

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
May 23, 2023

RECORD OF PROCEEDINGS

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

Roll Call

PRESENT

Mayor Mary Bachran

Trustee/Mayor Pro-Tem Thomas Markle

Trustee Dave Knutson

Trustee Paige Smith

Trustee Rick Stelter

Trustee Morgan MacInnis

Trustee Valentine - arrives at 6:37pm

Correspondence Received

No comments

Approval of Agenda

Trustee Knutson asks if the Parks and Public Safety Committee reports can be moved up on the agenda since there are some items they would like on a future agenda.

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Smith to add the Mayor Pro-Tem and committee appointments to the agenda as a non-voting item.

Trustee Markle states that it was removed in violation of Board direction.

Town Attorney Cotton-Baez advises that it can be discussed and should have been on the agenda but was not due to a misunderstanding.

Trustee Markle explains that he feels it should be at least discussed because the Board voted that it be on this agenda and that action should not be able to be superseded by one Board member and that their processes need to be looked at.

Trustee Knutson explains that upon thinking about it he was worried about the divisiveness of the topic.

Voting Aye: Trustee/Mayor Pro-Tem Markle

Voting Nay: Trustee Smith, Trustee Stelter, Trustee Valentine, Trustee MacInnis, Trustee Knutson

Interim Administrator Klusmire asks that verbal updates be added under Staff Reports for her and Public Works Director Heiniger.

The motion to approve the agenda with the additions of an Administrators and Public Works Director Report carries unanimously.

Announcements

Trustee Knutson reminds the community that Memorial Day is coming, and the American Legion has an annual ceremony on the Bridge.

Trustee/Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Smith, to add communication policy to June 13th regular meeting.

Trustee/ Mayor Pro-Tem Markle explains that he received a group text about a meeting and prefers that they not do that even though it is allowed. He prefers that be done by email, so a record exists.

Town Clerk Vetter asks to poll the Trustees votes.

Voting Aye: Trustee/Mayor Pro-Tem Markle, Trustee Smith, Trustee Knutson
Voting Nay: Trustee MacInnis, Trustee Stelter, Trustee Valentine
Mayor Bachran breaks the tie by voting Nay.

The motion fails.

Trustee/Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Smith, to add building permit valuation discussion to the June 13 Regular meeting.

Voting Aye: Trustee Smith, Trustee/Mayor Pro-Tem Markle, Trustee Knutson, Trustee Valentine. Trustee MacInnis
Voting Nay: Trustee Stelter

The motion carries.

Mayor Bachran introduces the new District Administrator of North Fork Pool, Parks & Recreation, Stephanie Bureau who is in attendance along with newly appointed Board Member Scott Shishim

Kira Gregory from CDPHE will be in Paonia to offer the Board and staff, incident command and disaster Financial Structure training on June 6th or 7th.

A poll will be done after the meeting to schedule a time.

Thank you to Christine Patterson who volunteered to water plants and help weed the town planters.

Travel Lemming website has listed Paonia as #17 on its list of 150 best things to do this summer in the United States.

Starting May 24th, 2023, CDOT is offering a free shuttle commuter service to Carbondale with three pick-ups in in the morning and three pick-ups in the evening.

Jason Smith, the project director for the sinkhole project on 133 says the temporary bridge is ordered but is in North Carolina, so they have no date for shipping. They are working on the Bridge platform design right now and say they will be working seven days a week when the bridge arrives.

Trustee Knutson thanks the Mayor for being "a badger" on this one because the community needed someone to be.

Public Comment

S. Watson: A few meetings ago said the planning commission needs more training, training we had was about due process. According to the state statute 31-23 -204 of CRS says the Planning Commission needs to have one regular meeting a month. If they do not have any items on their agenda they could use that time for familiarizing themselves with Master Plan etc.

C. Patterson: Last Special Meeting was a lot of things not agendized in that meeting. Decisions made quickly, it was concerning and doesn't feel like it fell under the Sunshine Laws. This Town is finally in a good place, and she would like to see it keep going forward.

Consent Agenda

Trustee Stelter makes a motion, Seconded by Trustee MacInnis, to approve the consent agenda.

Trustee/ Mayor Pro-Tem Markle asks about the highlighted disbursements.

Mayor Bachran explains a few of the corrections made to disbursements.

Trustee Stelter thanks the Finance Committee for being so thorough in their duties during the transition.

The motion carries unanimously.

Staff Reports

Interim Town Administrators Report:

There was an error found in the health insurance, and if the change was approved to the new way of doing it: 90% Employee 50 % Dependent, we cannot find where the decision was made on the record. On-boarding was mostly verbal, and we have a mess to untangle but we are working on it.

