

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
September 10, 2019

RECORD OF PROCEEDINGS

Roll Call

1. Roll Call

PRESENT

Mayor Charles Stewart

Mayor Pro-Tem Chelsea Bookout

Trustee Mary Bachran

Trustee William Bear

Trustee Karen Budinger

Trustee Dave Knutson

ABSENT

Trustee Samira Hart

2. Work Session – Budget 2020

- Personnel
- Comparable marijuana sales tax revenue in Colorado Municipalities – Provided by Evan Bolt
- Profit and Loss report

Motion to adjourn work session.

Motion made by Trustee Bear seconded by Trustee Bachran. Voting Yea: Mayor Pro-Tem Bookout, Trustee Budinger, Trustee Knutson.

1. Roll Call

PRESENT

Mayor Charles Stewart

Mayor Pro-Tem Chelsea Bookout

Trustee Mary Bachran

Trustee William Bear

Trustee Karen Budinger

Trustee Dave Knutson

ABSENT

Trustee Samira Hart

Approval of Agenda

2. Agenda Approval

Motion to approve agenda as presented.

Motion made by Trustee Bear, Seconded by Trustee Bachran.

Voting Yea: Mayor Pro-Tem Bookout, Trustee Knutson, Trustee Bear, Trustee Budinger.

Motion to set October 08, 2019 work session to a special meeting at 5:00 pm.

Motion made by Mayor Pro-Tem Bookout Seconded by Trustee Bear. Voting Yea: Trustee Bachran, Trustee Budinger, Trustee Knutson.

Motion to withdraw September 17, 2019 work session.

Motion made by Trustee Bear, Seconded by Trustee Bachran. Voting Yea: Mayor Pro Tem Chelsea Bookout, Trustee Karen Budinger, Trustee Dave Knutson.

Announcements

3. None.

Recognition of Visitors & Guests

1. Patti Kaech – North Fork Ave – Pleased with the smooth transition and interactions had with the interim administrator, Corinne Ferguson. Ms. Kaech requested the (ADU) accessory dwelling unit’s discussion begin soon.

Suzanne Watson – Second Street – suggested the Board talk about the Towns priorities and what is important, when looking at a new town administrator.

Consent Agenda

4. Minutes: August 13, 2019

Motion to approve consent agenda minutes.

Motion made by Mayor Pro-Tem Bookout seconded by Trustee Bear. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Budinger. Trustee Knutson abstained.

Mayor’s Report

5. Mayor’s Report
Nothing to report.

Staff Reports

6. Clerk’s Report
 - Silver leaf six (6) month drive way apron extension – Frederick Zimmer
 - Collecting request for proposals from legal engineering firms for the system mapping
 - Clark Avenue sewer line bids on next agenda
 - Collecting backflow prevention certifications
 - Met with a representative from Colorado Water Conservancy Board (CWCB) regarding grants and funding for raw water and potable water
 - Concrete pour for ballot box installation for the first week of October
 - Intern Evan Bolt 9/11 day of service – clean up at Poulos Park
 - Attending Delta County Economic Development (DCED) meeting
 - Discussion about tree removal

Trustee Hart arrived at 6:42pm

Motion made to include discussion about tree removal on the next agenda.

Motion made by Trustee Knutson seconded by Trustee Bachran. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bear, Trustee Budinger Trustee Knutson.

Public Comment:

Suzanne Watson – Questions regarding spring line repairs.

Thomas Markle – Stated Town could bridge over trees.

Bill Brunner – Had multiple questions regarding backflow prevention and requested information on the backflow prevention requirements.

Trustee Bear explained it is not a town issue and it’s mandated by the State of Colorado.

Interim Administrator/Town Clerk Corinne Ferguson will link backflow prevention requirements on Town website.

7. Public Works
 - Tree trimming (RFP) Request for proposal

- Still waiting for 2mg tank lining bids
- Apple Valley park sprinkler system damage has been repaired
- 1MG plant spilling 100,000 gallons a day
- 2MG plant spilling 60,000 gallons a day
- Spilling at most spring boxes

8. Police Report

- Drive training at airport on September 27, 2019 with Cirsa
- Judge Kolman retiring in April 2020, request for letters of interest will be forthcoming
- Provided marijuana grow enclosure requirements

9. Treasurer's Report

- Reviewed payroll and disbursements
- Audit accepted by state auditor

Disbursements

10. Disbursements

Motion to approve disbursements as presented and discussed.

Motion made by Mayor Pro-Tem Bookout, Seconded by Trustee Budinger.

Voting Yea, Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Knutson, Trustee Hart.

Unfinished Business

11. Termination of Professional Employment Agreement Between Mr. Knight and the Town of Paonia

Attorney Nerlin stated Mr. Knight signed the release and termination of contract without cause.

Discussion Points:

- Three-month severance
- Two thousand five hundred dollars paid by Cirsa to continue insurance with COBRA
- The settlement will not be confidential

Motion made to terminate effective today Mr. Knight's employment as Town Administrator for the Town of Paonia, without cause, pursuant to and in accordance with Section 6(A) of the Professional Service Agreement between Mr. Knight and the Town; as well as to terminate the Professional Service Agreement with Mr. Knight, and that the Town agree to payout to Mr. Knight the salary provisions in accordance with Section 7 (A) of the Professional Services Agreement with Mr. Knight's execution of a release and a waiver of all claims.

