

**Minutes**  
**Regular Town Board Meeting**  
**Town of Paonia, Colorado**  
**June 25, 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 Samira Hart  
Trustee Dave Knutson

**Approval of Agenda**

2. Approval of Agenda

Motion made to approve the agenda as presented.

Motion made by Trustee Hart, Seconded by Trustee Bachran.

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

**Announcements**

3. Announcements

None.

**Recognition of Visitors & Guests**

1. Visitors & Guests

Elaine Brett - Received an e-mail from Sue Anschutz-Rogers – the visionary for RPD which has been going for 28 years. Ms. Anschutz-Rogers spoke highly and sent compliments, stating this RPD was one of the BEST put on in 27 years. Ms. Brett provided preliminary information regarding attendees and presenters. Thank you to Town, Staff, Paonia Community and the North Fork Valley.

Pamela Jackson - 4th Street - requested a bike rack near her business at the corner of Third Street and Grand Avenue.

**Consent Agenda**

2. Consent Agenda

Motion to approve consent agenda.

Motion made by Trustee Bachran, Seconded by Trustee Hart.

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

**Mayor's Report**

3. Mayor's Report

None.

**Staff Reports**

Town Administrators Report

4. Administrator's Report

RPD - tremendously successful event. Had the opportunity to speak with many grant-makers and made a great impression on grant-makers and grant seekers.

Attended CIRSA and CML Conference last week and spoke to several agencies who may be able to assist with several RFP's and grant opportunities.

Public Works Report

5. Public Works Report

Finished crosswalks and street striping today.

Running 1MG plant following a valve malfunction at 2MG.

Spilling 380,000 a day at 1MG.

Parks maintenance continuing.

Police Department Report – Chief Ferguson Absent

6. Police Report

Following the Cherry Days Parade is the dedication for the Miners Plaza Memorial Wall.

All Delta County law enforcement agencies will be participating in the Cherry Days parade and in a dunk booth during the park events in support of Back the Badge.

Town Treasurer Report

7. Treasurer's Report

Reviewed payroll and disbursements.

Finance Director putting together information regarding budget reallocation.

Auditor tentative date presentation second meeting in July.

Working on purchasing policy.

**Disbursements**

8. Disbursements

Motion to approve disbursements as presented and discussed.

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

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

**New Business**

**9. US House Subcommittee on Energy & Minerals Leasing Reform Legislation**

Pete Kolbenschlag was present. He stated he testified in Washington D.C. on behalf of new legislation regarding federal oil and gas leasing reform. He is presenting an opportunity for the Board to submit a statement to the committee record. The deadline is July 5th.

Mr. Kolbenschlag stated his focus of testimony was regarding the importance of public participation and the current lack of continuity for public input opportunities based on the current presidential administration. The new legislation will mandate a minimum of 90 days for comment on oil and gas leasing proposals, shortening the length of lease terms, requiring better up-front planning, and increasing transparency, protect landowners.

Board questions included:

Fair-market practices and royalties, lawsuits, likelihood of support at senate, and the advantage to being in the congressional record now.

Mayor Stewart added the general statement that he has concerns when the Board is being asked to review and comment on items that are pending before another governmental entity. Lots of items have some impact on the Town and he does not believe it is in the purview of the Board to try to comment on everything out there that has some impact indirectly, when the Board has a lot of work to stay on top of issues directly effecting the Town.

Trustee Bachran asked at CML about the impact to communities and while unlikely any drilling will occur in the Town, drilling upstream from the Town near and having the potential of directly impacting the watershed does impact the Town. Paonia gets the pollution while Gunnison gets the money.

Trustee Bear stated he does not believe it is appropriate for the Town Administrator to write a letter on Town letterhead on behalf of the Board without Board approval.

Deborah Spiegel - Orchard - questioned if the Administrator could email the letter to the Board for approval before submitting.

Motion to approve a letter to House Subcommittee of Energy and Minerals, using the 3rd-5th paragraphs of Organic Growers letter as the body of the Town letter.

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

#### **10. Midweek Market Proposal**

Michelle Pattison and Monica Foguth presented the plan for a mid-week farmer's market for the downtown area. The group is not quite prepared and is hoping to bring back to the Board for consideration for the next season.

#### **11. Requested Discussion - Fence Height**

Mayor Stewart provided a brief history of the recent ordinance changes and citizen request to revisit the fence height.

Deborah Spiegel - provided documents for the Board packet and read a statement about the differences between transparent and solid fencing. Ms. Spiegel stated what is more concerning is fence height and keeping dogs inside a yard.

