



TOWN OF PAONIA
WEDNESDAY, JUNE 22, 2022
SPECIAL TOWN BOARD MEETING AGENDA
6:00 PM
[HTTPS://US02WEB.ZOOM.US/J/89084005458](https://us02web.zoom.us/j/89084005458)

Roll Call

Approval of Agenda

Announcements

Unfinished Business

4. [Resolution 08-2022 Acceptance of Parks, Recreation, and Trails Master Plan - Paonia in Motion](#)
5. [Resolution 09-2022 Appointment of Officer - Treasurer](#)
6. [Resolution 10-2022 Appointment of Officer - Clerk](#)
7. [Board Appointment of Mayor Pro Tem](#)
8. [Sidewalk Fund/Repair Plan](#)
9. [Approval of Appointment of Chief of Police](#)
10. [Follow-Up on New Committee Arrangement and Description](#)
 - [Finance](#)
 - [Parks](#)
 - [Streets](#)
 - [Water/Sewer/Trash](#)
 - [Personnel](#)

Trustees, How Did We Do?

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.

File Attachments for Item:

1. Roll Call

AGENDA SUMMARY FORM

	Roll Call
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Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Knutson	Trustee Valentine
Trustee Stelter	Trustee Smith	Trustee Markle	Trustee Weber

File Attachments for Item:

2. Agenda Approval

AGENDA SUMMARY FORM

	<p>Agenda Approval</p>
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Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Knutson	Trustee Valentine
Trustee Stelter	Trustee Smith	Trustee Markle	Trustee Weber

File Attachments for Item:

3. Announcements

AGENDA SUMMARY FORM

	Announcements
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Summary:

Notes:

Possible Motions:


Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Knutson	Trustee Valentine
Trustee Stelter	Trustee Smith	Trustee Markle	Trustee Weber

File Attachments for Item:

4. Resolution 08-2022 Acceptance of Parks, Recreation, and Trails Master Plan - Paonia in Motion

AGENDA SUMMARY FORM

	<p>Resolution 08-2022 Acceptance of Parks, Recreation, and Trails Master Plan - Paonia in Motion</p>
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Summary: Final acceptance of the parks section of the master plan.

Notes:

Thank you GOCO for sponsoring this project through your grants programs!
 Link to the Final Plan: <https://paoniainmotion.com/the-plan/>
 Link to the Final Appendices: <https://paoniainmotion.com/the-plan/appendices/>

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Knutson	Trustee Markle
Trustee Smith	Trustee Stelter	Trustee Valentine	Trustee Weber

**RESOLUTION 08-2022
 A RESOLUTION OF THE
 TOWN OF PAONIA, COLORADO
 A RESOLUTION OF THE BOARD OF TRUSTEES OF
 THE TOWN OF PAONIA, COLORADO,
 APPROVING AND ADOPTING THE TOWN OF PAONIA PARKS, RECREATION,
 AND TRAILS MASTER PLAN**

WHEREAS, the Town of Paonia entered into a Professional Services Agreement with Western Slope Consulting for a Parks, Recreation, and Trails Master Plan (“Master Plan”); and,

WHEREAS, the purpose of the Master Plan was to determine the community’s needs and aspirations for parks, recreation, and trails in and around the Town of Paonia; and,

WHEREAS, a Steering Committee (“Community Action Team”) of 17 members including representatives of Delta Area Mountain Bikers, Delta County Libraries, Delta County Schools, The Nature Connection, North Fork Pool, Park and Recreation District, North Fork Trails Advocacy Group, North Fork Valley Skate Park, Town of Paonia, Western Slope Conservation Center, local businesses, and other interested parties guided a public process resulting in the Master Plan; and,

WHEREAS, the Town of Paonia prepared and posted the initial public draft of the Master Plan on the Paonia In Motion website (“project website”) on March 17, 2022, and posted the final public draft of the Master Plan to the project website on May 11, 2022, and published notice for the public meeting by the Board of Trustees of the Town of Paonia (“Board of Trustees”) for adoption of the Master Plan on May 26, 2022 in the Delta County Independent; and

