

**Minutes**  
**Regular Town Board Meeting**  
**Town of Paonia, Colorado**  
**March 14, 2023**

**RECORD OF PROCEEDINGS**

**Roll Call**

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

**PRESENT**

Mayor Mary Bachran  
Trustee/Mayor Pro-Tem Thomas Markle  
Trustee Dave Knutson  
Trustee Paige Smith  
Trustee Dave Weber  
Trustee Rick Stelter

**ABSENT**

Trustee John Valentine

**Correspondence Received**

Trustee Smith asked for more information on the Omniprocessor item and why it was there. The Town Clerk explained that there were a couple of community members that just wanted the Board to be aware of some different systems.

**Approval of Agenda**

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

Discussion ensued about having the school discussion from the February 28th meeting and vote again to meet legal requirements and to satisfy public concern. Town Attorney Nick Cotton-Baez agrees and informs them that they can 'cure' the item by having a significant discussion and not rubber stamping it at the next meeting. Trustee Smith asks about the CML request on input about upcoming legislation and whether they can have a discussion without it being individually agendized.

Discussion continues about the importance of public comment, notification requirements, informed discussion and decisions and proper protocol.

Trustee Stelter calls the question.

Main Motion:

Voting Aye: Trustee Knutson, Trustee Stelter, Trustee Weber, Trustee Markle

Voting Nay: Trustee Smith

Motion Carries.

**Announcements**

Trustee Knutson announces that the Parks Committee and Public Safety Committee meetings will be cancelled for the month of March.

Trustee Weber: Citizens Water Committee will be meeting on the last Wednesday of the month at 5pm. Trustee Markle will be running the meeting.

**Public Comment**

L. Lucas: Requests that board approval be put back into the Street Closure Permit ordinance

M. Foguth: Question about her item on the agenda

S. Watson: Congressional funding for the school building discussion shouldn't have happened since it wasn't agendaized in the proper way.

W. Brunner: comments about the 2023-02 seeming to be set up for buying the school and feels it is creating loopholes. Announced there is a citizens referendum currently under review in the Town Clerks office to repeal 2023-02: Clarifying the Moratorium on the Sale of Water Taps by the Town.

S. Keenan: thinks the Town should wait or get a better price on the school building and consider being a refuge center and finding program funding for that.

### **Consent Agenda**

Trustee Weber makes a motion, Seconded by Trustee Smith, to approve the Consent Agenda. Trustee Knutson requests having the departments employees are in, attached to the payroll information.

Trustee Markle asks why the disbursements were separate from the digital packet.

Finance Director Jones answers that she didn't have everything she needed for them at the time the packet was published.

Main motion carries unanimously.

Trustee Knutson makes a motion, Seconded by Trustee Weber, to have the list of employees include their department on payroll.

Motion carries unanimously.

Interim Town Administrator-

Interim Administrator Klusmire talks about her plans for a community survey about the Priorities identified during the work session and asks about getting Survey Monkey and whether the cost is worth it.

Trustee Stelter points out that this could be a solution to the earlier discussed problem of getting public comment on time-limited items.

Trustee Smith brought up that they have two different projects going, Master Plan Update and Affordable Housing, that have community surveys written into their plans that it could be used for as well.

Interim Administrator Klusmire asks the Board for direction about a water bill that includes a leak in excess of a million gallons of water and was already at least six months behind. The water has been turned off after the leak was discovered by a public works employee. She asks permission to offer to credit the leak amount if the leak is repaired and bill is made whole. Town Attorney is drafting an emergency ordinance to deal with situations like this in the future and enforcement will be a priority again.

Trustee Knutson makes a motion, Seconded by Trustee Stelter, to authorize the Interim Town Administrator to pursue the suggested solution.

Aye: Trustee Knutson, Trustee Smith and Trustee Stelter

Nay: Trustee Markle and Trustee Weber

The motion carries.

