

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
July 28, 2022
Link to Meeting: <https://youtu.be/ej6zIDsC6Yk>

RECORD OF PROCEEDINGS

Mayor Bachran called the meeting to order at 6:30 PM.

Roll Call

Those present were:

Mayor Mary Bachran
Trustee Dave Knutson
Trustee Paige Smith
Trustee Thomas Markle
Trustee John Valentine
Trustee Rick Stelter

Those absent were:

Trustee Dave Weber

Motion made by Trustee Markle, seconded by Trustee Smith, to amend the agenda, moving Streets Committee Reports after consent agenda. Motion carried unanimously.

Announcements

Mayor Bachran reminded the community there are open seats on the Advisory Water Committee and Planning Commission. Trustee Smith added the openings are for an out-of-Town user and an in-Town water user.

Trustee Knutson congratulated Mayor Bachran for winning the master's division race in the Cherry Days 5K.

Trustee Markle provided information on the upcoming chip-sealing on Highway 133.

Recognition of Visitors & Guests

Donna Littlefield read a statement regarding her issues with how the decision to begin the hiring of a new administrator was taken.

Bill Brunner requests the Board have an item on a future agenda to discuss public records.

Motion made by Trustee Markle, seconded by Trustee Stelter to have a CORA policy discussion on the agenda at the next meeting. Motion carried unanimously.

Consent Agenda

None.

Streets Committee

Twenty-eight people attended the streets committee meeting on the proposed Banner and Flags policy. Options were briefly provided regarding broad approval, strict approval, the creation of a Town flag, and Heritage Months federally recognized.

Discussion ensued regarding the length of meetings and the time it will take to review a policy in the regular meetings and discussion and comments be made in a public meeting.

Public Hearings

Ordinance 05-2022 Dark Skies Ordinance – Public Hearing

Mayor Bachran opened the public hearing at 7:11pm.

Staff presentation:

Administrator Ferguson provided the history of the process taken to bring the proposed ordinance to the Board of Trustees. Staff noted no objections to the current draft version of the ordinance.

Aaron Watson presented the Dark Skies goals and why the committee and community members support Dark Skies Paonia.

Trustees Knutson and Markle provided their support and patience for the process.

Public Comment:

President of the Dark Skies Mr. Robert Grossman, spoke to the values of Dark Skies Paonia and support the community become an International Dark Skies Community.

Eight (8) individuals and a letter on behalf of the Western Slope Conservation Center spoke in favor of the Dark Skies Ordinance as proposed.

No one in attendance spoke against the Dark Skies Ordinance as proposed.

Mayor Bachran closed the hearing at 7:32 pm.

Open for Trustee discussion:

Trustees spoke in favor of the ordinance.

Motion made by Trustee Markle, Seconded by Trustee Knutson to approve Ordinance 05-2022 Dark Skies Ordinance as written. Motion carried unanimously.

Ordinance 06-2022 Amendment of Chapter 18 of the Municipal Code Concerning i-Codes – Public Hearing

Mayor Bachran opened the public hearing at 7:33 pm.

Administrator Ferguson provided a brief history of the process taken to bring the amendment to the Board for public hearing and approval.

Trustee Knutson added the critical need to update the code and the years long processes taken.

Public Comment:

Two (2) individuals spoke against adoption of the ordinance as currently written and published.

Due to a community members inability to review the additional codes listed in the public hearing notice Attorney Conklin recommended the Board continue the hearing to a later meeting.

Motion made by Trustee Knutson, seconded by Trustee Stelter to continue the hearing to the next meeting. The motion carried unanimously.

Unfinished Business

Mountain Harvest Festival – September 23-25th - Grand Avenue Street Closure

Three members of the Board of the North Fork Valley Creative Coalition presented the request for street closure and the Mountain Harvest Festival event for 2022.

Trustees noted support for the event and concerns with Town Hall process, ordinance and information provided.

Attorney Conklin reiterated that Ordinance 2002-06 is for administrative approval of a street closure and does not limit the Board from authorizing closures beyond the five (5) hours.

Three Grand Avenue business owners spoke in support of the road closure and harvest festival as presented.

Three community members spoke against the road closure as presented.

Attorney Conklin reiterated that Ordinance 2002-06 is for administrative approval of a street closure and does not limit the Board from authorizing closures beyond the five (5) hours.

Motion made by Trustee Smith that the application for special event permit and street closures be resubmitted for consideration, taking into account all ordinances and codes. Motion fails for lack of second.

Motion to amend the main ordinance made by Trustee Markle seconded by Trustee Smith, to approve the street closure pending an amended street closure within the ordinance. Motion failed with two (2) ayes and three (3) nays from Trustees Knutson, Valentine, and Stelter.

