



**TOWN OF PAONIA**  
**214 GRAND AVE**  
**REGULAR TOWN BOARD MEETING AGENDA**  
**TUESDAY, MARCH 14, 2023 6:30 PM**  
**[HTTPS://US02WEB.ZOOM.US/J/86070663684](https://us02web.zoom.us/j/86070663684)**  
**MEETING ID: 860 7066 3684**  
**ONE TAP MOBILE**  
**17193594580**

**Roll Call**

**Correspondence Received**

- [1. Comments on Vo-Tech Building Purchase](#)
- [2. Janicky Omniprocessor Information](#)
- [3. Citizen Kudos to Town Staff](#)
- [4. Citizen Complaint](#)

**Approval of Agenda**

**Announcements**

**Public Comment**

**Consent Agenda**

**Minutes**

[November 22, 2023 Regular Meeting](#)

[February 28, 2023 Regular Meeting](#)

**Disbursements**

**Liquor License Renewal**

[Flying Fork Cafe](#)

**Staff Reports**

[Interim Administrator](#)

[Finance Director](#)

*[Director Request for Board approval to transfer funds.](#)*

[Police Chief](#)

*[Blotter](#)*

[Public Works](#)

*[Director Request for Board approval of asbestos removal bid.](#)*

**Actions & Presentations**

**Public Hearing-**

[Brandon Mason- Home Occupation Permit Application for Podcast Studio](#)

**Other Items**

1. [Delta County request for Support and Direction Regarding Wildfire Mitigation on Town of Paonia Property](#)
2. [Hotchkiss Chamber of Commerce updating Paonia Board of Trustees on Chamber activities and requesting Town's involvement in a North Fork Valley Chamber of Commerce](#)
3. [Request to Install and Maintain a Pantry Shelf in Town Hall – Monica Foguth](#)
4. [North Fork Pool Park & Recreation Request for Board Direction on Options for the Skate Park](#)
5. [North Fork Valley Creative Coalition Request for Reimbursement of Corridor Dues](#)
6. [North Fork Valley Creative Coalition Request for Letter of Support for Town of Paonia for Colorado Creative District Renewal](#)
7. [Approval to Enter into Contract Negotiations with Selected Housing Firm](#)
8. [Ordinance 03-2023: Amending Street Closure Permits](#)
9. [Direction from the Board regarding possible zoning violation investigation - Interim Town Administrator](#)
10. [Request for Board Direction Establishing Needs & Desires Boundaries for Liquor Licensing - Town Clerk & Town Attorney](#)
11. [Approve the Mayor to sign documents allocating the Town's 2023 Opioid Settlement Funds to the Region 14 Opioid Abatement Council \(Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel Counties\)](#)

## **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.



Correspondence Received

**Samira V**

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**From:** Michelle Pattison <mpattison@gmail.com>  
**Sent:** Friday, March 3, 2023 12:54 PM  
**To:** Mary B; Thomas M; John V; Dave K; Paige S; Rick S; D Weber; Leslie; Samira V  
**Subject:** Feb 28/Purchase of Votech Bldg

Dear trustees,

I was distressed to learn that you voted at your February 28 meeting to ask for congressional support to purchase the Votech building.

To start, I think the town purchasing the Votech building *could be* a positive development, under the right conditions. See the community of Hayden - maybe Paonia could take some time to reach out to their town government and learn from their experience.

<https://www.steamboatpilot.com/news/the-risk-hayden-voters-took-to-build-a-community-center-seems-to-be-paying-off/>

However, I have the following major concerns:

1. This was not properly agendized, and should not have been voted on without a reasonable opportunity for the public to be aware of and comment on this topic.
2. As I have said before, you are considering turning a commercial space into housing, while at the same time ignoring that you have R-1 zoned residences used for commercial purposes that are prohibited under town code. Instead of enforcing your code to restore housing to the community in the zones intended for that purpose, you are considering a massive expense of time, money, and effort to turn a non-residential building into residences, which also removes a possible public use hub or commercial use hub from your downtown corridor. This feels so backwards, wasteful, and based on a very short-term outlook.
3. From what I heard at your February 28 meeting, you have done no research into upfront and ongoing costs, including maintenance and management. As several trustees mentioned, you have no information at this time on lead paint, asbestos, and other potential hazards and expenses. Just look at the cost overrun the library is facing in Delta for an idea of what a disaster this could be for the town.
4. This is incredibly premature when you are just in the beginning stages of a housing study. Such a massive undertaking should not be on the table until/unless the housing study indicates that this is a recommended way forward.
5. I agree that purchasing land can add value over time for the town. But our town is looking at an overwhelming amount of expense related to infrastructure, and I believe that you are not in the financial position nor do you have the community support to prioritize growth over maintenance. In addition, one of the trustees pointed out that if the town wants to purchase land, there are far less expensive plots of land available for sale in town right now.
6. I heard nothing about working with the school district to see if they would consider delaying sale until the town has adequate opportunity to complete the housing study, do an assessment and develop a plan for repair and maintenance, and hold public sessions to talk about the best use of this building for the benefit of the community.
7. Even with congressional support, this purchase would force a commitment of the town's resources toward this particular plot of land and building, with no plans in place for how the building will be used, how costs might be managed through space rental or fees, or how the building will be managed or maintained. Should the town find itself in a budget crisis (not unthinkable given our tight finances year-over-year and massive infrastructure needs), the town would have very few options with this building because it is unique and would be difficult to resell.

I strongly urge you to reconsider this, and not rush into such a large, long-term commitment. Please focus on the very necessary infrastructure spending as originally intended, and please consider strategies to return R-1 zoning to the intended residential use to improve housing in the community.

Thank you,  
Michelle





OVERVIEW

FAQ

DAKAR PILOT



[OVERVIEW](#)[FAQ](#)[DAKAR PILOT](#)

The Janicki Omni Processor (J-OP) is an innovative decentralized waste treatment plant that combines three well-proven industry-standard processes into a single package:



## SOLID FUEL COMBUSTION

It starts with solids fuel combustion. Fecal sludge, biosolids, or other wet waste streams enter a dryer where the moisture is evaporated. The dried, solid waste is now a fuel that is burned in a combustion chamber, reducing the solids to dry fly ash. The exhaust from the fire is conditioned and filtered to meet local, applicable regulations before it is released to the environment.

## STEAM POWER GENERATION

The heat that is generated in the combustion chamber is used in a boiler to generate high-pressure, high-temperature steam. This steam is sent to a steam expander (e.g. steam engine or steam turbine), which turns a generator to produce electricity. This electricity is then used to power the whole J-OP AND there is often surplus electricity produced that can be sold back to the utility grid or used for other processes locally. The exhaust steam from the expander travels back to the heat exchanger surfaces of the dryer where it provides the energy required for drying the incoming wet waste. In transferring its heat back, the exhaust steam is condensed back to water and pumped back to the boiler, completing the Rankine cycle.

## WATER TREATMENT

The water that is evaporated from the wet waste is captured. This vapor is filtered before being condensed back to water. If desired, this water can then be treated all the way to clean drinking water standards, or be used for other recycled or reuse water applications. Useful heat can also be captured from the condenser to be used for a variety of purposes.

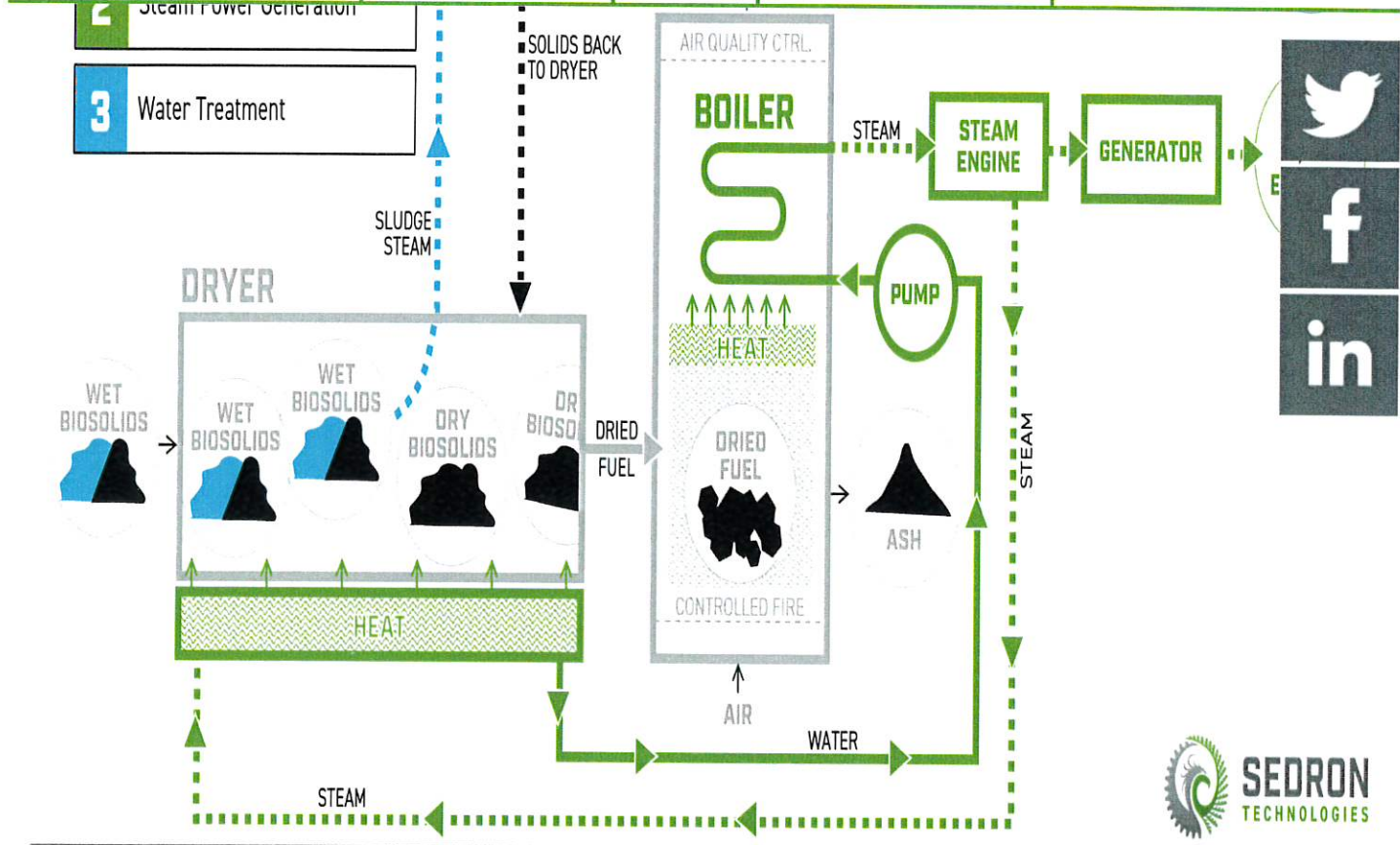


OVERVIEW

FAQ

DAKAR PILOT

- 2 Steam Power Generation
- 3 Water Treatment







**Samira V**

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**From:** Mary B  
**Sent:** Wednesday, March 8, 2023 1:11 PM  
**To:** Paige S  
**Cc:** Samira V; Ruben Santiago; Leslie  
**Subject:** Re: Some Feedback

Yes, we can.

