

**Minutes**  
**Regular Town Board Meeting**  
**Town of Paonia, Colorado**  
**January 23, 2024**

**RECORD OF PROCEEDINGS**

**Public Participation:** Must raise hand and be recognized by the Mayor, come to the podium and state your name and the street on which you live. Time limit is 3 minutes, one time per item. Direct all comments to the Mayor. No responses will be made by staff or Board during the meeting. No derogatory or demeaning statements or public displays. Please be respectful.

**Roll Call**

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

**PRESENT**

Mayor Mary Bachran  
Mayor Pro-Tem Dave Knutson  
Trustee Paige Smith  
Trustee John Valentine  
Trustee Morgan MacInnis  
Trustee Kathy Swartz

**ABSENT**

Trustee Rick Stelter (Excused)

**Approval of Agenda**

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee MacInnis to approve the agenda.

The motion carries unanimously.

The Board of Trustees sends their condolences to the family of Larry Garret who was a member of the Airport Advisory Committee for many years. He will be missed.

Mayor Pro-Tem Knutson makes an announcement about the Energy and Carbon Management Commission, having a new initial rule on cumulative impacts and encourages the public to read it and submit comments.

Mayor Pro-Tem Knutson also speaks briefly about the first planning call on Safe Routes to Parks and explains that it was decided to focus on Apple Valley Park.

Trustee Smith announces that she will not be attending the meeting on February 13th and Mayor Pro-Tem Knutson expresses that he will be missing the February 27 and March 12 meetings.

**Public Comment**

Any topic not included under Actions & Presentations; 3-minute time limit.

B. Brunner: Comments on the Public Hearing of the Planning Commission and his belief of the process being done wrong.

**Consent Agenda**

Trustee Swartz asks question about the layout of disbursements and is answered by Trustee MacInnis, who is a member of the Finance Committee.

Mayor Pro-Tem Knutson asks about the audit and where the Town is in the process.

Trustee Valentine makes a motion, seconded by Trustee MacInnis to approve the consent agenda.

The motion carries unanimously.

### **Staff Reports**

Town Administrator Wynn gives a verbal report on matters that were discussed at the CML Policy Committee Meeting that he and Town Clerk Vetter attended on January 19, 2024.

Town Administrator Stefen Wynn goes over the Departmental Scorecard covering the audit, CDOT grant and project updates, employee purchasing policies etc. being updated, water companies and agreements, code rewrite: RFQ will be out in February , Chase credit card update and grant reporting.

Mayor Pro-Tem Knutson asks about when the RFQ for a water attorney will go out.

Clerk Vetter provides a verbal update on the number of candidates who are running for the open Mayor and Trustee seats and asks the Trustees to set a Special Meeting to pass a Resolution to cancel the Election if no write-in candidates present themselves before the deadline on January 29, 2024.

Trustee Swartz makes a motion, seconded by Mayor Pro-Tem Knutson, to set a special meeting for January 30, 2024 at 5 pm.

The motion carries unanimously.

### **Actions & Presentations**

Public comments must be related to the agenda item, 3-minute time limit.

Agenda Item #1: Progress on the Water Moratorium Update by RESPEC  
James Starnes, attending by Zoom, goes over their update report and opens himself up for questions.

Public Comment:

C. Patterson: comments on the water crisis in 2019.

W. Brunner: comments on the 2019 water crisis.

Agenda Item #2: Master Plan Status Update from Phoenix Rising Resources

Calla Rose Ostrander from PRR provides an update on the Comprehensive (Master) Plan and explains the changes they are requesting in budget and timeline.

Board discussion includes timelines, what has been produced so far, lack of a product, job scope changes and deadlines.

Agenda Item #3: Consideration of Approval of a Letter of Support to Dark Skies International for the Town of Paonia to be Officially Recognized as a Dark Sky Town - Presentation by Dark Skies Paonia, Aaron Watson

Aaron Watson, with Dark Skies Paonia, explains that they are getting ready to do the final push for official recognition as a Dark Sky community.

