

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
November 24, 2020

RECORD OF PROCEEDINGS

The Special Meeting held via zoom on Tuesday, November 24, 2020, 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=JNoftzQNNts>

Roll Call

- PRESENT
 Mayor Bachran
 Trustee Bear
 Trustee Budinger
 Trustee Knutson
 Trustee Pattison
 Trustee Johnson
 Trustee Meck

Approval of Agenda

Agenda Approval

- Motion made by Trustee Budinger, Seconded by Trustee Knutson and unanimously carried to approve the agenda as presented.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

Announcements

COVID-19 - Review of Established Policies & Current Updates:

- Mayor Bachran briefly went over the COVID-19 protocols and guidelines.
- Delta County is in the yellow stage.
- Town Hall has put in place a new schedule of operation, increased sanitization, and remote office hours, as necessary.
- Resolution 2020-15 – local disaster order, resolution 2020-08 – recommendation of the use of face coverings, resolution 2020-06 – authorizing town administrator to close certain facilities of the town, and COVID-19 response plan were included in the packet.

COGCC Update (Colorado Oil & Gas Conservation Commission):

- Trustee Knutson briefed the board members and the public on the COGCC update
- The report from the trustee Knutson about the COGCC was included in the packet.
- The rulemaking has been finalized.

Recognition of Visitors & Guests

Visitors & Guests:

- Community member Suzanne Watson made the following comments that she was concerned with how the posting for the meetings and notices of the agenda are handled and minutes not being completed in a timely way.
- Community member Page Smith made the following comments.

- A system for public comment to be part of the record and included in the agenda packet, and a way to formally respond to the public comment in a public way.

Staff Reports

Administrator's Report:

- Submitted the COVID-19 and CDOT grants.
 - The next steps for the CDOT grant are to carry out the installation of bench seating, a bike rack at Town Hall, and the installation of the information sign at Poulos Park.
- The business and the North Fork Senior Connections grants have been processed.
 - 18 Business grants have been processed.
 - North Fork Senior Connections grants have been processed.
- In addition to the Municode has been made – municode docs will know show budgets, resolutions, policies, proclamation, and misc. docs.
- Trustee Pattison asked the following questions.
 - Status of the COVID-19 fund press release – Mayor is working on the press release.
 - Status of the scheduling a joint meeting with the board and planning commission in the works.
 - Status of the zoning and board of appeals on attorney's report.

Public Works report:

- Public Works Director Loberg was absent, and his report was included in the packet.

Police Report:

- Chief informed the board of a juvenile investigation.
- Installation of the mask signs was installed Friday, near the high school and the Highway, and got vandalized on Saturday.
- Installation of the car cameras in the works.
- A meeting is being scheduled to discuss animal control with the Hotchkiss Marshal and Delta County Chief.

Attorney Report:

- Franchise Agreement with Charter Communication is in the process.
- Worked on the minor subdivision with the Town Administrator.
- Attorney gave a summary regarding the board of appeals committee.
 - Clean up of the municipal code under chapter 2 – addressing the creation of the zoning board of appeals.
 - One board to be established to hear both zoning and building concerns and decision making on formal decisions of subdivisions.
 - Trustee Knutson is in favor of a combined zoning and planning board.
- Trustee Pattison is concerned regarding the status of the Colorado Code Consulting contract.
 - Attorney Nerlin stated the primary contact for CCC was out of town.
 - Provide an update at the next board meeting on December 15th regarding the outcome of the call between CCC and Attorney Nerlin
 - Will work with staff for a proposed solution regarding CCC and present at the next meeting on December 15th.

Disbursements

Treasurer's Report:

- Reviewed disbursements and payroll
- Disbursements and account analysis were included in the packet.
- Continue to work on the 2021 budget.

Disbursements Report:

Motion by Trustee Knutson and seconded by Trustee Budinger and unanimously carried to approve the disbursements as provided.

