

**Minutes**  
**Town Board Regular Meeting**  
**Town of Paonia, Colorado**  
**October 10, 2017**

**RECORD OF PROCEEDINGS**

The Regular Meeting of the Town Board of Trustees held Tuesday, October 10, 2017 was called to order at 6:30 PM by Mayor Charles Stewart, followed by the Pledge of Allegiance.

Roll Call:

Trustees present were as follows:

Charles Stewart  
Bill Bear  
Chelsea Bookout  
David Bradford  
Karen Budinger  
Barry Pennell  
Suzanne Watson

Town Staff present were as follows:

Administrator Ken Knight  
Clerk Corinne Ferguson  
Finance Officer Cindy Jones  
Chief Neil Ferguson  
Public Works Director Travis Loberg  
Treasurer Ross King

A quorum was present and Mayor Charles Stewart proceeded with the meeting.

**Approval of Agenda**

Motion by Trustee Bear, supported by Trustee Budinger to approve the agenda as presented.

Motion by Trustee Budinger, supported by Trustee Bookout to amend the motion, tabling the Finance & Personnel Committee update. Motion carried unanimously.

Main motion as amended. Motion carried with six (6) ayes and zero (0) nays.

**Announcements**

None

**Recognition of Visitors & Guests**

Kathy Steckel – North Fork Ambulance Association – Reported increased call volume and lack of adequate funding in the North Fork Valley. Ms. Steckel requested the Board and community continue to remind people, especially people new to the valley, of the volunteer program and request they join.

Trustee Bradford thanked Ms. Steckel for the services provided by the NFAA.

**Consent Agenda**

Items:

Minutes: September 26, 2017

Motion by Trustee Bookout, supported by Trustee Bear to approve the consent agenda. Motion carried unanimously.

## **Mayor's Report**

Nothing to report.

## **Town Administrator's Report**

1. Will be out of Town Thursday afternoon and Friday for a Space 2 Create meeting in Trinidad.
2. Apologized for getting angry and acting unprofessionally during the Governmental Affairs meeting.

## **Public Works Department Report**

1. Working with CDOT to acquire rock material for bridge repair.
2. WestWater Engineering is preparing the preliminary design for the bridge foots for submittal to the state for approval.
3. The in-Town road work continues. The contractor has requested direction regarding paving. Would the Board rather increase the bid by approximately \$3,000 and pave in stages, or wait until the end of the project and pave all at once.

Discussion ensued regarding the increase in cost, the benefits and downside to paving in stages and all at once, and responsibility of the additional costs.

Motion by Trustee Bradford, supported by Trustee Bookout to approve the increase mobilization charge for paving in the amount of \$3,000 for street patching. Motion fails with one (1) aye and five (5) nays.

## **Police Department Report**

1. A written report and statement was provided in the packet.
2. An officer has completed defensive tactics training and is a certified instructor.
3. Beginning this Saturday there will be on-going training.

## **Treasurer's Report**

1. Disbursements and payroll have been reviewed.
2. The audit presentation should be in the near future.
3. The auditor contract is up, discussion began regarding an engagement letter for next year.

## **Unfinished Business**

### **Public Hearing – Wildflower Children's Collective Variance Request**

Mayor Stewart opened the public hearing for Wildflower Children's Collective at 7:02pm.

Mayor Stewart provided an explanation of the continuation of the public hearing and special review from September 12, 2017. At the September 12, 2017 meeting a temporary variance was granted, allowing for proper publication prior to a final determination.

The WCC proposal consists of permitting the use of a space inside a public-school building for a privately-operated preschool. Permission has been granted by Delta County School District #50. The planning commission recommended the approval of the variance request provided all state and local permits are in place.

Public Comment:

Bill Brunner – Third Street – recommended the Board review the current zoning and update.

Board Comment:

None.

Mayor Stewart closed the public hearing at 7:05PM.

Motion by Trustee Bear, supported by Trustee Budinger to grant the final variance request for Wildflower Children's Collective, located at 218 Fourth Street, so long as the existing school and ownership remain as presented at the formal hearing, September 12, 2017. Motion carried with five (5) ayes and one (1) abstention from Trustee Bookout.

#### Public Hearing – Town Municipal Code Amendments

Mayor Stewart opened the public hearing for at 7:08pm.

Mayor Stewart provided an explanation of the continuation of the public hearing and special review from September 12, 2017.

Administrator Knight stated several items located in Zoning Chapter 16, of the Municipal Code should be in Building Chapter 18, as they are not relative to zoning, but specific to building regulations only. No modifications in language or content are proposed, just a re-location of specific items. This will allow the Board to make building regulation modifications via ordinance, instead of through the special review process.

Town Attorney Nerlin reiterated that his firm drafted the ordinance, no content has been altered, and the proposed modifications typically are found in building, not zoning.

Discussion ensued regarding the process followed to bring the amendment to the Board, the Land Development Regulations, and the planning commission recommendation to approve the change.

Public Comment:

Bill Brunner – Third Street – Does not believe that convenience for staff is a good reason to change things and believes the items should remain in zoning as they are.

Mayor Stewart closed the public hearing at 7:26PM.

Trustee Budinger stated that while a suggestion may start with staff, it comes to the Board who then give direction, which seems the right procedure.