Public Comment:

S. Watson: comments on Christmas lights.

C. Ostrander: comments on Dark Skies and stargazing.

Mayor Pro-Tem Knutson asks the Dark Skies Paonia Board to stand and be recognized for their hard work.



Trustee Smith asks for certain edits to the letter of support.

Mayor Bachran also thanks Dark Skies Paonia and asks that money be budgeted for the next 5 years to do the work needed to change all the lights.

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee MacInnis, to approve the letter of support for Dark Skies Paonia to become a recognized Dark Skies Community with Dark Skies International, with the suggested edits; to include a five-year budget in FY 2025-2029 for light replacements and to allow a light monitor to be installed on top of Town Hall.

The motion carries unanimously.

#### Agenda Item #4: Board Consideration of Appointment for the Zoning Board of Adjustments & Appeals

Dale Duesterbeck, the applicant, is in attendance and introduces himself to the Board of Trustees.

#### Public Comment:

W. Brunner- comments on advertisement for the position.

S. Watson- comments on board name.

Board discussion includes the Code rewrite will address many of these concerns, out of town vs in town residents, length of time the seat has been vacant.

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee MacInnis, to appoint Dale Duesterbeck to the Zoning Board of Adjustments & Appeals, to fulfill the term ending in August 2024.

The motion carries unanimously.

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee Smith, to take a 5-minute recess.

The motion carries unanimously.

Meeting resumes at 8:05 pm

Agenda Item #5: Consideration of Appointing Town Administrator as Proxy for the Town to the Stewart Ditch and Reservoir Company for the 2024 Annual Meeting on 2/6/24 at 7PM in the Paonia Town Hall Community Room.

Trustee MacInnis makes a motion, seconded by Trustee Smith, to appoint the Town Administrator as official town representative for the Stewart Ditch and Reservoir Company annual meeting.

The motion carries unanimously.

Agenda Item #6: Consideration of Approval for USGS Agreement to Operate and Maintain the Gaging Station at the North Fork of the Gunnison River.

#### Public Comment:

K. Carter: asks a question about the location.

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee MacInnis, to approve the USGS agreement and to explore cost sharing options with Delta County in the future.

The motion carries unanimously.

Agenda Item #7: Consideration of Request to change Legal Paper of Record Designation to the High Country Spotlight and Shopper - Tina Walker

Dennis Anderson speaks on behalf of the Delta County Independant.

Tamie Meck reads a part of the email included in the packet noting that she was not asked to speak about this.

Public Comment:

S. Watson: comments on things to consider

Board Discussion: side by side comparisons, not on State website yet, HCS&S a little cheaper, requirement for legal notices is different than for public meetings, affidavit required and where are people most likely to look.

Trustee Smith makes a motion, seconded by Trustee Valentine, to continue this item until the next meeting.

Voting Aye: Trustee Smith, Trustee Valentine

Voting Nay: Mayor Pro-Tem Knutson, Trustee MacInnis and Trustee Swartz

The motion fails.

Trustee Swartz makes a motion, seconded by Mayor Pro-Tem Knutson to table the discussion until budget time.

The motion carries unanimously.

Agenda Item #8:

**Public Hearing-**

Application for Minor Subdivision of Property at 841 HWY 133 Paonia CO 81428 by West Elk Land & Hops

Town Attorney Cotten-Baez asks that the hearing be opened so his statement can be a part of the Public Hearing Record

