

TOWN OF PAONIA



Regular Board Meeting, January 11, 2022

MAYOR AND CITY COUNCILMEMBERS

**Mayor Bachran
Trustee Knutson
Trustee Budinger
Trustee Thompson
Trustee Johnson
Trustee Meck
Trustee Smith**

January 11, 2022,

Executive Session Minutes

5:15 pm

Mayor Mary Bachran called the Executive Session of the Town of Paonia to order at 5:15 pm.

ROLL CALL:

Mayor Bachran asked Deputy Clerk Amanda Mojarro to call the roll.

Deputy Clerk Amanda Mojarro called the roll and those present were Mayor Bachran, Trustee Smith, Trustee Thompson, Trustee Johnson, Trustee Meck, Trustee Budinger, and Trustee Knutson.

Executive Session:

For a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); Specific to Eric Pace v. Town of Paonia and Taffine Patterson Complaint

Trustee Knutson moved to enter executive session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); Specific to Eric Pace v. Town of Paonia and Taffine Patterson Complaint, seconded by Trustee Thompson. Motion unanimously passed.

- Entered executive session at 5:16 pm
- Came out of executive session at 6:07 pm
- Executive session attendees were as follows: Mayor Bachran, Trustees Budinger, Knutson, Smith, Thompson, Johnson, and Meck. Attorney Bo Nerlin.

Trustee Knutson moved to recess for twenty minutes (20 min), seconded by Trustee Johnson. Motion unanimously passed.

January 11, 2022,

Regular Meeting Minutes

6:30 pm

Mayor Mary Bachran called the Regular Meeting of the Town of Paonia to order at 6:30 pm.

ROLL CALL:

Mayor Bachran asked Deputy Clerk Amanda Mojarro to call the roll.

Deputy Clerk Mojarro called the roll and those present were Mayor Bachran, Trustee Smith, Trustee Thompson, Trustee Johnson, Trustee Meck, Trustee Budinger and Trustee Knutson.

Approval of the Agenda:

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Trustee Knutson announced that he will need to leave the meeting at 8:45 pm and requested to have the section of visitors & guests be moved afterward.

Trustee Knutson moved to move visitors & guests to after 8:45 pm due to Trustee Knutson needing to leave, seconded by Trustee Johnson. Motion unanimously passed.

Trustee Meck moved to amend the motion to have public comment after Trustee Knutson leaves, seconded by Trustee Johnson. Motion unanimously passed.

Announcements:

Mayor Bachran announced that the meeting will not have video and only have audio uploaded to the Town's YouTube channel. She also announced that the packets for those interested in running for Town Trustees are available at Town Hall and due by January 24, 2022, at 4 pm. Requirements to run for trustees as stated by Mayor Bachran are to provide signatures from ten (10) registered voters within the Town of Paonia to be on the election ballot.

Staff Reports:

Staff reports were included in the packet.

Trustee Knutson moved that the Board approve the decision to have SSG hired as contract ORC and submit an RFP for other firms for alternative services, seconded by Trustee Johnson. Trustee Knutson withdrew the motion.

Trustee Smith moved to amend the motion to have the RFP be advertised within the next two (2) weeks, seconded by Trustee Knutson. Trustee Smith withdrew the motion.

Trustee Knutson moved that the Board approve the decision to hire SSG for a two (2) month period, seconded by Trustee Johnson. Motion passed with one (1) nay by Trustee Meck.

Trustee Smith moved that the RFP be developed and posted in all the usual places by the first week in February for the long-term ORC contract, seconded by Trustee Thompson. Motion unanimously passed.

Trustee Smith moved to amend the motion to develop an RFP for a ten (10) month ORC and be advertised in all the usual places by the first week in February 2022, seconded by Trustee Thompson. Motion unanimously passed.

Disbursements:

Trustee Budinger moved to approve disbursements as presented for 11/19/21-12-29-21 & 12/30/21-1/07/22, seconded by Trustee Budinger. Motion unanimously passed.

Consent Agenda

Regular Minutes – 12/14/21

Special Minutes – 12/08/21

Liquor License Renewal: Pizza My Heart dba Loui's Pizza

Special Event Permit: The Learning Council

Trustee Knutson moved to approve the consent agenda as presented, seconded by Trustee Thompson. Trustee Knutson withdrew motion.

Trustee Knutson amended the main motion to add correction by Trustee Meck and Johnson, seconded by Trustee Budinger. Trustee Knutson withdrew motion.

