

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
May 09, 2023

RECORD OF PROCEEDINGS

Mayor Bachran calls the meeting to order 6:30 pm

Roll Call

PRESENT

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

Correspondence Received

No Comments Made

Approval of Agenda

Trustee Smith makes a motion, Seconded by Trustee Knutson, to approve the agenda.

Motion carries unanimously.

Announcements

Proclamation National Police Week May 14 - 20, 2023
Recognition of Town of Paonia Staff Member Jordan Redden
Flooding Update

Mayor Bachran reads the proclamation for National Police Week and thanks the Paonia Police Department for their service to the community.

Trustee Valentine talks about the rejuvenated Tree Board and the tree pruning class, Tom Wells, gave for our Public Works Department. Mr. Wells will be giving another class, to the public on May 20 at 10 am. The Tree Board also plans on doing a Sick Tree Day again this year and the Arbor Day Tree Planting will be at Poulos Park on May 23rd at 9 am.

The Town recognizes Public Works employee Jordan Redden for passing his D1 Water certification test with a high grade. Congratulations Jordan!

Paolo Bacigalupi, local award-winning author, on May 7th made it into the Sunday New York Times Crossword Puzzle. Congratulations!
Police Chief Matt Laiminger gave a flood update with photos and the most recent update about the reopening of Highway 133.

Sandbags are available- Call Town Hall (970) 527-4101 Monday- Friday
Weekends- Call Delta Dispatch (970) 874-2015

Paonia River Park and Boat Ramp are open, and trails are closed due to wash out.

Please stay away from the water, the banks are dangerous and crumble easily. Be prepared, check town website for links to resources and info and please check on your neighbors and see if they need help.

Public Comment

T. Meck- Thanks the Police Department for their service and tells a nice story about Officer Kramer stopping by their yard sale and asking where the good stuff was. They all appreciated laughing and chatting with him.

Consent Agenda

Trustee Smith makes a motion, Seconded by Trustee Knutson, to approve the consent agenda.

Trustee Knutson provides the name of District Ranger Levi Broyles to the Clerk for the minutes.

The motion carries unanimously.

Staff Reports

Interim Town Administrator

Interim Administrator Klusmire gives her report via Zoom due to travelling and illness.

Trustee Smith asks about the status of spring meters being ordered and installed.

Interim Administrator Klusmire states that they are the next step, and the purchase is planned in the phases of grant money arriving.

Police Chief

Welcome to Officer Thomas Seely, who has passed his Police Academy training and entered his field training phase at the Department.

Public Works Director

Trustee Smith asks about the ramp on the stage at the park and asks when it is going to be repaired since it is in the budget.

Interim Administrator Klusmire responds that some of the smaller project work has been delayed due to the unexpected sewer collapse repair but that she believes it is still being planned.

Actions & Presentations

Other Items

1. Request of approval and sanction of the 16th annual Pickin' at the Park and waiver of fees by the Town of Paonia as a 'Legacy Event' - Rob Miller

Rob Miller makes a presentation about the 16th annual Pickin at the Park and asks again that the Board consider establishing Legacy Events and waiving the park fees for those events.

Public Comment:

S. Watson: You have since done the budget and since it wasn't budgeted for, it needs to be paid for. Everyone needs to pull their weight.

A. DeLuca: NFVCC President. One point that was made last year is that the events were free to the public and expenses are high because of that.

Trustee Smith asks if the fees are the same and Town Clerk Vetter clarifies that the only changes made to the Special Event packet were the changes to the Street Closure Permit Application that the Board approved with Ordinance 2023- 03.

Trustee/ Mayor Pro-Tem Markle says his recollection was that the Board wanted a defined criteria to establish Legacy Events so that other events could apply for the distinction as well.

Trustee Knutson makes a motion, Seconded by Trustee Smith, that Pickin' in the Park, Mountain Harvest Festival, Cherry Days and the BMW Rally be exempted for this year from the park fees for their events.

The motion carries unanimously.

Trustee Smith makes a motion, Seconded by Trustee Stelter that the staff draft a definition of Legacy Events.