Mary

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**From:** Paige S <paiges@townofpaonia.com>  
**Sent:** Wednesday, March 8, 2023 12:10 PM  
**To:** john thegavans.com <john@thegavans.com>; Mary B <maryb@townofpaonia.com>  
**Subject:** RE: Some Feedback

Hi John and Chris,

Thank you for taking the time to write about such a good experience. Appreciate the feedback.

Mary, can we put this in the Agenda Packet for our meeting on Tuesday?

Sincerely,

Paige Smith  
Town of Paonia Trustee  
307-631-4544

-----Original Message-----

**From:** john thegavans.com <john@thegavans.com>  
**Sent:** Wednesday, March 8, 2023 11:54 AM  
**To:** Mary B <maryb@townofpaonia.com>; Paige S <paiges@townofpaonia.com>  
**Subject:** Some Feedback

Mary & Paige,

Yesterday I visited town hall after receiving my utility bill which had 17,000 gals. of water consumption for our Grand Ave property. Ruben Santiago assisted us and he was terrific! This was the best experience that we've ever had at the town offices and I wanted to let you know how professional and helpful Ruben was. It turned out to be a billing system issue which he rectified and followed up with a call back to us. What a great customer service experience!!

Just wanted to pass this info along!

Cheers,

John & Chris Gavan

**Samira V**

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**From:** Kathy Edwards <kathyofpaonia@gmail.com>  
**Sent:** Thursday, March 9, 2023 9:20 AM  
**To:** Paonia  
**Subject:** Water billing/threat to turn off water, late fee

I am writing to protest the immediate threatening letter I received after making February's water bill 2 days late. Are you kidding me? You threaten to turn my water off when the payment is 2 days late and then charge me a late fee of \$5.00!

Also, why haven't you set up a system for making payment electronically??? I am so outraged with the poor management of this town and budget. Your answer to everything is to raise our rates. I see pot holes everywhere and your crew isn't doing a good job fixing them. Where is the marijuana tax money which exceeded your expectations? Why haven't you hired a new Administrator and are paying a temp \$85/hour plus lodging and meals? I know there are new candidates for the job. What is taking soooooo long?

A very concerned and unhappy citizen.

Kathy Edwards

**Minutes**  
**Regular Town Board Meeting**  
**Town of Paonia, Colorado**  
**November 22, 2022**

**RECORD OF PROCEEDINGS**

**Roll Call**

**PRESENT**

Mayor Mary Bachran  
Trustee/Mayor Pro-Tem Thomas Markle (attends on Zoom)  
Trustee Dave Knutson  
Trustee Paige Smith  
Trustee Dave Weber  
Trustee John Valentine

**ABSENT**

Trustee Rick Stelter

**Approval of Agenda**

Mayor Bachran makes a note that the I-Codes adoption needs to be a public hearing. Tonight, it will be a review discussion and the public hearing and adoption will be at the next meeting.

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

Motion carries unanimously

**Announcements**

There are two members of the North Fork High School Advanced Audio/ Visual Class in attendance, Teacher Clara Pena and Aiden Kinser. The class is helping to make a short video for the SIPA Grant, showing where the sound upgrades are needed and going to be used. The Town of Paonia is very grateful for their help.

Town Administrator Finalists have been chosen: Evan Bolt, Guy Patterson and Melissa Fields-Allgeyer. The Town is taking letters of interest for a community leader panel for the interview process. Mayor Bachran asks that those letters of interest be emailed to Trustee Smith.

Trustee/ Mayor Pro-Tem Markle joins at 6:35 pm

Joe Brewer, specialist in permaculture and regenerative agriculture, was in town giving a seminar that had some good tips on managing conversation that Trustee Knutson wrote on a flip chart and hung on the wall to share.

**Recognition of Community & Guests**

No Community Comment

**Consent Agenda**

Minutes:

*September 8, 2022*

Special Meeting Minutes:

*June 3rd, 2022*

*August 17, 2022*

*August 22, 2022*

*November 3, 2022*

*November 9, 2022*

*November 10, 2022*

Disbursements

Motion made by Trustee Weber, Seconded by Trustee Valentine, to approve the consent agenda.

Trustee Smith had comments on several sets of minutes for readability, such as numbering new business for readability, better recording of actual wording of minutes. Mayor Bachran suggests that the Trustee write the suggestions down and send them to the Deputy Clerk to save time and confusion.

Trustee Weber makes a motion, Seconded by Trustee Knutson, to amend the main motion adding that Trustee Smith work with the Deputy Clerk to make suggested edits.

Trustee/ Mayor Pro-Tem Markle offers to show the staff how to use the transcription service to help in less time-consuming and more concise minute taking.

Motion to amend carries unanimously.

Trustee Weber adds a "thank you" to staff for working on getting minutes caught up, recognizing the hard work involved.

Main Motion " to approve the consent agenda with Trustee Smith working with the Deputy Clerk to make suggested edits to the Minutes.

Voting Aye: Trustee/ Mayor Pro-Tem Markle, Trustee Knutson, Trustee Valentine and Trustee Weber

Voting Nay: Trustee Smith

Motion carries.

**Staff Reports**

Community member asks when they can speak and after finding they had missed their opportunity at "Recognition of Community & Guests" because they didn't hear, Mayor Bachran allows them to make a comment before "Staff Reports".

Public Comment:

M. Hollander: Has concerns about the building permit process and thinks everyone should be treated the same way.

Trustee Weber informs that he checked on the project she is talking about and a building permit has been issued for it.

Mayor Bachran reminds everyone that there is to be no back and forth discussion and in the future, to please contact people after the meeting to answer their questions.

**Staff Reports**

Interim Administrator Leslie Klusmire details what she has identified as projects needing taken care of after meeting with department heads, Board members, and several contractors. She shares some updates about capital projects, town attorney work, police department hires and purchases and grants with CDOT & DOLA. The Interim Administrator also provides some information on affordable housing studies, the building permit project spoke about by M. Hollander earlier, the old Hive building and her individual meetings with Board members that she will be submitting a report about at a later date.

Trustee Smith asks Finance Director Jones about what SAMS is. Director Jones and Interim Administrator Klusmire explain that it is one of four different memberships the Town must have to receive grants.

Trustee Smith also thanks Director Jones for including the grant updates in her report, which is helpful.

Trustee/ Mayor Pro-Tem asks if it is possible to get some documentation on the SIPA grant, showing what its limitations are. And asks for clarification about the group helping make a video for it.

Mayor Bachran explains that since the Town was unable to attend in person when the grant was awarded, that SIPA asked for a short video about how the funds would be used and that the group making the video is North Fork High School students in the Advanced Audio/Visual Class, not a hired group.

**Public Hearing**

**Resolution 2022-13- Declaring the Decision to Opt-Out of FAMLI**

Public Hearing is opened at 6:56 pm

Interim Administrator Klusmire asks if there has been a discussion about opting in or not.

Trustee Smith asks whether or not the employees were surveyed about what their preference was and asks for some clarification about whether the new accrued leave that this program gives is payable on separation from employment or not.

Town Attorney Cotton-Baez provides advice about the employees knowing that they can comment on the decision. He also directs the Board to the personnel guide for answers on the carry-over.

Trustee Weber states that he feels the Town is more generous in leave time than the FAMLI plan.

Trustee Knutson states that the Town went from Sick Leave to Paid Time Off which is much more structured. He continues that the polling of the employees is important because it can be a major impact on them and the law requires proof that the employees have been notified. Trustee Knutson then suggests that the issue be tabled until there is proof that that notification has happened and he doesn't view the packet being published as good enough.

Interim Administrator Klusmire reads the section of the Personnel Manual that deals with PTO and PSL.

Trustee Knutson makes a motion, Seconded by Trustee Smith , to continue the public hearing to the December 13th meeting.

Trustee Smith makes a motion to amend the main motion, Seconded by Trustee Weber to add that Interim Administrator Klusmire make sure the employees are canvassed before the next meeting.

Motion carries unanimously.

Main motion " to continue the public hearing to the December 13th meeting and having the interim administrator canvassing the employees before then."

Motion carries unanimously.

Public Hearing is continued to the December 13th meeting.

**Unfinished Business**

**Police Department Vehicle Purchase**

Mayor Bachran provides overview that during one of the budget sessions they had passed a motion to let the police department purchase a vehicle in the 2022 budget. Finance Director Jones clarifies that when they approve an amount they need to include the price of the vehicle and the cost of outfitting the vehicle as well.

Trustee Weber makes a motion, Seconded by Trustee Knutson, to approve the vehicle purchase maximum of \$55,000.

Trustee Smith asks a question about whether or not it is an unmarked vehicle.

Trustee Knutson asks if they will still approve the purchase before it happens and Finance Director Jones answers that the reason they are seeking a blanket approval is that the vehicles sell fast and even the ones they are looking at now are likely already sold.

Trustee/ Mayor Pro-Tem Markle asks about a motion made at another meeting about establishing a vehicle replacement policy.

Trustee Smith makes a motion, Seconded by Trustee Weber, to amend the main motion making the Maximum amount \$60,500.

**Public Comment:**

C. Patterson: Asks if there is some sort of five-year plan from the police department with the Back the badge money.

Mayor Bachran reminds the public that the only discussion right now is on amending the amount to \$60,500 maximum for the new police vehicle.

C. Patterson: says she understand but wonders if having a five or ten year plan involving that money would help in these decisions.

T. Lord: A comment was made about robbing Peter to pay Paul, in this situation who is Peter and who is Paul?

Unhearable name on recording: If we are using more than was budgeted for the vehicle, where is that extra money coming out of in the police budget?

Finance Director Jones does reply that it would come from the Police Department reserves

**Motion on Amendment:**

Voting Aye: Trustee Knutson, Trustee Valentine, Trustee Smith and Trustee Weber



Voting Nay: Trustee/ Mayor Pro-Tem Markle

Motion Carries.

Main Motion "To approve the police vehicle, fully outfitted, purchase maximum of \$60,500.00"

Voting Aye: Trustee Knutson, Trustee Valentine, Trustee Weber

Voting Nay: Trustee/Mayor Pro-Tem Markle and Trustee Smith

Main motion carries.