Motion made by Trustee Knutson seconded by Trustee Hart. Voting Yea: Trustee Bachran, Trustee Bear, Trustee Budinger, Mayor Pro-Tem Bookout.

14. Public Hearing: Stahl Addition

Mayor Stewart provided an update stating that at this time no documentation or request for withdrawal have been received. The Board may wish to table, as they are unable to move forward on agenda items related to the Stahl Addition.

Motion to table items 10-13 on the agenda indefinitely.

Motion made by Trustee Hart, Seconded by Trustee Budinger.

Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Knutson.

Deborah Spiegel – Questioned the impact of moratorium on Stahl Annexation.

15. Ordinance 2019-05 Business Registration

Mayor Stewart opened the discussion by reading the heading of Ordinance 2019-05 Business Registration.

Attorney Nerlin provided information regarding the memo “business”.

Discussion Points:

- Providing examples from other jurisdictions whom have business license
- Review of sole proprietorship and businesses that generate a low revenue
- Fee schedule based on businesses revenue and/or the number of employees
- Businesses registering at one time vs separately
- Accurate reporting for auditors
- Accurate contact information for after hours
- Accurate information for tourist and visitors
- Accurate information for writing grants

Discussion ensued regarding the business license fee and voluntary versus requirement. Attorney Nerlin stated that the fee covers the time it takes administration to process the business licensing paper work.

Motion for 10-minute recess due to medical emergency.

Motion made by Trustee Hart Seconded by Trustee Bachran.

Voting Yea: Mayor Pro-Tem Bookout, Trustee Bear, Trustee Budinger, Trustee Knutson.

Meeting resumed at 7:40pm

Public Comment and Concerns:

Kathy Briggs – read a prepared statement to the Board of Trustees against the requirement to register the business if they are independent contractors and individuals and larger companies that do business in Town.

Motion to adopt ordinance 2019-05 as presented.

Motion made by Trustee Budinger seconded by Trustee Bachran.

Motion to amend main motion, striking first sentence of Ordinance 2019-05 Business Registration Sec. 6-5-4. Motion made by Trustee Bear, seconded by Trustee Hart.

Voting Yea: Mayor Pro-Tem Bookout, Trustee Budinger, Trustee Bachran, Trustee Knutson.

Main amended Motion failed. Voting nay: Mayor Pro-Tem Bookout, Trustee Budinger, Trustee Bachran, Trustee Knutson. Trustee Bear.

New Business

16. Poulos Park

Elaine Brett Provided an update regarding the Poulos Park Pride project. The Poulos Park Pride vision is to make the park an available space to all ages as well as informative space. Poulos Park received a grant from AARP in the amount of \$10,000 for use in upgrading the park that must be used by November 2019. A portion of the project will include a dedication space to the late Ed Marston.

Discussion points of park upgrade:

- Plan to work back to front
- Upgrading light – making it safe for individuals
- Creating new pathways
- Conversational bench for individuals
- Landscaping
- Signage
- Looking into other foundations for grants in October

18. Blue Sage Center – Approval of Building Front Rehabilitation Project

Don Grant president of the Blue Sage Center Board informed The Board of Trustees that the Blue Sage Center received a grant from the State Historical Society for the restoration of the building front to its original stone. An image of the Blue Sage Center building was provided to the board of when it was originally The First National bank in 1903. Approval from the town is required due to a perpetual easement on the building.

Motion to approve the restoration of the Blue Sage Center building.

Motion made by Trustee Bachran Seconded by Trustee Hart. Voting Yea: Mayor Pro-Tem Bookout, Trustee Knutson, Trustee Bear, Trustee Budinger.

Motion made to direct Attorney Nerlin to work with Attorney Harper in preparation of documents necessary for the Blue Sage Center building.

Motion made by Trustee Bachran Seconded by Trustee Hart. Voting Yea: Mayor Pro-Tem Bookout, Trustee Knutson, Trustee Bear, Trustee Budinger.

19. Blue Sage Center of the Arts – Request for Partnership for 2020 Story Fest

Debra Muskar presented the Board of Trustees a partnership letter asking to use the community room as a venue for the literary event in June 27, 2020 involving speakers, workshops and story telling leading up to a Smithsonian exhibit.

Motion to approve Blue Sage Center of the Arts partnership for June 27, 2020 Story Fest.

Motion made by Trustee Knutson Seconded by Trustee Budinger.

Motion to amend waiving fee for the use of the community room by the Blue Sage Center of the Arts Partnership for June 27, 2020 Story Fest. Motion made by Trustee Bear Seconded by Trustee Hart. Voting Yea: Trustee Knutson, Trustee Budinger, Mayor Pro-Tem Bookout. Abstained Vote: Trustee Bachran.

Main amended motion. Voting Yea: Trustee Knutson, Trustee Budinger, Mayor Pro-Tem Bookout. Abstained Vote: Trustee Bachran.