The motion carries unanimously.

2. Consider letters of interest and appoint Trustee to vacant seat on Town Board

Trustee Knutson asks the Board if they can decide on a clear process ahead of time so that the appointment process is fair.

The Trustees agree that they can ask the candidates questions if each are asked the same ones.

Question one: Describe a time where you took a position on an issue and then received evidence that changed your mind or disproved your viewpoint and what did you do?

Question two: What changes need to take place with the Town Council?

Mayor Bachran invites the candidates to come and introduce themselves.

Morgan MacInnis introduces himself as a Town resident, business owner and teacher. He is interested in representing the voices in the town that maybe aren't being heard/represented by the demographic on the Board right now.

Tamie Meck introduces herself as a Paonia resident, DCI reporter, former Board member who feels that her resignation from the Board before is something she wished she had dealt with differently and would like a chance to work on the Board again under different circumstances.

Jane Poulos introduces herself as a lifetime Paonia resident and would love to give back to the community that has been so good to her, can be a voice for the under-represented. She has a lot of council experience and worked as an ombudsman with the nursing homes, the Chamber of Commerce, and was part of a revitalization team for Paonia with Briscoe, Gall, Peterson.

Town Clerk Vetter collected the votes and read them aloud.

Morgan MacInnis received the votes of Trustee Stelter, Trustee/Mayor Pro-Tem Markle and Trustee Valentine

Tamie Meck received a vote from Trustee Smith.

Mary Jane Poulos received a vote from Trustee Knutson.

Trustee MacInnis was appointed to the Board of Trustees and was sworn in by Town Clerk Vetter before taking his seat with the Board.

3. Approval of expense to repair Police Department air conditioner.

Chief Laiminger gave a summary of the quote and reasons he is requesting the repair including the amount of gear his Officers wear and the evidence room.

Trustee Smith asks if the cost will come out of the police budget.

Interim Administrator Klusmire answers that for now, yes it will, but once the funds are restructured it will be spread out a bit more.

Trustee/Mayor Pro-Tem Markle states he has no question about the need but would like more itemization costs in the quote ie: cost of labor, model number etc. As a Board member with fiscal responsibility not asking these questions can be very expensive and he would like to see the breakdown before approval.

Trustee Smith asks if it could be approved contingent on a more itemized estimate.

Trustee Knutson makes a motion to approve, Seconded by Trustee Valentine, to approve the estimate as written.

Voting Aye: Trustee Stelter, Trustee Valentine and Trustee Knutson

Voting Nay: Trustee Smith and Trustee/ Mayor Pro-Tem Markle.
The motion carries.

4. Consideration and adoption of Ordinance 2023-04 - Clarifying the Water Moratorium in response to Referendum Petition on Ordinance 2023-02.

Town Attorney Cotton- Baez provides some background to the new clarification ordinance and says that there are still some issues that Mr. Brunner is taking with the language, and he is not sure if it can be settled tonight but he is open to Board input.

Interim Town Administrator Klusmire asks that the issue be explained more thoroughly for the benefit of Trustee MacInnis.

The Town Attorney explains the issue more thoroughly covering the process of adopting Ordinances, Referendum petitions, special elections and the issues of definitions that are causing issues.

Trustee Knutson asks about the deadlines they face with a Special Election.

Trustee/ Mayor Pro-Tem Markle states he would like to hear the language that is still insufficient and why, directly from the Petitioners.

W. Brunner: Talks about Paragraph (G): doesn't prohibit a kitchen and a bathroom: he feels this presents the loophole of adding a household unit and no way to prevent the rental of the unit and creating an ADU. He also talks about the wording in Ordinance 2023-04 that will rescind Ordinance 2023-02 making the referendum petition moot.

Trustee Valentine calls Point of Order: going off the topic of the question asked.

The Interim Town Administrator and the Town Attorney give an explanation of paragraph (G) but clarify that the issue it is specifically written for, isn't a current issue in Paonia so it isn't specifically needed.

W. Brunner: reads the next paragraph and how it rescinds anything before it and feels there should be more consistency in the language and asks Town Attorney to explain Section (F).