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

Mayor Bachran outlines that this version of Ordinance 2022-09 came after a long discussion, after which Trustee Smith took considerable time going through and adding/changing things based on the discussion. Next, Building Official Dan Reardon, went through and made comments on those suggestions and that is the current version of the ordinance.

**Board Discussion:**

Trustee Smith explains that most of her changes were merely for clarification and cleaning up. Building Inspector Reardon made compelling arguments about why a few of her suggestions shouldn't be used and she agrees with him. She asks that those suggestions be removed.

Trustee Weber asks Inspector Reardon if what they have come up with is consistent with surrounding communities and he agrees that it is.

Mayor Bachran says that Trustee Stelter called her that day and asked that the Town insist on sprinklers in nursing homes and care facilities and in the ground floor of commercial buildings when there are residences above them. Inspector Reardon confirms that requirement is included, between this ordinance and the International Building Code.

Trustee Smith asks that when the final draft is written, that the National Electrical Code be spelled out instead of its acronym on page 125.

Inspector Reardon also reminds the Board that our Resolution fee schedule doesn't address all of the violations and fines spelled out in the Ordinance so recommends that be updated as well.

**Street Closure Change of Ordinance Recommendation**

Trustee/ Mayor Pro-Tem Markle explains briefly what decisions the Board still needs to make to finish out the proposed revisions to the Ordinance: insurance responsibility and restrictions on how many times a street can be closed.

Town Attorney Nick Cotton-Baez suggests that the insurance language would be best from CIRSA but he is happy to work with them on it.

Interim Administrator Klusmire explains that special events aren't covered under a blanket policy but have to buy a rider and then the Town has to collect the fee from the event holder.

Board discusses the pro's and con's to this avenue

Trustee Knutson makes a motion, Seconded by Trustee Smith , to be consistent and require the event holder to be responsible for providing proof of general liability insurance with their application.

Motion carries unanimously.

Trustee Valentine describes the public input meetings and how it was hard to nail down a good suggestion for how to handles street closures coming too frequently and there was not a consensus on how best to restrict it, when you consider that it has to apply to both the main business core of the town and residential neighborhoods for block parties etc. Trustee Smith states that she also wants to see a very clear policy that prevents the matter from coming to the Board of Trustee's to be the final word after it is adopted.

Trustee Weber agrees that Board should not have the authority to make exceptions to law and they should leave the hours the way they were originally set.

Mayor Bachran agrees that the Board should be taken out of the permit process but makes the point that the original hours were from pre-COVID and that the pandemic changed the way business is looked at and done dramatically.

Trustee/ Mayor Pro-Tem Markle clarifies that the Board approval parts were for the people who were upset there wasn't a process to go through for exceptions. He recommends that the Board approval part be included so they can make exceptions, without breaking the law.

Trustee Smith points out that if they set the rules, then people will plan their events within those rules. There were businesses downtown that weren't happy with a three day street closure just as there were others that were happy about it.

Trustee Knutson makes a motion, Seconded by Trustee Smith, that section (l) says commercial streets not be closed more than 6 times in one calendar year.

Public Comment:

M. McEnnis: Is there a balance between restrictive and fluid? For example: setting criteria for an organization to meet if an exception can be made ie. public support?

Unknown: Does not want the businesses on Grand to be the ones who decide if the public gets to close the streets.

Trustee/ Mayor Pro-Tem Markle clarifies that the petition is not meant to decide whether or not a closure happens but be used as a courtesy and information gathering for future decision making.

Town Attorney Cotton Baez asks for clarification on the term commercial district.

Trustee Knutson makes a motion , Seconded by Trustee Valentine to amend the main motion to say 8 events per calendar year.

Public Comment:

S. Patterson: it should be days not events

Motion to amend to 8 events.

Voting Aye: Trustee Valentine, Trustee Knutson

Voting Nay: Trustee/ Mayor Pro-Tem Markle, Trustee Smith, Trustee Weber

Main Motion " that section (l) says C-1 and C-2 streets not be closed more than 6 times in one calendar year.

Motion carries unanimously.

Trustee Knutson makes a motion, Seconded by Trustee Valentine, that section (m) say that street closures can not exceed 10 hours in duration, except on Sundays and State recognized holidays. Any street closure falling outside of this limit shall require a review and approval of the Board of Trustees.

Board discussion about what Sundays and holidays hour limit should be.

Trustee Knutson rewords his motion, that section (m) say that street closures can not exceed 10 hours in duration. Any street closure application falling outside of these limits shall require a review and approval of the Board of Trustees.

Board discussion again about the position this puts Trustees in about making exceptions with no guidelines to follow for approval or denial.

Trustee Weber makes a motion, Seconded by Trustee Smith, to amend the main motion to add 'and not more than one day in duration', after 10 hours in duration and strike the option of review and Board approval.

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Knutson, to split the motion into two distinct amendment motion.

Vote to amend main motion (1) "amend motion to add 'and not more than one day in duration" after “cannot exceed more than 10 hours in duration”

Voting Aye: Trustee/ Mayor Pro-Tem Markle, Trustee Smith, Trustee Weber

Voting Nay: Trustee Knutson, Trustee Valentine

Motion to amend carries.

Vote to amend main motion (2) striking the clause for Board review and approval.

A poll is requested by Trustee/ Mayor Pro-Tem Markle due to confusion of motion

Poll: (Aye: to keep the Board review and approval process)

- Trustee Knutson: Aye
- Trustee Valentine: Aye
- Trustee Smith: Nay
- Trustee/ Mayor Pro-Tem Markle: Aye to retain
- Trustee Weber: Nay

Motion carries to keep Board of Trustee's review and approval.

Main motion: that section (m) say that the Town administrator can approve street closures but the closure can not exceed 10 hours in duration and one consecutive day. Any street closure application falling outside of these limits shall require a review and approval of the Board of Trustees.

Board discussion proceeds on the best way to word the motion so that it is clear.

Town Attorney Nick Cotten-Baez asks for clarification on what the Boards intent is and then suggests that in the future, instead of trying to 'draft on the fly' they can inform him of their intent and allow him to draft the appropriate language.

The Board asks the Town attorney draft their intent and he clarifies what they are asking for: town administrator approval, closures not longer than 10 hours in duration, no street closures more than one day in a row, no more than 6 street closures in a C-1 or C-2 district in a calendar year, and that street closures falling outside those limits will be required to be reviewed and approved by the Board of Trustees.

Motion made by Trustee Knutson, Seconded by Trustee Valentine, to take a five-minute recess.

Motion passes unanimously.

Meeting resumes at 8:24 pm

**Flag Policy Recommendations**

Trustee/ Mayor Pro-Tem Markle and Trustee Valentine provide background on the developing of the Flag Policy and public information meetings leading to it. Board voted to remove restrictive language and they tried to include permissive language instead.

Board Discussion includes that Paonia is a statutory town, discomfort with people putting up their own flag displays for safety and liability reasons, how this would impact school event and town sponsored event banners, takes away the ability of sponsorship and promotion of special events like BMW, Cherry Days, Mountain Harvest Festival etc, ceremonial vs special occasion, DMEA poles and what should be allowed on them, Town should own anything that flies on Town owned property. Trustee's also discuss whether as a municipality there is any obligation to advertise or promote graduations or events.

Trustee Valentine asks the Town attorney if the language about ceremonial/ commemorative flags opens the town up for a lawsuit.

Town Attorney Cotten-Baez responds that it was the primary reason for his comment in the prior meeting. Says that the policy is very good at the beginning when it comes to government speech but when it opens the door for the public to apply for a permit to hang their own, it blurs the line between government speech and freedom of expression. There needs to be parameters of government speech in the policy and right now it is too open ended to protect the Town. He could make some suggestions based on what other municipalities have done. He continues on with multiple suggestions that could be covered in a policy ie: insurance, materials, maintenance. The Town Attorney also talked about the importance of defining town sponsorship and government speech.

Board discussion continues with topics about town purchased banners and signs only and striking section B.

Interim Administrator Klusmire suggests changing it to Town Owned and then it could become a matter of the organizations donating them.

Trustee Weber makes a motion, Seconded by Trustee Smith , to strike section b of the flag policy and replace it with Town owned banners and flags.

Board discussion includes this putting the board back in the same position that they are already in, not wanting a divided community and staying away from controversy, giving

it back to Town Attorney, section (b) has some language that is still needed, no more new ideas coming out of streets committee.

Town Attorney asks for clarification about Section (b) and points out that as long as groups can submit applications for approval or denial it opens the door to freedom of expression instead of it being government speech. It is the approval and Denial process that is the issue.

Board discussion continues with suggestions of leaving it to the private sector to hang things in their windows and stop bringing it to the Board to approve or deny.

Public Comments:

Appreciate Trustees Valentine and Markle and their time spent to help find a solution and make sure everyone was heard, Paonia should celebrate these heritage days and months like other places.

Eliminate the approval and disapproval process, follow National law, Paonia is more than a municipality.

Quite a few Board members are quick to allow religious decorations and if those are allowed so should Pride flags.

Founding Fathers intent was about not allowing government to dictate religion. What is a heritage flag?

Objects don't cause controversy, peoples way of thinking does. These situations open good conversations between neighbors.

Freedom in your own space not what can my government do, protect, say, give me. Be very careful about flying flags for special groups, that is dangerous territory. Only government speech on public property.

Paonia is welcoming, keep it that way. Don't go with the easy option, don't vote easy. If you are going to ask for a committee and involve the community, then do not throw away what they came up with.

Please keep and adopt Section 3 (b)

Many State and Federal government buildings celebrate all the heritage months, follow their examples.

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

Board discussion: while government should be representative of community, it is not.

Trustee Valentine makes a motion, Seconded by Trustee Knutson, to amend the motion to say strike section (b) except for 3 (b)

Aye: Trustee Knutson, Trustee Valentine

Nay: Trustee/ Mayor Pro-Tem Markle, Trustee Smith, Trustee Weber

Main motion (1) Motion to strike Section B

Aye: Trustee/ Mayor Pro-Tem Markle, Trustee Weber, Trustee Smith

Nay: Trustee Knutson, Trustee Weber

Motion carries.

Main motion (2): motion to only have the Town fly town owned banners and flags

Aye: Trustee Smith, Trustee Weber

Nay: Trustee/ Mayor Pro-Tem Markle, Trustee Knutson, Trustee Valentine

Motion fails.

Trustee Smith makes a motion, Seconded by Trustee Weber to adopt the flag policy as amended

Aye: Trustee/ Mayor Pro-Tem Markle, Trustee Weber, Trustee Smith

Nay: Trustee Knutson, Trustee Valentine

The motion carries.