Finance Director-

Trustee Weber makes a motion, Seconded by Trustee Knutson, to approve the transfer of \$2,390,000 from United Business Bank to ColoTrust General Fund Account.

Trustee Knutson likes that it is a conservative fund with wise investments.

Motion carries unanimously.

Police Department-

Trustee Markle makes a motion to go into executive session pursuant to C.R.S. Section 24-6-402 (4)(f) to discuss a personnel matter involving staff access to secure police facilities.

There is a discussion about whether the executive session is appropriate.

Trustee Knutson Seconds.

Discussion ensues about an employee's right to attend, whether that applies to former employees and the Town Attorney's questions and then advice that it would not be appropriate without inviting the former employee to be present or have it discussed in public.

Trustee Knutson withdraws his Second.

Motion dies for lack of Second.

Public Works Director-

Public Works Director Heiniger provides some background to the accident involving the Apple Valley Park shed resulting in it needing to be torn down. The shed has two patches of asbestos that need to be removed before demolition.

Public Comment-

S. Patterson: asks if it was a Town vehicle or a private vehicle involved in the accident. Trustee Weber makes a motion, Seconded by Trustee Stelter to accept the bid of Regional Asbestos Mitigation Services for \$7,165.95.

The Board asks questions about tearing down the building, CIRSA coverage for asbestos mitigation and whether the company will have to bring a generator.

Motion carries unanimously.

## **Actions & Presentations**

### Public Hearing- Home occupation permit for podcast studio

Public Hearing opens: 7:42 pm

Brandon Mason (owner) and Filip Sipos (resident of 120 Dorris) are both in attendance. They provide information about traffic, noise levels, and topics of podcast.

Trustee Weber thanks them for following the process of applying for a permit and says it seems as though it is a minimally invasive venture.

Trustee Markle asks what the name of the podcast is. Mr. Mason answers Torchcast and that it is about regional directions with economics and development and issues.

Trustee Markle asks if this is the process that is supposed to be followed for every home business.

Trustee Stelter asks about whether the off-street parking requirement is fulfilled.

Trustee Knutson asks questions to clarify the exact location of the house.

Trustee Smith asks that staff update the application template.

Public Comment:

None

Public Hearing Closes at 7:47 pm

Trustee Weber makes a motion, Seconded by Trustee Smith, to approve Brandon Mason's Home Occupation Permit for a podcast studio.

Trustee Knutson asks if there were any comments by the neighbors. The Town Clerk Vetter replies that none were received.

Motion carries unanimously.

### **Other Items**

#### Delta County request for Support and Direction Regarding Wildfire Mitigation on Town of Paonia Property

Kris Stewart and Matt Jennings are in attendance to present their request and answer questions.

Trustee Weber makes a motion, Seconded by Trustee Markle, to support wildfire mitigation on P Hill and select the Western Colorado Conservation Corps to do it. Board questions and discussion cover the risk and danger of wildfire, wildlife impact, who the county has selected, qualifications, concern about chipping and point of contact-Cory Heiniger.

Motion carries unanimously.

Trustee Knutson makes a motion, Seconded by Trustee Stelter, for a five-minute recess.

The motion carries unanimously.

Meeting resumes at 8:03 pm

#### Hotchkiss Chamber of Commerce updating Paonia Board of Trustees on Chamber activities and requesting Town's involvement in a North Fork Valley Chamber of Commerce

Trustee Knutson makes a motion, Seconded by Trustee Weber, to table this item until Terry O'Brien returns to Zoom.

Motion carries unanimously.

#### Request to Install and Maintain a Pantry Shelf in Town Hall – Monica Foguth

Monica Foguth is in attendance and provides an explanation of what she is requesting, a small bookcase with shelf stable donated supplies or necessities, that she would be responsible for maintaining.

Public Comment:

S. Watson: asks about liability issues.

Discussion from the board included staff time and added responsibility, SNAP benefits dropping 30%, food insecurities, church's, trial basis, community involvement.