WHEREAS, the Board of Trustees held a public meeting on the Master Plan on March 29, 2022 and a public presentation was given on the Master Plan on May 26, 2022, in accordance with the notice published; and,

WHEREAS, the Master Plan is reflective of the desires of the community and which the Board of Trustees is fully in support of; and

WHEREAS, the Board of Trustees may, from time to time, amend, extend, or add to the Master Plan, in accordance with the processes set forth in the Master Plan; and

WHEREAS, the Board of Trustees desires to adopt the Parks, Recreation and Trails Master Plan and begin to undertake its execution as desired.

THIS SECTION LEFT INTENTIONALLY BLANK

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees for the Town of Paonia, Colorado, that the Town of Paonia Parks, Recreation and Trails Master Plan, attached hereto as Exhibit A, is hereby approved, and adopted by the Town of Paonia Board of Trustees.

PASSED, ADOPTED AND RESOLVED by the Board of Trustees of the Town of Paonia, Delta County, Colorado, at a regular meeting held this 9th day of June 2022.

TOWN OF PAONIA, COLORADO

Mary Bachran, Mayor

ATTEST:

Corinne Ferguson, Town Administrator/Clerk

Corinne Ferguson

From: Karen Fogg <karenleefogg@gmail.com>
Sent: Saturday, June 18, 2022 8:29 AM
To: Dave K; Mary B; Paige S; Rick S; John V; Thomas M; D Weber
Cc: Corinne Ferguson
Subject: Town Park and Pathways, June 22 Please include this letter in the packet for the 22nd.

To the Trustees,

If the Pathways plan includes the building of a new bathroom and more concrete poured for a children's picnic shelter: **please vote no**. The Town Park does not need anymore concrete or edifices. We have skateboard park planned which is needed for the kids. That's enough future concrete. The existing bathrooms are enough. Public Works cannot maintain the bathrooms we have let lone build another to get vandalized. Keep it simple.

I would rather see the Pathways money directed toward replacing the maple which was recently chopped down by vandals on a spree. In fact, I would like to see more trees planted in the Park and the Town properties between the sidewalks and the streets. Trees provide much needed shade and evaporative cooling on hot summers. Right now the Town Park provides shelter and nesting places for a high density of birds; let's maintain as much of that habitat as possible.

With climate change it will get even hotter in future summers. The more concrete the less evaporative cooling and in my eyes the more ugly the park is.

A citizen who lives close to the Park.

Karen Fogg

p.s. Corinne, please include this in the upcoming packet.

File Attachments for Item:

5. Resolution 09-2022 Appointment of Officer - Treasurer

AGENDA SUMMARY FORM

	Resolution 09-2022 Appointment of Officer - Treasurer
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Summary:
Continued from April 28 and May 12, May 26, and June 9, 2022, regular meeting. Resolution appointing statutorily required positions of the municipal government of Treasurer.

Notes:
Regarding the Treasurer as Finance Officer the Town Administrator recommendation remains the same.

There have been ongoing discussions regarding the Treasurer position. C.R.S. 31-4-304 <https://law.justia.com/citations.html> states that the board of trustees shall appoint a treasurer but gives no guidance or requirements that the treasurer be a stand-alone position.

Prior to former Treasurer Ross Kings appointment and since his resignation August 2021 Finance Officer Cindy Jones has performed all duties assigned to the Treasurer, with oversight from two Board designated trustees (formerly the Finance Committee) and the Town Administrator.

Research into other communities of similar size found that it is most common for the finance director or town clerk to fulfill the treasurer appointment. Under the current circumstances for the clerk – holding multiple positions for the Town, and the current finance director operating in the position with oversight mechanisms in place, it is my recommendation that Finance Director Cynthia Jones be appointed as treasurer.