Mayor Bachran opens the Public Hearing at 8:44 pm  
Town Attorney Cotton-Baez was asked to provide a legal opinion on whether Mayor Pro-Tem Knutson and Mayor Bachran's participation in the Planning Commission hearing on this application constitutes an ex parte contact and potential violation of due process rights. It's the Town Attorneys opinion that Mayor Bachran Mayor Pro-Tem Knutson's participation in the Planning Commission hearing does not give rise to a legal obligation to recuse themselves from tonight's Board of Trustee hearing for the following reasons: Recusal is appropriate when relationships or interests could bias a decision maker's judgment or present an appearance of bias. There has been no allegation of such a relationship or interest in this case. To the extent that Mayor Bachran and Mayor Pro-Tem Knutson's participation in the public hearing could be considered to amount to an interest. It's unlikely their participation has biased them. Indeed, the Board of Trustees is charged with deciding the application on the evidence presented at the Board of Trustee hearing this evening. Ex parte communications are those communications between one interested party and a member of the decision-making body outside of a public hearing. Ex parte contacts are prohibited on the rationale that interested parties must be afforded the opportunity to weigh in on or contest information presented to the decision makers by the opposing parties. Mayor Bachran and Mayor Pro-Tem Knutson are duly appointed members of the Planning Commission. Interested parties were notified of and invited to attend the public hearing before the Planning Commission just as they were of the hearing before the Board of Trustees and therefore all interested parties were afforded an



opportunity to express their views before the Planning Commission in the presence of those holding opposing views. Therefore, it can't be said that Mayor Pro-Tem Knutson's and Mayor Bachran's participation in the public hearing before the Planning Commission has resulted in ex parte contact giving rise to a due process violation.

Mayor Bachran asks if there are any further questions from the Board on this issue.

Mayor Pro-Tem Knutson asks whether the public hearing should have come before the Planning Commission or not. The Town Attorney says he is willing to give an opinion on that at a more appropriate time but since it is not relevant to tonight's hearing, he would prefer to address that at a later time.

Mayor Bachran asks if proper notification has been made and Clerk Vetter answers in the affirmative. Mayor Bachran then asks if the Trustees have any disclosures to make. No disclosures are made. The Mayor then asks Town Administrator Wynn to make the staff presentation.

Town Administrator Wynn presents why he was not able to do an administrative split, due to some conflicting parts of the Municipal Code; under 17-6-20; all such proposed parcels are divided by or parallel to and part of the original block, track the parcel into the town plant, and I didn't go any further. The recommendation of the Planning Commission was to approve the minor subdivision with conditions: 1) that the applicant grant appropriate access easements on the sale of subject lines 2) that the applicant obtain a general use well permit from the state prior to the sale of subject lots 3) that the applicant provide engineering plans for the domestic water systems prior to the sale of blocks 4) the applicant establish an HOA and provide guidelines prior to the sale of any lots. He further recommends that the applicant also have engineered drainage plans prior to the sale of lots and that instead of these conditions being done before the sale of lots that instead they be complete before final plat is produced for signatures. He begins to show and explain what is being asked and what issues there are to keep it from being approved administratively, for example, access to each proposed lot.

Mayor Bachran asks if there are any other Staff comments and seeing none, asks the Applicant to begin their presentation.

Applicant David Warren, 40760 Vista Creek Drive, is sworn to tell the truth and begins his presentation. He begins with the history of the property and project which changed after a downturn in the economy in 2008 and led to one large property, Riverbank, being divided into two parcels. The property in question for this hearing is the northern 14 acres that was then utilized as a Hops farm from 2011-2021. He goes on to explain that due to the water moratorium and wanting to develop the property, he and his co-owners had been planning on deannexing, but after a meeting with Interim Town Administrator Leslie Klusmire, they realized that other options were available to them. He begins to explain the four components of their application: domestic water, sewer, fire protection, and access.

In the case of water they obtained a well permit in January 2023; for the State to approve the well as domestic use it must include augmentation, augmentation was approved in October 2023 by the State and a decree was issued. The final step before receiving their general use well permit is to finalize their water contracts for the augmentation plan. Mr. Warren then briefly explains augmentation and how it applies to their project.

