



**TOWN OF PAONIA**  
214 GRAND AVENUE  
REGULAR TOWN BOARD MEETING AGENDA  
TUESDAY, JANUARY 10, 2023, 6:30 PM  
[HTTPS://US02WEB.ZOOM.US/J/87507997377](https://us02web.zoom.us/j/87507997377)  
MEETING ID: 875 0799 7377  
ONE TAP MOBILE  
7193594580

**Roll Call**

**Approval of Agenda**

**Announcements**

Christmas Lights Contest Winner

**Recognition of Community & Guests**

North Fork High School Advanced Multimedia Class Presentation of SIPA film (10 minutes)

**Consent Agenda**

Minutes

November 29, 2022- Special Meeting

December 2nd, 2022- Special Meeting

December 13, 2022- Special Meeting

Disbursements

Louie's- Liquor License Renewal

JK Cider- Application for a Liquor Sales Room

Paonia United Brewing- Change of Ownership

Blue Sage- Change Premises; add loft area

**Staff Reports**

Interim Administrator

Finance

Police

Public Works

**Public Hearing**

Ordinance 2022-09: Amendment to Chapter 18 of the Municipal Code and adopting 2018 I-Code

**Executive Session**

An Executive Session, pursuant to C.R.S. Sec. 24-6-402(4)(f), to discuss a personnel matter involving the potential transition of a current town employee, who has not requested that the matter be discussed in open session, to the role of Town Clerk

**New Business**

Resolution 01-2023: Public Posting

Resolution 02-2023: Designated Holidays

Western Slope Conservation Center - Letter of Support

Interim Town Administrator Contract Amendment and Extension

Discussion and Approval of Town Administrator Job Description

Discussion of Hiring Plan for Town Administrator

Discussion of Staff Plan for Addressing Water and Sewer Repair, Improvement and Funding Issues

Receipt of JDS-Hydro Report: Water System Planning Funded by DOLA

Approval of SGM Master Contract

Dissolution of Advisory Water Committee

Facebook Comment Policy

Discussion & Board Direction of Water Moratorium Language Provision

AS ADOPTED BY:  
TOWN OF PAONIA, COLORADO  
RESOLUTION NO. 2017-10 – Amended May 22, 2018

I. RULES OF PROCEDURE

**Section 1. Schedule of Meetings.** Regular Board of Trustees meetings shall be held on the second and fourth Tuesdays of each month, except on legal holidays, or as re-scheduled or amended and posted on the agenda prior to the scheduled meeting.

**Section 2. Officiating Officer.** The meetings of the Board of Trustees shall be conducted by the Mayor or, in the Mayor's absence, the Mayor Pro-Tem. The Town Clerk or a designee of the Board shall record the minutes of the meetings.

**Section 3. Time of Meetings.** Regular meetings of the Board of Trustees shall begin at 6:30 p.m. or as scheduled and posted on the agenda. Board Members shall be called to order by the Mayor. The meetings shall open with the presiding officer leading the Board in the Pledge of Allegiance. The Town Clerk shall then proceed to call the roll, note the absences and announce whether a quorum is present. Regular Meetings are scheduled for three hours, and shall be adjourned at 9:30 p.m., unless a majority of the Board votes in the affirmative to extend the meeting, by a specific amount of time.

**Section 4. Schedule of Business.** If a quorum is present, the Board of Trustees shall proceed with the business before it, which shall be conducted in the following manner. Note that all provided times are estimated:

- (a) Roll Call - (5 minutes)
- (b) Approval of Agenda - (5 minutes)
- (c) Announcements (5 minutes)
- (d) Recognition of Visitors and Guests (10 minutes)
- (e) Consent Agenda including Approval of Prior Meeting Minutes (10 minutes)
- (f) Mayor's Report (10 minutes)
- (g) Staff Reports: (15 minutes)
  - (1) Town Administrator's Report
  - (2) Public Works Reports
  - (3) Police Report
  - (4) Treasurer Report
- (h) Unfinished Business (45 minutes)
- (i) New Business (45 minutes)
- (j) Disbursements (15 minutes)
- (k) Committee Reports (15 minutes)
- (l) Adjournment

\* This schedule of business is subject to change and amendment.

**Section 5. Priority and Order of Business.** Questions relative to the priority of business and order shall be decided by the Mayor without debate, subject in all cases to an appeal to the Board of Trustees.