Public comments:

- Community member Page Smith made the following comments.
 - The amount of pay that was paid out to the Finance Officer, Public Works Director, and Town Administrator was higher than normal.
 - Clarification was given – the amount was higher due to paying out hours not used for time off.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

Regular Business

2021 Budget Public Hearing:

- The public hearing opened by Mayor Bachran at 7:33 p.m. closed at 8:25 p.m.
- Discussion ensued on the balanced 2021 budget.
- The transmittal letter and a simplified budget book were included in the packet.

Board & Staff discussion points:

- Trustee Pattison made the following questions:
 - On page 54 of the packet – parks – Arbor Day & Tree City regarding a \$2 contribution per capita – Town Administrator Ferguson clarified the \$2 goes towards planting, removal, and care of the Towns trees.
 - Clarification on page 62 of the packet – water company agreements – The Town Administrator clarified that it was to update the memorandums and agreements of the water companies.
 - Suggested scheduling training on the budget in the future to have a better understanding.

Discussion ensued regarding employees’ salaries and benefits.

- Trustee Meck would like to view the employees’ salaries and their benefits in the budget.
- Mayor Bachran suggested including the salaries and benefits to Clear Gov.
- Town Treasurer King suggested to add as a group to not single or point out each employee.
- Trustee Knutson stated that salaries are public information and suggested having the Finance Committee review the issue to figure out a solution.
- Finance Officer Jones stated that the individual salary increase is budgeted for the current employee and replacement. The addition of the individual salaries to the budget will be made.

Public comments:

Comments by community member Suzanne Watson:

- Suggested by taking out the words tedious process and significantly more on page 52.
- Concerned with the cost of tree care and suggested the tree removal process should be overseen by the Tree Board.

Comments by community member Thomas Markle:

- Presented a spreadsheet he created showing the new and old water base rates.
- Suggested removing duplicate base rates or lowering the water rates.
- Mayor Bachran stated that the increase is so that people would start to conserve water.

Comments by community member Page Smith:

- Suggested to use a table of contents and the salary table from budget 2019.
- Suggested adding narratives to the budget and reference the code as it was done in the 2019 budget.
- Finance Officer Jones clarified that the detail is in the budget book which is in the new budget program Clear Gov. The budget book that was included in the packet was a simplified paper document that did not include all the budget or details.

Clark’s End Minor Subdivision:

Discussion ensued regarding Lynn Mattingly’s minor subdivision Clark’s End. Trustee Meck recused herself from discussion and voting due to owning a neighboring property to the minor subdivision.

Board & Staff discussion points:

- Lynn Mattingly’s prior subdivision was denied on August 27, 2019, and brought back an alternative minor subdivision to the Town.
- The Town Administrators' report and application were included in the packet. With no issue noted.
- Trustee Johnson questioned the street lighting.
- Trustee Bear concerned with negativity from neighbors – letters were sent out to neighbors regarding the minor subdivision.
- Concerns regarding the cul- de - sac – Lynn Mattingly stated that the cul-de-sac will be paved, strictly for emergency vehicles, trash, and snow removal trucks.
- Concerns with the construction of the sidewalk and cul-de-sac as-builts will need to be provided and inspection will be needed.
- Concerns with fire hydrants – fire hydrants were placed when the water line was installed.
- Concerns with the current water moratorium. The water moratorium is for newly purchased taps and not for taps that were purchased before the water moratorium.

Public Comment:

- Two people were in favor of the minor subdivision.
- Community member Christina Pattison questioned the affordability of the units.
 - Lynn Mattingly stated the units are not affordable and are in the mid-range.

Motion made by Trustee Budinger, Seconded by Trustee Johnson and carried 5 ayes and 1 abstained to approve the Clark’s End minor subdivision as presented.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck			X	
Trustee Pattison	X			
Mayor Bachran				

Charter Communication Franchise Agreement:

A discussion ensued regarding the revised franchise agreement with Charter Communications.

- Revised agreement includes the 3% and addition of the public access channel.