The second item discussed is the septic systems. In our meeting with the Interim Town Administrator and the Public Works Director it was determined that the property was located more than 400 feet from the town sewer main, which makes them exempt from connecting to the Town's sewer system. Mr. Warren that explains that State approved septic systems would be placed for each lot.

For fire protection, the applicants worked closely with the Volunteer Fire Department and incorporated all of the recommendations into their sub-division plan, they also included a letter from the Fire Chief in their application. One key element is the width of the roads: the driveways are all 23 feet wide to accommodate the largest fire trucks. In addition, the



shared access up Hwy 133 will take its current width of 15 feet to 25 feet to improve the ease and safety of fire trucks and vehicles entering and exiting Hwy 133 from both directions. CDOT will also require a concrete apron across the 25 foot access, which will join the existing pavement of Hwy 133 and extend into the shared access and will be constructed to CDOT specifications.

The last item is access. Since their driveway is shared with a neighboring property, CDOT requires a traffic study to determine if vehicle traffic for two properties is acceptable for the access location. The applicants have completed a study and been issued an access permit.

The applicants are withdrawing their rezoning request .

In summary, Mr. Warren explains that their project fits the current county master plans, which is to maintain the rural character on Hwy 133. They are seeking to balance the need for housing development and the use of fertile agricultural land and open space. A maximum of six houses are allowed by CDOT based on their access location off of Hwy 133. The project will cause no additional traffic on Price Road.

Mr. Warren states that their Minor Subdivision application has met all the criteria required for the Town. They have followed all Town guidelines and regulations for domestic water, sewer, fire protection and access.

They are asking the Town Trustees to approve our Minor Subdivision with R-2 zoning contingent on core components that need to be completed: the general well use permit, completed engineering plans for domestic water systems, developing HOA guidelines for shared irrigation system use, maintenance and improvements, and the Town Attorney's recommendation of providing legal deeded easements or driveway access to each lot.

Mr. Warren thanks the Board of Trustees and takes his seat.

Mayor Bachran opens the public comment portion of the Public Hearing and gives instruction on protocol.

Richard Schmidt, 323 Onaga Avenue, is sworn to tell the truth. Mr. Schmidt requests a denial of this application for a minor subdivision. He feels that this is a rush to schedule this meeting after only four business days after the Planning Commission presentation and a packet of 326 pages. He disagrees with the assertion that this meets all Town requirements and is not satisfied that questions and concerns from the Planning Commission have been qualified and fully addressed, along with other potential concerns that the rush timing of this meeting may have prevented. The Town Administrator determined it did not meet the criteria for administrative split of a Minor Subdivision and he wonders what those criteria were. He states that road access, water, sewer and zoning are all unconventional requests, which needed further investigation. Mr. Schmidt asks that the Board of Trustees deny this Minor Subdivision request, require a Major Subdivision review, invoking Article 4, Section 17-4-10 of the Paonia Municipal Code. This will enabling the Town Administrator to, at the applicant's expense, hire experts to analyze and review this for the town. He asks that they look again at the Minor Subdivision from 2012 and its compliance, noting Article 4, Section 17-4-40 regarding road and easements through lower property, and clarify what seems to be an overlap of ownership regarding Riverbank, and West Elk Land & Hops. He feels that this is anything but normal and feels that there is a lot of information that needs to be addressed and dealt with. Mr. Schmidt states that he doesn't really think the Town is prepared to do that with the professionalism that a separate Planning and Zoning professional can do, and that it will help the Town Administrator too and he thinks that the Town should have that opportunity with a Major Subdivision, which doesn't necessarily change the project. This just changes the way the Town will analyze the project to make sure it does comply with the Town Code. Mr. Schmidt asks to submit his written notes as evidence.

