

**Minutes**  
**Regular Town Board Meeting**  
**Town of Paonia, Colorado**  
**June 22, 2021**

**RECORD OF PROCEEDINGS**

The Regular Meeting held Tuesday, June 22, 2021, was called to order at 6:30 p.m. by Mayor Mary Bachran, followed by the Pledge of Allegiance. Formal Video Record at <https://www.youtube.com/watch?v=Mlp2PYQhyiI>

**Roll Call**

Verbal roll call was taken and those in attendance were: Mayor Bachran, Trustees Budinger, Knutson, Johnson, Meck and Pattison, and Bear.

**Approval of Agenda**

- Trustee Bear moved to approve with the modification of moving item 18, airport discussion to unfinished business, Trustee Knutson seconded. A verbal vote was taken with all Trustees voting “Aye,” motion passed.

**Announcements**

Mayor Bachran informed the Board that the discussion with JDS Hydro will be by phone.

**Drought Update & Town Water Information:**

Mayor Bachran announced that a fire ban will be in effect immediately and briefly spoke about the documents regarding the Town’s water system that were in packet.

**Dark Skies Proclamation:**

Mayor Bachran proclaimed June as Dark Skies month.

**Recognition of Visitors & Guests**

Members of the public took this time to express their gratitude towards the town staff. Dark Skies representative Aaron Watson recited a dark skies quote. Bill Brunner spoke about his concern regarding the reasons why Hawks Haven subdivision has not been annexed into town. Page Smith asked about what she thought was a pump house located next to the Skate Park. Trustee Pattison requested that when staff follows up on questions from the public to have those included in the packet to be viewed by the Board and public for the next meeting.

**Staff Reports**

**Administrator’s Report:**

Administrator Ferguson informed the Board of park soil samples, maintenance of the sewer lines will begin June 06, 2021, a pump house is being installed at Lee’s Park, she responded to the public comment regarding a pump house located at the skate park and stated that this is a shed owned by Arbol Market. Trustee Bear spoke regarding the Ellen Hansen Smith Center remodel and the contractor’s payment. He also expressed that the bulk water station prices are high. Administrator Ferguson let Trustee Bear know that she and a member of the committee walked the Smith center and explained that multiple contractors are working in the remodeling of the building. Administrator Ferguson stated that information is being gathered on the payoff cost of the new equipment of the bulk water station. Trustee Bear asked Public Works Director Loberg on what the progress is with the connection at the 1 million tank. PWD Loberg spoke to this and explained the progress status. Discussion was ensued regarding an email by community member Karen Fogg regarding the maintenance of springs. Trustee Pattison requested to know when the water is being called back, what is being spilled, the rehab cost and timeline. Administrator spoke about the process of rehabilitating and cost of the doing this. PWD Loberg spoke about the timeline of rehabilitating 5 springs.

**Attorney’s Report:**

Town Attorney Nerlin reported that the firm is not looking to renew their contract with the Town. Attorney Nerlin stated that he will be available to assist with the new town attorney hire. Trustee Pattison suggested to start the new hire process immediately.

### Treasurer's Report:

Treasure King was absent. Trustee Bear asked the Finance Officer for an audit update. Finance Officer Jones stated that it is still the process.

### Consent Agenda

#### Regular Minutes:

- 06/08/2021.

#### Liquor License Renewal:

- Paonia Liquor.

#### Large Park Event:

- Top of the Rockies – BMW Rally

Discussion ensued by member of the BMW Rally committee, Bob Bushta to request the Board to waive park fees - \$400.00. Public member suggested to the Board that the waiving of fees be consistent. After several minutes of discussion, Trustee Pattison moved to waive fees for the BMW Rally as requested, seconded by Trustee Bear. A verbal vote was taken with all Trustees voting “Aye,” motion passed.

Trustee Bear moved to put the discussion the criteria of waiving of fees on the agenda, seconded by Trustee Pattison. A verbal vote was taken with all Trustees voting “Aye,” motion passed.

