



TOWN OF PAONIA
REGULAR TOWN BOARD MEETING AGENDA
TUESDAY, NOVEMBER 28, 2023 6:30 PM
[HTTPS://US02WEB.ZOOM.US/J/84986999074](https://us02web.zoom.us/j/84986999074)
MEETING ID: 849 8699 9074

Public Participation: Must raise hand and be recognized by the Mayor, come to the podium and state your name and the street on which you live. Time limit is 3 minutes, one time per item. Direct all comments to the Mayor. No responses will be made by staff or Board during the meeting. No derogatory or demeaning statements or public displays. Please be respectful.

Roll Call

Approval of Agenda

Announcements

November 10, 2023 marked Public Works employee Dennis Reich's 25th year as a full-time Town of Paonia employee!

Public Comment

Any topic not included under Actions & Presentations, 3-minute time limit.

Consent Agenda

November 14, 2023 Minutes
Disbursements

Staff Reports

[Departmental](#) Scorecard

Actions & Presentations

Public comments must be related to the agenda item, 3-minute time limit.

1. Consideration of Approval of Resolution 17- 2023 Opting Out Certain Elected and/or Appointed Officials from Workman's Compensation
2. Consideration of Approval of Amendment to Kelly PC's Contract for Legal Services
3. Consideration of Approval of Paying Out Prior Sick Leave to Town Employees
4. Consideration of Acceptance of the Planning Commission's recommendation to accept the right of way transfer from Delta County Schools to the Town of Paonia for the 5th and Grand Alignment Process

Mayor & Trustee Reports

Adjournment

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.

Section 9. Unacceptable Behavior. Disruptive behavior shall result in expulsion from the meeting.

Section 10. Posting of Rules of Procedure for Paonia Board of Trustees Meetings. These rules of procedure shall be provided in the Town Hall meeting room for each Board of Trustees meeting so that all attendees know how the meeting will be conducted.

II. CONSENT AGENDA

Section 1. Use of Consent Agenda. The Mayor, working with Town Staff, shall place items on the Consent Agenda. By using a Consent Agenda, the Board has consented to the consideration of certain items as a group under one motion. Should a Consent Agenda be used at a meeting, an appropriate amount of discussion time will be allowed to review any item upon request.

Section 2. General Guidelines. Items for consent are those which usually do not require discussion or explanation prior to action by the Board, are non-controversial and/or similar in content, or are those items which have already been discussed or explained and do not require further discussion or explanation. Such agenda items may include ministerial tasks such as, but not limited to, approval of previous meeting minutes, approval of staff reports, addressing routine correspondence, approval of liquor licenses renewals and approval or extension of other Town licenses. Minor changes in the minutes such as non-material Scribner errors may be made without removing the minutes from the Consent Agenda. Should any Trustee feel there is a material error in the minutes, they should request the minutes be removed from the Consent Agenda for Board discussion.

Section 3. Removal of Item from Consent Agenda. One or more items may be removed from the Consent Agenda by a timely request of any Trustee. A request is timely if made prior to the vote on the Consent Agenda. The request does not require a second or a vote by the Board. An item removed from the Consent Agenda will then be discussed and acted on separately either immediately following the consideration of the Consent Agenda or placed later on the agenda, at the discretion of the Board.

III. EXECUTIVE SESSION

Section 1. An executive session may only be called at a regular or special Board meeting where official action may be taken by the Board, not at a work session of the Board. To convene an executive session, the Board shall announce to the public in the open meeting the topic to be discussed in the executive session, including specific citation to the statute authorizing the Board to meet in an executive session and identifying the particular matter to be discussed “in as much detail as possible without compromising the purpose for which the executive session is authorized.” In the event the Board plans to discuss more than one of the authorized topics in the executive session, each should be announced, cited and described. Following the announcement of the intent to convene an executive session, a motion must then be made and seconded. In order to go into executive session, there must be the affirmative vote of two thirds (2/3) of Members of the Board.

Section 2. During executive session, minutes or notes of the deliberations should not be taken. Since meeting minutes are subject to inspection under the Colorado Open Records Act, the keeping of minutes would defeat the private nature of executive session. In addition, the deliberations carried out during executive session should not be discussed outside of that session or with individuals not participating in the session. The contents of an executive session are to remain confidential unless a majority of the Trustees vote to disclose the contents of the executive session.

Section 3. Once the deliberations have taken place in executive session, the Board should reconvene in regular session to take any formal action decided upon during the executive session. If you have questions regarding the wording of the motion or whether any other information should be disclosed on the record, it is essential for you to consult with the Town Attorney on these matters.

IV. SUBJECT TO AMENDMENT

Section 1. Deviations. The Board may deviate from the procedures set forth in this Resolution, if, in its sole discretion, such deviation is necessary under the circumstances.

Section 2. Amendment. The Board may amend these Rules of Procedures Policy from time to time.

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
November 14, 2023

RECORD OF PROCEEDINGS

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

PRESENT

- Mayor Mary Bachran
- Mayor Pro-Tem Dave Knutson
- Trustee Paige Smith
- Trustee John Valentine
- Trustee Rick Stelter
- Trustee Morgan MacInnis
- Trustee Kathy Swartz

Approval of Agenda

Trustee Smith makes a motion, seconded by Trustee Swartz, to approve the agenda.

The motion carries unanimously.

Announcements

Trustee Smith makes an announcement that the leaves that Public Works pick up are left at the old sewer lagoon property and are available for pick up.

Trustee Swartz makes an announcement that the Skatepark upgrades are completed and the new and improved Skatepark looks great!

Mayor Bachran makes an announcement that in January, packets for those interested in running for the Town Board of Trustees will be available.

Public Comment

Students from Paonia K-8, Courtney and Amara, make an announcement about an upcoming fundraiser the school will be having, more information to follow soon.

Consent Agenda

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

The motion carries unanimously.

Staff Reports

Town Administrator Wynn highlight the Capital Improvement Plan he has put together that was first started by SGM as an Asset Inventory and is now being turned into a true Capital Improvement plan.. He goes through the highlights and funding sources for the projects that have been identified by Department Heads.

Actions & Presentations

- 1. Presentation about Safe Routes to Parks Grant - Hannah Stevens with Western Slope Conservation Center

Presented by Julie Sapina who is standing in for Ben Graves. She explains the need for support and wanting to partner with the town on this project though they are willing to be the administrative side of things.

Topics discussed: staff training, safety needs, design needs and that ut is a competitive grant.

Trustee Stelter makes a motion, seconded by Trustee MacInnis, for the Town to sign a Letter of Support for the Western Slope Conservation Center. The motion carries unanimously.

Public Hearing

- 2. Public Hearing to Consider acceptance of the Housing Needs Assessment

Mayor Bachran opens the Public Hearing at 7:20 pm.

