



TOWN OF PAONIA
214 GRAND AVE
REGULAR TOWN BOARD MEETING AGENDA
TUESDAY, DECEMBER 13, 2022 6:30 PM
[HTTPS://US02WEB.ZOOM.US/J/89443673628](https://us02web.zoom.us/j/89443673628)
MEETING ID: 894 4367 3628
ONE TAP MOBILE
17193594580

Roll Call

Approval of Agenda

Announcements

Recognition of Community & Guests

Consent Agenda

- Disbursements
- Disbursements through end of year

Staff Reports

- Interim Administrator's Report
- Finance/Treasurer Report
- Police Report
 - 1. Disposal of town vehicle in exchange for position at Police Academy
 - 2. Approval of contract acquisition for Corporal position
- Public Works Report
 - 3. Approval of tools purchase for Public Works/Town Shop

Public Hearing

- 1. Resolution 2022-13- Declaring the Decision to Opt-Out of FAMLI

Unfinished Business

- 2. Contract for SGM for General Engineering
- 3. Contract for RESPEC for General Water and Sewer Engineering

New Business

- 4. Appointment of Interim Town Clerk- Amanda Mojarro
- 5. Resolution 2022-16 - Setting of the Mill Levy
- 6. Resolution 2022-17- Adopting the 2023 Budget
- 7. Designation of Christmas Light Judge
- 8. Contract Template
- 9. SBA Contract Discussion
- 10. Direction for the Interim Administrator regarding working with the Town Attorney
- 11. RFP Selection for Master Plan Update
- 12. Adoption of Ordinance 2022-07 - Charter Communications
- 13. Ordinance 2020-01- Water Moratorium Discussion

Executive Session

Executive session pursuant to C.R.S. Section 24-6-402(4)(b) for a conference with the Town Attorney

AS ADOPTED BY:
TOWN OF PAONIA, COLORADO
RESOLUTION NO. 2017-10 – Amended May 22, 2018

I. RULES OF PROCEDURE

Section 1. Schedule of Meetings. Regular Board of Trustees meetings shall be held on the second and fourth Tuesdays of each month, except on legal holidays, or as re-scheduled or amended and posted on the agenda prior to the scheduled meeting.

Section 2. Officiating Officer. The meetings of the Board of Trustees shall be conducted by the Mayor or, in the Mayor's absence, the Mayor Pro-Tem. The Town Clerk or a designee of the Board shall record the minutes of the meetings.

Section 3. Time of Meetings. Regular meetings of the Board of Trustees shall begin at 6:30 p.m. or as scheduled and posted on the agenda. Board Members shall be called to order by the Mayor. The meetings shall open with the presiding officer leading the Board in the Pledge of Allegiance. The Town Clerk shall then proceed to call the roll, note the absences and announce whether a quorum is present. Regular Meetings are scheduled for three hours, and shall be adjourned at 9:30 p.m., unless a majority of the Board votes in the affirmative to extend the meeting, by a specific amount of time.

Section 4. Schedule of Business. If a quorum is present, the Board of Trustees shall proceed with the business before it, which shall be conducted in the following manner. Note that all provided times are estimated:

- (a) Roll Call - (5 minutes)
- (b) Approval of Agenda - (5 minutes)
- (c) Announcements (5 minutes)
- (d) Recognition of Visitors and Guests (10 minutes)
- (e) Consent Agenda including Approval of Prior Meeting Minutes (10 minutes)
- (f) Mayor's Report (10 minutes)
- (g) Staff Reports: (15 minutes)
 - (1) Town Administrator's Report
 - (2) Public Works Reports
 - (3) Police Report
 - (4) Treasurer Report
- (h) Unfinished Business (45 minutes)
- (i) New Business (45 minutes)
- (j) Disbursements (15 minutes)
- (k) Committee Reports (15 minutes)
- (l) Adjournment

* This schedule of business is subject to change and amendment.