Possible solutions: Fence up to 6 feet if transparent but restricted if a solid material. Allowing transparent addition above the 4-foot solid fence.

Ms. Spiegel suggested attaching a brochure along with the fence review application, explaining the regulations better.

Questions: How many traffic accidents have occurred due to a fence? Hedges? Loose dogs?

Pamela Jackson - more concerned with greenery blocking line of sight than the fencing.

Margaret Hollander - 3rd Street - questioning why the Board cares about fences.

Bobby Riggs - 3rd Street - agrees if a fence can be seen through there is no need to limit the height.

Thomas Markle - What was the basis for the need for the change? Would love to see the source of the proposal and believes the Town has more than \$50 in time dealing with his fence review alone.

Administrator Knight provided information regarding the staff's strong recommendation to maintain the current ordinances.

Trustee discussion ensued regarding:

Overall safety, walling-in effect of higher fences, safety with items planted and placed in right-of-way, 6-ft fence height allowance on back-yard fences, difficulty in drafting an ordinance that clearly identifies what a "transparent" fence is, which can be subject to interpretation, and the multiple opportunities for community input during the initial process to update the code at the beginning of the year.

Ms. Spiegel added she does not have a back yard and if the fence isn't permitted one won't be put up in front either.

Monica Foguth - stated she does avoid the dogs that are aggressive and in front yards. As Town grows, may need remember noise cancellation created by taller fencing.

Motion made to send height discussion back to Governmental Affairs for reevaluation, considering public comments.

Motion made by Trustee Bear, seconded by Trustee Hart.

The Governmental Affairs Committee added they felt it had been well reviewed and discussed.

Voting Yea: Trustee Bear, Trustee Budinger, Trustee Knutson

Voting Nay: Mayor Stewart, Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Hart.

## **12. Great Outdoors Colorado Planning Grant**

Administrator Knight provided information regarding the re-submittal of an application for a GOCO master plan grant. He believes strengthening the need for a parks master plan and using comments from previous denial to update the application will increase the chance for approval. The previously passed resolution in support will be submitted with this application.

## **13. Employee Health Plan Renewal**

Administrator Knight provided information regarding the request for a change to the renewal timeline to assist budget creation and an increase in the Town contribution. The current plan is no longer going to be offered. One problem Paonia faces is that other communities pay a higher percentage of employee benefits and request the Town increase the percentage paid to allow employees to retain a lower deductible. The information provided is for discussion and plan to have on the next agenda for a decision.

Trustee Bookout added it would be helpful to have the difference in costs for changes in percent paid, including vision and dental.

The item was set to be placed on next Board meeting. A new spreadsheet will be provided no later than Friday.

## **14. Clark Avenue Sewer Line Bid Review**

Administrator Knight provided information regarding the substantial increase in the bids, high above funds the Town has available.

Public Works Director Loberg requests the Board reject all bids, that the Town provide the general contractor functions and re-bid for the project itself.

Discussion ensued regarding draw-backs, which include the lack of bonding.

Trustee Bear stated the idea was presented to the Public Works Committee and stated the Public Works Department should create a bid sheet to show where the Town will be spending/saving.

Administrator Knight clarified that the initial discussion was to do the entire project in-house. This request is to hire subcontractor for excavating and some installation.

Discussion ensued regarding the Town Administrators approach to discussion with Trustee Bear.

Public Works Director Loberg stated he can provide a break-down of the material costs.

Tamie Meck – Delta County Independent – The bids seem to be very different from one-another. Is there an explanation why the estimate is so much lower and costs are so much higher? Public Works Director Loberg provided an explanation of the bidding process.

Motion to Reject all bids and publish a new RFP and create a list of costs and materials. Motion made by Trustee Bear, seconded by Trustee Bachran. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

### **Committee Reports**

#### Finance & Personnel

##### 15. Finance & Personnel

Nothing to report.

#### Public Works/Utilities/Facilities

##### 16. Public Works/Utilities/Facilities

Meeting July 1st.

#### Governmental Affairs/Public Safety

##### 17. Governmental Affairs/Public Safety

Nothing to report.

#### Space to Create

##### 18. Space to Create

Nothing to report.

#### Tree Board

##### 19. Tree Board

Nothing to report.

### **Adjournment**

##### 20. Adjournment

Meeting adjourned at 8:45pm.

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J. Corinne Ferguson, Town Clerk

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Charles Stewart, Mayor