**New Business**

Trustee Smith makes a motion, Seconded by Trustee Valentine to extend the meeting to 9:45 pm.

Voting Aye: Trustee Knutson, Trustee Smith, Trustee Weber, Trustee/ Mayor Pro-Tem Markle

Voting Nay: Trustee Valentine

Board decides to move Resolution 2022-15 Water Rates and Charges, Ordinance 2022-08. Sewer Rates and Resolution 2022-14 Garbage Rates to the Special Meeting on November 29th at 5 pm after the RCAC Sewer Cost Analysis Report.

**Appointment to the Tree Board**

Trustee Valentine makes a motion, Seconded by Trustee Knutson to accept the 4 applicants for the Tree Board to fill the 4 spots that are open.

Voting Aye: Trustee Knutson, Trustee Valentine, Trustee Smith and Trustee Weber

Voting Nay: Trustee/Mayor Pro-Tem Markle

Trustee/Mayor Pro-Tem Markle calls point of order and states that with multiple people talking it is very hard to hear and asks the Board to please follow procedure so only one person is talking at a time.

**Cancellation of Second Meeting in December**

Trustee Weber makes a motion, Seconded by Trustee Smith, to cancel the second meeting in December.

Motion carries unanimously.

**Town Hall Closure Request**

Trustee Weber makes a motion, Seconded by Trustee Knutson to approve the Town Hall Closure requests for the holidays.

Motion carries unanimously.

**Resolution 2022-15 Water Rates and Charges**

Moved to November 29, 2022 Special Meeting

**Ordinance 2022-08 Sewer Rates**

Moved to November 29, 2022 Special Meeting

**Resolution 2022-14 Garbage Rates**

Moved to November 29, 2022 Special Meeting

**Mayor's Reports**

**Committee Reports**

Personnel:

Town Clerk is a statutory requirement and the knowledge of Clerk duties is needed. The expertise of the role is needed, and the staff needs to have someone who can answer questions.

**Adjournment**

Meeting Adjourns at 9:44 pm

\_\_\_\_\_  
Samira M Vetter, Town Clerk

\_\_\_\_\_  
Mary Bachran, Mayor



**Minutes**  
**Regular Town Board Meeting**  
**Town of Paonia, Colorado**  
**February 28, 2023**

**RECORD OF PROCEEDINGS**

**Roll Call**

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

**PRESENT**

- Mayor Mary Bachran
- Trustee Dave Knutson
- Trustee Paige Smith
- Trustee Dave Weber
- Trustee John Valentine
- Trustee Rick Stelter

**ABSENT**

- Trustee/Mayor Pro-Tem Thomas Markle

**Correspondence Received**

*Street Closure Comments*

**Approval of Agenda**

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

**Announcements**

Mayor Bachran makes an announcement about the Paonia Ditch Meeting coming up and Cory Heiniger is going as well as making the Towns proxy votes.

Trustee Weber announces he no longer has access to his dweber@townofpaonia.com email. It now requires a two-factor authentication that requires a cell phone and he does not have one. He can be reached by phone or in person.

**Public Comment**

No members of the public wanted to speak.

**Consent Agenda**

- Minutes*
- September 15, 2022 Special Meeting
- October 4, 2022 Special Meeting
- February 14, 2023 Regular Meeting

*Disbursements*  
February 14, 2023  
February 28, 2023

Motion made by Trustee Weber, Seconded by Trustee Smith to approve the consent agenda.

Motion carries unanimously.

**Staff Reports**

*Finance Director*  
*Public Works Director*

Trustee Knutson and the rest of the Board publicly thank the Public Works committee for their wonderful job of snow removal during the big storm. The Town looked better than it had in a long time.

Trustee Smith asks follow-up questions about the estimates for the track vehicle and what fund it will come out of.

Trustee Smith ask questions about the \$7000 bill for snow removal. Public Works Director Heiniger answers that the cause of that bill was having two snow plows break down during removal and having to bring in outside help, it is not a normal cost.

**Actions & Presentations**

**Public Hearings**  
None Scheduled

**Other Items**

**1. Multi-Modal Trail and Park/Open Connectivity - Colorado West Land Trust**

Libby Collins from Colorado West Land Trust gave a presentation on the work they have done to finish a trail, crossing multiple properties, starting at the river park and ending at the Paonia Library. They have worked with the owner of the riverbank property about crossing and they have agreed to the project.

Ms. Collins is requesting that the Council agree to further discussion with Colorado West Land Trust about the project to finish the trail, what comes next and to discuss collaboration on the project.

The Board discusses that this project has been in the works for some time and is much desired, cost of maintenance and operations, safety issues for the river crossing, whether they can use the already approved bridge design and how best to further the discussion.

Motion made by Trustee Weber, Seconded by Trustee Stelter, to have Colorado West Land Trust continue conversations with Mayor Bachran and Interim Administrator Leslie Klusmire about this project.

Motion carries unanimously.

**2. Phoenix Rising Resources Contract Approval - Master Plan for Town of Paonia**

Calla Rose Ostrander presents for Phoenix Rising Resources.

Trustee Knutson states that he likes the idea of coordination with the Affordable Housing firm when they are chosen.

Motion made by Trustee Weber, Seconded by Trustee Knutson, to approve the contract with Phoenix Rising Resources.

Motion carries unanimously.

**3. Energy & Environment Symposium Scholarship - Trustee Knutson**

Trustee Knutson provides some background on how he became the Local Government Designee and how he would take care of the rest of the trip cost.

Board discussion continues about whether this is something that is still needed for our area, BLM leases, watersheds, Oil & Gas Commission starting to consider health and safety issues, airshed concerns, conversations about permitting, methane capture, pipeline constructions and many other issues that can and will affect our area in the future.

Motion made by Trustee Smith, Seconded by Trustee Weber, to approve the remaining cost for the Energy & Environment symposium of \$197.50 for Trustee Knutson's attendance.

Motion carries unanimously.

**4. SIPA Audio Upgrade -Trustee Markle & Trustee Valentine**

Trustee Valentine gives an overview of the sound issues and the research leading them to the OWL system. He further described the set-up, ease of use and benefits and drawbacks of both. He also went over the itemized list of prices that was included in the packet, explaining what was needed and why. Trustee Valentine has plans to go to Region 10 in Montrose to see and ask questions about their OWL set-up. Interim Town Administrator Klusmire and Town Attorney Cotton-Baez also share their own experiences with places they have worked with an OWL system.

Motion made by Trustee Knutson, Seconded by Trustee Stelter to authorize Trustee Valentine to begin purchasing the needed items for the OWL Laboratories system and accessories with the funds from the SIPA Grant for the sound system upgrade.

Motion carries unanimously.

**5. Approval of Resolution 04-2023 Establishing Roles and Responsibilities of Town Committees**

Interim Administrator Klusmire provides an overview of the current committee roles and why they should be reviewed and updated to have more traditional roles for liability and Board advisory purposes.

Board discussion covers committee set-ups, how committees can provide valuable help with setting policy and information gathering, the benefits of formality vs informality, possibility of reforming the Governmental Affairs & Public Safety committee and having a work session to work on the details.

Motion made by Trustee Knutson, Seconded by Trustee Weber, that the committees line out their duties by the end of March .

Motion carries unanimously.

Motion made by Trustee Knutson, Seconded by Trustee Weber, that at the April 25th, 2023 meeting from 6:30 - 8:00 pm be a Work Session on committee roles and duties.

Motion carries unanimously.

**6. Administrator Search Update**

Trustee Smith and Trustee Valentine, Personnel Committee, gave an update. They have received 18 applications with the last one being submitted on February 24th, 2023. They will be going through and winnowing the selection down before passing the rest on to the Board to narrow down further.

The Board discussed how they wanted to proceed, whether it was a different caliber of candidates, whether they wanted to continue with the layered interview approach, background checks, levels of experience they were looking for, whether to change the final interview process and how to narrow down the list.

**7.Approval of Intent to Ask Senators Bennett & Hickenlooper for Congressionally Directed Funds for Water/Sewer Projects**

Mayor Bachran introduced this topic and then explained that after doing some research that these funds wouldn't likely help with water/sewer projects since the funds have to go through the appropriations process and wouldn't be available until 2024. The Mayor then asked the Board how they would feel about still asking for the funding to buy the decommissioned school building at Fourth and Grand from the school district for \$2.5 million.

The Board discussed possible building remediation, the many different uses that could be available ie. town hall, affordable housing, community center, senior center; land use and worth, operations cost, March 10th funding deadline, property values and planning for the future.

Motion is made by Trustee Stelter, Seconded by Trustee Smith to approve the request to ask for congressional Funding to move forward on this project

Public Comment:

C. Patterson: The price for that property used to be \$1.2 million so maybe the School District would be flexible on pricing and when she looked at it previously the operations costs were about \$30,000/yr.

S. Patterson: Suggests talking to the realtor since they know a lot about the property and believes that the School District would be flexible on the price. Also suggests looking at other available properties instead of just focusing on the VoTech building.

Motion carries unanimously.

**8.Approval of Intent to Apply for DOLA and Tier I DOLA EIAF Grant for Dorris Sewer Line Replacement**

The Mayor introduces this topic by specifically talking about the Dorris sewer line, which is in rougher shape than it was originally thought. There is a maximum of \$200,000 and it could move this project forward quickly though there is a possibility that the Town may have to move on this project before the grant could be approved.

Board discussion covers, rough mapping, matching funds, timing, DOLA suggestions,, engineering is putting together bid packets currently, and it would be for the Dorris line only. If the sewer line looks like it is preparing to collapse, the Town will move immediately to replace the sewer line and the funding will be unusable at that point.

Trustee Weber makes a motion, Seconded by Trustee Stelter to approve applying for the DOLA and Tier I DOLA EIAF grant for the Dorris sewer line.

Motion carries unanimously.

**9.Approval of Intent to Apply for DOLA & Colorado Water Conservation Planning Grants re: Hydro-geological study of Paonia/Crawford Spring Complexes**

Mayor Bachran provides information on these grants; one would be used as a match for the other; a \$200,000 grant with a \$25,000 match. This project must be done before Spring Redevelopment can start.

Board discussion includes that the River District has reached out and has offered to help find the funding for this project, what a hydro-geological study can be used for,

discussion on infiltration beds and engineering plans, DOLA, River District and the CDPHE.

Trustee Weber makes a motion, Seconded by Trustee Knutson to approve the application for DOLA & Colorado Water Conservation Planning Grants for hydro-geological study of the Paonia/Crawford Spring complexes.

Motion carries unanimously.