Bill Brunner, 608 Second Street, is sworn to tell the truth. Mr. Brunner agrees with what Mr. Schmidt said. He also feels that the subdivision proposal that is submitted is contrary to the existing zoning. Even though the applicant is willing to withdraw the rezoning request, Mr. Brunner thinks it would be odd and improper to consider a subdivision



without considering its relationship to the existing zoning on the parcel. He asks the Board of Trustees to uphold the institutional integrity of the town by denying this application. He sees this proposal is an opening offer, when such a proposal meets the criteria set forth in the zoning that is great, the Town wouldn't really have any grounds for denial. He explains that this does not meet the requirements, or it would be administrative approval. He says that the applicants have come to the Board with an offer for a subdivision and he thinks the Town be remiss to accept that first offer, since they are basically asking for a variance, that will give them a license to make money. He says to the Board that they need to establish what is in this for the Town. Mr. Brunner points out that this parcel is zoned R2, the intent of that zoning is single and multiple family residential dwellings at moderate density. He doesn't feel that three big houses with Accessory Dwelling Units on thirteen acres is medium density; the use does not fit the zoning.

Christina Patterson, Price Road. Is sworn to tell the truth and reads a letter written by Arabella Beavers, a neighbor whose property butts up to the southwest portion of the property in question. The letter states that Ms. Beavers was unable to attend tonight but that she never received a notification letter and requests that the Town uphold the notification laws.

Rob Miller, 224 Onarga, is sworn to tell the truth and makes a comment that this isn't about rich people getting richer but about people who need to be able to split land to sell land and it shouldn't be made harder.

Ms. Prider, 798 Hwy 133, is sworn to tell the truth. She comments that she also feels that this was too fast to have the second public hearing, especially for her since the traffic impact will affect her personally.

Suzanne Watson. 195 Second Street, is sworn to tell the truth. Ms. Watson comments that the Town's Planning and Zoning processes are confusing. This project was planned in the past to be a subdivision to move the housing toward the highway with higher densities, so people didn't have to drive through town to get to housing. When people live in town, we share zoning, we share the streets with each other, we share services, we share the water, we share the sewer, and we pay for those things collectively. The proposed subdivision doesn't do any of that. She doesn't feel it supports orderly logical development and growth in the town. Ms. Watson would recommend that the Town let the applicants de-annex. She points out that the Town's recently approved Housing Study recommended that the Town focus on housing density.

Mayor Bachran closes the public comment portion of the hearing and asks if the applicant has any further comments.

Alison Elliot, 316 Oak Avenue, co-owner in West Elk Land & Hops, is sworn to tell the truth. Ms. Elliot clarifies that this is a different property, it's much further out and this was phase two of the original property. She states that they are requesting a minor subdivision, and they have done everything asked of them. She hopes that this moves forward the owners can move on with their lives and make this property available to those people who might want to do small scale farming, just as they have presented it.

Mayor Bachran asks if the Town Staff has anything further to add.

Town Administrator Wynn responds to the comments about the Comprehensive Plan and points out that Town can not use a Comprehensive Plan that hasn't been adopted yet. That leaves the Town with the Comprehensive Plan from 1996, which says under LUD 1 that development maintains only classifications which provide for our right range of uses that clearly specify the allowable uses of the province of boundaries. This property has been annexed to the town as part of that bigger Riverbank property. He points out that one of the reasons the Town isn't considering rezoning is the avoidance of spot zoning. LED 2 encourages the Town of Hotchkiss and Delta County to maintain the agricultural character and rural setting along State Highway 133, between Hotchkiss and Paonia. He points out that it is strange to put in a town's comprehensive plan, things to impose on other communities, but it gives the intent of what is expected along Highway 133.



Mayor Bachran closes the public portion of the hearing

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee MacInnis, to extend the meeting to 10:00 p.m.

The motion passes unanimously.

Mayor Bachran states that the documents included as part of the record for this public hearing, include all the application materials submitted by the applicant, all the materials included in the trustee packet, all written referral and public comments received regarding the application, the notice of the hearings, town subdivision and zoning ordinances and the written comment notes from Richard Schmidt. There are no objections to any of these items being included as part of the record.

