

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
May 25, 2021

RECORD OF PROCEEDINGS

The Regular Meeting held Tuesday, May 25, 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=wLplsOInxIQ>

Roll Call

Verbal roll call was taken and those present were Mayor Bachran, Trustee Budinger, Trustee Knutson, Trustee Johnson, Trustee Meck and Trustee Pattison. Absent was 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 "Yes," motion passed.

Announcements

Trustee Meck told the Board and Visitors about the lunar eclipse that will be happening during the night. Mayor Bachran apologized for her action during that previous meeting and reiterated the process for public comment.

- ✚ Trustee Pattison moved to add the discussion and review of the open meetings law, Trustee Meck seconded. A verbal vote was taken with three (3) Trustees voting "Yes," Trustee Meck, Trustee Johnson and Trustee Pattison, and one (1) trustee voting "No," Trustee Budinger. Motion passed. Trustee Knutson recused himself from voting.

Recognition of Visitors & Guests

Hotchkiss Mayor Larry Wilkening thanked the Paonia Police Department for their service and the Town of Paonia for letting them patrol in Hotchkiss. Paige Smith asked if the JDS Hydro report can be made public. Suzann Watson told the Board about her concern with not being able to comment before a voting is held after an executive session and that the Board should be following the Roberts Rules of Order. Her other concern was that there were open seats on the Planning Commission that have not been filled.

Staff Reports

Administrator's Report:

Administrator Ferguson was absent for the meeting and her report was included in the packet. Discussion ensued on the concern for the Play Street closure on Poplar Ave. about the Town's liability. After several minutes of discussion about the liability, have better signs stating that the street is closed, and the need to put a policy in place.

- ✚ Trustee Pattison moved to require proof of liability insurance from the event holder, seconded by Trustee Budinger. A verbal vote was taken with four (4) Trustees voting "Yes," Trustee Pattison, Trustee Meck, Trustee Budinger and Trustee Johnson, and one (1) Trustee voting "No," Trustee Knutson. Motion Passed. Mayor Bachran will notify the event holder.

Paige Smith told the Board that she was not in favor of how Spruce up Paonia is going with the dumpster that is located at the Town Park on how full it has gotten with a large amount of trash around it that people from all over Paonia keeping dumping there. She also stated that she was concerned with how the paint and oil was being recycled and that the Town should not be accepting these types of items when there will be a paint recycling day in July for people to take advantage of. The Board directed the Administrator to present a final cost report of the Spruce up Paonia event.

Attorney's Report:

Town Attorney Nerlin's report was included in the packet. Trustee Pattison requested that the report be included in the next meeting's packet. Discussion was ensued regarding the Board of Trustees training and that the powers of the mayor will be discussed at that time.

Public Comment:

Suzann Watson suggested that the Board invite the Planning and Zoning Commissions to the training.

- Trustee Pattison moved to set the training time to be for 5:30 pm on June 28th, seconded by Trustee Knutson. A verbal vote was taken with all Trustees voting “Yes,” motion passed.

Discussion was ensued about the North Fork Valley Airport and suggested to contact Neal Schwieterman to attend as the Paonia representative.

- Trustee Knutson moved to add the North Fork Valley Airport as an item on the agenda for the June 8th meeting, seconded by Trustee Pattison. A verbal vote was taken with all Trustees voting “Yes,” motion passed.

Treasurer’s Report:

Treasurer King stated that the payroll and disbursements were reviewed. No calls or emails were received about the funds policy. He will be out next week and requested that the Administrator release payroll on his behalf.

Disbursements

Trustee Pattison stated that she would like to have more discussion about the budget and analyze it more in depth. Would like to have a narrative budget analysis.

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

Consent Agenda

Regular Minutes:

- May 11, 2021.

Liquor License Renewal:

- Friends of the Paradise Theatre.

Special Event Liquor License:

- North Fork Valley Creative Coalition.

- Trustee Knutson moved to approve the consent agenda, seconded by Trustee Budinger. A verbal vote was taken with all Trustee voting “Yes,” motion passed.

Unfinished Business

Community Member Ethics Complaint:

Complainant Suzanne Watson explained her complaint and was in favor that the Board of Trustees will be attending a training. After several minutes of discussion about the reason for the complaint and an explanations from Trustee Budinger and Trustee Knutson of what was taken place at the Finance and Personnel meeting that Ms. Watson attended. Trustees were in favor of the training and would like to get a layout of development of responsibilities for each committee in place.

DMEA – Franchise Agreement Update:

Town Attorney Nerlin requested direction from the Board on the updated franchise agreement. A copy of the analysis document from Michelle Thom, counsel for DMEA about the purpose of the utility franchise fee was handed out to the Board. After several minutes of discussion regarding the updated agreement the direction from the Board was that the Town Attorney provide a redlined or white paper of the changes that were made to the Ordinance at the June 8th meeting. Public comment from Suzanne Watson. She read and suggested the Board to adopt a similar language from the Town of Fruita’s franchise fee ordinance.

Ordinance 2021-03 Board of Appeals:

In the packet was the second read of the ordinance for the Board of Appeals and notes from staff were also included to combine the Board of Appeals and Board of Adjustments. Modification to the ordinance were in redline. Trustee Pattison discussed

the number of members and should be consistent throughout the town code and ordinance. She also suggested that the customers fee should be waived. The Board discussed that the Building Official should not sit on the board as this could cause conflict. The public was in favor of having members on the Board with experience in building area. After several minutes of discussion regarding the Ordinance 2021-03 Board of Appeals.