Shay & Andrew Coburn from Urban Rural Continuum, present the Housing Needs Assessment and Housing Action Plan

Topics: housing needs, data, steps to move forward when it is time, steps taken to develop and adjust the plan to Paonia's specific needs, surveys, interviews, Housing Task Force, use of the plan for guidance, planning, and community goals, starting point for codification and suggested changes for affordable housing and the removal of barriers to that and development, and the planned receipt of the optional add ons.

Town Administrator Wynn provides highlights of planning commission meeting and r their recommendation as well as his recommendation to adopt.

Public Comment:

S. Patterson: lot of attention given to the businesses, but businesses are not named, thinks this lacks transparency.

L. McCone: on task force; participated the whole time and was really impressed with the level of care given to putting out a good plan and encourages the town to actually use this plan.

D. Neiremburger: based on numbers instead of real people and situations, real estate in our area is much higher and MLS listings are showing prices that don't seem to match. Neither do the ages of community members mean they are disabled and/or poor. The use of 'sustainable' is also concerning. And thanks the Town for removing the graffiti from the park.

Mayor Bachran closes the Public Hearing and opens Board deliberations 7:42 PM

Board Deliberations include that they are impressed with the job URC has done since the beginning, Short-term rentals need to be addressed, not stalled because of the moratorium but could be good time to work in our limits and encourage density, private sector vs the town being involved in the housing solution, taking care the hard jobs/controversial items so the next Board can work on progress, One Delta County and their plans and issues, creative problem solving, not shying away from the rough decisions, smaller units, energy efficient housing, keeping unit development costs under the income line.

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee MacInnis, to approve the acceptance of the Housing Needs Assessment and Action Plan and require its inclusion in the Draft of the Paonia Master Plan

The motion carries unanimously.

- 3. Consideration of Approval of Signing a Memorandum of Understanding between the Bureau of Land Management and the Town of Paonia as a Participating Agency for the UFO RMPA/EIS.

Town Administrator Wynn gives background to how Paonia was asked to become a participating agency.

Board discussion: Paonia needs to be at the table since this area is also our watershed, wonderful opportunity to be involved in decisions that will affect us.

Trustee Stelter makes a motion, seconded by Mayor Pro-Tem Knutson, to approve the Memorandum of Understanding with the Bureau of Land Management.

The motion carries unanimously.

- 4. Consideration of Approval to Apply for DOLA Planning Capacity Grant

Town Administrator Wynn gives background on the grant, what it does and how it can be used.

Trustee Swartz makes a motion, seconded by Trustee MacInnis, to approve an application for the DOLA Planning Capacity Grant.

The motion carries unanimously.

5. Consideration of Approval for Change Orders from K&D Construction

Town Administrator Wynn provides background on why the change orders were needed, ie: service lines not known about, elevation changes to manholes, asphalt price changes and fill gravel.

Board discussion: documentation was great, changing meeting policy and approvals for change orders in advance, potentially adding padding to some quotes to help cover contingencies that our sewer lines are throwing at us, ordinance to help cover these situations for financial transparency, certain contract additions that can actually help with this situation that other towns do.

Trustee Stelter makes a motion, seconded by Trustee Smith, to approve Change Order #1 in the amount of \$24,606.72 and Change Order #2 in the amount of \$50,045.55 for a total new not-to-exceed contract price of \$373,991.77.

The motion carries unanimously.

6. Consideration of Termination of the Contract with Shumscoda Associates

Town Administrator Wynn provides background on the DOLA grant and new processes to provide better service to the community and better service for planning, building and zoning situations.

Public Comment:

S. Wilson: local contractor; what is the plan going forward if the contract is terminated, it is a big deal to not have a building official.

M. Barnes: Blue Sage Center of the Arts: stuck in the Sage Alley project with the building inspector, asks that the Board get someone who can help and be supportive of people learning the process.

Board: IGA with Delta over a plan reviewer and building official, amount of time spent on these items part-time or full-time, amount of time spent vs amount of time that could be, simple things taking too long, code enforcement could be used for as well, complaints that have come from the public need to be addressed with the new process to make it less frustrating.

Trustee Stelter makes a motion, seconded by Trustee MacInnis, to send notice to Shums Coda Associates of the Town's intent to terminate the agreement between them with the conditions as discussed by the Town Administrator

The motion carries unanimously.

Mayor & Trustee Reports

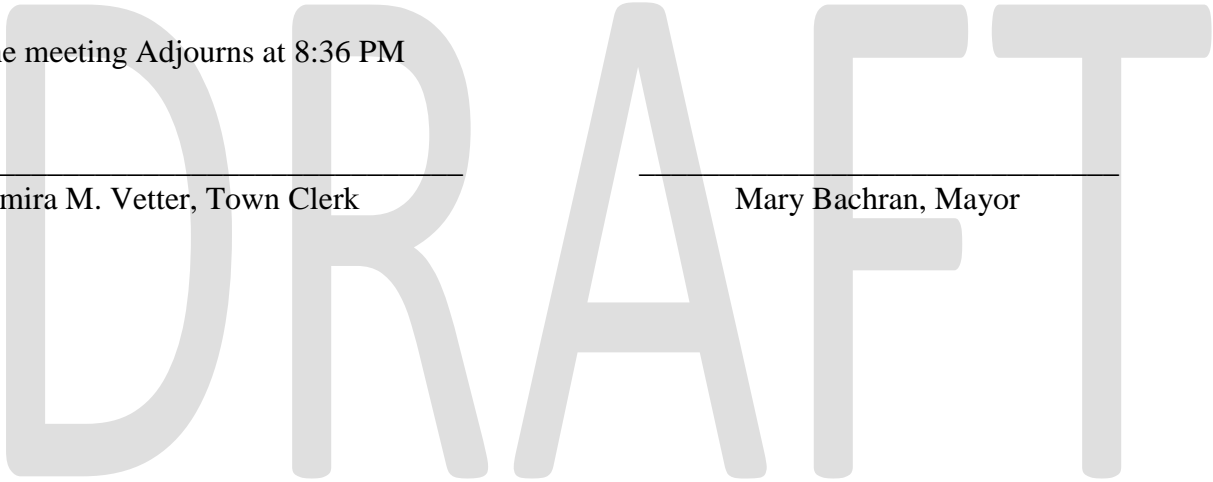
Trustee Stelter - Report from One Delta County Annual Meeting
Trustee Stelter expands on the One Delta County meeting overview: need citizen involvement to get it out of Delta exclusively and bring some of it down valley, planning industrial lots, 55-unit housing development, needing creative funding to complete everything, economic development coming in, projects in development and planning stage, grants available for disadvantaged communities.

