

**Minutes**  
**Regular Town Board Meeting**  
**Town of Paonia, Colorado**  
**December 12, 2023**

**RECORD OF PROCEEDINGS**

**Roll Call**

PRESENT

Mayor Mary Bachran  
Mayor Pro-Tem Dave Knutson  
Trustee Paige Smith  
Trustee Rick Stelter  
Trustee Morgan MacInnis  
Trustee Kathy Swartz

ABSENT

Trustee John Valentine

**Approval of Agenda**

Trustee MacInnis makes a motion, seconded by Mayor Pro-Tem Knutson for approval of agenda.

Motion carries unanimously.

**Announcements**

Judging for Best Christmas Decorations began on December 8! Judges plan to have a winner selected for the first meeting in January.

Candidate Packets for the April 2nd, 2024 Municipal Election will be available to pick up on January 2, 2024 at Town Hall

The Tree Board is Accepting Applications and Letters of Interest for Two Open Seats.

Accepting Applications and Letters of Interest for Open Seat on the Zoning Board of Appeals & Adjustments.

\$10,000.00 Safe Routes to Parks grant was awarded to WSCC and Nature Connection.

Dec14 and 15th Gemini meteor shower.

**Public Comment**

M. Neiremburger: Graffiti in Town Park.

S. Lynn: requests signage on her Road for the people speeding out of town past the Paonia Care and Rehab center.

**Consent Agenda**

Trustee Swartz motions, seconded by Trustee Stelter, to accept the consent agenda.

Motion carries unanimously.

1. Disbursements  
Disbursements through end of 2023 with Finance Committee Review

**Staff Reports**

Town Administrators Report

- Talks about the Focus on 2024 newsletter.

Police Department Report & Blotter

- Municipal Judge Salary is in line with other municipalities.
- CDOT cameras on HWY 133 over McClure Pass are not working. PD fielding more calls for traffic conditions. PD will continue to provide most up to date information they have.

**Actions & Presentations**

**Item 1 - Public Hearing**

Consideration of granting a Retail Marijuana License: North Fork Curators LLC DBA Jimmy's Joint at 119 Grand Avenue.

Public Hearing Opens - 6:40PM

Susan Kaldis and Jimmy Lowe present their business plans and process and goals for their retail marijuana store, plans for running and security, sourcing, and compliance.

Trustee Smith asked about the size of the sign and the applicants said they are happy to adjust the size to be complying.

Mayor Pro-Tem Knutson asks about the entrance at the side. Applicants plan to keep the entrance to the side of the building.

Mayor Pro-Tem Knutson asks the Police Chief if there is an issue with the entrance location. Chief Laiminger responds that there is not.

Mayor Pro-Tem Knutson asks about Dark Skies compliance, the applicants respond that they love Dark Skies.

Public Comment:

S. Keenan: Comments in favor of the applicants and their reputation and his support of their application.

P. Merry: Comment in support of the applicants.

M. Neiremberger: Comment on the harmful side effects of marijuana and its effects in Colorado since legalization.

P. Kaech: Comment in support of the applicants and their plans.

R. Macy: Comment in support of the applicants

PH Closed: 7:01 pm

Trustee Smith asks about the 60-day clock doesn't start ticking until license has been issued. Assured by Town Clerk Vetter that once that a license is issued, the business has 60 days to open.

Mayor Pro-Tem Knutson motions, seconded by Trustee Stelter, that the Town conditionally approve the application for Marijuana.

Motion carries unanimously.

**Item 2.** Consideration of Approval for the Town to Sign a Letter of Support for the WSCC on the Thompson Divide Withdrawal

Ralph D'Allesandro gives a presentation about their request for a new letter of support.

Trustee Swartz asks for clarification on the deadline.

Mayor Pro-Tem Knutson invites individuals from the public to also write in.

Trustee Stelter motions, seconded by Trustee Swartz, to forward the letter that was in packet, or something very similar, and approve this concept.

Motion carries unanimously.

**Item 3.** Consideration of Approval of signing a Letter of Support to the Colorado Economic Enterprise Zone Contribution Project for Solar Energy International

Trustee Swartz gives a synopsis of the letter.

Trustee Smith suggests an edit.

Trustee Smith motions, seconded by Trustee MacInnis, that the Town approve signing letter of support to the Colorado Economic Enterprise Zone contribution project for Solar Energy International with a minor editorial modification.

Motion carries unanimously.

**Item 4 - Public Hearing**

Consideration of Approval of Budget Amendment for Fiscal Year 2023

Public Hearing opens at 7:09PM

Town Administrator Wynn explains that expenditures are fine though revenue is low which is why the amendment needs to happen.

Administration was hit hard with Interim Administrator

PD was over \$100,000 under budget.

Water fund is healthy.

Wastewater had 3 emergency repairs and the Dorris sewer line repair put it under.

Sanitation is in the black by about \$40,000.