- ✚ Trustee Pattison moved to set the number of members to five (5) for the Zoning Board of Adjustments and Board of Appeals with Building Official not serving as a member of either board, seconded by Trustee Knutson. A verbal vote was taken with all Trustees voting “Yes,” motion passed.
- ✚ Trustee Pattison moved to modify the municipal code to make it clear that the Building Official is not a member or ex-officio of the Zoning Board of Adjustments or Board of Appeals. A verbal vote was taken with all Trustees voting “Yes,” motion passed.
- ✚ Trustee Pattison moved to adjust to specifically reference appendix B of the International Building Code as suggested qualifications, seconded by Trustee Knutson. A verbal vote was taken with all Trustees voting “Yes,” motion passed.
- ✚ Trustee Pattison moved to change 18-11-30 to add that fees are waived if the Board of Appeals finds it in favor of the applicant, seconded by Trustee Knutson. A verbal vote was taken with all Trustees voting “Yes,” motion passed.

New Business

Lot 5 Hawks Haven Subdivision Pre-Annexation Extension Request:

Donna Littlefield explained her request to the Board. Discussion ensued by Trustee Pattison regarding if the standby fee was the same, finance officer answered her question with a yes. Public comment from Bill Brunner asked why doesn't the Town annex Hawks Haven subdivision. Discussion by Trustee Pattison regarding her concern with the statutory requirement of annexing the Hawks Haven subdivision.

- ✚ Trustee Knutson moved to accept the Hawks Haven Subdivision Pre-Annexation Extension Request by Donna Littlefield, seconded by Trustee Pattison. A verbal vote was taken with all Trustees voting “Yes,” motion passed.
- ✚ Trustee Pattison moved to direct the Administrator to review if the Town should annex Hawks Haven in the future. Motion failed for lack of a second.

The Nature Connection & Western Slope Conservation Center – Trail Plan presentation & In-Kind Request:

Members of the Nature Connection & Western Slope Conservation Center explained their request for the in-kind contribution for man hours and fill dirt from the Town to begin with making the trail. The Board would like for the language to specifically state in-kind contributions in the memorandum document. Mayor Bacharan suggested that the Town Administrator and Attorney review the memorandum draft and bring it back to the Board. A grant was received from Colorado Parks & Wildlife (CPW) to do a bridge design. The bridge construction will take place on Town property and because of this the Nature Connection & Western Slope Conservation were asking for the Town's support in drafting a request for proposal (RFP) with help from town staff. Mayor Bachran stated that they can work with the Administrator and Public Work's Director. Town The Board would like to also see contributions from the Delta County School District for this project. The Nature Connection & Western Slope Conservation Center also stated that the Delta County School District would like to have guidelines set regarding responsibility of liability for the trail. The Nature Connection & Western Slope Conservation Center goal is to have the trail open to the public by the beginning of the school, but completion date is set for November 1st, 2021. After several minutes of discussion regarding the in-kind contribution,

- ✚ Trustee Knutson moved to approve the in-kind contributions of labor and materials not to exceed the amount of (five thousand dollars) \$5000.00, seconded by Trustee Meck. A verbal vote was taken with trustees voting “Yes,” motion passed.

North Fork Valley Creative Coalition – Poulos Park Wall Mural:

North Fork Valley Creative Coalition representative Amy Deluca discussed about the mural project and the design of it. Some of the Board members were concerned with the design of the mural because it represents Native Americans tribes and suggested to reach out to the Ute tribes and letting them know about the mural. After several minutes of discussion regarding the mural,

- Trustee Meck moved to approve the North Fork Valley Creative Coalition – Poulos Park Wall Mural, seconded by Trustee Budinger. A verbal vote was taken with all Trustees voting “Yes,” motion passed.

Requirements for Use of Various Areas of Town Park:

Mayor Bachran started the discussion with the staff recommendation that were included in the notes section. Trustee Pattison suggested that the multiple events use the concrete areas and annual events use the grass areas this would give time for the grass to recover from the use. Trustee Pattison also suggested that the public works maintenance crew to have them look into what the appropriate period for the grass to recover. Trustee Johnson stated that it depended on the size of the event. Concerns were regarding the length of time the ditch water will be running to water the parks. After discussing the concerns Mayor Bachran and the Board directed the staff to look at what the least impact on the grass would be.

Fund Balance Financial Policy:

The Board discussed the draft policy with Finance Officer Cindy Jones and Treasurer King present and suggestion were made. One of the suggestions made was to include the Marijuana ordinance ballot language. Mayor Bachran was concerned with (ten percent) 10% language on Page 5 under enterprise funds. The Finance Officer will research and rewrite the draft ordinance and bring it back to the Board for review.

Mayor’s Report

- Mayor’s report was in the packet.

Committee Reports

Finance & Personnel report:

- Nothing to report.

Governmental Affairs & Public Safety report:

- Nothing to report.

Public Works-Utilities-Facilities report:

- Nothing to report.

Tree Board:

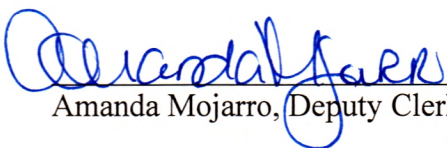
- Nothing to report.

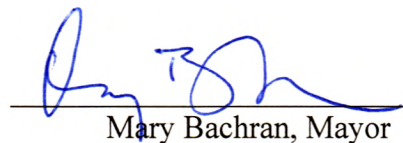
Advisory Water report:

- Individual comments regarding the JDS Hydro report.
- Thomas Markle will present a report on greywater.
- Greywater** is water that has been used for washing dishes, laundering clothes, or bathing.

Adjournment

The meeting was adjourned by Mayor Bachran at 9:24 pm


Amanda Mojarro, Deputy Clerk


Mary Bachran, Mayor