Motion made by Trustee Knutson, seconded by Trustee Valentine to approve the event as provided. Motion carried with three (3) Ayes and (2) Nays from Trustees Markle and Smith.

Motion made by Trustee Knutson, seconded by Trustee Stelter to break for five (5) minutes. Motion carried unanimously.

The meeting resumed at 9:10 pm.

Motion made by Trustee Smith, seconded by Trustee Knutson to move item seven (7) Town Administrator Advertisement and Information Review and Approval, above item six (6) Citizens' Initiative to Repeal the Water Moratorium, on the agenda. Motion carried unanimously.

Establishment of Goals for Town Administrator for Remainder of Existing Contract

The current goals and reviews were included in the packet.

Motion made by Trustee Markle, seconded by Trustee Smith to enter into executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; and;

For a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). to discuss matters critical to personnel and for legal advice specific to Municipal code section 11-1-80.

Discussion ensued regarding the validity of the executive session and the extent of the personnel matter to be discussed if it is not the Boards direct report. Trustee Markle stated it was in reference to the Clerk. Administrator/Clerk Ferguson requested the discussion be held in public.

Motion to enter executive session only for a conference with the Town attorney carried unanimously.

The Board entered executive session at 8:55 PM

The Board returned from executive session at 9:12 PM

Those present were Mayor Mary Bachran, Trustees Knutson, Smith, Markle, Valentine, Stelter, Administrator Ferguson and Attorney Conklin.

No objections noted.

The establishment of Goals for Town Administrator for Remainder of Existing Contract discussion resumed. Items suggested for the Administrator to complete were:

- The three (3) goals in the current goals list
- Compile list of ongoing projects for new administrator
- Compile contracts, MOU's, audits, current budget, studies, ongoing studies, open grants, purchasing policy, master plan, and personnel handbook
- Review goals and job descriptions be updated and included in the personnel files
- Address safety issues on Grand Avenue and to Volunteer Park
- List of vendors

Trustee Markle stated his understanding was this discussion was intended to be a discussion regarding the Administrator completing certain tasks that warrant a bonus.

Administrator Ferguson stated to the Board first that the request for a bonus at the end of the current administrator contract and the majority of the ongoing conversation occurred in an executive session and is now being discussed publicly without any discussion with the administrator, and the current discussion was not what was requested.

Trustee Smith requested clarification. Administrator Ferguson provided her synopsis of the executive session discussion.

Motion made by Trustee Knutson, seconded by Trustee Stelter to continue the meeting for fifteen (15) minutes. Motion carried unanimously.

Motion made by Trustee Knutson, seconded by Trustee Stelter to direct the Town Administrator to hire a firm for the Master Plan update. The vote was taken and rescinded to allow for public comment.

A re-vote was taken. The motion failed with two (2) ayes and three (3) nays from Trustee Knutson, Markle, and Smith.

Motion made by Trustee Knutson seconded by Trustee Markle to extend the meeting for fifteen (15) minutes.

Town Administrator Advertisement and Information Review and Approval

Motion made by Trustee Markle seconded by Trustee Stelter to direct the Personnel Committee to include suggested changes to the administrator advertisement and publish.

The deadline for comment submittal was set for Monday.

Disbursements

A \$5,050 check for the VALE grant needs to be issued to Town of Hotchkiss that was not included in the packet.

Motion made by Trustee Smith, seconded by Trustee Knutson to accept disbursements from page 144 to 149 in the packet and include the check to Hotchkiss.

Motion to amend the main motion by Trustee Knutson, seconded by Trustee Stelter to also include the VALE grant check. Motion to amend carried unanimously.

Main amended motion carried unanimously.

Parks Committee: The written report will be in the next packet. The committee meets again August 16, 2022, at 4pm at Apple Valley Park.

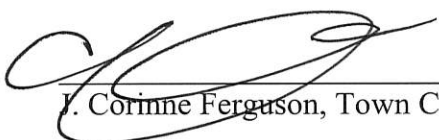
Public Safety Committee: Trustee Knutson reported the committee gave the individual from Somerset the opportunity to review body camera. She declined.

New Business – No discussion. – Carried to a future meeting.

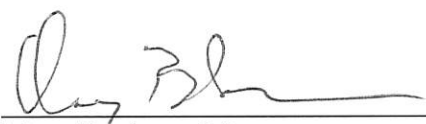
6. Citizens' Initiative to Repeal the Water Moratorium
8. 2021 Fiscal Statement Audit
9. Events Communication Discussion

Adjournment

Motion made by Trustee Stelter seconded by Trustee Smith to adjourn. Motion carried unanimously.


J. Corinne Ferguson, Town Clerk




Mary Bachran, Mayor