**Executive Sessions**

None Scheduled

**Mayor & Trustee Reports**

*Mayor's Report February 14, 2023 (requested)*

*Mayor's Report February 28, 2023*

*Parks Committee February*

Trustee Smith asked question about the status of grants included in the February 14, 2023 Mayor's report.

Board discussion includes ideas for signs for community notification, fixing the website for better information, Region 10 grant processes, committee notification requirements, energy funding opportunities, Munidoc utilization.

Trustee Smith and Trustee Weber ask for a copy of the GOCO rejection letter.

Further discussion about packet modification after the fact.

Mayor Bachran asks for signatures for support letter for the Congressional Funding letter.

**Adjournment**

Meeting adjourns at 8:38 pm.

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Samira M Vetter, Town Clerk

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Mary Bachran, Mayor

**To: The Honorable Mayor Mary Bachran and Board of Trustees**

**From: Samira Vetter, Town Clerk**

**Date: February 14, 2023**

**RE: Flying Fork Café Finding of Fact**

**Staff Recommendation:** Approve Flying Fork Café Liquor License Renewal

- The application is complete.
- Local fees are paid and State fees are in the possession of the Town Clerk to be sent to the State with the application.
- Paonia Police Department has no concerns or issues with the renewal.
- The Town Clerk’s office has no concerns or issues with the renewal.

**Submit to Local Licensing Authority**

**FLYING FORK CAFE**  
**P.O. BOX 1825**  
**Paonia CO 81428**

Fees Due		
Renewal Fee		550.00
Storage Permit	\$100 X _____	\$ /
Sidewalk Service Area	\$75.00	\$ /
Additional Optional Premise Hotel & Restaurant	\$100 X _____	\$ /
Related Facility - Campus Liquor Complex	\$160.00 per facility	\$ /
<b>Amount Due/Paid</b>		<b>\$ 550.00</b>

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

**Retail Liquor or Fermented Malt Beverage License Renewal Application**

Please verify & update all information below

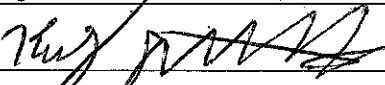
Return to city or county licensing authority by due date

Licensee Name FLYING FORK CAFE, LLC		Doing Business As Name (DBA) FLYING FORK CAFE	
Liquor License # 03-13233	License Type Hotel & Restaurant (city)		
Sales Tax License Number 01820374	Expiration Date 04/14/2023	Due Date 02/28/2023	
Business Address 101 3RD STREET Paonia CO 81428		Phone Number 9705279075	
Mailing Address P.O. BOX 1825 Paonia CO 81428		Email Kelly@FlyingForkCafe.com	
Operating Manager Kelly Steinhilber	Date of Birth	Home Address	Phone Number
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* *If rented, expiration date of lease _____			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input checked="" type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			



7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.  Yes  No

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation.  Yes  No

<b>Affirmation &amp; Consent</b>		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.		
Type or Print Name of Applicant/Authorized Agent of Business	Title	
Kelly Steimmetz	OWNER	
Signature	Date	
	2/24/23	
<b>Report &amp; Approval of City or County Licensing Authority</b>		
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.		
<b>Therefore this application is approved.</b>		
Local Licensing Authority For	Date	
Signature	Title	Attest

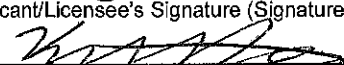
## Tax Check Authorization, Waiver, and Request to Release Information

I, Kelly Steinmetz am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of FLYING FORK CAFE, LLC (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101, et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and its duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>FLYING FORK CAFE, LLC</u>		Social Security Number/Tax Identification Number <u>01-0760835</u>	
Address <u>PO BOX 1825</u>			
City <u>PAONIA</u>		State <u>CO</u>	Zip <u>81428</u>
Home Phone Number <u>970-527-9075</u>		Business/Work Phone Number <u>970-201-9246</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>Kelly Steinmetz</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed <u>2/24/23</u>

**Privacy Act Statement**

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

# Town of Paonia

214 Grand Avenue • P.O. Box 460  
Paonia, CO 81428-0460  
(970) 527-4101

## RECEIPT

015517

RECEIVED FROM Flying Fork

**PAYED**  
MAR 2 2003

DATE 3-2-23

\$ 175 —

DOLLARS

FOR one Animal Service Fee

TOWN OF PAONIA

+ Quot # 003338  
for 550-4 CO Dept. Rev.

CASH  
 CHECK 003337  
 CREDIT CARD

BY [Signature]

**To: The Honorable Mayor Mary Bachran and Board of Trustees**

**From: Leslie Klusmire, Interim Town Administrator**

**RE: Administrator’s Report**

**Date: March 14, 2023**

**Board Priorities Work Session on Monday, March 13<sup>th</sup> – 5 to 9 pm:** This work session will be over by the time your regular meeting rolls around. In preparation, the department heads met two weeks ago and turned in their 2023 goals and projects last week. We had an ‘all-staff’ meeting Monday at noon to hear from everyone what they thought the priorities should be. Department heads gave you their input. Your work from Monday night will be folded into an online and paper survey to gather the community’s opinions. All this will come to you at your first meeting in April so that you can adopt the Town’s 2023 goals and work program. This will become the basis for reporting updates from Town staff.

**Phoenix Rising Resources LLC– Town of Paonia Master Plan Project:** The firm is scheduling a master plan “kick-off” joint Planning Commission & Board of Trustees work session toward the end of the month. Please fill in the doodle poll from the consultants I sent on March 8<sup>th</sup>. No public comment will be taken at this meeting. The firm’s proposal includes extensive public involvement at later dates.

**Water and Sewer Improvements, including those necessary to lift the tap moratorium:** We continue to plug away at improving Paonia’s water and sewer infrastructure. We have received the proposal for the structural inspection of the 2 mg gallon tank roof, and the Public Works crew will schedule that inspection.

JDSHydro identified a long-term solution to the leak near the railroad. The Public Works staff will be rerouting that line so that it no longer extends under the tracks in that location. They are conducting a helium test to locate the leak better.

DOLA wants the Town to apply for an Energy Impact Tier 1 grant (EIG) to pay for 50% of the sewer line replacement on Dorris. We may be adding some other wastewater treatment plant upgrades to this grant. The Town has budgeted \$100,000 for the Dorris line, and the EIG grant requires a 50% match. The EIG money won’t be available until July. We are proceeding with the bid package and will put it out to bid before receiving the grant. We would not be able to sign a contract and start the project until the grant is awarded. If the line begins to fail, we will proceed with replacement without the benefit of the DOLA grant.

The Mayor’s pre-qualification application for the Town’s water needs was accepted as complete. The CDPHE is scheduling the Town’s pre-qualification meeting for the Drinking Water projects in April. SGM and JDSHydro engineers and our public works staff will be on the

call. The Town will likely phase its loan applications with the most crucial projects in the first round. These include spring redevelopment, 2mg tank rehabilitation, and replacing the 8100' thin-walled steel pipe. The Town plans to apply for a \$1,000,000 Energy Impact Tier II grant in August to supplement this loan.

I am finishing the CDPHE pre-qualification application to replace all the VCP (clay) sewer pipe.

We were stalled in our efforts to obtain an estimate for a hydrogeology study. Finding a hydrogeologist that could do that work proved challenging. JDSHydro assisted us in finding the right expertise, and Jeremiah is now talking with Wright Water Engineers, who are working up a proposal. After much discussion, the Tuesday afternoon water and sewer project management team believes that the hydrogeology study has to be started before we can engineer the spring redevelopment project. Currently, we are focusing our planning efforts on the best way to tease out the parts of this effort that will allow the Town to lift the water moratorium in three years. This is a complex and challenging undertaking because we are working with a lot of unknowns.

Funding for the hydrogeology study (which Delta County and the Town of Crawford have pledged to support) will most likely come from a DOLA planning grant (\$25,000), the Colorado Water Conservation Board (\$100,000), and the Colorado River District, which has funding to bridge the gap.

**Town Administrator Search:** I met with the Personnel Committee, and we selected eight candidates for screening interviews. In attempting to schedule those interviews, we've only had four board members available at any of the meeting time options in the next few weeks. The Personnel Committee is deciding how they want to proceed.

Realistically, it's looking like you won't have a candidate on board until the end of May. Although final interviews and selection could take place in April, you'll need to negotiate a contract, and then the person most likely has to give notice and move here. I'm hoping it goes faster, but from experience, this hire tends to take a long time to get into place.

**Committee Role Descriptions:** The Board of Trustees Streets, Water/Sewer/Trash, Public Safety, Government, and Parks Committees committed to write down and turn in their roles to the Town Clerk in April. We have yet to receive any to date. I am holding off on any further work with the functions of committees until those are received.

**Land Use Training Work Session on March 23<sup>rd</sup>:** This is essential training for the Town of Paonia Board of Adjustment, Planning Commission, and Board of Trustees. A significant number of prior land use decisions in the Town did not follow the Town's code or comply with land use laws. I have drafted a lengthy handout for the training that Nick is reviewing. I hope to send it out next week so the boards will have time to review it before the training. It will also be posted on the Town website.

Although no public comment will be taken at the training, it would be good to invite realtors and other folks affected by Town land use decisions to listen in. Please bring your questions for Nick. If you can send them to me ahead of time, I'll forward them to Nick so he can prepare answers beforehand. You'll leave better informed about how land use laws work in statutory towns and know how to proceed with these applications.

**Code and Personnel Handbook Changes:** I have been unable to do much with the code in the last couple of weeks. I will continue to work on the administrative chapter as time allows. I am drafting the content, and he'll do the final edit to ensure it's defensible. I want to work on the zoning code next. This project is a backburner to the other day-to-day work we need to do. However, we hope to have the administrative chapter for you soon. I also think the Personnel Handbook needs a significant overhaul. The goal is to ensure that the Personnel Handbook and the Code are clear and consistent. Revising the Personnel Handbook should be easier because there are standard templates to start with, and CIRSA will review the final draft and make recommendations for revisions.

Finance Report as of 3/9/23 presented at the 3/14/23 meeting:

Monthly:

Payroll has been completed, reviewed, and released for payrolls up through 3/10/2023.  
Bank statements through 2/28/2023 have been reconciled and reviewed.  
Norris Retirement is pending with an effective date of 3/24/23.

Banking:

Bank Balances provided on the Disbursement Report as of 3/09/23.

Required Filings:

Annual Census Reporting – Due 12/20/22-Extension filed.  
CY22 Form 536 Local Highway Finance Report-due 6/1/2023.  
CTF Spending Reporting -

Year-End:

Financial Review by account - in process.

Audit:

Site Visit starts 4/17/2023.

Budget:

No changes to report

Other (Continued):

ClearGov – Final numbers to be sent-Pending!