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Knutson	Trustee Markle
Trustee Smith	Trustee Stelter	Trustee Valentine	Trustee Weber

**RESOLUTION 09-2022
A RESOLUTION OF THE
TOWN OF PAONIA, COLORADO,
REGARDING THE APPOINTMENT
OF OFFICER - Treasurer**

WHEREAS, CRS 31-4-304 provides that, after each regular election, the Board of Trustees shall appoint a Clerk, Treasurer, and Town Attorney; and

WHEREAS, the Paonia Municipal Code chapter 2, Article 3 Section 2-3-10 requires the appointment of officers by a vote of the Board of Trustees; and

WHEREAS, the Board of Trustees of the Town of Paonia, Colorado, is required to appoint officers to carry on the Business of the Town.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Paonia, Colorado, that the following persons are appointed.

Treasurer – Cynthia Jones

APPROVED AND ADOPTED: June 9, 2022.

Mary Bachran, Mayor

ATTEST:

Corinne Ferguson, Town Administrator/Clerk

File Attachments for Item:

6. Resolution 10-2022 Appointment of Officer - Clerk

AGENDA SUMMARY FORM

	Resolution 10-2022 Appointment of Officer - Clerk
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Summary:
Continued from April 28 and May 12, May 26, and June 9, 2022, regular meeting. Resolution appointing statutorily required positions of the municipal government of Clerk.

Notes:

Regarding the Clerk appointment – I believe it is a worthy discussion to separate the clerk and administrator position. I make three suggestions. #1 Make the appointment continuing the dual position. #2 Include positions as stand-alone in the 2023 budget. #3 Begin discussion of the current dual Administrator/Clerk position contract which expires in December.

In addition, please consider a few pros and cons.

Pros:	Cons:
Funded position for 2022	Unfunded position for 2022
Retention of institutional knowledge	Unknown local knowledgebase
Reduces additional training for 2022	Reduced work product to allow for training time
	Multiple unfunded budget line items

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Knutson	Trustee Markle
Trustee Smith	Trustee Stelter	Trustee Valentine	Trustee Weber

**RESOLUTION 10-2022
A RESOLUTION OF THE
TOWN OF PAONIA, COLORADO,
REGARDING THE APPOINTMENT
OF OFFICER – Town Clerk**

WHEREAS, CRS 31-4-304 provides that, after each regular election, the Board of Trustees shall appoint a Clerk, Treasurer, and Town Attorney; and

WHEREAS, the Paonia Municipal Code chapter 2, Article 3 Section 2-3-10 requires the appointment of officers by a vote of the Board of Trustees; and

WHEREAS, the Board of Trustees of the Town of Paonia, Colorado, is required to appoint officers to carry on the Business of the Town.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Paonia, Colorado, that the following persons are appointed.

Town Clerk – Corinne Ferguson

APPROVED AND ADOPTED: June 9, 2022.

Mary Bachran, Mayor

ATTEST:

Corinne Ferguson, Town Administrator/Clerk

File Attachments for Item:

7. Board Appointment of Mayor Pro Tem

AGENDA SUMMARY FORM

	Board Appointment of Mayor Pro Tem
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Summary: Trustee appointment of Mayor Pro Tem

Link to Section 2-2-30 – Mayor Pro Tem:
https://library.municode.com/co/paonia/codes/municipal_code?nodeId=CH2AD_ART2MAB_OTR_S2-2-30MAPRTE

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Knutson	Trustee Markle
Trustee Smith	Trustee Stelter	Trustee Valentine	Trustee Weber

File Attachments for Item:

8. Sidewalk Fund/Repair Plan

AGENDA SUMMARY FORM

	Sidewalk Fund/Repair Plan
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Summary: Information and direction regarding sidewalk repairs for 2022. Continued from 5/26/2022

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Knutson	Trustee Markle
Trustee Smith	Trustee Stelter	Trustee Valentine	Trustee Weber

Sidewalk Fund/Repair Plan

The Town collects approximately \$33,000 annually via utility billing for existing sidewalk repairs and maintenance, as voted on by the electors in November 2013 and going into effect January 2014 with a ten-year sunset.