Section 5. Priority and Order of Business. Questions relative to the priority of business and order shall be decided by the Mayor without debate, subject in all cases to an appeal to the Board of Trustees.

Section 6. Conduct of Board Members. Town Board Members shall treat other Board Members and the public in a civil and polite manner and shall comply with the Standards of Conduct for Elected Officials of the Town. Board Members shall address Town Staff and the Mayor by his/her title, other Board Members by the title of Trustee or the appropriate honorific (i.e.: Mr., Mrs. or Ms.), and members of the public by the appropriate honorific. Subject to the Mayor's discretion, Board Members shall be limited to speaking two times when debating an item on the agenda. Making a motion, asking a question or making a suggestion are not counted as speaking in a debate.

Section 7. Presentations to the Board. Items on the agenda presented by individuals, businesses or other organizations shall be given up to 5 minutes to make a presentation. On certain issues, presenters may be given more time, as determined by the Mayor and Town Staff. After the presentation, Trustees shall be given the opportunity to ask questions.

Section 8. Public Comment. After discussion of an agenda item by the Board of Trustees has concluded, the Mayor shall open the floor for comment from members of the public, who shall be allowed the opportunity to comment or ask questions on the agenda item. Each member of the public wishing to address the Town Board shall be recognized by the presiding officer before speaking. Members of the public shall speak from the podium, stating their name, the address of their residence and any group they are representing prior to making comment or asking a question. Comments shall be directed to the Mayor or presiding officer, not to an individual Trustee or Town employee. Comments or questions should be confined to the agenda item or issue(s) under discussion. The speaker should offer factual information and refrain from obscene language and personal attacks.

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
December 13, 2022

RECORD OF PROCEEDINGS

Mayor Bachran calls the meeting to order at 6:30 pm

Roll Call

PRESENT

Mayor Mary Bachran

Trustee Dave Knutson

Trustee Paige Smith

Trustee Dave Weber

Trustee John Valentine

Trustee Rick Stelter

Trustee/ Mayor Pro-Tem Markle (joins during Staff Reports by Zoom)

Approval of Agenda

Motion made by Trustee Stelter, Seconded by Trustee Valentine to approve the agenda
Trustee Weber makes a statement about not being able to open a PDF on certain
platforms.

Motion carries unanimously

Announcements

The Mayor thanked the Community panel for stepping up and helping with Town
Administrator interviews. Kayla Rosen, Linda McCone, Elaine Brett, Christina Patterson,
Lyn Howe and Tina Walker.

The board made the decision to hire neither candidate and start the hiring process over.

Interim Town Administrator and Town Attorney would like to plan a work session to
define Roles & Responsibilities in January, while the town attorney will be close by to
cut down on travel costs. Tentatively set for 5 pm on January 30th.

Motion made by Trustee Knutson, Seconded by Trustee Stelter, to move the RFP item up
to right after the consent agenda.

Motion carries with:

Voting Yea: Trustee Knutson, Trustee Smith, Trustee Valentine, Trustee Stelter

Voting Nay: Trustee Weber

Community & Guests

S. Watson: Title 24 doesn't allow you to make decisions during an Executive Session.
She disagrees with the way the citizen panel was chosen for the interviews and
conducted. Speaks of the need for transparency.

Consent Agenda

Disbursements

Disbursements through end of year

Motion made by Trustee Stelter, Seconded by Trustee Weber to approve the Consent
Agenda.

Trustee Weber makes a statement about disbursements not being reviewed and neither he
nor Trustee Smith can attest to them, due to a staff meeting in progress at the time set up.
Finance Director Jones shows that she has them and is ready and available to answer any
questions.

Motion carries with voting as follows:

Voting Yea: Trustee Knutson, Trustee Valentine, Trustee Stelter

Voting Nay: Trustee Smith, Trustee Weber

RFP Selection for Master Plan Update

Mayor Bachran says she received an email from Kaart, the other firm that submitted a proposal, withdrawing their proposal for unrelated reasons.