Adjournment

The meeting Adjourns at 8:36 PM

Samira M. Vetter, Town Clerk

Mary Bachran, Mayor



**TOWN OF PAONIA
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
TOWN ADMINISTRATOR'S OFFICE					
Release of Conservation Trust Fund (CRT) Disbursements/File CTF Report	Awaiting completion of the FY-22 Audit to certify that expenditures tie to the GL. No penalty for filing the CTF report late.		7.17.23	7.17.23	11.17.23
ADP Workforce Software Integration with Caselle	Now that the integration is complete on timekeeping and payroll, the integration to automatically book pay as reported in ADP to the GL in Caselle is being worked on with ADP and Professional Management Solutions.		11.1.23	11.24.23	
FY-22 Audit	Professional Management Solutions reported that the Audit should be finished in October, 2023, after further discussion it was determined that an RFP will need to be submitted and an Audit firm selected. RFP was live on 8.16.2023 with a closing date of 9.14.23. Auditor Selected & Accepted on 9.25.23, Items for audit submitted to auditors, Accurate GL Trial Balance submitted to auditor 11.14.23		7.17.23	11.24.23	
CDOT Revitalizing Main Streets Grant, "Safe Pathways for Paonia," 3-Points InX Grand, 4th & 5th	SGM CO #1 Forthcoming adding scope of work for GeoTech Eng. Svcs., and MOT plan to design set & Striping Plan, and Adding Add'l. meetings to Project Admin. as req. by CDOT. (Odisea didn't include in original design). CO #1 approved at the 8.22.23 Board Meeting, CO #1 was executed and submitted to SGM on 8.28.23. CDOT approved RMS Grant, R/W acquired from School Board and design is being finalized for construction.		7.14.23	11.24.23	
Policy Reviews: Purchasing, Internal Controls, and Personnel	Collecting various policies for review - first discussion at Department Head Meeting on 7.18.23, 8.1.23 Dept. Head meeting discussed procurement policies needing updates and building permit processes for updates. These processes and policies will be a product to be worked on during 2024. Purchasing, Internal Controls estimated completion 3/30/2024; Personnel estimated completion 6/30/2024.		7.17.23	11.24.23	
Ordinance for Water Companies/Agreements with Water Companies	At a minimum an agreement with water companies that describes expectations from the town, expectations from the water companies/subdivisions, indemnification, and insurance requirements should be considered to reduce liability to the town. Further discussion with the Water Attorney is necessary. Standardized IGA with Water Companies with clauses for mainenance and increasing bulk water rates for non-compliance/if Water Company chooses to have the town complete maintenance. Town Attorney working on Draft Agreement for Hidden Valley water company.		7.11.23	11.24.23	
Code Re-Write	If funded by DOLA grant, then an RFP will need to be issued to meet the competitive bid requirement. Scheduled a phone call with a separate consulting firm to get a budget figure on price for DOLA grant for 8.28.23, once budget price received, will submit to DOLA for their consideration. Received Council Approval for \$25,000 Match from DOLA Admin Grant on 9.14.23. Submission of Grant on 9.15.23. Resubmitted Grant information to DOLA on 11.22.23. RFQ will be live in 2024 after grant funding is awarded and approved.		7.11.23	11.24.23	
Private Use of Public Rights of Way	Private property should have a lease agreement with the Town if utilizing the public right of way. Sandwich boards, outdoor dining areas, etc. and limited to in front of their own property lines. Otherwise, the only use of public right of way should be by the general public or with Town-owned property. Actively completed by the Town Clerk and in practice through leases with various businesses and organizations throughout Town.		8.1.23	11.24.23	11.24.23

**TOWN OF PAONIA
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
Chase ink Credit Account	Submitted a letter to Chase Card Services to get control of the online banking account for the Chase ink Credit Card. Would like to see if any cashback rewards have been earned, and if so, where are they. Continue to get control of Chase Bank Credit Cards - will need to travel to Telluride and visit Chase Banker in person.		7.28.23	11.24.23	
Return Un-used items from SIPA grant	Returned Klipsch Bluetooth Speakers for a credit, opened a case with Amazon to return the audioquest dragonfly cobalt DAC, need to contact Amazon to return (2) Ankerwork Powerconf S500 units.		8.1.23	8.1.23	
Special Event Process and Applications	Improve the process and include the recent ordinance for street closures in the application process. This also includes the process for park reservations. Expected completion date: 5/31/24		8.1.23	11.24.23	
DOLA IHOP Grant Reporting - Housing Needs Assessment	Reimbursement reporting for IHOP Grant. Submitted first reimbursement request for HNA in the amount of \$32,348.25. Expect to receive the balance of funds during final reporting period of FY-23, or first reporting period of FY-24.		8.31.23	11.24.23	
Ordinance for Traffic Schedules	Ordinance for traffic schedules including: revized speed limit schedule, traffic control signage schedule, and crosswalk schedule. Draft is complete, discussion with Staff at 8.29.23 Department Head meeting, and send to Town Attorney for Review. 9.12.23 meeting introduced ordinance for speed limits, stop signs, crosswalks, and parking restrictions. Revised Final Draft Ordinance to be on December 12, 2023 Meeting.		8.1.23	11.24.23	
FINANCE DEPARTMENT					
Caselle GL Updates & Chart of Accounts	Professional Management Solutions working with Amanda to get Chart of Accounts correct and GL updated with the most recent reconciliations. This will be marked ongoing until it becomes a normal internal process completed by Staff.		3.1.23	ONGOING	
Schedule of Fees	Introduced at the 7/11/23 Council Meeting. Further discussion may be warranted - including with sidewalk fees. To be on December 12, 2023 Meeting - balancing the FY-2024 Budget relies on edits to the schedule of fees.		7.11.23	11.24.23	
Utility Rate/Fees	Proposed Water and Sewer Rate increases will be on the December 12, 2023 Board meeting for consideration of approval.		7.14.23	11.24.23	
Working on chase credit cards for Michelle	Half way through entering each item on an excel sheet. Some things need to get coded.		9/8/2023	11/10/2023	
Meter books have been printed for this month.	Printed meter books for PW to go out and read them for the week of 15th - 20th. I will be entering the reads next week. Meter Books are being used for a handful of manual reads that haven't been replaced yet.		11/10/2023	11/10/2023	
Worked with Caselle on Cory's request to remove manual meter reads from the Yuma tablet. Created a report showing only manual reads which will make it easier for PW to read manuals instead of having all of them on there.	completed		10/2/2023	11/10/2023	Completed with in the second week of October.
Disbursments have been processed and sent email out to finance committee to let them know they are ready to be reviewed.	disbursements is the review process by finance committee l		11/10/2023	11/10/2023	
Invoices have been processed and are pending to be approved by Town Administrator. To be able to be selected for payment.	Invoices are in the pending for review by Town Administrator.		11/10/2023	11/10/2023	