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Trustee Knutson moved to approve the Liquor License Renewal for Pizza My Heart dba Loui's Pizza and Special Event Permit for The Learning Council and have the special minutes from 12/8/21 and regular minutes from 12/14/21 be resubmitted with corrections, seconded by Trustee Budinger. Motion unanimously passed.

Corrections as stated by Trustee Meck for the 12/14/21 regular minutes: 1. The motion made by her needs to reflect to state that the Administrator's report on the status of the one (1) million tank at the first meeting in January 2022. 2. Minutes does not reflect approval to deny the DOLA housing assessment and needs to be included in the minutes. 3. Minutes need to reflect that there was no Public Works report.

Correction as stated by Trustee Johnson for the 12/08/21 special minutes: 1. The minutes need to reflect votes for the vacant trustee seats as follows, Jeff Thompson received majority of votes for the first trustee seat. A tie between Ben Graves and Paige Smith for the second trustee seat and Mayor Bachran voted for Ben Graves breaking the tie.

Trustee Meck suggested to review the Edesia special permits granted by the Board of Trustees in 2018 under special review. Administrator Ferguson will review and bring back the findings to the board.

Public Hearing

Public Hearing Continued: DMT Paonia, LLC Regulated Marijuana License.

Mayor Bachran opened the public hearing at 7:50 pm.

Board comments: none.

Public comments: none.

Mayor Bachran closed the public hearing at 7:53 pm.

Trustee Budinger moved to approve the application by DMT Paonia, LLC for retail and medical marijuana store, seconded by Trustee Thompson. Motion unanimously passed.

New Business

Resolution 2022-01 Public Posting: Annual update of posting place and newspaper of record:

Trustee Meck moved to approve resolution 2022-01 designating Paonia Town Hall, 214 Grand Ave, as the official location of public notices and the Delta County Independent (DCI), Delta Colorado as the official publication newspaper of general circulation for publishing public notices, seconded by Trustee Budinger. Motion unanimously passed.

Trustee Knutson moved to approve publication of summaries of ordinances, request for proposal (RFP), and announcements in the High Country Shopper, seconded by Trustee Meck. Motion unanimously passed.

Christmas Light Winners: Attached were pictures of the winners for December 2021 as chosen by Candy Wuollet's family.

Letter of Support – Delta County Memorial Hospital “Sole Community Hospital” Designation: Representative Julie Hoffman presented the letter of support and answered any questions by the board.

Trustee Meck moved to approve the letter of support – Delta County Memorial Hospital “Sole Community Hospital” Designation, seconded by Trustee Budinger. Motion unanimously passed.

Follow-Up on the Town Attorney Interview Outcome and Possible Decision:

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Trustee Johnson moved that the Town chooses Jeff Conklin & KNH as the Town's legal advisors, seconded by Trustee Meck. Motion unanimously passed.

Trustee Thompson moved to change the ordinance to address the change of the meeting dates from the second and fourth Tuesday of the month to the second and fourth Thursday of the month. Motion unanimously passed.

Trustee Budinger moved that the attorney may but is not necessarily required to attend agenda setting sessions, seconded by Trustee Smith. Trustee Budinger withdrew motion.

Trustee Thompson moved to change ordinance 2-2-60 regular meetings to be moved from the second and fourth Tuesdays of the month to the second and fourth Thursdays of the month contingent upon the acceptance of the Town Attorney position by Jeff Conklin & KNH, seconded by Trustee Knutson. Motion unanimously passed.

Building Official Intergovernmental Agreement with the City of Delta – Preliminary Draft Review: The Town Administrator spoke about the preliminary draft that was presented to the board and answered questions.

Discussion points:

- Passing the 2018 building code.
- On page 65 of the packet under The City Shall – C. The city will provide an average of ten (10) hours of building services to the Town per week, scheduled over two (2) days.
- Town Administrator will participate in the interview process with the City of Delta.
- Demolition permits.
- The Town Administrator does the zoning code.
- No additional fees will be included, and customers will be paying for the building permit.
- Under this new IGA the building permit fee will include the plan review fee.
- Discussed the cost.

Trustee Knutson left the meeting at 8:45 pm.

- Community member Suzanne Watson discussed her concern regarding subdivision plan review fees and zoning regulations.

No motion or action was made.