Motion made by Trustee Budinger, Seconded by Trustee Knutson and unanimously carried to approve the Charter Communications franchise agreement as presented.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			

Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

Ordinance 2020-10 – Regulation and Licensing of Marijuana Establishments

- Discussion ensued regarding the number of marijuana licenses allowed.
 - Suggestions were to limit the number of licenses to two locations.
 - Trustee Budinger suggested limiting the number of shops in town
 - Trustee Meck was not in favor of limiting the number of shops and suggested restricting them to 2 medical and 2 recreational shops.
- Discussion ensued regarding the process of the Marijuana application.
 - The Town Administrator stated the application review would be contingent upon approval by the Board and the State licensing.

Motion made by Trustee Budinger Seconded by Trustee Bear to limit the number of Marijuana licenses to 2 locations.

- The motion was withdrawn by Trustee Budinger.
- Discussion followed regarding limiting licenses to Marijuana shops in either having a recreational or medical license or both.

Public Comments:

- Community member Jere Lowe suggested creating a Marijuana authority that will oversee and approve license and strike out the location restrictions under 6-4-100 of the ordinances.
- Community member Dale Cecil was concerned with the non-refundable fee.
- Community member Suzanne Watson stated the voters voted on the retail, not the cultivation.
- Several community members suggested to table the Marijuana ordinance and schedule a work session with a study group to discuss and get more information in setting regulations and licensing of marijuana establishments.
- Trustee Knutson was in favor of setting a work session with a study group to discuss the Marijuana ordinance.
- A community member Jere Lowe, Dale Cecil, and Rene Grossman would like to be apart of the study group in setting regulations and licensing of marijuana establishments.

Motion by Trustee Budinger, Seconded by Trustee Meck and unanimously carried to table Ordinance 2020-10 – Regulation and Licensing of Marijuana Establishments and set up a study group with local citizens.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

Revised 2021 Budget Calendar-

- Discussion ensued by the board on setting the next meeting day and time.
- Mayor Bachran stated the Board of Trustees budget work session meeting is to meet on Tuesday, November 3rd at 2:30 pm

2020 Sanitary Survey Follow – Up”

- Trustee Meck reiterated the important points from her 2020 water treatment plan sanitary survey report.
- The Town Administrator stated the continued monthly reporting to the Board will happen until all deficiencies and violations are cleared.
- Trustee Pattison stated how will the tier 3 public notices be handled.

- The Town Administrator stated that public notices will be mailed as 1 document.

Town Attorney Contract:

- Discussion ensued regarding the Town Attorneys' contract notice of termination. Agreement documents were in the packet.
 - Town Attorney Nerlin stated a provision will be provided of a 30-day termination notice.

Motion by Trustee Budinger, Seconded by Trustee Bear and carried with 5 ayes and 1 nay to approve the agreement with the addition that the law firm gives a 30-day termination notice.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson		X		
Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

Town Administrator Six-Month Review - Timeline:

- Administrators' goals as identified by the Board and the objectives set by the Administrator were in the packet.
- The public comment deadline is December 05, 2020.

Consent Agenda

Regular Minutes:

10/27/2020

Special Minutes:

11/03/2020

Motion by Trustee Bear, Seconded by Trustee Knutson and unanimously carried to approve consent agenda as presented.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

Mayor's Report

Mayor's Report

- Attended the North Fork Resource group – a group of schools in mental health.
- Continue sending CORA request to Delta County for COVID-19 numbers for Paonia.

Committee Reports

Finance & Personnel report:

- Suggestions on the budget process will be presented in writing at the next meeting.

Governmental Affairs & Public Safety report:

- Meeting December 7th at 3:00 pm

Public Works-Utilities-Facilities report:

- Nothing to report.

Tree Board:

- Nothing to report.

Adjournment

The meeting was adjourned by Mayor Bachran at 9:37 pm

Amanda Mojarro, Deputy Clerk

Mary Bachran, Mayor