The Interim Town Administrator recommends no staff involvement at all due to time constraints and heavy workload.

Trustee Knutson makes a motion, Seconded by Trustee Stelter to approve the pantry shelf on a pilot basis for 3 months and then reconsider it.

Trustee Stelter makes a motion, Seconded by Trustee Knutson, to amend the main motion to say that there will be no staff involvement in cleaning or maintenance.

Trustee Smith states that while it is a wonderful idea, she feels that a place of business is not the appropriate place for this, and it is not right for the Town staff to have to keep an eye on it and call someone if there are problems.

Motion to amend the main motion:

Motion carries with Trustee Smith voting Nay.

Main Motion: to approve the pantry shelf on a pilot basis for 3 months, with no town staff involvement in cleaning or maintaining and then reconsider.

Aye: Trustee Stelter, Trustee/ Mayor Pro-Tem Markle, Trustee Knutson

Nay: Trustee Smith, Trustee Weber

Motion carries.

Hotchkiss Chamber of Commerce updating Paonia Board of Trustees on Chamber activities and requesting Town's involvement in a North Fork Valley Chamber of Commerce

Terry O'Brien asks for the Town's participation in working on the Delta County Official Visitor Guide which helps bring tourists to the North Fork Valley.

Public Comment:

W. Brunner: Chamber is a fine organization but feels like there should be separation between the Chamber and the town government. Government should be providing rules and level playing field while Chamber should be advocating for businesses.

Board discussion and questions include information on One Delta County, tourism, various visitors guide, economic development and Board of Tourism.

Mr O'Brien is looking for a revamp of the write-up about Paonia in the Delta County Visitor's Guide that is more inviting to tourists.

The Board suggests that the Chamber ask the North Fork Valley Creative Coalition. Amy DeLuca from the NFVCC asks to be recognized and says they would be happy to help with this project.

North Fork Pool Park & Recreation Request for Board Direction on Options for the Skate Park

Max Heepke presents the options they are asking for Town input on. They have two options available to them with the denial of the GOCO grant: use the \$115,000 already raised for improvements to the existing skate park or try again for a GOCO grant later this year.

Public Comment:

S. Watson: Likes the idea of improving on what exists instead of tearing up unpaved, green spaces and makes something already existing great again.

R. Miller: asks question NFPP&R about doing improvements and going for the GOCO grant again.

S. Sharer: NFPP&R President- have been in touch with a designer that says they can make something really unique with the skate park for the money that they have; in favor of option one.

S. Patterson- who is managing this? Would like to see extra pressure taken off of the Town of Paonia.

Trustee Weber makes a motion, Seconded by Trustee Stelter, to approve option 1, using the funds already raised (\$115,000) to make improvements to the existing skate park.

Discussion about the feedback from the GOCO grant board, how to approach differently, town contributions, other grants, responsibility and partnership with the town, better planning in the future, effect of the water crisis, Paonia in Motion focus group make-up, in kind contribution, better outreach and coordination needed.

Trustee Knutson asks if the Town can get a reviewed and updated MOU with NFPP&R in the next month.

Motion carries unanimously.

Mayor Bachran clarifies that the NFPP&R is going to choose the contractor and do the RFP while the Town manages the funds.

North Fork Valley Creative Coalition Request for Reimbursement of Corridor Dues  
Amy DeLuca provides background on the Creative Corridor, the Corridor Map, economic development and what the dues are for. Historically, the NFVCC pays the dues, and the Town has reimbursed them.

Public Comment:

S. Watson: Not comfortable with the Town paying for the content and not approving it and curious what tax base the funds come from.

S. Patterson: do all the communities that participate in the corridor pay for this or just Paonia.

Trustee Weber states that he thinks it is a bad idea for the Town to pay dues for any organization and the Town is involved in a lot of projects using a lot of money right now and this shouldn't be another.