Town Administrator stated that no action is required for this agenda item. If there are any additions or feedback from the board on any modifications or inclusions that the board would like to include into The Intergovernmental Agreement (IGA) document they would need to be sent to the Town Administrator. After the inclusions are made the IGA will be sent back to The City of Delta to get any modifications implemented and get it approved by their board. The document will then be brought back to the Paonia Board of Trustees for potential approval with a caveat that it will not take effect until the open position are filled.

Unfinished Business

Board Consideration of Pedestrian Bridge Engineering Proposals: The SGM Engineering & Odisea Engineering proposals were both presented to the Board of Trustees.

Trustee Smith moved that the contract be awarded to Odisea for the pedestrian bridge engineering, seconded by Trustee Johnson. Motion unanimously passed.

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Visitors and Guests

Christina Patterson was concerned with the turnover in employees the Town of Paonia has had in the past months.

Unfinished Business continued:

2022 Municipal Election Intergovernmental Agreement:

Trustee Budinger moved to accept the 2022 Municipal Election Intergovernmental Agreement, seconded by Trustee Johnson. Motion unanimously passed.

Board Consideration of Modification of Ordinance 2020-09 Advisory Water Committee: Much deliberation was made on this item's language below.

Trustee Meck moved to modify the language in ordinance 2020-09 Advisory Water Committee which coincides with each additional member of the Advisory Water Committee reads as follows: That the preference shall be given to applicants who meet the preference of the Board of Trustees that, of those members of the public encompassing Committee membership, one (1) shall be an in-Town water user, one (1) an out-of-Town water user, and one (1) an authorized representative of a local water company. Motion did not get a second.

Discussion points:

- Addressed the change to the language.
- Remove the work "Shall."

Original Language:

subsection (2) under Sec. 2-10-20 to coincide with the addition of members. This subsection currently reads as follows:

(2) It is the preference of the Board of Trustees that, of those members of the public encompassing Committee membership, one (1) shall be an in-Town water user, one (1) an out-of-Town water user, and one (1) an authorized representative of a local water company.

Language change:

subsection (2) under Sec. 2-10-20 to coincide with the addition of members. This subsection currently reads as follows:

(2) It is the preference of the Board of Trustees that, of those 5 members of the public encompassing Committee membership priorities shall be given, one (1) will be an in-Town water user, one (1) an out-of-Town water user, and one (1) an authorized representative of a local water company.

Discussion ensued regarding other discrepancies in the ordinance.

Administrator Ferguson suggested to the Board to allow staff to revise the language and bring it back for review. The Board agreed.

Advisory Water Committee Trustee Representative Appointment:

Trustee Thompson moved to appoint Trustee Paige Smith as the board liaison of the Advisory Water Committee until the April 2022 election, seconded by Trustee Meck. Motion unanimously passed.

Paonia Tree Board – Board of Trustees Liaison Appointment:

Trustee Smith moved that Trustee Thompson be the Board liaison to the Tree Board, seconded by Trustee Meck. Motion unanimously passed.

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Trustee Smith amended the motion to add effective until the April 2022 election, seconded by Trustee Meck. Motion unanimously passed.

Open Planning Commission Seat – Mayoral Appointment:

Mayor Bachran appointed Steve Clisset to the Planning Commission.

Mayor's Report

Follow up regarding the schedule for the half-day Board Planning Sessions: Mayor Bachran answered questions on the report.

Trustee Budinger moved to extend the meeting for five (5) minutes, seconded by Trustee Thompson. Motion unanimously passed.

Trustee Johnson moved to extend until 9:45 pm, seconded by Trustee Budinger. Motion unanimously passed.

Trustee Thompson moved to hold a preliminary meeting with the Town's DOLA representative to lay the foundation and groundwork for the future strategic planning process, seconded by Trustee Budinger. Motion unanimously passed.

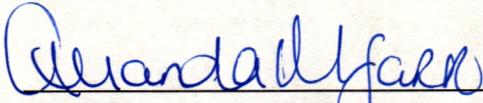
Mayor's Report

Ad Hoc Committee, Commissions, and Board Report as needed.

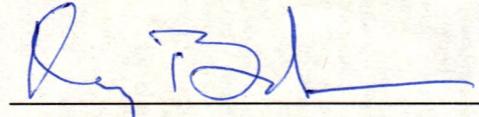
None.

ADJOURNMENT:

The Regular Council Meeting was adjourned at 9:42 pm.


Amanda Mojarro, Deputy Clerk




Mary Bachran, Mayor