Town Attorney Cotton-Baez explains that Town has not kept great records and the moratorium Ordinance is also trying to set some consistency, which is why it is set up as a presumption, which falls under the owner's burden of proof. This enables a simple rejection to overcome the presumption, which leaves only an appeal to the Board.

Trustee/Mayor Pro-Tem Markle asks if the wording was changed to 'alteration' instead of installation, if that would solve the problem with the language.

W. Brunner responds that if 'kitchen' was removed from Section (G), it wouldn't define a living unit and he would feel better about it. Also, doesn't like the language limiting to a 'structure' as it creates a loophole. He would like to take (G) out and 13-1-13 (3). He also says that the Board needs to demand accountability and performance from the Administration.

Trustee Stelter calls Point of Order for lack of use of titles and not directing comments to the Mayor.

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Knutson, for a five-minute break.

The motion carries unanimously.

The meeting resumes in 5 minutes.

W. Brunner: asks to change "structure" to 'commercial or household unit'.

Town Attorney Cotton-Baez offers wording that Mr. Brunner agrees with.

W. Brunner turns the discussion to service lines and definitions of 'taps'.

Interim Town Administrator explains the reason for meters being required in the ordinance instead of taps and the damage to the physical line if you require a tap for every unit.

W. Brunner: asks a hypothetical question about an R-2 unclaimed tap with a 3/4-inch service line and what is to stop them from upsizing the tap. Interim Administrator explains how she would interpret the code to respond to that question.

W. Brunner: asks about the unused purchased taps and how they fit into this ordinance. He then suggests changing the word 'structures' and taking out 'kitchen' from Section (G).

Trustee/ Mayor Pro-Tem Markle suggests changing 'structure' to 'commercial and household unit' and eliminating 'private' in the definitions.

Town Attorney Cotton-Baez suggests some fine tuning of words from the legal perspective.

Public Comment:

S. Watson: asks about whether this applies to outside of town and water companies as well.

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Smith, to approve Ordinance 2023- 04 with the following amendments: Section 1, part (G) stricken, section 1 subsection (a) part (3), remove 'private' and 1 part (a) change 'lawful structure' to 'commercial or household unit', Section 1 part (a) definition for "service line" is to be amended including the deletion of "pit".

Trustee Knutson declares he likes the way the discussion is going and the process that Trustee/ Mayor Pro-Tem Markle has used.

The motion carries unanimously.

5. Board direction regarding Signatories on Town bank accounts and credit cards.

Interim Town Administrator Klusmire explains that the town needs a policy, she suggests needing two signers, one from the Board and one from the Staff. If the Board will give direction, then staff can craft a resolution.

Trustee Knutson makes a motion, Seconded by Trustee Stelter, that any bank account or credit card account opened have two signatures and one be a Trustee and one be a staff member.

Public Comment:

W. Brunner asks questions about the state statutes surrounding the creation of funds.

The motion carries unanimously.

Request to submit a Revitalizing Main Streets grant to CDOT for \$250,000 for additional funds to complete the 5th and Grand intersection project.

Mayor Bachran offers background and reason why this is a needed grant alongside others.

Trustee Knutson gives an explanation for the newest member of the Board, Trustee MacInnis, that the Board likes to see these grants ahead of time so they know the whole fiscal picture before a grant submission.

Trustee/ Mayor Pro-Tem Markle asks questions about the estimate amount.

Trustee Smith makes a motion, Seconded by Trustee Valentine, to approve the mayor submitting the grant proposal.

The motion carries unanimously.

Town Administrator recruitment process and update including discussion and decisions about pay range, preliminary interviews, and Interim Administrator.

The Personnel committee, Trustee's Smith and Valentine, report that they have nine applicants. Trustee Smith suggests that herself, Trustee Valentine and Interim Administrator Klusmire go through the resumes and poll the Trustees about availability for interviews.

Trustee Knutson asks about the caliber of candidates compared to the other two rounds of recruitment.

Trustee Markle makes a motion, Seconded by Trustee Stelter, that the Personnel Committee continue with the recruitment process.