Mayor Bachran opens the Board deliberations with the Board being able to ask questions of the Staff.

Trustee Smith asks about the public hearings being so close together and the statutorily required timeframe.

Town Attorney Cotton-Baez answers that the Planning Commission, when it's required to hear applications, should do so within 30 days of submission and then the Board of Trustees should hear the application within 30 days of the Planning Commission recommendation.

Trustee Smith asks if these five acre lots can be subdivided in the future.

Town Administrator Wynn and Town Attorney Cotton-Baez agree that it would have to be a major subdivision.

Trustee Smith asks how they can require the owners to make sure there are easements through private property.

Town Administrator Wynn replies that the Town couldn't place a condition on the owners to make an easement or something through a property they do not own. That would have to be an agreement between both property owners. While the intent is to sell them, we can not really contemplate that with the subdivision, but whether or not it complies with the code to subdivide. The applicants have hit every point that they need to, they've worked with appropriate bodies, they paid for a CDOT traffic study on Highway 133, including looking at fire access with the Volunteer Fire Department.

Trustee Smith asks, in terms of the buildings that would be built on each of the five acres, how much control the Town have on the size and type of buildings.

Town Administrator Wynn answers that they are in town limits, they've been annexed in and the Town has quite a bit of control over what can be built during that building permit application type.

Trustee Smith comments that she was very confused about why did this public notice included the E-1 zoning, because our code says if you are doing a Minor Subdivision the district in which the Minor Subdivision is going has to stand, there was never an opportunity for them to change this to E-1, it has to stay R-2 based on our code.

Trustee MacInnis asks the applicant about the time when this was one large lot and then split up into two. At the time, the large part was owned by Riverside LLC and now this plot that we're talking about here is owned by West Elk Land & Hops. He asks if there are any stakes in West Elk Land and Hops? Or stakeholders in West Elk Land and Hops that were in the original LLC that held the whole plot?

Alison Elliot answers yes, that the partners split it.



Trustee MacInnis, Ms. Elliot and Town Administrator Wynn discuss whether the property went through a Minor Subdivision or if it was an administrative split.

Trustee MacInnis asks if there is a reason that utilities were not brought to the property when it was split or subdivided before.

Alison Elliot answers that it was agricultural.

Trustee MacInnis asks when the well study will show whether they have enough water.

Alison Elliot answers that they already know there is enough water and that it was metered at the lowest part of the year as well.

Trustee MacInnis asks if it will be one septic system per single dwelling unit.

Ms. Elliot answers that they have a septic engineer and will adhere to all State regulations and requirements.

Trustee MacInnis asks about power to the plots.

Ms. Elliot responds that there is already three phase power on one lot and that will bring power to the other lots, as needed.

Trustee MacInnis asks about the sculpture center and Ms. Elliot explains that there is a scoop of land that was the original driveway, which was determined to be a bad place due to its location to the road curving.

Trustee MacInnis then asks about the current structures on the property being in use and Ms. Elliot responds that they are selling all the equipment, since the hops farm has not been active for a couple of years.

Trustee MacInnis comments on the lack of planning of flood protection.

Town Administrator Wynn asks Mayor Bachran if they can have the Town Attorney weigh in on the question that was raised by Trustee MacInnis, about one of the owners having been part of the previous LLC now being part of the new LLC.

Town Attorney Cotton-Baez clarifies if he is being asked whether this constitutes a minor subdivision requested by the same owner and explains that it is still 2 separate LLC's so it is still 2 separate owners.

Trustee Smith explains that the answer to that could have created a big issue since the Minor Subdivision couldn't be done at the property with the same owner.

Trustee Swartz asks Town Administrator Wynn if he would explain what reasons he had for saying he could not do an administrative split on the property. The Town Administrator explains that the proposed divided lots are not easily parallel or have access to streets, which didn't meet the Code or his criteria for an administrative split. He then states that because there are conditions that need to be contemplated that is what takes it straight to the Public Hearing process.

