

Minutes
Town Board Regular Meeting
Town of Paonia, Colorado
July 24, 2018

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Board of Trustees held Tuesday, July 24, 2018 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
Mary Bachran
Bill Bear
Chelsea Bookout
Karen Budinger
Samira Hart
Barry Pennell

Town Staff present were as follows:

Town Administrator Ken Knight
Clerk Corinne Ferguson
Finance Officer Cindy Jones
Police 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

Mayor Stewart informed the Board that special review co-applicant Mary George was delayed due to a cancelled flight. Discussion ensued regarding notice requirements, the sixty (60) day cease and desist notice, and options regarding the scheduled special review.

Trustee Bookout advised the Board of a potential conflict of interest regarding Edesia Community Kitchen and recused herself from all discussion and action.

Trustee Pennell and Bachran added while it had been intimated publicly of a potential conflict, none exists, and full participation is planned.

Suzanne Watson – Delta Avenue – added her opinion that a conflict of interest exists for the town, due to involvement with Space to Create.

Motion by Trustee Bear, supported by Trustee Bachran to continue with the public hearing as scheduled. Motion carried with five (5) ayes, zero (0) nays, and one (1) abstention.

Motion by Trustee Hart, supported by Trustee Budinger to approve the agenda as presented. Motion carried unanimously.

Announcements

Clerk Corinne Ferguson administered the oath of office to Nicholas Rogers, newly hired officer for the Paonia Police Department.

Recognition of Visitors & Guests

Bill Brunner – Second Street – stated that he does not believe that laughter, booing, or speaking

out is a disruption of a meeting. He stated it is unlawful to hinder speech and he hopes such outbursts like Mayor Stewarts at the previous meeting will not repeat themselves.

Consent Agenda

Regular Meeting June 26, 2018

Regular Meeting July 10, 2018

Special Meeting July 16, 2018

Aaron W. Papke dba Thomas Waldo's Liquor License Renewal

Linda M. Little dba 3rd Street Bistro Liquor License Renewal

Motion by Trustee Bear, supported by Trustee Hart to approve the consent agenda as presented. Motion carried unanimously.

Mayor's Report

Attended the BMW Rally closing ceremony. Mayor Stewart added that attendees are a generous group and he appreciates the contribution to the community.

Town Administrator's Report

1. Town was awarded \$50,000 in grant funding from the Colorado Creative Industries.
2. Town has received over \$100,000 in funding for the Space to Create project so far.
3. Hotchkiss and Paonia have been selected to host the 2019 Rural Philanthropy Days. Trustees are encouraged to participate on a steering or hospitality committee.
4. The used paint pick-up date is August 23rd from 9am to finish in the parking lot behind Town Hall.

Public Works Department Report

1. Apple Valley flood clean-up is on-going.
2. Sidewalks and road repair are underway and anticipated to be complete by end of August.
3. The water tank repair begins Monday and anticipated to be complete by end of August.
4. In-Town waterline project begins tomorrow on Dorris Avenue.
5. Stewart Ditch water is low due to the water call for the river. This may impact watering Town Parks and properties.

Suzanne Watson – Delta Avenue – questions regarding the ditch gates being locked.

Police Department Report

1. The current blotter is included in packet.
2. The department call volume is high, 81 calls in two weeks.
3. Code Enforcement/red tags for weeds and junk continue.
4. No issues with the BMW Rally.
5. Officers will be out for training and vacation over the next few weeks.

Treasurer's Report

1. Disbursements and payroll have been reviewed.
2. No updates for title search on old sewer plant have been received.
3. A request for extension for the 2017 audit has been submitted.
4. No official audit firm RFP responses have been received.

Public Hearing – Edesia Warehouse – Edesia Community Kitchen Special Review

Mayor Stewart opened the public hearing for Edesia Warehouse/Edesia Community Kitchen at 7:06pm.

Mayor Stewart explained the public hearing and special review process as well as a brief overview of the purpose for the hearing. A time restriction of fifteen (15) minutes was allotted to the applicant and primary opposing party. A time restriction of two (2) minutes was allotted to

public speakers.

Administrator Knight provided information regarding the property zone and neighboring zones, what is permitted by right versus what is permitted by special review, preliminary report regarding application submittal, review, and accepted filing with the Town, proper posting and publication requirements. In addition, Administrator Knight noted the request by applicant is not a re-zone or variance.

Barbara Heck, chair of the Planning Commission, provided a brief history of the planning meeting held July 9, 2018. Following a four (4) hour meeting the Planning Commission recommended to the board to approve all requested uses with certain restrictions, as stipulated by Administrator Knight and outlined in the draft planning minutes.

Applicant presentation:

John Maddox, co-applicant and co-owner of Edesia Warehouse gave a presentation regarding the informational packet included for the Board. The applicants are requesting the Town Board review the findings and recommendations of the planning commission and Town staff regarding the approval of special review, with restrictions, as provided. Mr. Maddox provided an overview of the permit process working with the town prior to opening the warehouse businesses. The location is primarily used as a business incubator, with an area open for special events as well. Currently Edesia supports six (6) small businesses and over thirty (30) jobs. The restaurant use is currently three (3) nights per week, with food service ending by 8pm.