**TOWN OF PAONIA
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
Working on NSF accounts and processing them.	Working on completing NSF and sending out letters.		11/10/2023	11/10/2023	completed
Working on correcting customer accounts that have been reported for incorrect water usage due to incorrect meter reads. As they come in. There are approximately 4 that continuously are incorrect.	I have completed the accounts that have been reported to me as they come.		11/10/2023	11/10/2023	
moves and move-outs have been corrected.	corrected customers accounts due to incorrectly moving out customers.		11/10/2023	11/10/2023	
Worked on generating an aging report and sending out letter to customer about their un-paid balance.	sent out letter regarding their unpaid balance. This is important and will be used to justify liens at the end of each Fiscal Year.		11/10/2023	11/10/2023	
Working with Jennifer Petruno from US bank to get online access to view the bond	Spoke with Jennifer on 11/14/2023 about getting access to online. She will be sending me an application and will work on it next week or after thanksgiving.		11/14/2023	11/14/2023	
worked on correcting direct deposit to be complete my direct pay process.	corrected 2 customers routing numbers.		11/16/2023	11/16/2023	11/16/2023
Processed direct pay	processed direct pay and emailed 11/16/2023 @ 12:30pm Sam/Town Clerk to release payment.		11/17/2023	11/17/2023	
Working on 941 reporting to IRS	Working Michelle on the 941 reporting.		11/17/2023	11/17/2023	
Working with the Treasurer's office of Delta County to figure out Michelle's question regarding the difference in amount report vs deposited.	Called and spoke with Brittany. Sent over the PDF from Michelle she will review with Lisa and get back to me 11/15/2023-11/16/2023.		11/14/2023	11/16/2023	

**TOWN OF PAONIA
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
CLERK'S DEPARTMENT					
Equipment Surplus	Asked Department Heads to start assessing what may be eligible to be declared Surplus Due November 1st. Awaiting finalized lists so that the surplus can be placed on a Regular Board Meeting agenda for disposal approval.		7.19.23	11.24.23	
Records Management System Development and Implementation	Organizing and documenting files and records	Staff Time and pending		9.7.23	
Point & Pay/ Caselle Integration	Point & Pay and Caelle have gotten Caselle Connect installed and ae mapping the online points right now	Point and Pay Absorbed Costs	2.15.23	11.17.23	
ADP Workforce Software Integration	Implementation Complete		7.17.23	10.12.2023	11.15.23
Set up UMB Coding Strings	Staff training on coding on 11.27.23	Staff time	8.10.23	11.16.23	
Create checklists for Clerk Duties	Create checklists, for all permits, licensing, agenda, board meeting, record retention, new hires etc for consistency and thoroughness. Updating as we go concurrent with the training for new Deputy Clerk	Staff Time	7.19.23	9.11.23	
Records and vault reorganization, retention compliance	Actively going through, starting new organization process and logging	Staff Time	8.15.23	9.14.23	
Schedule of Fees Update for Clerk's Office	Done		8.30.23	10.12.23	10.30.23
Liens	Complete for 2023		8.21.23	11.14.23	11.16.23
MuniDocs clean- up & catch up	Still in process as time permits, This has also become the landing place for Board Committee Agenda's and minutes		9.14.23	10.12.23	
Department Budget	Working on department needs & wants list		9.28.23		10.11.2023
CEBT Open Enrollment	Employer contributions updated for 2024 and Open Enrollment is Active		9.26.2023	10.11.2023	10.31.23

**TOWN OF PAONIA
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
Codification of Municipal Code	Codification complete, both paper copies and the Online Municipal Code are updated. I also found the glitch that made some sections of the Code only downloadable as a Word document and had them fix it	\$4,844.50	6.20.23		10.10.23
Cardholder policy and agreement	Waiting for Review	Staff time	11.2.23	11.21.23	
Vendors letters	Draft letter written and being reviewed	Staff Time	10.30.23	11.16.23	11.20.23
Election Packets	Gathering material and waiting election calendar from County		11.15.23		
Update and/or draft Compliance letters, License and Permit Renewal Letters and Occupational tax monthly reminders	Occupational Tax complete, Renewal letters and Compliance letters	Staff Time	11.17.23	11.21.23	11.21.23
Updated Retail Transaction Tax letters and schedule for mailing	Updated		11.17.23	11.21.23	11.21.23
Marijuana/Liquor/Permit Renewal Letters, mailing process and schedules	All updated and ready to implement Dec. 1	Staff Time	11.17.23	11.21.23	11.21.23
Special Events Process	Reimplemented Pre-event Staff meetings for ALL Events, created note template for filing and follow-up and set Policies. Working with Town Administrator to propose a policy to help streamline processes and make Special Events easier to administer and regulate.		7.1.23	11.24.23	
Sidewalk Business Use Permits	Permit Applications hand delivered end of October, certified return receipt letters sent to still unpermitted items business owners with December 18, 2023 compliance deadline.	Staff Time and pending	10.28.23	11.21.23	
PUBLIC WORKS DEPARTMENT					
Sidewalk Asset Plan	Working with contractor to determine which projects have been completed within the last 4-5 years. Asset Plan found and being implemented from SGM in 2020.		6.14.2023	11.24.23	
ADA Transition Plan	Discussed at Department Head Meeting, will need to begin to evaluate crossings throughout intersections in Town. Will add this to fulcrum and add notes in GIS about intersections in compliance and intersections that need to be brought into compliance with ADA standards. Working with Town Administrator to accomplish a true plan.		8.1.23	11.24.23	
Remove old flagpoles from arch at Town Hall and Replace with US Flag and Colorado Flag under archway	Cory to evaluate what can work underneath the archway that can safely and respectfully display the US flag and the Colorado State Flag. PW Staff fabricating a hanging display for under the vestibule 8.25.23. Need to schedule time to install with employees.		8.1.23	11.24.23	
Miner's Memorial in Town Park	Add Temporary vapor barrier to top of walls while awaiting new granite pieces being purchased. Completed 10.15.23.	\$2,500	8.22.23	11.24.23	10.15.23
Add cornering mirror at Pan American and Rio Grande	Completed installation of cornering mirror at Rio grand and Pan American. Larger mirror ordered and will replace the one initially installed. Mirror ordered, need to schedule staff to install.	\$300	8.8.23	11.24.23	

TOWN OF PAONIA
DEPARTMENTAL SCORE CARD

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
Working on lead service line inventory	Collecting and analyzing historical records		11/6/2023	11.13.23	