Trustee Watson said she is not comfortable with moving the section to building, she believes the process to amend via ordinance is too simple, and wants the LDR in its previous form reinstated.

Mayor Stewart added that the previous issue was that it was too complicated, and now the issue is the process is too simple. What ultimately is to be accomplished is to clean up areas that have existed for a long time. The change was noticed twice in the paper, and currently is a cumbersome process.

#### Public Hearing – Town Municipal Code Amendments

Motion by Trustee Bradford, supported by Trustee Bear to adopt Ordinance 2017-11 as presented. Motion carried with five (5) ayes and one (1) nay.

#### Town Park Miners Statue Concrete Installation Proposal

Administrator Knight provided an overview regarding ongoing conversations with the rehabilitation of the Miners Statue area at Town Park. The project would include concrete stamping and planter boxes. Public Works director Loberg added the modifications will assist with maintenance as well as aesthetics. As requested, a sketch of potential changes was provided.

Discussion ensued regarding project design, the water fountain, the purchasing policy, and lack of competitive bids.

Trustee Pennell recommended soliciting entities such as the mines or historical society for ideas and funding.

Discussion ensued regarding the potential for a contest to local artists for ideas and design options.

Motion by Trustee Bradford, supported by Trustee Bear to move approve C & N Construction Inc. Proposal #382 in the amount of \$19,528 for concrete work in Miner's Statue area of Town Park. Motion failed with two (2) ayes and four (4) nays.

### **New Business**

#### Out-of-Town Water Tap Purchase Request

Kraig Henry requests Board permission to purchase two additional water taps for his property, located on the Jumbo Mountain waterline. Mr. Henry states that the Water company president has refused to meet with him, and is unwilling to add lines to the water company, in an effort to thwart potential development.

Mayor Stewart noted the Ordinance 2016-07, which prohibits the direct sale of water taps out-of-Town, outside of a water company and creation of new water companies.

Discussion ensued regarding problems with selling out of Town, the Comprehensive Plan, and history regarding development in the area.

Motion by Trustee Watson to direct staff to provide amended ordinance allowing out-of-Town tap sales. Motion failed for lack of a second.

#### Resolution 2017-11 Acceptance of Pitt Construction Out-of-Town Waterline Project

Public Works Director Loberg stated the project is complete, Delta County has approved the road work and the engineer has certified the work complete. A five (5) percent contingency will be retained for one year.

Motion by Trustee Bear, supported by Trustee Budinger to adopt Resolution 2017-11, Pitt Construction Company LLC, project completion acceptance. Motion carried unanimously.

#### Resolution 2017-12 Colorado Lottery

Resolution 2017-12 supports the reauthorization by the General Assembly of the Colorado Lottery Division in 2018, that GOCO grant funds from lottery remain used towards parks, open space, wildlife, and outdoor recreation purposes until 2039.

Motion by Trustee Bradford, supported by Trustee Pennell to adopt Resolution 2017-12, supporting the reauthorization of Colorado Lottery Division funds in 2018. Motion carried unanimously.

Recessed for five minutes.

#### Enforcement of the One-Year Time Limit on Building Permit

The current building permit form has a one (1) year expiration. Staff and Town Attorney are looking for confirmation to continue adhering to the expiration.

Trustee Watson spoke against the deadline, stating it is not in line with the International Building Code. Trustee Watson questioned how the one (1) year deadline was added to the permit application.

Motion by Trustee Watson, supported by Trustee Pennell to table discussion and refer to Governmental Affairs Committee. Motion failed with one (1) aye and five (5) nays.

Discussion continued regarding the addition of an extension clause to the initial application.

Motion by Trustee Bear, supported by Trustee Budinger to direct staff to provide a one-time renewal policy for 180 days at a cost of \$50.00. Motion carried unanimously.

Motion by Trustee Bradford, supported by Trustee Bear to confirm the continuance of the one-year limit on Town building permits is to be enforced. Motion carried with five (5) ayes and one (1) nay.

Motion by Trustee Bradford, supported by Trustee Budinger to extend the meeting for thirty minutes.

Motion by Trustee Bear, supported by Trustee Bookout to amend main motion, to table all items after disbursements. Motion carried unanimously.

Trustee Pennell noted the Governmental Affairs Committee has scheduled a public meeting for November 1, 2017 at 6:00pm to discuss the proposed marijuana ordinance.

**Disbursements**

Motion by Trustee Budinger, supported by Trustee Bookout to authorize the disbursements as reviewed by the Town Treasurer and Finance Committee for October 8, 2017, in the amounts of, \$139,685.21 for accounts payable, \$11,671.70 WPA loan payment, \$17,544.79 for payroll taxes, \$100.00 for INT grant, \$2,500.00 Space 2 Create transfer, \$16,982.93 for payroll, \$101,603.39 transfer to operating account, \$333.79 credit card payment, \$2,695.30 ACH payments, and \$160,000.00 Transfer to ColoTrust. Motion carried unanimously.

**Adjournment**

Motion by Trustee Bear, supported by Trustee Bradford to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned by Mayor Stewart at 9:40 PM

\_\_\_\_\_/s/\_\_\_\_\_  
J. Corinne Ferguson, Town Clerk

\_\_\_\_\_/s/\_\_\_\_\_  
Charles Stewart, Mayor