Trustee Swartz then asks the Town Administrator if there are more leverage points they should consider, as were raised by several comments from the public and what the Town gaining by doing the subdivision without utilities and services being used.

Town Administrator Wynn explains that it is property tax, with one parcel with some improvements, it is a small amount. If the Town allows it to be subdivided and then those lots are developed, that raises the amount of property taxes that come from the properties. If the lots are sold and one goes to a Major Subdivision that raises property tax and fulfills the need for denser housing. They would also still be using emergency services and the police services are not a separate taxing district.

Trustee Smith asks about trash pickup and snow removal from the streets.



Town Administrator Wynn explains that isn't being contemplated right now but if in the future they wanted to deed right of ways to the Town, the Town would not accept anything that wasn't built to Code. For the purposes of this public hearing, that is one of the things that the owners would have to settle as a part of the HOA guidelines.

Trustee Smith then asks about stormwater runoff and Town Administrator Wynn explains that is in his staff report as a suggested fifth condition as well as changing the conditions to be complete before the recording of the final plat. They also clarify that the Town Administrator will be the arbiter of whether they have met those conditions.

Mayor Bachran closes the Public Hearing at 9:49 p.m

Mayor Pro-Tem Knutson makes a motion, Seconded by Trustee Smith to extend the meeting to 10:30 p.m.

The Board of Trustees and the Town Attorney discuss how similar the Town's subdivision regulations are to the State Statutes and whether the decision can be delayed until after more planning pieces have been put into place. The Town Attorney reminds them that they have to make decision based on what is in place right now and that the applicant has a right to a decision in a reasonable amount of time.

Trustee MacInnis asks what the regulations are on well and septic systems within Town limits: What is the regulation on well and septic within town limits and a discussion ensues about spirit of the law and letter of the law and that there are no regulations around septic systems within town limits. Discussion further delves into how they can ensure the same lots don't just continue to be subdivided with new owners and the enforceability of certain conditions vs Code amendments.

Trustee MacInnis makes a motion, seconded by Trustee Smith, to deny the application.

Voting Yea: Trustee Smith, Trustee MacInnis

Voting Nay: Mayor Pro-Tem Knutson, Trustee Valentine, Trustee Swartz

The motion fails.

Motion made by Mayor Pro-Tem Knutson, Seconded by Trustee Swartz, to conditionally approve the Minor Subdivision with the conditions 1) that the applicants grant appropriate access easements on the lots 2) that the applicants obtain a general use well permit from the State 3) that the applicant provide engineering plans for the domestic water systems 4) the applicant establish an HOA and provide guidelines for shared usage, maintenance and improvements 5) that the applicant have engineered drainage plans and that all of these conditions be met before the final plat can be signed and recorded.

Voting Yea: Mayor Pro-Tem Knutson, Trustee Smith, Trustee Valentine, Trustee Swartz

Voting Nay: Trustee MacInnis

The motion carries.

Agenda Item #9 Consideration of Approval of Wright Water Engineering Contract for the Hydrogeological Study

Trustee Swartz makes a motion, seconded by Trustee MacInnis to approve the contract for the Hydrogeological Study with Wright Water Engineering.

The motion carries unanimously.

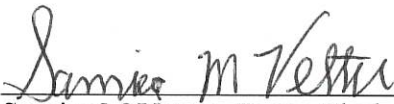
## **Mayor & Trustee Reports**

Parks & Public Safety Committee Report

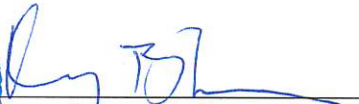


**Adjournment**

Mayor Bachran adjourns the meeting at 10:25 p.m.

  
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Samira M Vetter, Town Clerk



  
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Mary Bachran, Mayor