**TOWN OF PAONIA
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
WATER DEPARTMENT					
Utility Fee Study	Water and Sewer Rates need to be reviewed. 20-year cash flow analysis for water and upcoming restrictions on NPDES permit for wastewater necessitate increases in the rates for utilities. Proposed Rate increases on the Board agenda for December 12, 2023.		7.14.23	11.24.23	
CDPHE Free Assistance Program for Lead Service Lince Replacement	Applied today for the program with Cory and Stefen as PoC. Will evaluate this program in FY-2024.		8.1.23	11.24.23	
Replace meters at Burges & Lamborn Mesa Water Companies	Burges Vault in process of repair and Lamborn Mesa meter replacement will begin soon. Final cost for completing these projects need to be submitted to the Town Administrator and Finance for appropriate accounts receivable.		8.3.23	11.24.23	
WASTEWATER DEPARTMENT					
Utility Fee Study	Water and Sewer Rates need to be reviewed. 20-year cash flow analysis for water and upcoming restrictions on NPDES permit for wastewater necessitate increases in the rates for utilities. Proposed Rate increases on the Board agenda for December 12, 2023.		7.14.23	11.24.23	
NPDES Contact Update	Stefen needs to be added as the Executive/Administrative contact for the NPDES Permit. All Correspondence regarding NPDES Permit needs to go to Town Hall Attention: Stefen Wynn, Town Administrator. Follow-up needed to make sure that this is properly completed.		8.1.23	11.24.23	

**TOWN OF PAONIA
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
POLICE DEPARTMENT					
Compiling possible municipal code additions, subtractions, and combinations to address shortfalls in current muni code	The department is looking at approximately five (5) code updates/ replacements/new codes to be added by the end of the year.		5/1/2023	11/14/2023	
Reviewing possible municipal code fee/fine updates to address shortfalls in current muni code	Reaching out to other like sized or surrounding municipalities to compile fee and fine amounts. Final recommendations are needed for inclusion in the December 12, 2023 Board Meeting.	UNK	4/1/2023	11/14/2023	
Lexipol Policy manual review and implementation.	Policies are being reviewed weekly and some changes made. Some policies are sent to town legal counsel for review and input.	PD Admin Function	12/1/2022	11/14/2023	
Patrol Car Outfitting	With a fully staffed department we are needing to get a patrol car fully set up. The patrol car currently being used by the newest officer has no cage for safely transporting individuals. The patrol car is also lacking any radar equipment or overhead lighting.	PW Staff/Donated Eqpt	4/1/2023	11/14/2023	
ESS Security Training	Department Staff are continuing to take the ESS trainings and work towards the 630 Point minimum point threshold	Patrol Function	5/1/2023	11/14/2023	
Need municipal court subpoena template.	Town legal counsel has supplied a template.	UNK	7/1/2023	11/14/2023	
Need more cloud based storage for bodycam footage storage.	Awaiting budget to actuals for 2023 fiscal year to identify purchasing window.	\$3,304.40 for BWC and increased storage.	8/1/2023	11/14/2023	
Patrol Truck has significant hail damage	Patrol Truck has been received by the PD	UNK	7/1/2023	11/14/2023	
Need one more bodycam to outfit all sworn officers with contracted equipment.	Awaiting budget to actuals for 2023 fiscal year to identify purchasing window.	\$3,304.40 for BWC and increased storage.	8/1/2023	11/14/2023	
CDOT Revitalizing Main Streets Grant, "Safe Pathways for Paonia," 3-Points InX Grand, 4th & 5th					
CO#1 from SGM	SGM CO #1 Forthcoming adding scope of work for GeoTech Eng. Svcs., and MOT plan to design set & Striping Plan, and Adding Add'l. meetings to Project Admin. as req. by CDOT. (Odisea didn't include in original design.	\$40,000.00	7.17.23	11.24.23	
Water Department Water Line Verification	Water Line under InX may need replaced if it's steel or iron. Cost will be internal labor to replace it, and needs coordinated with final contractor - WD to verify pipe under roadway. Verified that the pipe was replaced with plastic, but the fire hydrant that it connects to is almost 40 years old and time to be replaced. It will be included in the intersection improvements.		7.17.23	11.24.23	
Construction Timeline	Construction is estimated to begin in Late-Spring - Mid-Summer of FY-2024.	\$1,032,000.00	7.17.23	11.24.23	
R/W Acquisition - School Board	Plat from the school needs to be recorded - need to contact Wilmore for changes to legal description; County needs to give R/W ASAP; Need to contact private property owner about R/W in front of home (may have an easement). Scheduled to go to the next School Board Meeting for approval - scheduled for 9.14.23. Received the school board R/W, Paonia Plan commission approved in October, and Board of Trustees to consider approval on 11.28.23	N/A	7.17.23	11.24.23	

TOWN OF PAONIA
DEPARTMENTAL SCORE CARD

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
Verify R/W for County	Portions of the project lay within the Delta County. The portions within Delta County were given to them by CDOT and there may exist an agreement that the County hold it in perpetuity. SGM is checking with CDOT to ensure that the agreement between CDOT and Delta county is sufficient for project purposes. Once confirmed, all R/W will have been acquired for this project.	N/A	11.1.23	11.24.23	

**TOWN OF PAONIA
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
DORRIS AVE. SEWER REPLACEMENT					
Project Closeout	Project has been completed. CO #1 & #2 have been approved and after final payment is submitted for the change orders, the project will be completely closed. Reimbursement Requests have been submitted and returned by DOLA. Resubmission in the appropriate format will be the week of 11.27.23. The maximum project award for Tier I EIAF grants is \$200,000. This project was awarded approximately \$130,000. The TA will ask to see if the grant request can be amended since bids were higher than expected and there were two change orders that were unforeseen.		7.17.23	11.24.23	

**TOWN OF PAONIA
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
Hydrogeological Study					
Grant for \$25,000 Colorado River Water Conservation District Grant	Contract, COI and W-9 sent and received		7.20.23	11.24.23	
Grant from Roundtable	\$25,000 awarded to Paonia for completing the Hydrogeological Study		7.20.23	11.24.23	
CWCB Grant	Awarded \$147,973 towards the Hydrogeological Study		7.20.23	11.24.23	
RFP Available on Bidnet	RFP for completing the study is live on bidnet and consultants have been direct solicited.		11.1.23	11.24.23	
HOUSING NEEDS ASSESSMENT					
Housing Needs Assessment	Final HNA and Housing Action Plan has been accepted by the Plan Commission and Board of Trustees and will be included in the DRAFT of the Master (Comprehensive) Plan.		5.1.23	11.24.23	
DOLA IHOP Reimbursement	3rd Quarter FY-23 reimbursement request submitted and \$32,348.25 will be sent to the Town from DOLA. 4th Quarter FY-23 reimbursement will be submitted and the final reimbursement amount will be requested.		7.1.23	11.24.23	