Mayor Pro-Tem Knutson asks if enough funds are still in reserves to meet certain loan requirement and Town Administrator Wynn answers that we should be OK as required funds are in the Colorado Trust Fund.

Trustee MacInnis asks if we have adjusted for those lower revenues this year. Town Administrator Wynn states that the 2024 budget was based on actual revenue coming in. Budget is predicated on getting grant funding.

Trustee Swartz talks about how important it is to plan ahead and appreciates the foresight.

No public comments were given.

Public Hearing closes at 7:17 PM

Mayor Pro-Tem Knutson motions, seconded by Trustee Stelter, approval of Resolution 18-2023, resolution amending the 2023 budget for the Town of Paonia.

Motion carries unanimously.

**Item 5.** Consideration of Approval for Resolution 20-2023 Water Rates and Charges



Town Administrator Wynn explains the reasons behind the incremental rates, the water improvement plans and how in 5 years, if we get principal loan forgiveness, then we can readjust. Incremental also allows the Town to increase slowly and help cut down on the impact to the community. A 1 to 1:1 ratio required by the Drinking Water Revolving Fund.

Public Comment:

S. Keenan: comments on need for the return of the 300 water taps back.

Board discussion:

Mayor Pro-Tem Knutson asks questions about the stand-by tap fees and bulk water fees and the relief rate and how many people use it.

Trustee MacInnis states that nothing we do should exist in a vacuum and while the rate increase is needed, we also need to be aware of what is happening to our citizens in all groups.

Trustee Smith explains that the relief the Town provides comes from revenues, not state reimbursements. There needs to be a balance between the relief and the support of it.

Mayor Bachran asks if there is a different and less stringent qualification process.

Town Administrator Wynn reminds the Board that the relief is an ordinance but could be looked at again at the first of the year.

Trustee Swartz asks about the number of projects we have.

Town Administrator Wynn answers that it would be close to \$25 million over the next 20 years for the three phases.

Trustee Smith explains that Water, Sewer and Trash are enterprise and have to be self-funded as they cannot use tax money and thanks Administrator Wynn for the 20-year analysis.

Trustee Stelter moves, seconded by Trustee Smith, to accept Resolution 20-2023.

Motion carries unanimously.

Mayor Bachran notes that the rate increase for usage in 2027, needs to be corrected at the tier level.

#### **Item 6. Consideration of Approval of Ordinance 07-2023 Sewer Rates**

Town Administrator Wynn talks about possible regulations that could require the Town to abandon the lagoon system and build mechanical instead and the need to be prepared if that happens.

Public comment:

S. Dangremond: comments about the cause of this is growth and density and it's a hardship for growth she doesn't want.

Mayor Pro-Tem Knutson motions, seconded by Trustee Swartz, to approve Ordinance 07-2023.

Motion carries unanimously.

#### **Item 7. Public Hearing**

Public Hearing and Consideration of Resolution 19-2023, a Resolution Setting the Mill Levy for 2024 and adopting the Fiscal Year 2024 Budget.

Public Hearing Opens at 7:44PM

Town Administrator Wynn goes through the budget line by line and answers questions:

He shares the process used to create the budget and points out that our mill levy and sales tax has not changed in over 10 years. He points out that the work the Board started in 2023 of investing and retaining staff and capital improvement have been worked into this budget.

Mayor Pro-Tem Knutson asks for a change in the 4th paragraph, specifically to add 'and native people were forcibly removed by a series of violated treaties' to when the Ute reservation was closed by the federal government.

Trustee Smith asks about a bit of language in the DOLA rewrite.

Trustee Smith points out an error in the coding. She also questions how much the building department does with zoning

Town Administrator Wynn explains that he is the one looking at building and zoning.

Trustee MacInnis asks if generators were included in this year's budget.

Town Administrator Wynn answers that they have not been forgotten, but they will be provisioned via the Brick Grant program through FEMA.

Mayor Pro-Tem Knutson and Trustee Swartz give kudos to the Town Administrator and staff for a transparent and easy to understand budget.

Public Comment:

S. Patterson: comment about years past budget process and the difference and makes comments about the organizational chart and political strife.

S. Dangremond: comments about Mill Levy.

Public Hearing closed at 8:41PM

Mayor Pro-Tem Knutson motions, seconded by Trustee Stelter, for approval of Resolution 19-2023 setting the mill levy for 2024 and adopting the fiscal year 2024 budget.

Motion carries unanimously.

Mayor Pro-Tem Knutson motions, seconded by Trustee Stelter, for a 5-minute break.

Motion carries unanimously.

Meeting resumes at 8:47PM

**Item 8. Consideration of Approval of Ordinance 06-2023 Traffic Codes**

Town Administrator Wynn provides some background to added streets, highlights changes requested, and language added.

Public comment: None

Board discussion:

Trustee Swartz questions about enforcement policy.

Police Chief Laiminger explains their planned graduated implementation, focusing on education and safety.

Mayor Bachran asks when signs will be installed.