Representatives from Phoenix Rising Resources spoke of amendments made to the proposal after a meeting with the Planning Commission, which led them to remove some unneeded items and brought the cost down to \$54,000, and showing a phased approach due to other potential projects they learned of the Town doing.

Motion made by Trustee Knutson, Seconded by Trustee Stelter, to approve the RFP submitted by Phoenix Rising Resources for the Master Plan, in the amount of \$54,895, contingent on the approval of the grant.

Motion carries unanimously.

Staff Reports

Interim Town Administrator Klusmire added a thank you to the staff for their participation in Town Administrator candidate tours and interviews.

Trustee Knutson asks about a debriefing for the interview process, so that changes can be made for the next round.

Trustee/Mayor Pro-Tem Markle asks about having a conversation, when appropriate, about Former Town Administrator/Clerk Ferguson's final pay-out.

1. Trustee Smith makes a motion, seconded by Trustee Stelter, to approve the purchase of the veteran officers contract.

Motion carries unanimously.

2. Trustee Knutson makes a motion, Seconded by Trustee Valentine, to approve disposal of town vehicle for a cadet position at the police academy.

Motion carries unanimously.

3. Trustee Knutson makes a motion, Seconded by Trustee Smith, to approve purchase of tools for Public Works/Town Shop, up to \$18,000

Public Works Director Heiniger and Chief Laiminger talk about their intention to work together to catalog the tools on Asset Tiger.

Motion amended by Trustee Knutson and Seconded by Trustee Stelter, to amend motion to add, 'up to \$18,000'

Motion passes unanimously.

Public Hearing

Resolution 2022-13: Declaring the Decision to Opt-Out of FAMLI.

Public Hearing Opens: 7:45 pm

Discussion follows confirmation of employees notified and polled, past sick leave practice

Changes: Strike second 'whereas', change signature at bottom to Interim Town Clerk Amanda Mojarro, change sick leave to Paid Time Off, change adoption date.

Public Hearing Closes: 7:51 pm

Motion made by Trustee Stelter, Seconded by Trustee Knutson to approve Resolution 2022-13: Declaring the Decision to Opt-out of FAMLII with the noted additions and/or changes.

Motion carries unanimously.

Unfinished Business

Contract for SGM for General Engineering

Town Attorney Cotton-Baez provides an outline of the issues behind SGM's request to remove the defense obligation and intentional wrongful conduct and asks for direction for moving forward.

Motion made by Trustee Stelter, Seconded by Trustee Smith, to direct the Town Attorney to do as he sees fit and re-enter negotiations.

Trustee Weber makes a motion Seconded by Trustee Stelter to amend the main motion to change the wording to say take the lawyer's advice and follow it.

Motion carries unanimously.

Contract for RESPEC for General Water and Sewer Engineering

Motion made by Trustee Knutson, Seconded by Trustee Smith to accept the contract for RESPEC for general water and sewer engineering with the understanding that the Town is not obligated to only use them.

Motion carries unanimously.

New Business

Appointment of Interim Town Clerk- Amanda Mojarro

Trustee Weber makes a motion, Seconded by Trustee Stelter to adopt Resolution 2022-18: Appointment of Interim Town Clerk, Amanda Mojarro

Motion carries with:

Voting Yea: Trustee Knutson, Trustee Smith, Trustee Weber, Trustee Valentine, Trustee Stelter

Voting Nay: Trustee/Mayor Pro-Tem Markle

Resolution 2022-16 - Setting of the Mill Levy

Trustee Weber makes a motion, Seconded by Trustee Smith, to adopt Resolution 2022-16 Setting of the mill levy.

The motion carries unanimously.

Resolution 2022-17- Adopting the 2023 Budget

Trustee Weber makes a motion, Seconded by Trustee Knutson to adopt Resolution 2022-17: Adopting the 2023 Budget.