**TOWN OF PAONIA
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
MASTER PLAN					
Met with Phoenix Rising on Draft of Master Plan	Draft of Master Plan has been received by Staff. Comments have been completed and will be submitted to Phoenix Rising for consideration at the first of next fiscal year.		5.1.23	11.24.23	
DOLA Planning Grant	Reimbursement for work already completed will be submitted during week of 11.27.23		5.1.23	11.24.23	
PHASE I - WATER IMPROVEMENTS					
Proposed Alignment	Meeting held on 7.24.23 regarding Existing water line alignment & GIS Data Accuracy. Proposed alignment options to consider, avoid easements by placing the water line in road R/Ws. AC line feeding old water plant, Evaluate PRV needs. Main Line improvements are being realigned so that they follow existing rights of way along roadways in areas that they are possible to be relocated.		7.24.23	11.24.23	
Easement Acquisition	May need to plan for two lines, potable and raw water, Town representative to negotiate easements (Town Administrator) once they're located. Land acquisition amounts have changed and are being finalized, if necessary at all.		8.1.23	11.24.23	
Items Needed from Town Staff	As builds for PVC Loop; Exhibit of consecutive systems; photos of PRV 7; 8 & 9 (Jordan provided on 7/25 to Respec); Inventory meters to be replaced along the alignment. All items needed from Town Staff have been provided, including the 20-year cash flow analysis for the Project Needs Assessment.		7.25.23	11.24.23	
File for EIAF Tier II Grant	On 7.27.23, a grant application was filed for EIAF Tier II with project number 09721. DOLA Staff accepted the application for consideration on 8.3.23. Town was awarded \$965,000 for Tank Relining.	\$ 965,000.00	7.27.23	11.24.23	
Project Needs Assessment	Has been completed and submitted to CDPHE for consideration. Staff, consultants and Mayor Bachran completed various pieces of the PNA, and this is a monumental step towards project funding for DWSRF.		3.1.23	11.24.23	
SRF Loan Application	SRF Loan Application is being considered for FY - 2024 and is budgeted for approximately \$7.3MM		3.1.23	11.24.23	



**TOWN OF PAONIA
BOARD OF TRUSTEES MEETING
STAFF REPORT**

AGENDA ITEM:	1. Consideration of Approval of Resolution 17- 2023 Opting Out Certain Elected and/or Appointed Officials from Workman's Compensation
SUBMITTED BY:	Samira Vetter, Town Clerk
DATE:	November 28, 2023
BACKGROUND:	In the past we have also chosen this option but CIRSA needs the Resolution to go forward with our Insurance renewals. Our Town Attorney has reviewed Resolution 17-2023, made some edits and approved of this form.
BUDGET:	
RECOMMENDATION:	Approval of Resolution 17-2023
ATTACHMENT:	Resolution 17-2023

**TOWN OF PAONIA, COLORADO
RESOLUTION NO. 17-2023**

A RESOLUTION PROVIDING THAT CERTAIN ELECTED AND/OR APPOINTED OFFICIALS OF THE TOWN OF PAONIA SHALL BE DEEMED NOT TO BE “EMPLOYEES” WITHIN THE MEANING OF THE WORKERS’ COMPENSATION LAWS

WHEREAS, C.R.S. Section 8-40-202(1)(a)(I)(B) permits the Town of Paonia to exclude from the Town’s workers’ compensation coverage elected and appointed officials not receiving compensation other than reimbursement of actual expenses; and

WHEREAS, the exclusion option may be exercised by the Board of Trustees as to any category or combination of categories of such elected and appointed officials for any policy year by the filing of a statement with the Division of Workers’ Compensation of the Colorado Department of Labor and Employment not less than 45 days before the start of the policy year for which the option is to be exercised.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA:

Section 1. Effective with the policy year commencing January 1, 2024, members of the Tree Board, Planning Commission, and the Zoning Board of Adjustment of the Town of Paonia—i.e., appointed officials who receive no compensation for service rendered as such, other than reimbursement of actual expenses—shall be excluded from the definition of an “employee” for purposes of workers’ compensation coverage, and shall not be covered under the Town’s workers’ compensation coverage.

Section 2. The Town Clerk shall transmit a copy of this resolution to each official who is a member of the bodies identified in Section 1 above.

Section 3. The Town Clerk shall transmit a copy of this resolution to the Town’s insurer, the Colorado Intergovernmental Risk Sharing Agency (CIRSA), and to the Division of Workers’ Compensation of the Colorado Department of Labor and Employment.

PASSED AND ADOPTED this 28th day of November, 2023.

TOWN OF PAONIA, COLORADO

By: _____
Mary Bachran, Mayor

ATTEST:

Samira Vetter, Town Clerk

APPROVED AS TO FORM:

By: _____
Kelly PC, Town Attorney



TOWN OF PAONIA
BOARD OF TRUSTEES MEETING
STAFF REPORT

AGENDA ITEM:	Agenda Item #2 Consideration of Approval of Amendment to Kelly PC's Contract for Legal Services
SUBMITTED BY:	Stefen Wynn, Town Administrator
DATE:	11.24.23
BACKGROUND:	<p>Kelly, PC was selected to provide the Town with legal services, and Nick Cotton-Baez has served Paonia since September, 2022. Through Mr. Cotton-Baez, Kelly, PC has served the Town with distinction and given a number of legal opinions that have positively affected the Town's performance and reduced liability. For the 2024 fiscal year, Kelly, PC is increasing their rates by \$22/hour, for \$235/hour. This estimate would increase the Town's cost for legal services by \$808/month, or \$9,696/year if the Town continues to average 39 hours/month. However, since being fully-staffed in Town Hall, the average hours of legal services has been reduced to an average of 24 hours/month. Due to being fully-staffed, there is an estimated savings on the cost of legal fees for approximately \$3,525/month.</p>
BUDGET:	<p>\$67,000 in Administration; \$5,000 in Law Enforcement; \$5,500 in Building; \$2,000 in Streets; \$1,000 in Parks & Recreation; \$5,000 in Water; \$5,000 in Sanitation; \$5,000 in Wastewater; BUDGETED TOTAL: \$95,500. Estimated Expenses: \$235/hour * 24 = \$5,640 * 12 = \$67,680</p>
RECOMMENDATION:	<p>Kelly, PC through Mr. Cotton-Baez have served the Town of Paonia with Distinction. Staff Recommends Approval of the Rate Change for FY-2024. RECOMMENDED MOTION: I move to accept the Amended Fee Schedule for legal services as presented.</p>
ATTACHMENT:	Attachment A: 2023-11-02 Paonia Fees 2024_Redacted



Nick Cotton-Baez



MEMORANDUM

TO: Mayor and Trustees
Town of Paonia

FROM: Nick Cotton-Baez

DATE: November 2, 2023

RE: Fees for Legal Services

We have very much enjoyed serving as Town Attorney to the Town of Paonia since September 2022. While cost-effective service to the Town is a primary goal of our firm, we must also consider the ongoing increases in our own costs of doing business. Based upon the firm’s general review of its fees, services, and costs, we find it necessary to increase our fees to the Town effective January 1, 2024.