Town has followed every other year repair cycle to save mobilization fees which provides a larger fund available for actual repair.


Currently the Town has approximately \$60,000 in the sidewalk fund.

Staff requests postponement of sidewalk replacement (other than small repairs for safety and accessibility) due to the significant increase in costs of materials and to continue discussion and evaluation with the Tree Board of alternative material options for sidewalk replacement that better protect the trees that are not in immediate danger of removal.

File Attachments for Item:

9. Approval of Appointment of Chief of Police

AGENDA SUMMARY FORM

	Approval of Appointment of Chief of Police
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Summary: Board approval of the hiring of chief of police as described below.

At the regular Trustee meeting on September 14, 2021, the Board passed a motion to hire a professional recruiter to help with the hiring process for the Chief of Police.

At the regular Trustee meeting on November 9, 2021, the Board passed motions to remove the prohibition on Town Administrator management of the chief of police from the Administrator contract and attachment.

At the regular Trustee meeting on November 23, 2021, the Board passed motions to accept recruitment proposal from Government Professional Solutions (GPS – Chris Lowe) to provide professional search services, and approved Trustee Knutson to participate in the process.

March 14th and 15th 2022, Chris Lowe was onsite to meet with Board members and community members to gauge the community need in a Chief and go over the final leg of the process.

Multiple resumes and applications were received and reviewed, and candidates were interviewed. The Town received high quality applicants and the final four were invited to Town for a two-day process which included a community tour, facility tour, meet-up with the police department staff, a stringent full day of interviews and scenarios, and ended with a community open house where the Trustees and community members came to meet the candidates, ask questions, and provide written feedback.

The three candidates who participated were evaluated on several different criteria which included education, philosophy, demeanor & approach, accomplishments, versatility and understanding small town policing, longevity, and presentation. Following the conducted review an offer has been extended to Sergeant Matt Laiminger who would serve as interim Police Chief while several employment goals are met.

Municipal Code Chapter 2 Article 5 – Police Department

Like many of the amendments to the Code, Ordinance No. 2016-02 leaves a few issues unaddressed. Ordinance 2016-02 eliminated the Chief of Police as an “officer,” but did not expressly remove the appointment from the Board’s appointment approval, stating still in 2-5-30 “the Board of Trustees, upon the recommendation of the Town Administrator, shall appoint a Chief of Police who shall be the head of the Police Department...”. Adding to the confusion is that section 2-5-30 stating, “All other Ordinances, Resolutions and other provisions of the Town of Paonia, Colorado, or parts thereof, in conflict or inconsistent herewith, and to the

AGENDA SUMMARY FORM

extent they are in conflict or inconsistent herewith, are hereby repealed". The Board may wish to revise this in the future for clarity and consistency.

Accordingly, although not a Town officer, to comply with the hiring procedure in the Code, for transparency and openness, based on my conducted review as Town Administrator I recommend the Board approve the offer of Chief of Police to Matt Laiminger.

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Knutson	Trustee Markle
Trustee Smith	Trustee Stelter	Trustee Valentine	Trustee Weber

File Attachments for Item:

10. Follow-Up on New Committee Arrangement and
Description Finance Parks Streets Water/Sewer/Trash Personnel

AGENDA SUMMARY FORM

	Advisory Water Committee Tree Board Ad-Hoc Committees
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Summary:


Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Knutson	Trustee Valentine
Trustee Stelter	Trustee Smith	Trustee Markle	Trustee Weber

AGENDA SUMMARY FORM

	<p>Follow-Up on New Committee Arrangement and Description</p> <p>Finance Parks Streets Water/Sewer/Trash Personnel</p>
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Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Knutson	Trustee Valentine
Trustee Stelter	Trustee Smith	Trustee Markle	Trustee Weber

File Attachments for Item:

11. Adjournment

AGENDA SUMMARY FORM

	Adjournment
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Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Knutson	Trustee Valentine
Trustee Stelter	Trustee Smith	Trustee Markle	Trustee Weber