**Section 6. Conduct of Board Members.** Town Board Members shall treat other Board Members and the public in a civil and polite manner and shall comply with the Standards of Conduct for Elected Officials of the Town. Board Members shall address Town Staff and the Mayor by his/her title, other Board Members by the title of Trustee or the appropriate honorific (i.e.: Mr., Mrs. or Ms.), and members of the public by the appropriate honorific. Subject to the Mayor's discretion, Board Members shall be limited to speaking two times when debating an item on the agenda. Making a motion, asking a question or making a suggestion are not counted as speaking in a debate.

**Section 7. Presentations to the Board.** Items on the agenda presented by individuals, businesses or other organizations shall be given up to 5 minutes to make a presentation. On certain issues, presenters may be given more time, as determined by the Mayor and Town Staff. After the presentation, Trustees shall be given the opportunity to ask questions.

**Section 8. Public Comment.** After discussion of an agenda item by the Board of Trustees has concluded, the Mayor shall open the floor for comment from members of the public, who shall be allowed the opportunity to comment or ask questions on the agenda item. Each member of the public wishing to address the Town Board shall be recognized by the presiding officer before speaking. Members of the public shall speak from the podium, stating their name, the address of their residence and any group they are representing prior to making comment or asking a question. Comments shall be directed to the Mayor or presiding officer, not to an individual Trustee or Town employee. Comments or questions should be confined to the agenda item or issue(s) under discussion. The speaker should offer factual information and refrain from obscene language and personal attacks.

**Minutes**  
**Regular Town Board Meeting**  
**Town of Paonia, Colorado**  
**January 10, 2023**

**RECORD OF PROCEEDINGS**

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

**Roll Call**

PRESENT

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

**Approval of Agenda**

Motion made by Trustee/Mayor Pro-Tem Markle, Seconded by Trustee Weber to approve the agenda.

Trustee Smith suggests that they talk in the future about taking disbursements out of the consent agenda since many people often have questions about them.

Motion carries unanimously.

**Announcements**

**Christmas Light Winners**

1st: Tina Walker- 512 Box Elder Ave  
2nd: Richard Kinser- 211 Niagara Ave  
3rd: Ben Graves- 1004 Third Street

**Recognition of Community & Guests**

**North Fork High School Advanced Multimedia Class Presentation of SIPA film (10 minutes)**

The presentation is postponed to another time when the multimedia class can attend.

Public Comment:

S. Dangremond: Provided history on the way the town got the land on P-Hill, opposed to SBA cell tower expansion.

M. Pattison: Following up on letter sent to Board about STR (Short Term Rentals) and the damage not enforcing codes is doing to the community. Encourages Council to look to enforcing code.

S. Patterson: against cell tower expansion and speaks on its impact on the recently passed Dark Skies Ordinance which is in the Master Plan and took hundreds of hours of staff time.

W. Brunner: Speaks on Moratorium and offers to be on agenda to discuss the intent when authored since he disagrees with recent statements made about it. Disagrees with Executive Session on the agenda about Town Clerk and is disappointed with the size of budget.

T. Backus: procedural question on this public comment period vs item comment period.

**Consent Agenda**



Minutes

November 29, 2022 Special Meeting  
December 2nd, 2022 Special Meeting  
December 13, 2022 Special Meeting

Disbursements

Louie's Liquor License Renewal  
JK Cider- Application for a liquor sales room  
Paonia United Brewing- Change of Ownership  
Blue Sage- Change of Premises; adding loft area

Trustee Knutson makes a motion, Seconded by Trustee Smith to take JK Cider and disbursements off the consent agenda.

Motion carries unanimously.

Motion made by Trustee Knutson, Seconded by Trustee Stelter to approve the consent agenda as amended.

Trustee Smith asks to have adjournment times added to 11/29 & 12/13 minutes.

Motion carries unanimously.

Trustee Weber makes a motion, Seconded by Trustee Stelter, to approve disbursements.

Trustee Smith points out that the budget line items couldn't get on as normal due to a time crunch, but that they would be back.

Public Comment:

C. Patterson: appreciated that a monthly gas amount was added.

Motion Carries unanimously.

Trustee Knutson had some questions about JK Ciders application, expressed curiosity about their background.

Interim Town Clerk Mojarro explains the process she goes through when researching a liquor license applicant. Chief Laiminger explains what he does as a law enforcement officer if there are issues with a business with a liquor license.

Mayor Bachran asks if there are any legal ramifications to continuing this approval to the next meeting.

Town Attorney Cotton-Baez advises the council they have very limited authority over this type of licensing request and that they have already passed the deadline for objections based on the date of the application.

Motion made by Trustee/Mayor Pro-Tem Markle, Seconded by Trustee Weber to approve the liquor license, as a matter of form.