Attached is a copy of our fee schedule, which reflects a \$22/hour rate increase effective January 1, 2024. If estimated based on the Town’s year-to-date legal work, this would result in a monthly increase of about \$808. However, since the Town’s retention of Stefen Wynn as Town Administrator, hours billed by the firm have decreased significantly, from an average of 39 hours per month (September 2022 through July 2023), to an average of 24 hours per month (August 2023 through October 2023). If this trend continues, the increased may not result in an increase to the Town’s total costs for legal services provided by the firm in 2024. If acceptable to the Town, the revised Exhibit A to our contract should be approved by the Board of Trustees.

We have appreciated the opportunity to serve the Town of Paonia and look forward to continuing our services in 2024. We will, of course, continue to work with the Town to identify and implement methods for managing legal work and fees.

If you have any questions, please contact me.

cc: Stefen Wynn, Town Administrator

APPENDIX A – FEE SCHEDULE

General Legal Services:

Attorney services \$235.00 per hour

Expenses:

Mileage Current IRS reimbursement rate
Travel Time: Travel will be billed one-way.

AGREED AND ACCEPTED:

KELLY PC

TOWN OF PAONIA

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____



**TOWN OF PAONIA
BOARD OF TRUSTEES MEETING
STAFF REPORT**

AGENDA ITEM:	Agenda Item #3 - Consideration of Approval of Paying Out Prior Sick Leave to Town Employees
SUBMITTED BY:	Stefen Wynn, Town Administrator
DATE:	11.24.23
BACKGROUND:	<p>In 2018, the policy for sick and vacation time changed to an all encompassing Paid-Time-Off (PTO) policy. There are two employees that still have sick time, and Administrative Staff would like to pay out their sick time up to 240 hours in accordance with the existing personnel policy and transfer any hours above 240 into their existing PTO bank. Currently, the Town must book the sick leave for both employees as liabilities (meaning that they are hours that may need to be paid out) at the end of every year. There is one employee in Public Works and one employee in the Police Department that currently have sick time. The total cost is approximately \$9,000 between the two employees and by paying out the unused sick time and allowing the remaining balance to be applied to their PTO bank, it would bring all employees into the same PTO program and help with cleaning up the Town's paid leave liabilities. By paying out the unused sick time and allowing any remaining balance to be applied to employees' PTO bank, it would require the two employees to agree to the plan and sign an affidavit that they've agreed to the payout in lieu of using the sick time.</p>
BUDGET:	\$9,000 paid between Public Works, Enterprise Utilities, and the Police Department.
RECOMMENDATION:	<p>Administrative Staff would like to remove this liability from the Town's auditable unused paid time off.</p> <p>RECOMMENDED MOTION: I move to approve the payout and transfer of unused sick time for two town employees.</p>
ATTACHMENT:	N/A



**TOWN OF PAONIA
BOARD OF TRUSTEES MEETING
STAFF REPORT**

AGENDA ITEM:	4. Consideration of Acceptance of the Planning Commission's recommendation to accept the right of way transfer from Delta County Schools to the Town of Paonia for the 5th and Grand Alignment Process
SUBMITTED BY:	Samira Vetter, Town Clerk
DATE:	November 28, 2023
BACKGROUND:	The final step in the long worked towards Right of Way Transfer from the Delta County School District. This has gone in front of the School Board and the Planning Commission and it is now in front of you for final approval.
BUDGET:	
RECOMMENDATION:	Acceptance of the Planning Commission's recommendation to accept the right of way transfer from Delta County Schools to the Town of Paonia for the 5th and Grand Alignment Process
ATTACHMENT:	Email Chain Minutes of the October 4t, 2023 Planning Commission meeting

Samira V

From: Nick Cotton-Baez [REDACTED]
Sent: Tuesday, August 8, 2023 9:58 AM
To: 'Stefen Wynn'
Subject: RE: DELTA COUNTY JOINT SCHOOL DISTRICT #50 BOUNDARY LINE ADJUSTMENT

Hi Stefen,

I suggest requesting that the SD cause its surveyor, Randy Wilmore, randy@wilmorelandsurveying.com, to revise the Plat in accordance with our comments. I believe the Town was working with John McHugh, [REDACTED], on the matter.

Once the Plat has been revised, we can advise regarding applicable subdivision procedures; i.e., §17-6-210–§17-6-250. While the SD will be the subdivision applicant through the process, I'd anticipate minimal involvement following their submission of the revised Plat. However, they may want to send a representative to the Board hearing in case the Board has questions.

While the Town won't be able to acquire right-of-way along 352 4th Street from [REDACTED] via this Plat because it concerns only the SD property, it might make sense to see if [REDACTED] would be willing to dedicate right-of-way while the Town is undergoing these efforts.

Thank you,

Nick Cotton-Baez
Partner
 Kelly PC
 999 18th Street, Suite 1450
 Denver, CO 80202
 [REDACTED]



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From: Stefen Wynn <StefenW@townofpaonia.com>
Sent: Monday, August 7, 2023 2:46 PM
To: Nick Cotton-Baez [REDACTED]
Subject: RE: DELTA COUNTY JOINT SCHOOL DISTRICT #50 BOUNDARY LINE ADJUSTMENT

Hi Nick,

Your notes make sense to me. I'd like clarification on Lot 2 as well. Also it looks like the parcel along 4th street is commonly located as: 352 4th Street, and belongs to [REDACTED]. The rest of the property, including 350 4th street belong to the School district. The town may need to acquire that right of way along 352 4th street as well.

I agree that the minor subdivision rules should apply to this split, and that it should NOT be an administrative split/boundary adjustment. This ought to go through the full board for approval following §17-6-210 - §17-6-250. Who should complete those steps, is it the school?

In Public Service,



Stefen Wynn, M.P.A.
Paonia Town Administrator
P : (970) 527-4101
F : (970) 527-4102
E : StefenW@TownofPaonia.com
214 Grand Ave.
Paonia, CO 81428
<https://townofpaonia.colorado.gov/>

From: Nick Cotton-Baez [REDACTED]
Sent: Thursday, August 3, 2023 12:33 PM
To: Stefen Wynn <StefenW@townofpaonia.com>
Subject: FW: DELTA COUNTY JOINT SCHOOL DISTRICT #50 BOUNDARY LINE ADJUSTMENT

Hi Stefen,

I've added comments to the attached subdivision plat (boundary line adjustment). While I'm recommending quite a few changes, they're all minor in substance. We'll need to ask the School District to have their surveyor, Randy Wilmore, to make them. The second attachment contains my suggested edits to the owner certificate and dedication language.

Please review and let me know if you have comments or questions, or if you'd like to discuss. Once we're on the same page, we'll get the documents in front of the School District.

As to the approval process, Leslie had deemed this an application for minor subdivision, thus subjecting the plat to relaxed review and approval procedures under the Town Code.

The problem is there are two conflicting minor subdivision procedures set forth in Chapter 17 of the Town Code (surprise!). Please see my below email for additional details about the conflict.

You'll see that I had concluded, based on my interpretation of the Board's intent, that the most defensible way to reconcile the conflict was to process the application under Sections 17-6-210 through 17-6-250, rather than under Section 17-6-260. (Oops—the Code citations in my below email were wrong!)