Open for Board Question and Comment:

Topics discussed were:

- Noise levels
- Review options
- Revoke options
- Business size before unable to host at Edesia
- Attendees
- Parking
- Special Event Calendar
- Retail Sales items
- Screening options
- Fire department input
- Potential setting of precedent
- 1-way street – parking concern

Opposition Presentation:

The floor was opened to Carol Viner, attorney for resident on Clark Avenue, Callie West. MS. Viner provided a packet of information for the Board. Ms. Viner stated Administrator Knight does not have authority to grant an extension for the activities going on at Edesia that have not been Board approved and that activities have continued beyond the cease and desist order sent by the Town Attorney dated June 20th. A description of the requested change of uses as well as explanation of potential issues with special events was given. Ms. Viner added concern with emergency entry and exit from the location and along Clark Avenue and noted that according to the municipal code all activities within the I-1 zone must cease at 9pm. Ms. Viner concluded that Ms. West was willing to discuss limits made to approval.

Areas of concern noted:

- Dust mitigation
- Noise mitigation
- Insurance proof
- Inadequate application
- Lack of shared parking agreement
- Parking
- HVAC sound

Open for Board Question and Comments:

Trustee Bear questioned if client would be satisfied should the review be granted with limitations. Ms. Viner stated yes.

Opened for public comment:

Five (5) people spoke in favor of Edesia Warehouse special review request. Topics stated were:

- Opportunity to grow businesses
- Positive growth
- Other uses in area
- Meeting new people
- Place to meet
- Employment
- Economic Development

Seven (7) people spoke hopes the Board can make a good compromise for the neighborhood.

Five (5) people spoke against Edesia Warehouse special review request. Topics stated were:

- Location issues
- Outside of core commercial area
- Speed
- Traffic
- Noise

Mayor Stewart closed the public hearing at 8:56PM.

Mayor Stewart added that should the Board wish to hear any more testimony the public hearing would need to be re-opened.

Motion by Trustee Hart, supported by Trustee Pennell to recess. Motion carried unanimously. Meeting reconvened at 9:10pm

Unfinished Business

None

New Business

Board of Trustees Decision – Edesia Warehouse - Edesia Community Kitchen Special Review Request

Mayor Stewart read Municipal Code sections 16-2-90 and 16-4-50, the description of light industrial use, site plan review criteria, and performance standards. The staff recommendation was read for the record by Administrator Knight. Mayor Stewart added his wish to address each special review request individually.

Motion by Trustee Budinger, supported by Trustee Bachran to approve fabrication and manufacturing industry.

Discussion ensued regarding what fabrication and manufacturing is, and the current manufacturing of food products.

Motion to amend main motion by Trustee Pennell, supported by Trustee Bachran to approve the fabrication and manufacturing of prepared and packaged food. Motion carried with five (5) ayes, zero (0) nays, and one (1) abstention.

Motion to amend main motion by Trustee Bear to limit hours 7am to 5pm. Motion failed for lack of second.

Motion to amend main motion by Trustee Hart, supported by Trustee Bear to limit hours 7am to

9pm. Motion withdrawn.

Main amended motion to approve the fabrication and manufacturing of prepared and packaged food carried with four (4) ayes, one (1) nay, and one (1) abstention.

Motion by Trustee Bachran, supported by Trustee Hart to approve fruit and produce processing. Motion carried with five (5) ayes, zero (0) nays, and one (1) abstention.

Discussion ensued regarding manufacturing, with the board determining the issue was included in the decision for fabrication and manufacturing.

Discussion ensued regarding the request for public/private schools. Issues noted were:

- Number of attendees
- Effect on community
- Liquor licensing

Motion by Trustee Bachran, supported by Trustee Hart to extend meeting until 10pm. Motion carried unanimously.

Discussion continued regarding safety plan, bread baking and restaurant use, and signage.

Motion by Trustee Bear, supported by Trustee Hart to set a special meeting to continue deliberation of the special review on July 30, 2018 at 6pm. Motion carried unanimously.

Motion by Trustee Budinger, supported by Trustee Pennell to extend the meeting until 10:30pm.

Disbursements

Motion by Trustee Budinger, supported by Trustee Bookout to authorize the disbursements as reviewed by the Town Treasurer and Finance Committee for July 24, 2018 in the amounts of, \$129,383.36 accounts payable, \$18,406.47 payroll taxes, \$18,991.92 for payroll direct deposit, and \$120,000 transfer. Motion carried unanimously.

Finance and Personnel: Trustees Bookout & Budinger:
Nothing additional to report.

Public Works: Trustees Bear & Bachran:

- Met July 19th.
- Planning agenda discussion in near future regarding annexation of property to Grand Avenue bridge.

Governmental Affairs: Trustees Pennell & Hart:
Nothing additional to report.

S2C: Trustees Budinger & Pennell:
Received arts market survey and are currently sending in modification suggestions.

Tree Board: Trustee Hart:
Meeting July 25th.

Adjournment

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

The meeting was adjourned by Mayor Stewart at 10:10pm

s/s _____
J. Corinne Ferguson, Town Clerk

s/s _____
Charles Stewart, Mayor