**OTHER TO DO ITEMS:**

None to report.

**GRANT/LOAN UPDATES:**

PENDING

DWRF02 – Pre-Qualification Application – Submitted = \$23,000,000

DOLA Planning Grant = \$25,000

RECEIVED:

IHOP Housing Grant = \$59,850

Colorado Grand = \$17,000

ARPA-received \$184,616.40 in 2021 and 2022.

CDOT Grant 5<sup>th</sup> Street Intersection = \$792,961

SIPA-sound system micro grant 2022 = \$6,500

**Please note:** This report is not a comprehensive list of all projects but acts as a highlight of included packet documents, ongoing, and upcoming projects.



# BANK BALANCES 2023

BANK	ACCOUNT	JAN	FEB	MAR	APR	MAY	JUNE	JULY	X
<b>OPERATING ACCOUNTS</b>									
UBB (FSBC)	PREV BAL	357,071.40	235,084.74	402,604.63	402,604.63	402,604.63	402,604.63	402,604.63	
OPS - 0733	CKS/DR	445,366.36	178,291.65						
	DEP/CR	323,379.70	345,811.54						
	END BAL	235,084.74	402,604.63	402,604.63	402,604.63	402,604.63	402,604.63	402,604.63	X
<b>RATE</b>		<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	
UBB (FSBC)	PREV BAL	991.90	1,084.25	1,703.82	1,703.82	1,703.82	1,703.82	1,703.82	
PAYROLL - 3629	CKS/DR	56,525.01	64,216.67						
	DEP/CR	56,617.36	64,836.24						
	END BAL	1,084.25	1,703.82	1,703.82	1,703.82	1,703.82	1,703.82	1,703.82	X
<b>RATE</b>		<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	
<b>RESESTRICTED FUND ACCOUNTS</b>									
UBB (FSBC)-3858	PREV BAL	25,025.00	25,025.00	25,025.00	25,025.00	25,025.00	25,025.00	25,025.00	
GRANT	CKS/DR	-	-						
PASS-THRU	DEP/CR	-	-						
	END BAL	25,025.00	25,025.00	25,025.00	25,025.00	25,025.00	25,025.00	25,025.00	X
<b>RATE</b>		<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	
UBB (FSBC) (FCNB)	PREV BAL	40,912.00	40,912.00	40,912.00	40,912.00	40,912.00	40,912.00	40,912.00	
INTERNAL - 0571	CKS/DR	-	-						
GRANTS	DEP/CR	-	-						
	END BAL	40,912.00	40,912.00	40,912.00	40,912.00	40,912.00	40,912.00	40,912.00	X
<b>RATE</b>		<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	
UBB (FSBC) - 0911	PREV BAL	12,750.00	12,750.00	12,750.00	12,750.00	12,750.00	12,750.00	12,750.00	
PARK	CKS/DR	-	-						
CONTRIBUTION	DEP/CR	-	-						
	INT/CR	-	-						
	END BAL	12,750.00	12,750.00	12,750.00	12,750.00	12,750.00	12,750.00	12,750.00	X
<b>RATE</b>		<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	
UBB (FSBC) - 2318	PREV BAL	58,594.73	58,602.20	58,608.94	58,608.94	58,608.94	58,608.94	58,608.94	
WWTP	CKS/DR	-	-						
	DEP/CR	-	-						
	INT/CR	7.47	6.74						
	END BAL	58,602.20	58,608.94	58,608.94	58,608.94	58,608.94	58,608.94	58,608.94	X
<b>RATE</b>		<b>0.15%</b>	<b>0.15%</b>						
UBB (FSBC) (FCNB)	PREV BAL	10,419.54	10,420.42	10,421.22	10,421.22	10,421.22	10,421.22	10,421.22	
CONSERV	CKS/DR	-	-						
TRUST 0857	DEP/CR	-	-						
	INT/CR	0.88	0.80						
	END BAL	10,420.42	10,421.22	10,421.22	10,421.22	10,421.22	10,421.22	10,421.22	X
<b>RATE</b>		<b>0.10%</b>	<b>0.10%</b>						

# BANK BALANCES 2023

BANK	ACCOUNT	JAN	FEB	MAR	APR	MAY	JUNE	JULY	X
<b>INVESTMENT ACCOUNTS</b>									
UBB (FSBC) - 3637	PREV BAL	2,397,077.20	2,397,484.41	2,397,852.27	2,397,852.27	2,397,852.27	2,397,852.27	2,397,852.27	
MMKT	CKS/DR	-	-						
RESERVE	DEP/CR	-	-						
	INT/CR	407.21	367.86						
	END BAL	2,397,484.41	2,397,852.27	2,397,852.27	2,397,852.27	2,397,852.27	2,397,852.27	2,397,852.27	X
<b>RATE</b>		<b>0.20%</b>	<b>0.20%</b>						
COLO	PREV BAL	1,789,274.23	1,796,211.53	1,802,750.98	1,802,750.98	1,802,750.98	1,802,750.98	1,802,750.98	
TRUST	CKS/DR	-	-						
PLUS+	DEP/CR	-	-						
INVESTMENT	INT/CR	6,937.30	6,539.45						
	END BAL	1,796,211.53	1,802,750.98	1,802,750.98	1,802,750.98	1,802,750.98	1,802,750.98	1,802,750.98	X
<b>AVG RATE</b>		<b>4.56%</b>	<b>4.74%</b>						
UBB (14) (FSBC)	PREV BAL	203,950.52	203,950.52	203,950.52	203,950.52	203,950.52	203,950.52	203,950.52	
18MO	CKS/DR	-	-						
CD-2143	DEP/CR	-	-						
	INT/CR	-	-						
	END BAL	203,950.52	203,950.52	203,950.52	203,950.52	203,950.52	203,950.52	203,950.52	X
<b>AVG RATE</b>		<b>0.35%</b>	<b>0.35%</b>						
UBB (31) (FSBC)	PREV BAL	261,115.54	261,378.93	261,378.93	261,378.93	261,378.93	261,378.93	261,378.93	
18MO	CKS/DR	-	-						
CD-2143	DEP/CR	-	-						
	INT/CR	263.39	-						
	END BAL	261,378.93	261,378.93	261,378.93	261,378.93	261,378.93	261,378.93	261,378.93	X
<b>AVG RATE</b>		<b>0.40%</b>	<b>0.40%</b>						
	<b>TOTAL PREV BAL</b>	<b>5,157,182.06</b>	<b>5,042,904.00</b>	<b>5,217,958.31</b>	<b>5,217,958.31</b>	<b>5,217,958.31</b>	<b>5,217,958.31</b>	<b>5,217,958.31</b>	<b>#</b>
	<b>TOTAL CKS/DR</b>	<b>501,891.37</b>	<b>242,508.32</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
	<b>TOTAL DEP/CR</b>	<b>379,997.06</b>	<b>410,647.78</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
	<b>TOTAL INT/CR</b>	<b>7,616.25</b>	<b>6,914.85</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
	<b>TOTAL 2023 ACCOUNTS</b>	<b>5,042,904.00</b>	<b>5,217,958.31</b>	<b>5,217,958.31</b>	<b>5,217,958.31</b>	<b>5,217,958.31</b>	<b>5,217,958.31</b>	<b>5,217,958.31</b>	
	<b>TOTAL 2022 ACCOUNTS</b>	<b>3,809,158.13</b>	<b>3,908,928.65</b>	<b>3,953,717.60</b>	<b>4,009,417.96</b>	<b>4,168,574.16</b>	<b>4,286,812.33</b>	<b>4,666,136.75</b>	
	<b>TOTAL 2021 ACCOUNTS</b>	<b>2,695,410.75</b>	<b>2,794,267.13</b>	<b>2,827,035.60</b>	<b>2,878,900.52</b>	<b>3,033,101.71</b>	<b>3,353,077.83</b>	<b>3,460,866.44</b>	
	<b>TOTAL 2020 ACCOUNTS</b>	<b>2,498,095.32</b>	<b>2,507,992.28</b>	<b>2,530,243.83</b>	<b>4,222,013.58</b>	<b>2,766,714.22</b>	<b>2,844,095.58</b>	<b>2,838,734.18</b>	
	<b>TOTAL 2019 ACCOUNTS</b>	<b>1,952,778.56</b>	<b>2,154,496.81</b>	<b>2,216,740.65</b>	<b>2,268,526.46</b>	<b>2,560,627.61</b>	<b>2,606,146.61</b>	<b>2,665,999.92</b>	
	<b>TOTAL 2018 ACCOUNTS</b>	<b>2,243,850.59</b>	<b>2,643,430.19</b>	<b>2,609,936.21</b>	<b>2,758,682.91</b>	<b>2,787,133.34</b>	<b>2,909,775.06</b>	<b>2,883,634.79</b>	
	<b>TOTAL 2017 ACCOUNTS</b>	<b>1,916,629.29</b>	<b>1,856,495.51</b>	<b>1,837,973.49</b>	<b>2,027,530.45</b>	<b>2,363,845.59</b>	<b>2,079,469.54</b>	<b>2,015,506.17</b>	
	<b>TOTAL 2016 ACCOUNTS</b>	<b>987,595.88</b>	<b>1,322,980.68</b>	<b>1,116,198.52</b>	<b>1,523,989.77</b>	<b>1,917,756.35</b>	<b>1,967,252.20</b>	<b>1,874,857.87</b>	
	<b>TOTAL 2015 ACCOUNTS</b>	<b>1,653,400.33</b>	<b>1,907,317.22</b>	<b>2,079,530.21</b>	<b>2,000,000.74</b>	<b>1,759,581.96</b>	<b>1,718,267.39</b>	<b>1,593,788.44</b>	
	<b>TOTAL 2014 ACCOUNTS</b>	<b>2,036,560.85</b>	<b>2,012,766.27</b>	<b>2,053,803.28</b>	<b>2,046,353.56</b>	<b>2,069,077.88</b>	<b>2,002,370.22</b>	<b>1,956,418.34</b>	
	<b>TOTAL 2013 ACCOUNTS</b>	<b>2,361,290.03</b>	<b>2,369,419.89</b>	<b>2,376,310.46</b>	<b>2,323,916.46</b>	<b>2,320,709.32</b>	<b>2,286,978.98</b>	<b>1,978,090.95</b>	
	<b>TOTAL 2012 ACCOUNTS</b>	<b>2,362,402.55</b>	<b>2,256,299.75</b>	<b>2,246,468.64</b>	<b>2,213,216.49</b>	<b>2,202,233.11</b>	<b>2,152,976.82</b>	<b>2,357,742.26</b>	
	<b>2022 VS 2023</b>	<b>1,233,745.87</b>	<b>1,309,029.66</b>	<b>1,264,240.71</b>	<b>1,208,540.35</b>	<b>1,049,384.15</b>	<b>931,145.98</b>	<b>551,821.56</b>	