However, I believe Leslie was planning to process it under Section 17-6-260 because the procedures are simpler and do not require Board approval (Sections 17-6-210 through 17-6-250 require a Town Administrator *recommendation* and Board *approval*). I'm not strongly opposed to that method. However, to avoid the potential of getting at odds with the Board, you might ask them during your Town Administrator's report!

Thank you,

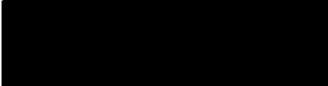
Nick Cotton-Baez

Partner

Kelly PC

999 18th Street, Suite 1450

Denver, CO 80202



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From: Nick Cotton-Baez
Sent: Tuesday, January 3, 2023 2:54 PM
To: 'Leslie' <leslie@townofpaonia.com>; Mary B <maryb@townofpaonia.com>
Subject: RE: DELTA COUNTY JOINT SCHOOL DISTRICT #50 BOUNDARY LINE ADJUSTMENT

Thank you, Leslie.

I'm finding it difficult to apply the Town's subdivision regulations to the School District application, and wanted to raise the issue in view of our call with the School District tomorrow.

I believe it's relatively clear from Chapter 17 that the District's application should be considered an application for a "minor subdivision." (While the Town Code definitions of "boundary adjustment" and "minor subdivision" are difficult to interpret and reconcile when taken together, various sections of Chapter 17 reference boundary adjustments as reviewable under the minor subdivision procedures.) So, I'm using the minor subdivision process as our starting point.

Like we've identified in the zoning code, the Town's subdivision regulations contain multiple conflicts, which appear to have been created by the Town's passage of ordinances amending certain provisions of the Chapter without regard to the effect on other provisions.

The conflict that's most impactful to the present application appears to have been created by the passage of Ordinance No. 2018-03, which amended and restated Sections 17-2-210 through 17-2-250 of the Code to "to clarify the Minor Subdivision Process."

I think it's relatively clear from the recitals of Ordinance No. 2018-03 that the Board intended to repeal Section 17-2-260 of the Code. However, the Ordinance did not repeal that Section. The failure to repeal Section 17-2-260 has resulted in two conflicting minor subdivision procedures; i.e., 'Sections 17-2-210 through 17-2-250' vs. 'Section 17-2-260.'

Mary do you have any recollection of the Board's intent?

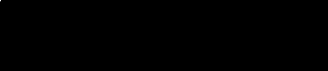
If it's true the Board intended to repeal Section 17-2-260, it's my recommendation that the Town process the School District's application under Sections 17-2-210 through 17-2-250 of the Town Code, and ignore Section 17-2-260.

However, I further recommend that the Town amend the Code to repeal Section 17-2-260 (if that was the intent back in 2018), or otherwise eliminate the conflicting procedures.

Please let me know if you'd like to discuss before our call tomorrow at 9:00 a.m.

Thank you,

Nick Cotton-Baez
Partner
Kelly PC
999 18th Street, Suite 1450
Denver, CO 80202



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From: Leslie <leslie@townofpaonia.com>
Sent: Tuesday, January 3, 2023 11:36 AM
To: Nick Cotton-Baez [REDACTED] Mary B <maryb@townofpaonia.com>
Subject: FW: DELTA COUNTY JOINT SCHOOL DISTRICT #50 BOUNDARY LINE ADJUSTMENT

Documents forwarded by Randy Wilmore.

Leslie Klusmire
Interim Town Administrator

"Every time you are tempted to react in the same old way, ask if you want to be a prisoner of the past or a pioneer of the future." — Deepak Chopra

Please consider the environment before printing this e-mail.

Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.

From: Randy Wilmore [REDACTED]
Sent: Thursday, December 22, 2022 3:10 PM
To: Leslie <leslie@townofpaonia.com>
Subject: DELTA COUNTY JOINT SCHOOL DISTRICT #50 BOUNDARY LINE ADJUSTMENT

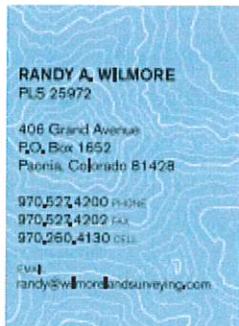
Hi Leslie,
I am helping Delta County Joint School District in a Boundary Line Adjustment and need to get on your schedule please.

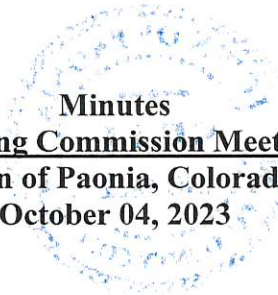
I am sending you the application and some information to go over when you get a chance. I will bring the application fee when we can meet.

Please call if you have any questions and please let me know what day will work for you.

Thanks

Randy




Minutes
Planning Commission Meeting
Town of Paonia, Colorado
October 04, 2023

RECORD OF PROCEEDINGS

Roll Call

PRESENT

- Chair Dave Knutson
- Vice-Chair Mary Bachran
- Commissioner Steve Clisset
- Commissioner Suzanne Watson
- Secretary Lyn Howe

Approval of Agenda

Commissioner Watson makes a motion, seconded by Commissioner Clisset to Approve the agenda.

The motion carries unanimously.

Approval of Minutes

Commissioner Clisset makes a motion, seconded by Secretary Howe, to approve the minutes with the correction to public speaker “B. Hoss” to “B. Haas”

The motion carries unanimously.

Actions & Presentations

Delta County Public Schools has approved a Right of Way transfer to the Town of Paonia for the 5th and Grand Ave. Road Alignment Project; "Safe Pathways for Paonia."

The Commission has discussion about the area in question, review of plat, work to be done, funding, old Erickson’s building, history of project, and maintenance.

Chair Knutson arrives at 5:18 pm.

The Commission continues discussion on legal acceptance of the property in question.

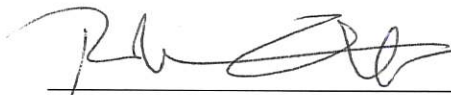
Commissioner Clisset motions, seconded by Vice-Chair Bachran, to recommend to the Board of Trustees to accept the right of way transfer from Delta County Schools to the Town of Paonia, for the 5th & Grand alignment process, “Safe Pathways for Paonia”.

The motion carries unanimously.

Chair Knutson asks if there should have been a public hearing on this prior. Town Administrator Wynn explains that we are acquiring, not disposing but that he will clarify the subject with the Town Attorney. The Municipal Code is clear on disposing of property, but things are different when it is transferring between two taxing entities, but no money is involved. He goes on to give background of how this transfer occurred between CDOT, the Town and the School District.

Adjournment

Chair Knutson adjourns meeting at 5:33PM


Ruben Santiago, Deputy Clerk




Dave Knutson, Chair