Police Chief Laiminger and Public Works Director Heiniger advise that it take at least three to four weeks.

Trustee Stelter motions, seconded by Trustee MacInnis, to approve Ordinance 06-2023, Revisions to the Traffic Schedule.

Motion carries unanimously.

**Item 9.** Consideration of Approval of Resolution 21-2023: Municipal Fines, Fees and Forfeitures  
Town Administrator Wynn provides background and highlights changes along with reasons behind it.

Trustee MacInnis expresses thanks to Former Pro-Tem Markle for beginning the process.

Public Comment:

C. Patterson: comments about how to rent Teen Center.

Trustee Smith motions, seconded by Trustee Stelter, approval of Resolution 21-2023, Municipal Fines, Fees, and Forfeitures

Motion carries unanimously.

Mayor Pro-Tem Knutson motions to extend the meeting to 10:00 PM, seconded by Trustee MacInnis.

Motion carries unanimously.

**Item 10.** Consideration of Approval of Scoring Committee Recommendation for selection of RFQ 2023-04 for the Hydrogeological Study

Town Administrator Wynn gives background on the RFQ process.

The Board discusses the scoring process for the received RFQs.

Mayor Pro-Tem Knutson asks if maybe new eyes on this study would be good.

Trustee MacInnis likes the diverse data that Wright will be using but liked the set-up for SGM.

Town Administrator Wynn gives guidance on how we can set up a contract during that phase to accommodate what data is required.

Trustee Smith likes SGMs data collection process.

Mayor Bachran talks about needing subsurface data. She asks to reject all and put it back out to RFQ with more detailed data requests.

Mayor Pro-Tem Knutson asks for a poll of the Board and Staff.

Trustee Stelter states that subsurface is important but thinks we should choose tonight.

Trustee Swartz states that all are close in score but would rather go with one providing the things we wanted.

Town Attorney Cotton-Baez suggests interviews or written responses to questions before choosing.

Trustee Smith asks if maybe calling references might help with this decision and whether the timeline is realistic?

Trustee Stelter motions, seconded by Trustee Smith, to extend the meeting by 30 minutes.  
Motion carries unanimously.

Town Administrator Wynn says he will work with Cory and James, of Respec, for questions to pose to the firms.

Mayor Pro-Tem Knutson motions, seconded by Trustee Stelter that the top three recommended firms be taken through a process of follow up questions and reference checks.

Motion carries unanimously.

**Item 11.** Consideration of Approval of the contract between the Town and the Matt Laiminger/ Paonia Car Wash

Police Chief Laiminger leaves the room so there can be no appearance of bias.

Town Attorney Cotton-Baez goes over the contract to show the things he added.

Public comment: None.

Mayor Pro-Tem Knutson motions, seconded by Trustee Smith, approval of the contract between the Town of Paonia and Police Chief Laminger.

Motion carries unanimously.

Police Chief Laminger reenters the Board room.

**Item 12.** Consideration of Approval to Enhance Officer Safety Through the Purchase of Five Bulletproof Vests

Police Chief Laminger does background on why these are needed, some are expired, edging up on expiration date and body fit and asks the Board to waive the three-vendor requirement.

Public comment: None.

Trustee Stelter motions, seconded by Trustee Swartz, approval for buying five safety vests and waiving the three-vendor requirement.

Motion carries unanimously.

**Item 13.** Consideration of Approval to Purchase Motorola Spillman Flex Mobile Suite Software  
Police Chief Laminger gives background behind the request. He explainss how the current equipment cannot support the software and tasks that they will be asking for it to do.

Public comment: None.

Trustee Smith motions, seconded by Trustee Stelter to approve the purchase of Motorola Spillman Flex Mobile Suite software.

Motion carries unanimously.

**Item 14.** Consideration of Approval to Cancel the Second Board Meeting of December

Board discusses cancellation of December 26th meeting, but keeping themselves open for a special meeting to accept the audit.

Mayor Pro-Tem Knutson motions , seconded by Trustee Swartz, for the cancellation of the second regular board meeting in December.

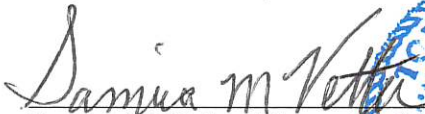
Motion carries unanimous.

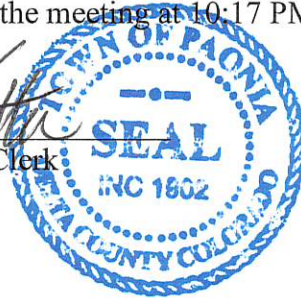
### **Mayor & Trustee Reports**

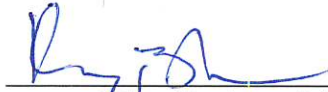
Mayor Bachran says she has nothing to report.

**Adjournment**

Mayor Bachran adjourns the meeting at 10:17 PM

  
Samira M Vetter, Town Clerk



  
Mary Bachran, Mayor