J. Ramsey: writes grants for the Creative Coalition and being a certified Creative Corridor brings in more money than the thousand dollars being asked for.  
Board discussion ensues about purview of Chamber of Commerce funding, a tight budget this year, where the dues go, who contributes, updated MOU between Town and NFVCC, tourism revenue supports many local businesses.

Trustee Markle asks advice about conflict of interest as a hostel owner and the need to recuse himself. Town Attorney Cotten-Baez determines it is not a conflict of interest for Trustee Markle to continue.

Trustees continue discussing seasonal services vs everyday services, importance of locally sustained business and balancing needs, sales tax revenue and promoting business.

Trustee Weber makes a motion to deny the \$1000.00 reimbursement.

Motion dies for lack of Second.

Trustee Knutson makes a motion, Seconded by Trustee Smith, to match up to \$500.00 from what the NFVCC can raise towards the bill.

Trustee Smith points out they have already paid the fee.

Trustee Knutson states he would like them to do a special fundraiser for it.

Amy Deluca asks to be recognized and clarifies that the bill is paid, and they have other projects they are working on. The NFVCC would be happy for whatever the Town would like to contribute towards the dues, without conditions or stipulations.

The motion fails unanimously.

Trustee Knutson makes a motion, Seconded by Trustee Stelter, to reimburse \$500.00 for the Creative Corridor dues.

Aye: Trustee Knutson, Trustee Stelter, Trustee Smith

Nay: Trustee Weber

Abstain: Trustee Markle

The motion carries.

North Fork Valley Creative Coalition Request for Letter of Support for Town of Paonia for Colorado Creative District Renewal

Public Comment:

S. Patterson: There are plenty of places that promote Paonia all ready, do we really need another?

S. Keenan: neuroartblueprints.com, brand new field to explore

S. Watson: not opposed to Town writing a Letter of Support for the Creative Coalition but they should be billed for staff time. Tired of constant requests for money, bill them \$500 for staff time.

?: Support the NFVCC as they support local artists and business. They are doing great work and we need to work together to grow.

Trustee Weber makes a motion, Seconded by Trustee Stelter, to approve a Letter of Support for the NFVCC

Trustee Markle reads the past letter of support and emphasizes the property value increase while the Town is trying to create affordable housing.

Motion carries with Trustee Markle voting Nay.

Approval to Enter into Contract Negotiations with Selected Housing Firm

Trustee Knutson makes a motion, Seconded by Trustee Weber, to approve proposal by Urban Rural Continuum.

Motion carries unanimously.

Trustee Knutson makes a motion, Seconded by Trustee Stelter, to extend the meeting until 9:45 pm

Motion carries with Trustee Weber voting Nay.

Ordinance 03-2023: Amending Street Closure Permits

Public Comment:

M. Morgan: business owner Paonia Farm & Home, describes the impact on his business when street closures happen, requests port-a-potties and trash can requirements.

L. Cusak: requests Board Approval put back in the ordinance.

S. Watson: no street closures on business days

Business owner: Street closures affect different businesses differently. The street closures accounted for her three best days.

J. Kleinman: thought the spirit of rewriting the ordinance was to give the Board authority to make exceptions, evening events take longer to set up and tear down.

S. Kane: please add Board Approval back into the ordinance, need to be supportive of businesses.

Community Member: Used to be nothing here, now there are popular events and many of them close streets and bring people to town. Maybe extend closures just for clean-up if not event.

L. Hayes: voicing support for Mountain Harvest Festival because it helps him stay open in the lean winter.

R. Miller: Setting up and tearing down cannot go faster safely, please extend the closures or events like this may not be able to happen.

W. Brunner: Mountain Harvest Festival is great, do it in the park.

The Board has a discussion covering C-1 and C-2 rules, making good plans for the future, not putting future Boards in same position, working together to find compromise, like the Town Attorney's suggestions.