# BANK BALANCES 2022

BANK	ACCOUNT	JAN	JULY	AUG	SEP	OCT	NOV	DEC	X
<b>OPERATING ACCOUNTS</b>									
UBB (FSBC)	PREV BAL	225,029.68	255,061.81	443,675.60	267,693.29	280,364.71	375,014.37	266,465.55	
OPS - 0733	CKS/DR	398,510.48	308,356.18	543,181.83	339,022.65	211,535.78	450,633.61	221,891.81	
	DEP/CR	274,483.75	496,969.97	367,199.52	351,694.07	306,185.44	342,084.79	312,497.66	
	END BAL	101,002.95	443,675.60	267,693.29	280,364.71	375,014.37	266,465.55	357,071.40	X
	RATE	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
UBB (FSBC)	PREV BAL	25.00	3,234.63	15.00	97.35	209.70	302.05	23,375.45	
PAYROLL - 3629	CKS/DR	45,021.34	51,310.35	47,533.58	49,812.02	48,498.43	65,305.86	68,549.95	
	DEP/CR	45,021.34	48,090.72	47,615.93	49,924.37	48,590.78	88,379.26	46,166.40	
	END BAL	25.00	15.00	97.35	209.70	302.05	23,375.45	991.90	X
	RATE	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
<b>RESESTRICTED FUND ACCOUNTS</b>									
UBB (FSBC)-3858	PREV BAL	25.00	25,025.00	25,025.00	25,025.00	25,025.00	25,025.00	25,025.00	
GRANT	CKS/DR	-	-	-	-	-	-	-	
PASS-THRU	DEP/CR	-	-	-	-	-	-	-	
	END BAL	25.00	25,025.00	25,025.00	25,025.00	25,025.00	25,025.00	25,025.00	X
	RATE	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
UBB (FSBC) (FCNB)	PREV BAL	25.00	25.00	40,912.00	40,912.00	40,912.00	40,912.00	40,912.00	
INTERNAL - 0571	CKS/DR	-	-	-	-	-	-	-	
GRANTS	DEP/CR	16,024.38	40,887.00	-	-	-	-	-	
	END BAL	16,049.38	40,912.00	40,912.00	40,912.00	40,912.00	40,912.00	40,912.00	X
	RATE	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
UBB (FSBC) - 0911	PREV BAL	12,563.11	12,750.00	12,750.00	12,750.00	12,799.23	12,750.00	12,750.00	
PARK	CKS/DR	4,813.11	-	-	-	49.23	-	-	
CONTRIBUTION	DEP/CR	-	-	-	49.23	-	-	-	
	INT/CR	-	-	-	-	-	-	-	
	END BAL	7,750.00	12,750.00	12,750.00	12,799.23	12,750.00	12,750.00	12,750.00	X
	RATE	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
UBB (FSBC) - 2318	PREV BAL	58,482.72	58,550.45	58,557.91	58,565.37	58,572.59	58,580.05	58,587.27	
WWTP	CKS/DR	-	-	-	-	-	-	-	
	DEP/CR	-	-	-	-	-	-	-	
	INT/CR	12.42	7.46	7.46	7.22	7.46	7.22	7.46	
	END BAL	58,495.14	58,557.91	58,565.37	58,572.59	58,580.05	58,587.27	58,594.73	X
	RATE	0.25%	0.15%	0.15%				0.15%	
UBB (FSBC) (FCNB)	PREV BAL	10,406.97	10,414.30	10,415.18	10,416.06	10,416.92	10,417.80	10,418.66	
CONSERV	CKS/DR	-	-	-	-	-	-	-	
TRUST 0857	DEP/CR	-	-	-	-	-	-	-	
	INT/CR	1.33	0.88	0.88	0.86	0.88	0.86	0.88	
	END BAL	10,408.30	10,415.18	10,416.06	10,416.92	10,417.80	10,418.66	10,419.54	X
	RATE	0.15%	0.10%	0.10%				0.10%	
UBB (FSBC) - 0563	PREV BAL	(9.19)	0.00	0.00	0.00	0.00	0.00	0.00	
SPACE TO	CKS/DR	-	-	-	-	-	-	-	
CREATE	DEP/CR	10.00	-	-	-	-	-	-	
	INT/CR	-	-	-	-	-	-	-	
	END BAL	0.81	0.00	0.00	0.00	0.00	0.00	0.00	X
	RATE	0.00%						CLOSED	

# BANK BALANCES 2022

BANK	ACCOUNT	JAN	JULY	AUG	SEP	OCT	NOV	DEC	X
<b>INVESTMENT ACCOUNTS</b>									
UBB (FSBC) - 3637	PREV BAL	1,392,857.03	1,694,912.81	1,845,208.96	2,095,552.56	2,195,905.28	2,196,278.31	2,396,670.06	
MMKT	CKS/DR	-	-	-	-	-	-	-	
RESERVE	DEP/CR	-	150,000.00	250,000.00	100,000.00	-	200,000.00	-	
	INT/CR	354.89	296.15	343.60	352.72	373.03	391.75	407.14	
	END BAL	1,393,211.92	1,845,208.96	2,095,552.56	2,195,905.28	2,196,278.31	2,396,670.06	2,397,077.20	X
<b>RATE</b>		<b>0.30%</b>	<b>0.200%</b>					<b>0.200%</b>	
COLO	PREV BAL	1,758,506.32	1,762,652.96	1,765,131.73	1,768,506.23	1,772,319.09	1,777,150.16	1,782,752.64	
TRUST	CKS/DR	-	-	-	-	-	-	0	
PLUS+	DEP/CR	-	-	-	-	-	-	-	
INVESTMENT	INT/CR	109.84	2,478.77	3,374.50	3,812.86	4,831.07	5,602.48	6,521.59	
	END BAL	1,758,616.16	1,765,131.73	1,768,506.23	1,772,319.09	1,777,150.16	1,782,752.64	1,789,274.23	
<b>AVG RATE</b>		<b>0.07%</b>	<b>0.03%</b>	<b>2.25%</b>	<b>2.62%</b>	<b>3.21%</b>	<b>3.83%</b>	<b>4.30%</b>	X
UBB (14) (FSBC)	PREV BAL	203,237.95	203,592.95	203,592.95	203,592.95	203,772.64	203,772.64	203,772.64	
18MO	CKS/DR	-	-	-	-	-	-	-	
CD-2143	DEP/CR	-	-	-	-	-	-	-	
	INT/CR	-	-	-	179.69	-	-	177.88	
	END BAL	203,237.95	203,592.95	203,592.95	203,772.64	203,772.64	203,772.64	203,950.52	X
<b>AVG RATE</b>		<b>0.35%</b>	<b>0.35%</b>	<b>0.35%</b>	<b>0.35%</b>	<b>0.35%</b>	<b>0.35%</b>	<b>0.35%</b>	
UBB (31) (FSBC)	PREV BAL	260,073.18	260,592.42	260,852.42	260,852.42	260,852.42	261,115.54	261,115.54	
18MO	CKS/DR	-	-	-	-	-	-	-	
CD-2143	DEP/CR	-	-	-	-	-	-	-	
	INT/CR	262.34	260.00	-	-	263.12	-	-	
	END BAL	260,335.52	260,852.42	260,852.42	260,852.42	261,115.54	261,115.54	261,115.54	X
<b>AVG RATE</b>		<b>0.40%</b>	<b>0.40%</b>	<b>0.40%</b>	<b>0.40%</b>	<b>0.40%</b>	<b>0.40%</b>	<b>0.40%</b>	
<b>LINE-OF-CREDIT</b>									
UBB (FSBC)	PREV BAL	-	-	-	-	-	-	-	
LOC	CKS/DR	-	-	-	-	-	-	-	
\$200,000.00	DEP/CR	-	-	-	-	-	-	-	
	INT/CR	-	-	-	-	-	-	-	
	END BAL	-	-	-	-	-	-	-	X
<b>AVG RATE</b>									
<b>TOTAL</b>	PREV BAL	<b>3,921,222.77</b>	<b>4,286,812.33</b>	<b>4,666,136.75</b>	<b>4,743,963.23</b>	<b>4,861,149.58</b>	<b>4,961,317.92</b>	<b>5,081,844.81</b>	
<b>TOTAL</b>	CKS/DR	<b>448,344.93</b>	<b>359,666.53</b>	<b>590,715.41</b>	<b>388,834.67</b>	<b>260,083.44</b>	<b>515,939.47</b>	<b>290,441.76</b>	
<b>TOTAL</b>	DEP/CR	<b>335,539.47</b>	<b>735,947.69</b>	<b>664,815.45</b>	<b>501,667.67</b>	<b>354,776.22</b>	<b>630,464.05</b>	<b>358,664.06</b>	
<b>TOTAL</b>	INT/CR	<b>740.82</b>	<b>3,043.26</b>	<b>3,726.44</b>	<b>4,353.35</b>	<b>5,475.56</b>	<b>6,002.31</b>	<b>7,114.95</b>	
<b>TOTAL 2022 ACCOUNTS</b>		<b>3,809,158.13</b>	<b>4,666,136.75</b>	<b>4,743,963.23</b>	<b>4,861,149.58</b>	<b>4,961,317.92</b>	<b>5,081,844.81</b>	<b>5,157,182.06</b>	
<b>TOTAL 2021 ACCOUNTS</b>		<b>2,695,410.75</b>	<b>3,460,866.44</b>	<b>3,534,971.86</b>	<b>3,678,531.65</b>	<b>3,773,355.32</b>	<b>3,880,916.63</b>	<b>3,921,222.77</b>	
<b>TOTAL 2020 ACCOUNTS</b>		<b>2,498,095.32</b>	<b>2,838,734.18</b>	<b>2,859,369.34</b>	<b>2,808,076.56</b>	<b>2,958,371.20</b>	<b>2,891,292.77</b>	<b>2,851,002.80</b>	
<b>TOTAL 2019 ACCOUNTS</b>		<b>1,952,778.56</b>	<b>2,665,999.92</b>	<b>2,668,988.15</b>	<b>2,554,128.62</b>	<b>2,617,541.25</b>	<b>2,579,426.94</b>	<b>2,573,516.58</b>	
<b>TOTAL 2018 ACCOUNTS</b>		<b>2,243,850.59</b>	<b>2,883,634.79</b>	<b>2,888,148.39</b>	<b>2,489,282.80</b>	<b>2,373,303.20</b>	<b>2,385,227.66</b>	<b>2,261,306.20</b>	
<b>TOTAL 2017 ACCOUNTS</b>		<b>1,916,629.29</b>	<b>2,015,506.17</b>	<b>1,857,731.32</b>	<b>2,565,761.51</b>	<b>2,498,308.06</b>	<b>2,542,350.77</b>	<b>2,592,978.01</b>	
<b>TOTAL 2016 ACCOUNTS</b>		<b>987,595.88</b>	<b>1,874,857.87</b>	<b>1,894,042.44</b>	<b>1,883,051.68</b>	<b>1,879,795.32</b>	<b>1,992,492.28</b>	<b>1,777,483.60</b>	
<b>TOTAL 2015 ACCOUNTS</b>		<b>1,653,400.33</b>	<b>1,593,788.44</b>	<b>1,677,560.21</b>	<b>1,550,452.03</b>	<b>1,568,412.32</b>	<b>1,476,434.43</b>	<b>1,721,006.44</b>	
<b>TOTAL 2014 ACCOUNTS</b>		<b>2,036,560.85</b>	<b>1,956,418.34</b>	<b>1,991,633.33</b>	<b>2,054,088.02</b>	<b>2,074,813.39</b>	<b>2,032,794.46</b>	<b>1,921,074.79</b>	
<b>TOTAL 2013 ACCOUNTS</b>		<b>2,361,290.03</b>	<b>1,978,090.95</b>	<b>1,887,185.49</b>	<b>2,153,583.57</b>	<b>2,175,646.11</b>	<b>2,188,694.46</b>	<b>2,112,110.50</b>	
<b>TOTAL 2012 ACCOUNTS</b>		<b>2,362,402.55</b>	<b>2,357,742.26</b>	<b>2,373,017.68</b>	<b>2,356,132.02</b>	<b>2,552,358.60</b>	<b>2,553,516.47</b>	<b>2,473,702.32</b>	
<b>2020 VS 2021</b>		<b>1,113,747.38</b>	<b>1,205,270.31</b>	<b>1,208,991.37</b>	<b>1,182,617.93</b>	<b>1,187,962.60</b>	<b>1,200,928.18</b>	<b>1,235,959.29</b>	



