

Regular Town Board Meeting - Minutes

**Mayor Bachran
Trustee Knutson
Trustee Markle
Trustee Stelter
Trustee Smith
Trustee Valentine
Trustee Weber**

July 14, 2022,

Regular Meeting Minutes

6:30 pm

RECORD OF PROCEEDINGS

The meeting was called to order by Mayor Bachran at 6:30 pm.

Roll Call

PRESENT

Mayor Mary Bachran
Trustee Paige Smith
Trustee Thomas Markle
Trustee Dave Weber
Trustee John Valentine

ABSENT

Trustee Dave Knutson – Pro-Tem Knutson arrived during the open meeting.
Trustee Rick Stelter

Approval of Agenda

Motion made by Trustee Weber, Seconded by Trustee Markle to approve the amended agenda, removing the Mountain Harvest Festival discussion to the next regular meeting.

Motion carried with Trustee Markle voting nay.

Announcements

Trustee Smith provided descriptions of items left at Town Hall following the Saturday Strategic Planning Session.

Trustee Markle clarified a statement made at a previous meeting regarding the time it takes him to read a packet.

Mayor Bachran will provide information later to the Board regarding the Towns participation in the quick win grant.

Recognition of Visitors & Guests

Shirin Patterson questioned ownership of the bench in front of Paonia Purple. -The bench was purchased and is privately owned by the business.

Consent Agenda

Minutes:

June 22, 2022

June 23, 2022

Paonia Liquors, LLC - Retail Liquor License Renewal

Linda Little dba Linda's Bistro

Motion made by Trustee Weber, seconded by Trustee Markle to approve the consent agenda with amendments to grammatical errors in minutes. Motion carried unanimously.

Mayor's Report

Mayor Bachran provided written summaries with detailed information on the grants summit and the information gleaned from the strategic planning event.

Trustees Markle and Knutson thanked Mayor Bachran for the written summaries.

Staff Reports

Town Administrator's Report

Public Works Report

Police Report

Finance Report

Administrator Ferguson's written report was provided in the packet for review and discussion. Additional information was provided regarding receipt of the final disbursement of the (ARPA) American Rescue Plan Act funds (\$184,616.39), cost for Chief recruitment (\$17,692.00), and the upcoming coordinated election calendar.

The Public Surplus auction sale grossed approximately \$40,808. The payments will be allocated back to the fund where the sold item was acquisitioned from.

Discussion ensued regarding the Auditors schedule for presentation of the 2021 audit on July 21, 2022, at 5pm.

Motion made by Trustee Markle, seconded by Trustee Weber to set a special meeting 7/21/2022 at 5pm for Audit presentation and discussion of the Town Administrator Job search.

Motion to amend main motion by Trustee Weber, seconded by Trustee Smith to schedule for 7/20/2022 at 5pm. Motion carried with Trustee Knutson voting nay.

Main amended motion carried with Trustee Knutson voting nay out of respect for the auditor's schedule.

Unfinished Business

Mountain Harvest Festival – September 23-25th - Grand Avenue Street Closure Removed from agenda until July 28, 2022.

Next Steps Regarding Enforcement of Grand Avenue Properties Special Review

Motion made by Trustee Knutson, seconded by Trustee Markle to disregard the requirement for special review of the Kennedy Building and the Masonic Lodge.

Discussion ensued regarding:

- Lawsuits
- legal advice
- building inspections
- asbestos concern

Attorney Conklin reiterated the advice given in executive session.

Discussion ensued regarding:

- conflicting ordinance interpretations
- perceived permit violations
- parking concerns

Motion made by Trustee Knutson, seconded by Trustee Markle to call the question. Motion failed for lack of a super majority. Aye: Trustees Knutson, Valentine, Markle. Nay: Trustees Smith, Weber.

Discussion continued.

The motion was re-read by Mayor Bachran as follows: Motion made by Trustee Knutson, seconded by Trustee Markle to disregard the requirement for special review of the Kennedy Building and the Masonic Lodge.