Trustee/Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Smith to extend the meeting until 10 pm

Aye: Trustee Markle, Trustee Smith, Trustee Stelter

Nay: Trustee Weber and Trustee Knutson

Motion carries.

Board discussion continues about how what helps one business can hurt another and building sustainable events and community.

Trustee Knutson makes a motion, Seconded by Trustee Weber, that streets can only be closed in C-1 and C-2 5 times per year and a single organization can only do once per year.

A. DeLuca makes a statement about Legacy events.

Trustee Knutson makes a motion, Seconded by Trustee Weber, to amend the main motion to say a single organization cannot do it more than twice in a year.

Voting Aye: Trustee Knutson, Trustee Smith, Trustee Stelter

Voting Nay: Trustee/ Mayor Pro-Tem Markle



The motion carries.

Main Motion: That C-1 and C-2 cannot be closed more than 5 times in a year and a single organization cannot do more than two street closure events in a year.

Voting Aye: Trustee Knutson, Trustee Smith, Trustee Stelter

Voting Nay: Trustee/ Mayor Pro-Tem Markle

The motion carries.

Interim Town Administrator Klusmire thinks there is nothing wrong with the Board having authority to make exceptions for special circumstances. Also thinks that the bathrooms issue is important and so is incentivizing clean up with a higher deposit.

Trustee Knutson makes a motion, Seconded by Trustee Smith, to extend the meeting by 15 minutes.

Voting Aye: Trustee Knutson, Trustee Smith, Trustee Stelter

Voting Nay: Trustee Weber and Trustee/ Mayor Pro-Tem Markle

Motion carries.

Trustee Knutson makes a motion, Seconded by Trustee Stelter, to direct the Town Attorney and Interim Town Administrator include language for the Board to review about Board exceptions to the Street closure limits and add language in the applications about fees being increased and restrooms.

Trustee Weber makes a motion, Seconded by Trustee Stelter to split Trustee Knutson's motion into two parts.

Motion carries unanimously.

First motion: to direct the Town attorney and Interim Town administrator to include language for the Board to review about Board exceptions to Street Closure ordinance.

Voting Aye: Trustee Knutson, Trustee Stelter, Trustee Smith

Voting Nay: Trustee/ Mayor Pro-tem Markle

Second motion: to add language to the Street Closure Application about fees being increased and restrooms.

Second motion rescinded in favor of staff working on a new application for special events.

Request for Board direction establishing 'needs and desires' boundaries for liquor licensing

Trustee Stelter makes a motion, Seconded by Trustee Knutson, to send the Needs and Desires Boundaries to the planning commission for a recommendation.

Motion carries unanimously.

Direction from the Board regarding possible zoning violation investigation  
A short discussion about the need for a code enforcement investigator and various options to investigate.

Approve the Mayor to sign documents allocating the Town's 2023 Opioid Settlement Funds to the Region 14 Opioid Abatement Council (Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel Counties)

Trustee Stelter makes a motion, Seconded by Trustee Weber, to approve the Mayor signing documents allocating the Town's 2023 Opioid Settlement Funds to the Region 24 Opioid Abatement Council.

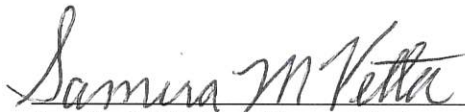
Motion carries unanimously.

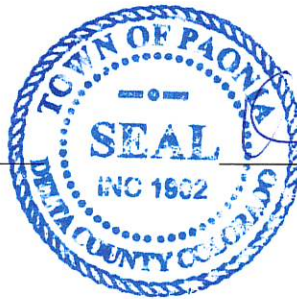
**Mayor and Trustee Reports**

Trustee Markle asks that any discussion item be agendized as its own item in the future.

Meeting adjourns at 10:15 pm

**Adjournment**

  
Samira M Vetter, Town Clerk



  
Mary Bachran, Mayor