Board discussion topics include: State liquor license database, business, licensing questions.

Public Comment:

S. Watson: doesn't like that the JK Ciders application was on the consent agenda and appreciated that it was taken off.

Board Discussion: building change of use questions.

Motion carries unanimously.

### **Staff Reports**

Trustee Smith had more questions about the Sargent fence issue and encroachment on town property and the water rights attorney expenditure.

Trustee/Mayor Pro-Tem Markle asks for more details on the parts needed. Jeremiah Garcia goes through the list and explains in better detail.

Board Discussion/questions include Track vehicle, spring meters, spring maintenance, grazing, leak detector, spring rights and priority repairs.

Motion made by Trustee Stelter, Seconded by Trustee/Mayor Pro-Tem Markle to approve the requested expenditures.

Motion carries unanimously.

Chief Laiminger provided information about the new Delta County Alert System.

Public Works Director Heiniger restates the thank you from the whole department for the approval of the tool purchase and says it has made a huge difference in day-to-day operations.

### **Public Hearing**

Trustee/Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Valentine, to take a five-minute recess.

Motion passes unanimously.

Meeting resumes at 7:31pm

#### **Public Hearing:**

Opens at: 7:33 pm

Discussion: took Dan's suggestions, needs amended to have Title 18 Article 9: Accessory Buildings and Structures and Uses, of the Municipal Code is hereby repealed in its entirety and readopted with Title 18 Article 13, scriveners' errors.

Public Comments:

S. Watson: small 'I' needs to be corrected and replaced with capital 'I' and asks about Energy Code. Asks again about cleaning up zoning and building code.

Building Official Dan Reardon explains why certain things were removed to be tailored to the community and avoid unnecessary costs on owners and contractors.

Closes at: 7:56 pm

Motion made by Trustee Knutson, Seconded by Trustee Weber to adopt Ordinance 2022-09 Amendment to Chapter 18 of the Municipal Code and adopting 2018 I- Code as amended and fixed scriveners' errors.

Motion carries unanimously.

Motion made by Trustee Stelter, Seconded by Trustee Weber to amend the ordinance numbering.

Trustee/ Mayor Pro-Tem Markle asks questions about the process once amendments have been made and receives an answer from the Town Attorney



Motion passes unanimously.

### **Executive Session**

Motion made by Trustee/Mayor Pro-Tem Markle, Seconded by Trustee Smith to go into an Executive Session, pursuant to C.R.S. Sec. 24-6-402(4)(f), to discuss a personnel matter involving the potential transition of a current town employee, who has not requested that the matter be discussed in open session, to the role of Town Clerk.

Trustee Weber asks for guidance from the Town Attorney about the questions raised earlier in the meeting about the legality of this Executive Session.

Town Attorney advises that they are compliance with the Open Meeting Laws since it is about an existing town employee.

Executive Session begins: 7:55 pm

Executive Session ends: 8:35 pm

Trustee Weber makes a motion, Seconded by Trustee Stelter, to give the Interim Town Administrator the authority to select a Town Clerk from the existing pool of applicants and provide training to that Clerk to be appointed at the first meeting in February.

Trustee/ Mayor Pro-Tem clarifies that it is the authority of the Board to appoint a Town Clerk

Public Comment:

S. Watson: asks for a bit more information about the applicant pool, qualifications, transitioning.

Interim Town Administrator Klusmire reiterates that personnel matters are not for public discussion.

Trustee Smith agrees and says none of the applications are public.

S. Watson: asks if they are still looking at the parameters of the original advertisement.

The motion carries with

Voting Yea: Trustee Knutson, Trustee Smith, Trustee Weber, Trustee Valentine, Trustee Stelter

Voting Nay: Trustee/Mayor Pro-Tem Markle

### **New Business**

#### **Resolution 2023-01: Public Posting**

Motion made by Trustee Weber, Seconded by Trustee Stelter to adopt Resolution 2023-0: Public Posting

Motion carries unanimously.

#### **Western Slope Conservation Center Letter of Support:**

Ben Katz from WSCC gives a short presentation about the history of the Thompson Divide project and the proposed Administrative Mineral Withdrawal which would remove that area from new oil and gas leasing and mining for the next 20 years.

Trustee Weber makes a motion, Seconded by Trustee Knutson, to approve the letter of support.

Trustee Smith and Trustee Knutson ask questions about scribes' errors.

Motion carries unanimously.

**Resolution 2023-02: Designated Holidays**

Trustee Weber makes a motion, Seconded by Trustee Valentine to approve Resolution 2023-02: Designated Holidays.