#### Special Event Liquor Permits:

- Cherry Days – 7/2 – 7/4, & BMW Rally 7/15-7/18

Trustee Bear moved to accept the consent agenda and separate the BMW Rally regarding the waiving of fees, seconded by Trustee Budinger. A verbal vote was taken with all Trustees voting “Aye,” motion passed.

### Unfinished Business

#### North Fork Valley Airport, Town of Paonia – Delta County, Memorandum of Understanding – Discussion Only:

Discussion was ensued by Commissioner Koontz regarding the North Fork Valley Airport's capital improvement. The Count's attorney, Attorney Baier was also present for questions. Commissioner Koontz suggested to meet before August to discuss the airport. Trustee Bear questioned what the capital revenue and operating cost are for the airport. Members who use the airport were present and spoke about the importance of it. After several minutes of discussion, Trustee Pattison moved to schedule a one (1) hour work session for July 13, 2021, invite the Airport advisory committee with a caveat of possible action, seconded by Trustee Bear. A verbal vote was taken with all Trustees voting “Aye,” motion passed.

#### Playstreets Follow-Up:

Discussion ensued by the Board on the play street draft application and process. Discussed the Thirty-five-dollar (\$35) fee, and period – seasonal or all year long. The Board suggested adding the name of the streets to the application, add a fire route staff will be reaching out to the fire department regarding the route, include a map, and draft a resolution for the fee. The application restricts to a two (2) day street closure. A member of the public suggested using the Town's Street definition regarding streets. After several minutes of discussion, Trustee Bear moved to approve playstreets April-October with a fee of thirty-five-dollars (\$35), seconded by Trustee Johnson. A verbal vote was taken with all Trustees voting “Aye,” motion passed.

#### Professional Engineering Services – Water Infrastructure Analysis Scope of Services – Additional Work to bring the Water Infrastructure Analysis to Final Completion and Discussion with JDS Hydro:

Discussion by the Board and JDS Hydro done via phone call regarding the draft water infrastructure analysis document regarding the 3-month data that was supplied to JDS Hydro. JDS Hydro stated that having 3-years of data during the highest usage would be ideal and recommended to start with a 3-month data and go from there. JDS Hydro stated

that the change to the order proposal cost will not change. JDS Hydro discussed the reasons why Town staff could not supply them with data requested and that the purpose of the report was to identify things missed. Discussed the percentage of water loss, address communication issues and discussed if funds could be used towards the improvement of the production data. JDS Hydro recommended to get the lower water plant tank online, get the master meter to read. JDS Hydro discussed the option to use gray water for watering lawns and the Town's parks. Water Advisory Committee member Phil Ceriani spoke about his recommendations on the water system and how the Town of Paonia's water system was one of the most complicated. Discussion ensued on what the Town's water rights and call structure are. After minutes of discussion from the Board and Public, Trustee Pattison moved to send monthly data from both plants once the 1 mil plant is online to JDS Hydro and provide it to the Board and public, seconded by Trustee Bear. A verbal vote was taken with all Trustees voting "Aye," motion passed.

Trustee Bear moved to extend the meeting for 30 minutes, seconded by Trustee Knutson. A verbal vote was taken with all Trustees voting "Aye," motion passed.

Trustee Pattison moved to approve the change order for \$4769.49 and to finalize the study based on 6-months of data and with interim reports at 3-months with negotiation on another deadline, seconded by Trustee Meck. A verbal vote was taken with all Trustees voting "Aye," motion passed.

Second Read and Possible Action – Ordinance 2021-02 – Franchise Agreement Between the Town of Paonia and Delta Montrose Electric Association (DMEA):

Discussion was ensued regarding the franchise agreement this is the fourth presentation and the official second reading of the updated document. A Public member was not in favor of the franchise agreement. After several minutes of discussion, Trustee Knutson moved to approve Ordinance 2021-02 DMEA franchise agreement as modified and read by Town Attorney Bo Nerlin, seconded by Trustee Budinger. A verbal vote was taken with Trustees Budinger, Johnson, Knutson, and Pattison voting "Aye," and Trustees Bear and Meck voting "Nay," motion passed.