Motion carried with a tie vote with Mayor Bachran voting in favor.

Aye: Trustees Knutson, Valentine Nay: Trustees Smith, Weber. Abstain: Trustee Markle. Aye: Mayor Bachran.

Motion made by Trustee Knutson, seconded by Trustee Valentine requiring an investigation of the process regarding the approval of the Kennedy and Masonic building. Motion failed. Aye: Trustee Knutson, Valentine. Nay: Trustee Markle, Smith, Weber.

Motion made by Trustee Weber, seconded by Trustee Smith to deny occupancy of the Kennedy Building dwelling units until the water moratorium is lifted.

Attorney Conklin reminded the Board that the motion is not in line with the legal advice given in executive session.

Discussion ensued regarding the water moratorium language and interpretation.

Mayor Bachran called for a vote on the motion.

Motion made by Trustee Markle, seconded by Trustee Weber to table discussion until a review of the inspectors reports regarding permits on the second floor of the Kennedy Building. Motion carried unanimously.

Motion made by Trustee Smith, seconded by Trustee Weber to review the definitive parking arrangements for the Community Collective Building (Masonic Lodge) and the Kennedy Building (Hays) as outlined in 16-6-10. Motion carried unanimously.

CDOT Safe Pathways for Paonia Grant Review

The grant application was provided in the packet at the previous meeting and linked via the MuniDocs site for public review. No discussion was held.

New Business

Review of Town Attorney Request for Proposal

A lack of an attorney for the police chief to contact was discussed. Attorney Conklin agreed to remain on regarding the police department concerns until such a time as the attorney is hired. Attorney Conklin also stated he would not leave Town without representation while active in the search for a replacement.

Discussion ensued regarding locations for publication of the request for proposals and direct solicitation of attorneys in the area via email and regular mail.

Establishment of Goals for Town Administrator for Remainder of Existing Contract

The Board discussed setting of tasks and goals for the administrator for the remaining fulfillment of the contract. Discussion included the goals and information from the last two (2) performance reviews.

Motion made by Trustee Smith, seconded by Trustee Markle to schedule tours and orientations as required by Resolution.

Motion to amend main motion by Trustee Markle, seconded by Trustee Weber to complete required items in Resolution 04-2022. Motion carried with Trustee Knutson voting nay. Trustee Knutson noted objection with making goals vicariously without a plan or review.

The main amended motion was re-stated and carried with Trustees Knutson and Valentine voting nay.

Motion made by Trustee Weber, seconded by Trustee Smith for the Town Administrator to adopt a records retention policy. Motion carried with Trustee Knutson voting nay and restating his objection.

Motion made by Trustee Markle, seconded by Trustee Weber that Administrator enforce the law in regard to the Sergeant fence issue.

Trustee Knutson objected to discussion without parties involved being noticed by setting of agenda.

Trustee Markle withdrew the motion and restates as follows:

Motion made by Trustee Markle, seconded by Trustee Weber to direct the Town Administrator to investigate and come to a resolution on the Sergeant fence. Motion carried unanimously.

Motion made by Trustee Knutson, seconded by Trustee Weber for the Board members to use the last two performance reviews, and bring goals to the next meeting. Motion carried unanimously.

Disbursements

Motion made by Trustee Weber, seconded by Trustee Markle to pay the bills. Motion carried unanimously.

Motion made by Trustee Markle, seconded by Trustee Smith to waive late fees for the month. Motion carried unanimously.

Committee Reports

Finance: Weber & Smith

Parks: Knutson & Stelter

Streets: Valentine & Markle

Water/Sewer/Trash: Weber & Markle

Personnel: Smith & Valentine

Public Safety: Knutson & Stelter

Paonia Tree Board: Trustee Valentine

Advisory Water Committee: Trustee Smith

Motion made by Trustee Smith, seconded by Trustee Weber to appoint Bill Brunner as an in-Town user representative to the SWC. Motion carried unanimously.

Adjournment 9:25 PM

J. Corinne Ferguson, Town Clerk

Mary Bachran, Mayor