Board discussion: federal holidays

Trustee Stelter makes a motion, Seconded by Trustee Weber to amend the main motion to include Independence Day

Motion passes unanimously.

Board discussion: extra time off, paid vs unpaid.

Town Attorney Nick Cotton-Baez makes a suggestion that a line be added to Resolution 2023-02 that says, 'nothing here-in shall affect paid holidays provided to the town employees as set forth in the Personnel Handbook.'

Trustee Knutson suggests the staff come back with what eleven days they would like to have paid and then the Board can implement those in the employee handbook.

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Weber, to call the question.

The motion to call the question carries unanimously.

The main motion passes.

Voting Yea: Trustee/Mayor Pro-Tem Markle, Trustee Knutson, Trustee Weber, Trustee Valentine, Trustee Stelter

Voting Nay: Trustee Smith

**Interim Town Administrator Contract Amendment and Extension**

Motion made by Trustee Smith, Seconded by Trustee Weber to accept the Interim Town Administrator Contract Amendment and Extension

Trustee/ Mayor Pro-Tem Markle asked a question about hours worked.

Motion carries unanimously.

**Discussion and Approval of Town Administrator Job Description**

Motion made by Trustee Weber, Seconded by Trustee Stelter to approve the modified Town Administrator job description.

Motion passes unanimously

**Discussion of Hiring Plan for Town Administrator**

Interim Town Administrator Leslie Klusmire highlights the problem areas she sees and her ideas to overcome these issues.

Motion made by Trustee Knutson, Seconded by Trustee Weber to approve the hiring plan.

Board discussion: transition of town image

Public Comment:



C. Patterson: In support of keeping current Interim Administrator

Motion carries unanimously

Motion made by Trustee Knutson, Seconded by Trustee Stelter to extend meeting for 15 minutes.

Motion carries with Trustee Weber abstaining.

**Discussion of Staff Plan for Addressing Water and Sewer Repair, Improvement and Funding Issues**

Interim Town Administrator gives an update of Tuesday meetings and what's next on the discussion list.

Discussion topics include emergency planning, long range planning, raw storage and Clock plant

**Receipt of JDS-Hydro Report: Water System Planning Funded by DOLA**

Interim Town Administrator expresses concern over how few water companies have agreements with the town.

Board Discussion: water companies, IGA, tap fees, raw water, subdivisions & wells.

**Approval of SGM Master Contract**

Motion made by Trustee Knutson, Seconded by Trustee Smith to approve the SGM Master Contract.

Motion carries unanimously.

**Dissolution of Advisory Water Committee**

Trustee Weber makes a motion, Seconded by Trustee/ Mayor Pro-Tem Markle, to put on the next agenda an Ordinance dissolving Ordinance 2020-09.

Trustee Weber provides an explanation to why he wants the AWC dissolved. It has grown but they are locked into the Ordinance on days, times and who would be on it when it has become less formal.

Board Discussion: history of AWC, original purposes, time well spent or not, committees, lacking required board members.

Trustee/Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Stelter to extend the meeting by 5 minutes.

Motion to extend carries unanimously.

Main motion carries

Voting Yea: Trustee/Mayor Pro-Tem Markle, Trustee Knutson, Trustee Weber, Trustee Valentine, Trustee Stelter

Voting Nay: Trustee Smith

**Facebook Comment Policy**

The board decides to think about this issue and tackle it on a future agenda, some things to consider were given by Town Attorney.

Motion made by Trustee Knutson, Seconded by Trustee Smith to extend meeting 10 minutes.

Voting Yea: Trustee Knutson, Trustee Smith, Trustee Weber

Voting Nay: Trustee/Mayor Pro-Tem Markle, Trustee Valentine, Trustee Stelter

Motion carries with Mayor Bachran breaking the tie.

**Discussion & Board Direction of Water Moratorium Language Provision**



Interim Town Administrator Klusmire gives a brief overview of the problem staff, looking at code, faces when answering water questions.

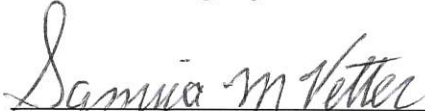
Board Discussion includes zoning, difference in interpretations and legal advice.

Trustee Knutson makes a motion, Seconded by Trustee Weber, to set a Special Meeting Thursday January 19th, 2023, at 2:30 pm to give guidance to staff and legal counsel making decisions on the water moratorium.

Motion carries unanimously.

**Adjournment**

Meeting adjourns at 9:54 pm

  
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Samira M Vetter, Town Clerk



  
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Mary Bachran, Mayor