20. Citizen's for a Healthy Community – North Fork Mancos Master Development Plan Review and Consideration to Submit an Objection.

Natasha Leger requested Board consideration to draft an objection letter to the BLM regarding the North Fork Mancos Master Development Plan. An objection letter preserves Town options to participate in the future deadline for letter is September 29, 2019. The draft letter to be provided by Mr. Forkes-Gudmundson and included in the September 24th packet.

Motion to instruct Trustee Bachran to request technical assistance and extension.

Motion made by Mayor Pro-Tem Bookout Seconded by Trustee Knutson. Voting Yea: Trustee Hart, Trustee Budinger, Trustee Bachran. Voting Nay: Trustee Bear.

21. Water System Infrastructure Analysis

Public Works Director Travis Loberg presented two (2) proposals to the Board from JDS – HYDRO Consultants, Inc. and Farnsworth Group.

Discussion Points:

- JDS – Hydro provides their own staff
- JDS – Hydro contracts with DOLA
- Farnsworth provides their own staff and will utilize town staff
- Farnsworth toured the system facilities excluding the springs
- Farnsworth addressed the town boards questions
- Farnsworth - split cost
- Mapping finished before work is started
- Mapping done by the Town
- Mapping done separate from consultant
- Delaying the decision

Motion to direct staff to conduct background and reference checks on Farnsworth group and JDS – Hydro Consultants, Inc and present the findings at the September 24, 2019 meeting.

Motion made by Trustee Knutson Seconded by Trustee Bachran. Voting Yea: Mayor Pro-Tem Bookout, Trustee Hart, Trustee Bear, Trustee Budinger.

22. CIRSA – 2020 Property/Casualty Contribution Quote

Interim Administrator/Town Clerk Corinne Ferguson stated a correction was made to the proposal.

Motion to accept 2020 property/Casualty Contribution Quote as presented.

Motion made by Trustee Bachran Seconded by Trustee Hart. Voting Yea: Trustee Knutson, Trustee Bear, Trustee Budinger, Mayor Pro-Tem Bookout.

23. CIRSA – 2020 Workers Compensation Contribution Quote

Motion to accept CIRSA – 2020 Workers Compensation Contribution Quote as presented.

Motion made by Trustee Bachran Seconded by Trustee Hart. Voting Yea: Trustee Knutson, Trustee bear, Trustee Budinger, Mayor Pro-Tem Bookout.

24. Interim Town Administrator Contract

The interim administrator contract was included in the packet for review.

Discussion points:

- Salary contract serving as Interim and Town Clerk

Motion made to amend the contract to set the salary at \$60,000 and for the salary to remain at \$60,000 after return to clerk position only. Motion made by Trustee Budinger Seconded by Mayor Pro-Tem Bookout.

Motion to amend main motion, setting salary at \$70,000 for interim administrator contract.

Motion made by Trustee Bachran, seconded by Trustee Budinger. Voting Yea: Trustee Bear, Trustee. Voting nay: Trustee Knutson, Trustee Hart.

Motion to amend the main motion, adding the title Interim Administrator to exhibit A and the addition to the job description – assist the Board of Trustees in the search, assessment and retention of a full-time Town Administrator who will serve in the best interests of the Town, as determined by the Board of Trustees. Motion made by Trustee Bachran Seconded by Trustee Budinger. Main amended motion. Voting Yea: Trustee Knutson, Trustee bear, Trustee Budinger, Mayor Pro-Tem Bookout.

Motion made stating the Interim Administrator will revert back to Town Clerk as a town official and salary will be adjusted accordingly. Motion made by Trustee Knutson Seconded by Trustee Bear. Voting Yea: Trustee Hart, Trustee Bachran, Trustee Budinger, Mayor Pro-Tem Bookout.

Committee Reports

27. Finance & Personnel

Discussion with CML - Kevin Bohmer regarding the direction the town should undergo in hiring a new town administrator.

Discussion Points:

- Taking time in the hiring process
- Hire a suitable Interim Administrator
- Evince the town is not in crises
- Town input in what kind of Administrator is suitable for Paonia
- Initiate the Administrators hiring process

28. Public Works-Utilities-Facilities

Discussions regarding:

- 2mg tank liner – important to get costs
- Dependable Lumber parking complaints
- RFP – mapping
- Street paving
- Stand by taps
- Football top dressing and goal replacement with the helping hand from the Paonia High School

29. Governmental Affairs & Public Safety

Discussion regarding:

- Scheduling a meeting to advise in updating code recommendations
- Schedule workshops with experts in updating the code

30. Space 2 Create

Trustee Bachran stated with Mr. Knights termination, Space 2 Create is reorganizing.

31. Tree Board

Discussion regarding Tree Board website is getting ready to launch.

Adjournment

Motion to adjourn.

Motion made by Trustee Hart, Seconded by Trustee Budinger.

Voting Yea: Mayor Pro-Tem Bookout, Trustee Knutson, Trustee Bear, Trustee Bachran

Adjourned at: 9:45pm

Amanda Mojarro, Deputy Clerk

Charles Stewart, Mayor