Motion carries with:

Voting Aye: Trustee Knutson, Trustee Smith, Trustee Weber, Trustee Valentine, Trustee Stelter

Voting Nay: Trustee/ Mayor Pro-Tem Markle

Designation of Christmas Light Judge

Motion made by Trustee Knutson, Seconded by Trustee Stelter, that Interim Town Clerk Amanda Mojarro & family be designated as Christmas Light Judges.
Voting Yea: Trustee/Mayor Pro-Tem Markle, Trustee Knutson, Trustee Smith, Trustee Weber, Trustee Valentine, Trustee Stelter

Contract Template

Town Attorney Cotton-Baez explains the idea behind the general contract templates.

Motion made by Trustee Knutson, Seconded by Trustee/ Mayor Pro-Tem Markle to add discrimination clause for gender identity, sexual orientation and any other protected classes.

Motion carries unanimously.

Motion made by Trustee Stelter, Seconded by Trustee Smith, to accept the contract templates.

Motion carries unanimously.

10. SBA Contract Discussion

Town Attorney Cotton-Baez provides some background to the SBA Cell Tower lease agreement amendment.

Discussion includes taller tower, fair market value, more ground and Dark Skies Ordinance

Motion made by Trustee/ Mayor Pro-Tem Markle, Seconded by Trustee Weber to authorize town attorney to continue communications with SBA.

Motion carries unanimously.

11. Direction for the Interim Administrator regarding working with the Town Attorney

Discussion includes large project limits, discretionary questions and communications,

13. Adoption of Ordinance 2022-07 - Charter Communications

Motion made by Trustee Smith, Seconded by Trustee Knutson, to adopt Ordinance 2022-07: Charter Communications.

Motion carries unanimously.

14. Ordinance 2020-01- Water Moratorium Discussion

Interim Town Administrator and Town Attorney ask for guidance on what has been or is planning to be done to lift the water moratorium. Attorney Cotton-Baez explains to the Board of Trustees that the Town must show that they are working aggressively towards lifting it to avoid opening the Town to legal challenge. It was also explained that town staff have run into some issues with the moratorium and existing codes and answering the public's questions.

Discussion includes history of moratorium, intent of moratorium, data needs, spring meters, frustration on all sides, different perspectives, needing to aggressively pursue lifting moratorium, water supply vs delivery system, water loss from springs to treatment plants, steps moving forward, will of the voters, water delivery line vs service line, code language muddies the water

Public Comment:

C. Kendall: water company issues, water usage

Executive Session

Was deemed unnecessary

Committee Reports

Finance: Weber & Smith
Parks: Knutson & Stelter
Streets: Valentine & Markle
Water/Sewer/Trash/AWC: Weber & Markle
Personnel: Smith & Valentine
Public Safety: Knutson & Stelter
Paonia Tree Board: Trustee Valentine

Trustee/Mayor Pro-Tem Markle raised concerns about whether former Town Administrator/Town Clerk received her Prior Sick Leave payout at the correct rate of pay. Finance Director Jones said she would review the contract and the personnel manual and report back her findings

Advisory Water Committee: Trustee Weber wants to thank Phil Ceriani for his service and loaning his extensive expertise to the Advisory Water Committee and the Town of Paonia.

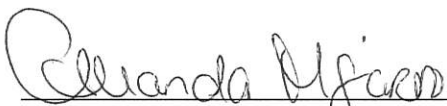
Trustee Weber also encourages the Town to be better at communicating information on water and housing on the town website.

Public Safety Committee will meet at 3 pm on December 20th at Town Hall.

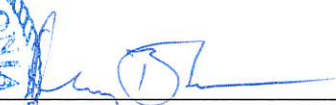
Parks Committee will meet at 4 pm on the December 20th at Town Hall.

Adjournment

Meeting Adjourns at 9:26 pm


Amanda Mojarro, Interim Town Clerk




Mary Bachran, Mayor