We cannot find any height restrictions or setbacks in commercial zoning and we need to fix that now.

There was a memo mistake, and it needs to be addressed so we all know in the future that as a board; if it is a personal opinion, it has to be addressed in a meeting. General information is ok to be dispersed through the Clerk, but if it needs to be on an agenda it needs to go to a meeting.

Email/text etiquette: Administrators are allowed to give employee/employer updates, which is not discoverable. The proper way to do that is to send it to all Trustees at once, so that everyone has all information needed

Water plant update: The replacement parts needed are 2 1/2 months out, shipping-wise, so we are negotiating with other communities for one of their spares which we will then replace, when ours arrives.

Public Works Director update:

Sewer collapse project is complete!

Water plant: The malfunctioning part has been bypassed and the plant is limping along but it is not repaired or a solid solution..

Actions & Presentations

1. Water Moratorium Update- Respec

James Starnes and Doug Schwenke attend to answer any questions about the RESPEC water moratorium update.

Trustee Smith asks about Spring data collection and the Colorado Division of Water Resources in the report.

It is explained that some spring meters are in place, but they are not providing consistent enough data.

Colorado Division of Water Resources is the entity in charge of any raw water that is pulled out of the ground, water rights and keeping injury from other entities.

2. Parks and Public Safety:

Trustee Knutson and Trustee Stelter ask the Board to add the following items from their committee reports to a future agenda for discussion and possible action.

- Mobility access to downtown
- Handicapped parking at Town Park close to the entrance or the Ellen Smith Teen Center
- Pedestrian crosswalk, mid-block, providing safe access to Poulos Park.
- Directional signs to Apple Valley Park
- Parking issues on Vista Drive and Pan American due to the Jumbo Trailhead

Trustee Smith points out that they need to do some research so they understand, legally, what the town would be responsible for and could maintain.

Town Attorney Cotton-Baez suggests that the American Disabilities Act is a good guide.

3. Consideration of a revision of the ordinance to allow restaurants with a Liquor License and a sidewalk permit to allow patrons to consume alcohol at outdoor dining tables.

Lindsay Cusack and Ed Vaughn present, explaining the issues that they have with customers and how they would like the board to change the ordinance that would prevent them from having a sidewalk service area at their restaurant.

Public Comment:

S. Watson: Is this a simple vote or a hearing?

Trustee/ Mayor Pro-Tem Markle asks how many businesses have sidewalk and liquor permits and how wide the sidewalks are.

Trustee Smith asks questions about roping it off without impeding pedestrian sidewalk traffic and what is appropriate to comply with the motorized specification in State Statutes

Trustee Knutson asks for a better picture of what it would look like coming from the Post Office.

Trustee MacInnis asks if all of their tables would be this way, including the one on the side.

Trustee Stelter asks about whether the barriers or roped off areas would be something able to be dismantled during off hours.

Trustee Stelter thinks that a public hearing may be best, for the public input since it involves Town property.

Trustee MacInnis asks about Nido's staff would enforce the rules or conditions set for the sidewalk service.

Trustee/ Mayor Pro-Tem asks for more information on which Towns they have talked to that allow Sidewalk service areas.

Discussion continues about research, issues that need to be addressed such as keeping alcohol in designated areas. keeping public right of ways clear, safety, public input, ordinances and enforcement.

Trustee Smith makes a motion, Seconded by Trustee Stelter to bring back the matter on the next agenda with diagrams of the area, examples of other Town Ordinances and Chief Laiminger's opinion.

Voting Yea: Trustee/Mayor Pro-Tem Markle, Trustee Smith, Trustee Stelter, Trustee Valentine
Voting Nay: Trustee Knutson, Trustee MacInnis

The motion carries.

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

Motion carries unanimously.

The meeting resumes.

4. Consideration and Approval of Resolution 2023-06 Requiring two signatories on bank and credit card accounts.

Trustee/Mayor Pro-Tem Markle makes a motion, Seconded by Trustee MacInnis to accept Resolution 2023-06 as written.

The motion carries unanimously.

5. Consideration and Approval of 2023-04 Revision of 2021-01 Retail Marijuana, removal of medical marijuana license requirement

Town Attorney Cotten-Baez provides background on the need to revise the Ordinance 2021-01.

Trustee Knutson makes a motion to approve Ordinance 2023-04 with the amendments of adding the word medical to the third whereas.

The motion carries unanimously.

6. Consideration & approval of extension to Interim Town Administrator contract

Trustee Smith makes a motion, Seconded by Trustee Valentine to accept the extended contract for the Interim Town Administrator.

