suzanne Watson made allowing the attorney to provide more detail of what was discussed in the executive session. Suzanne Watson explained what her confusion was when the Board had the executive session regarding her complaint.

- Trustee Pattison moved to waive the Attorney client privileges specific to the executive session held regarding the Suzanne Watson's complaint, seconded by Trustee Meek. A verbal vote was taken with four (4) Trustees voting "AYE," Trustee Bear, Trustee Meek, Trustee Pattison, Trustee Johnson and one (1) Trustee voting "Nay," Trustee Budinger. Trustee Knutson recused himself. Motion passed.
- Trustee Knutson moved to extend the meeting anyother 15 min, seconded by Trustee Budinger. A verbal vote was taken with all Trustees voting "AYE," motion passed.

Employee Health Insurance Annual Renewal:

Discussion ensued on the employees' current health insurance will be discontinued in August 2021 and the Finance & Personnel Committee and Finance Officer Jones briefly explained the details for the options that were presented to the Board. Trustee Pattison stated that the employees who choose the higher cost plan should pay the difference over 90% and those who choose the lower cost the Town would pay 90% of the plan. Trustee Knutson is naye agreement. Finance Officer Jones was asked to give a brief summary of the other multiple insurance providers she had researched. After several minutes of discussion,

- Trustee Pattison moved to adopt both United Healthcare plans and that the Town will pay 90% of the lower cost plan for all employees and any additional cost related to the higher cost plan would be borne by the employee, seconded by Trustee Johnson. A verbal vote was taken with three (3) Trustees voting "AYE," Trustee Bear, Trustee Johnson, Trustee Meek, Trustee Pattison and two (2) Trustees voting "Nay," Trustee Knutson and Trustee Budinger. Motion passed.
- Trustee Knutson moved to extend the meeting for 5min, seconded by Trustee Budinger. A verbal vote was taken with all Trustees voting "AYE," motion passed.

Mayor's Report

- Tabled

Committee Reports

Finance & Personnel report:

- Tabled.

Governmental Affairs & Public Safety report:

- Tabled.

Public Works-Utilities-Facilities report:

- Tabled.

Tree Board:

- Tabled.

Advisory Water report:

- Tabled

Adjournment

The meeting was adjourned by Mayor Bachran at 10:35 pm


Amanda Mojarro, Deputy Clerk




Mary Bachran, Mayor