The motion carries unanimously.

Trustee Knutson reminds the Board that he will be out of town May 31 to June 12th.

A brief discussion continues about raising the high end of the salary, the negotiation process, timeline for submittal and attracting applicant's vs retaining them.

6. Board review of draft letter regarding Gunnison Energy's latest development plan

Trustee Knutson presents the Development Plans issues and his comments on it.

Discussion covers abandoned wells and pads, budgeted finances for dealing with those issues and the Towns historical precedent for commenting on specific wells.

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Smith, to send the letter as written.

Voting Aye: Trustee Smith, Trustee/ Mayor Pro-Tem Markle, Trustee Knutson and Trustee MacInnis

Voting Nay: Trustee Stelter and Trustee Valentine

The motion carries.

7. Consideration and approval of draft comments on Jumbo Mountain Trail.

Trustee Knutson presents and explains that he had no input and encourages the Board to make suggestions and edits because he feels it is important that they be involved in the process.

Trustee/ Mayor Pro-Tem disagrees saying that the BLM (Bureau of Land Management) is very public facing and probably has a much better idea than they do of what the public wants.

Trustee MacInnis agrees with Trustee/Mayor Pro-Tem Markle about the BLM having a better idea and suggests that without reaching out to the public they shouldn't be so quick to take a stand.

Trustee Valentine states that his experience with the BLM has been that they do not listen to the public.

Public Comment:

S. Watson: Disagrees with the paragraph in the letter that points to equestrians being an issue since she believes a bigger issue is dogs off leash and out of control mountain bikers.

Mayor Bachran doesn't think the Town should do a proposed alternative. She likes the County Commissioner's letter and agrees with Trustee MacInnis that the Board of Trustees needs more engagement with the public.

Trustee Smith states that the parking issues in Apple Valley need to be considered as well as the impact on parking, roads, and infrastructure.

Trustee Knutson asks for clarification from the Town Attorney for the new Trustee about the difference between public opinion as an individual vs. a Trustee.

The Town Attorney explains that it is important to clarify that even though you are a member of the Board of Trustees, you are sharing an individual opinion and it doesn't reflect the opinion of the Board.

Trustee Smith thinks it would be better for Ms. Kilbane to address the whole Board instead of just one committee, to share the issues.

Trustee Smith makes a motion, Seconded by Trustee/ Mayor Pro-Tem Markle, that Trustee Knutson reach out to Ms. Kilbane and requesting her to come to a meeting so she can describe what she is looking for to the Board.

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

Motion carries unanimously.

Main motion:

Motion carries unanimously.

Executive Sessions

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Knutson, to go into Executive Session, pursuant to C.R.S. Section 24-6-402(4)(f)(I), for the purposes of discussing a personnel matter concerning employees who have not requested that the matter be discussed in an open meeting, specifically pertaining to compensation and potential promotions.

The motion carries unanimously.

Trustee Knutson asks Mayor Bachran to have the Town Attorney explain to Trustee MacInnis the differences between a regular meeting and Executive Session.

Executive Session Begins at 9: 25 pm.

Exec Session ends at 9:52 pm.

Trustee Knutson makes a motion, Seconded by Trustee Stelter to authorize the Interim Town Administrator to implement a new organizational chart, create new job descriptions and salaries.

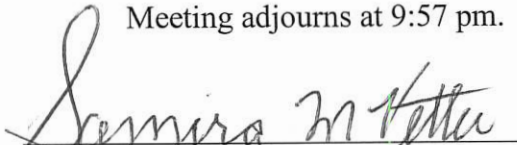
The motion carries unanimously.

Mayor & Trustee Reports

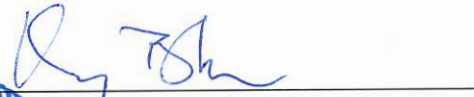
Trustee Markle gives a summary of Community Water Committee meetings and will try to get some presentations together soon.

Adjournment

Meeting adjourns at 9:57 pm.



Samira M Vetter, Town Clerk



Mary Bachran, Mayor