**New Business**

Local Liquor Licenses – Discussion Regarding the Distance Restrictions:

Discussion ensued regarding that a local bed & breakfast Bross Hotel wanting a B&B liquor license permit and unfortunately unable to get one due to the distance restrictions and is requesting that the Board consider changing these restrictions. The Board discussed what type of classes are held at the technical building, questioned to modify the Town code and have it a case-by-case situation. After several minutes of discussion, the direction given by the Board was to modify the ordinance and bring it back to the Board for review.

Trustee Bear moved to extend the meeting for 30-minutes, seconded by Trustee Knutson. A verbal vote was taken with all Trustees voting "Aye," motion passed.

CVRF Grant – Sign Purchase and Closeout of Grant Explanation:

Discussion ensued on the explanation of the deadline for the CVRF Grant changes The Chief was given direction by Mayor Bachran to find and purchase a police radar sign. Chief Ferguson spoke about the options and its function it would have. There were concerns from Board members regarding of some businesses that did not receive COVID funds. Discussed if the Board does not approve the purchase of the sign the grant fund will need to be returned and that the grant funds have to be allocated specifically to something. Discussed the purchasing policy. Public members were not in favor of the purchase. Trustee Bear called the question, seconded Trustee Meck with all Trustees voting "Aye," motion to call the question passed. Trustee Budinger moved to approve the purchase of the radar, seconded Knutson. A verbal vote was taken with Trustees Budinger and Knutson voting "Aye," and Trustees Bear, Johnson, Meck and Pattison voting "Nay,"

Trustee Knutson moved to extend the meeting for 15-minutes, seconded by Trustee Bear. A verbal vote was taken with all Trustees voting "Aye," motion passed.

Board of Adjustments / Appeals and Planning commission Letters of Interest:  
Mayor Bachran announced the vacant seats, and anyone interested in it send letter of interest to the Administrator.

Resolution 2021-06 Marijuana Licensing and Fee Schedule:

Discussion ensued on the application and process for obtaining a Marijuana permit and the determination of who gets approved, administrator Ferguson stated that it is a first come first serve process. After several minutes of discussion, Trustee Budinger moved to approve the license schedule and application form, seconded by Trustee Knutson. A verbal vote was taken with all Trustees voting “Aye,” motion passed.

Dog Registration Fee Waiver Request:

Discussion ended by Chief Neil Ferguson regarding the request to waive dog registration fees because the Police Department will be having a booth at the Town Park during Cherry Days and hopes to encourage the community to register their dogs. After several minutes of discussion, Trustee Knutson moved to approve the waiving of dog registration fees for Cherry Days, seconded by Trustee Budinger. A verbal vote was taken with all Trustees voting “Aye,” motion passed.

Trustee Pattison moved to extend the meeting until 11:00 pm, seconded by Trustee Bear. A verbal vote was taken with all Trustee voting “Aye,” motion passed.

**Disbursements**

Following CVRF Grant Agenda Item:

Trustee Knutson moved to approve disbursements without the purchase of the Police Department radar sign cost of \$17,300, in the amount of \$50,000, seconded by Trustee Budinger. A verbal vote taken with all Trustees voting “Aye,” motion passed.

Motion by Trustee Knutson to amend the motion amount to \$ 45,710.38, seconded by Trustee Budinger. A verbal vote was taken with all Trustees voting “Aye,” motion passed.

**Mayor’s Report**

- Trustee Pattison requested that any reports tabled be included in the next meeting’s packet.

**Committee Reports**

Finance & Personnel report:

- An email regarding the requested Administrator’s review was sent to the Board.

Governmental Affairs & Public Safety report:

- Discussion if the GAPS or the Public Works- Utilities-Facilities should review the sidewalk issues and safety. PWUF agreed to look into the issues and safety.
- Reviewed STR surveys’

Public Works-Utilities-Facilities report:

- Nothing to report.

Tree Board:

- Will have a booth at Cherry Days.
- Sick tree day will be Saturday.

Advisory Water report:

- Meeting 06/30/21 at 5:00 pm.

**Adjournment**

The meeting was adjourned by Mayor Bachran at 10:58 pm

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Amanda Mojarro, Deputy Clerk

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Mary Bachran, Mayor