The motion carries unanimously.

7. Approval of Revised Town Organization Chart

Interim Town Administrator Klusmire explains the changes: no finance director, outside consultant as financial manager who would handle high level accounting ie. budgets and audits, adds Accountant: Amanda Mojarro for the day to day finances: deposits, utility billing, disbursements and financial statements.

Public Comment:

S. Watson: confused by the Public not being over the Board of Trustees and citizen committees, doesn't like the Zoning Board of Appeals & Adjustments and Planning Commission boards not being on there, need to recognize validity of those Boards as well.

Trustee Smith agrees that citizens need to be put back above the Board of Trustees and the Building Inspector needs to be put back on there.

Trustee Knutson makes a motion, Seconded by Trustee/ Mayor Pro-Tem Markle to approve the organization chart as written with Building Inspector and Citizens added.

The motion carries unanimously.

8. Consideration and approval of Resolution 2023-07: Appointing an Officer - Town Treasurer

Interim Administrator Klusmire explains that many municipalities appoint their Town Administrator as Treasurer too avoid personnel issues by keeping an employee from being a statutory officer.

Trustee Knutson asks if it doesn't cause the same type of issues we already had.

Administrator Klusmire explains that organizationally you still have to go through the same process, but the Board both hires the Town Administrator and appoints the Treasurer.

Town Attorney Cotton-Baez explains that the process of removal is easier and more efficient and it also clears up authority issues with the Town Administrator supervising the Finance Director.

Trustee/ Mayor Pro-Tem Markle states that they had been told that it was common to have the Finance Director as Treasurer and that is what they did. Since a Statutory official has to have a public hearing for removal he feels maybe it is beneficial to have more eyes on the finances.

Trustee Stelter makes a motion, Seconded by Trustee Knutson to approve Resolution 2023-07 as written.

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

Voting Nay: Trustee/Mayor Pro-Tem Markle

The motion carries.

9. Consideration and approval of the Hazard mitigation plan

Public Comment:

S. Watson: Asks about trees? Many are falling, badly pruned and dangerous.

Discussion continues about adding trees, how action plans are being put into action, multiple hazards, high rivers, river ramps and the dam.

Trustee Knutson makes a motion, Seconded by Trustee Stelter to makes suggested changes and forward to the County.

The motion carries unanimously.

10. Update on Town Administrator hiring process

Trustee Smith announces that there are ten preliminary candidates that will be interviewed Thursday and Friday and that she will send the schedule to the Interim Town Administrator.

Interim Town Administrator reminds them that screening interviews are meant to be short and see if they are a good fit and then at final interviews you get into skill sets.

Executive Session

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Stelter, to go into Executive Session, under C.R.S. Section 24-6-402(4)(b), for a conference with the Town's Water Attorney for the purpose of receiving legal advice on specific legal questions regarding the Town's water rights.

Executive Session begins: 8:52 pm

Executive Session ends: 9:34 pm

Point of Order is called over disruptive behavior from the public.

Participants in the Executive Session were Mayor Bachran, Trustee/ Mayor Pro-Tem Markle, Trustee Stelter, Trustee Smith, Trustee Knutson, Trustee MacInnis, Trustee Valentine, Interim Town Administrator Klusmire, Town Attorney Cotton-Baez and Town Water Attorney Sherry Caloia.

No concerns were noted.

Trustee Stelter makes a motion, Seconded by Trustee Smith, to extend the meeting for 30 minutes.

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

Voting Nay: Trustee/Mayor Pro-Tem Markle

The motion carries.

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Stelter, to go into Executive Session, under C.R.S. Section 24-6-402(4)(b), for a conference with the Town's Water Attorney for the purpose of receiving legal advice on specific legal questions regarding the Town's water rights.

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

Voting Nay: Trustee/Mayor Pro-Tem Markle

The motion carries.

Executive session begins: 9:37 pm

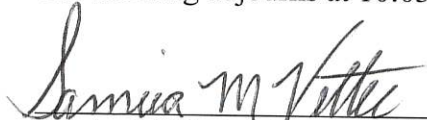
Executive Session ends: 10:01 pm

Participants in the Executive Session were Mayor Bachran, Trustee/ Mayor Pro-Tem Markle, Trustee Stelter, Trustee Smith, Trustee Knutson, Trustee MacInnis, Trustee Valentine, Interim Town Administrator Klusmire, Town Attorney Cotten-Baez and Town Water Attorney Sherry Caloia.

No concerns were stated.

Adjournment

The meeting adjourns at 10:03 pm


Samira M Vetter, Town Clerk




Mary Bachran, Mayor