**Town Board Staff Report**

**Subject:** Transfer of Funds

**Author:** Cindy Jones

**Representing:** Finance

**Date:** 3/9/2023

**Specific request:** Transfer \$2,390,000 from United Business Bank to ColoTrust General Fund Account

**Summary Recommendation**

I would like approval to transfer \$2,390,000 from United Business Bank Summit Money Market Account (which is paying .20% APY) to ColoTrust General Fund Account (which as of March 9, 2023, was paying 4.8387% Daily Yield)

**Executive Summary**

To improve the town’s yield on funds invested:  
United Business Bank is paying .20% APY.  
ColoTrust is paying 4.7751% daily yield as of February 28, 2023

**The Intent**

To increase interest revenue for the General Fund

**Background**

The bank had in the past been competitive with interest rates, however under the new administration rate are increasing significantly with ColoTrust.

**Options/Alternatives for Town Board to Consider**

The option would be to leave it at United Business Bank earning .20% interest approximately \$367.86 per month.  
or  
Move the fund to ColoTrust earning 4.8387% interest or approximately \$9,071.88 per month.

**Funding Source and Fiscal Impact**

Transfer of Funds has no Fiscal Impact.

**Attachments**

- 2021-09-28 COLOTRUST PLUS+ PROFILE
- 2022-04 COLOTRUST PLUS INVESTMENT POLICY
- 2022-10.11 COLOTRUST PLUS INFORMATION STATEMENT

**Colorado Local Government Liquid Asset Trust  
(COLOTRUST PLUS+)**

**Principal Stability Fund  
Ratings Definitions**

**AAAm** A fund rated 'AAAm' demonstrates extremely strong capacity to maintain principal stability and to limit exposure to principal losses due to credit risk. 'AAAm' is the highest principal stability fund rating assigned by S&P Global Ratings

**AAm** A fund rated 'AAm' demonstrates very strong capacity to maintain principal stability and to limit exposure to principal losses due to credit risk. It differs from the highest-rated funds only to a small degree.

**Am** A fund rated 'Am' demonstrates strong capacity to maintain principal stability and to limit exposure to principal losses due to credit risk, but is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than funds in higher-rated categories

**BBBm** A fund rated 'BBBm' demonstrates adequate capacity to maintain principal stability and to limit exposure to principal losses due to credit risk. However, adverse economic conditions or changing circumstances are more likely to lead to a reduced capacity to maintain principal stability.

**BBm** A fund rated 'BBm' demonstrates speculative characteristics and uncertain capacity to maintain principal stability. It is vulnerable to principal losses due to credit risk. While such funds will likely have some quality and protective characteristics, these may be outweighed by large uncertainties or major exposures to adverse conditions.

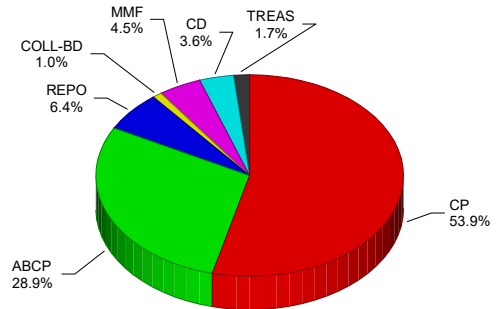
**Dm** A fund rated 'Dm' has failed to maintain principal stability resulting in a realized or unrealized loss of principal.

**Plus (+) or Minus (-)**  
The ratings may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the rating categories.

**About the Pool**

Pool Rating	<b>AAAm</b>
Pool Type	Stable NAV Government Investment Pool
Investment Adviser	Public Trust Advisors, LLC
Portfolio Manager	Randy Palomba, CFA & Neil Waud, CFA
Pool Rated Since	April 1996
Custodian	Wells Fargo Bank, N.A.
Distributor	Public Trust Advisors LLC (Public Trust)

**Portfolio Composition as of September 28, 2021**



CP - Commercial Paper; ABCP - Asset-backed commercial paper; REPO - Repurchase Agreement; COLL-BD - Collateralized Bank Deposits; MMF - Money Market Fund; TREAS - Treasury

**Rationale**

S&P Global rates Colorado Local Government Liquid Asset Trust (COLOTRUST PLUS+) 'AAAm'. The rating signifies our forward-looking opinion about a fixed-income fund's ability to maintain principal value (i.e., stable net asset value, or 'NAV'). This is accomplished through conservative investment practices and strict internal controls. S&P Global monitors the portfolio on a weekly basis.

**Overview**

COLOTRUST PLUS+ is a short-term money-market fund organized in conformity with Part 7 of Article 75 of Title 24, Colorado Revised Statutes. The portfolio offers Colorado governmental entities a convenient and efficient means to pool their funds to take advantage of short-term investments and maximize net interest earnings. The investment objective of COLOTRUST PLUS+'s is to obtain as high a level of current income as is consistent with the preservation of capital and liquidity. The other portfolio offered by the trust is Colorado Local Government Liquid Asset Trust (COLOTRUST PRIME), which is also rated 'AAAm'. The COLOTRUST PLUS+ portfolio has been in operation since May 16, 1994.

**Management**

The investment adviser for COLOTRUST PLUS+ is Public Trust Advisors LLC (Public Trust), a Colorado-based investment adviser, registered with the SEC. The administrative, marketing, and operational functions of the portfolio are also performed by Public Trust. The Trust is subject to the general supervision of the Board of Trustees. The Board of Trustees is elected by COLOTRUST Participants. The portfolio manager is responsible for making all of the investment decisions for the portfolio. Wells Fargo Bank, N.A. is custodian of the portfolio's securities and cash.

**Portfolio Assets**

The COLOTRUST PLUS+ portfolio invests in U.S. Treasury securities, federal instrumentality securities, agency securities, repurchase agreements, tri-party repurchase agreements, collateralized bank deposits, commercial paper that, at the time of purchase, is rated in its highest rating category by one or more nationally recognized statistical rating organizations that regularly rate such obligations, and highly-rated corporate bonds. The portfolio's weighted average maturity to reset (WAM(R)) is kept under 60 days, which helps to enhance liquidity and limits market price exposure. Portfolio securities are priced to market on a daily basis.

**S&P Global Ratings Analyst:** Wendy Immerman - + 1 (212) 438 5052

www.spratings.com

*Participants should consider the investment objectives, risks and charges and expenses of the pool before investing. The investment guidelines which can be obtained from your broker-dealer, contain this and other information about the pool and should be read carefully before investing.*

**Principal Stability Rating Approach and Criteria**

A S&P Global Ratings principal stability fund rating, also known as a "money market fund rating", is a forward-looking opinion about a fixed income fund's capacity to maintain stable principal (net asset value). When assigning a principal stability rating to a fund, S&P Global Ratings analysis focuses primarily on the creditworthiness of the fund's investments and counterparties, and also its investments' maturity structure and management's ability and policies to maintain the fund's stable net asset value. Principal stability fund ratings are assigned to funds that seek to maintain a stable or an accumulating net asset value.

Generally, when faced with an unanticipated level of redemption requests during periods of high market stress, the manager of any fund may suspend redemptions for up to five business days or meet redemption requests with payments in-kind in lieu of cash. A temporary suspension of redemptions or meeting redemption requests with distributions in-kind does not constitute a failure to maintain stable net asset values. However, higher rated funds are expected to have stronger capacities to pay investor redemptions in cash during times of high market stress because they generally comprise shorter maturity and higher quality investments.

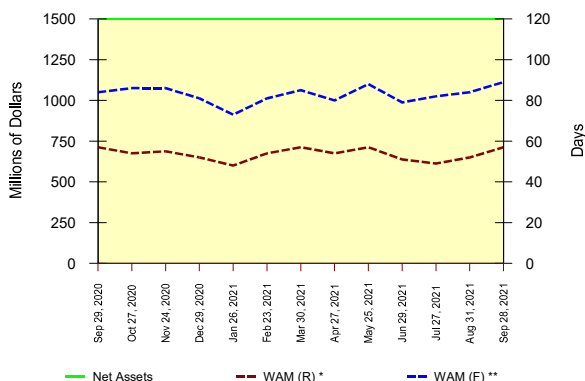
Principal stability fund ratings, or money market fund ratings, are identified by the 'm' suffix (e.g., 'AAAm') to distinguish the principal stability rating from a S&P Global Ratings traditional issue or issuer credit rating. A traditional issue or issuer credit rating reflects S&P Global Ratings view of a borrower's ability to meet its financial obligations. Principal stability fund ratings are not commentaries on yield levels.

**Colorado Local Government Liquid Asset Trust (COLOTRUST PLUS+)**

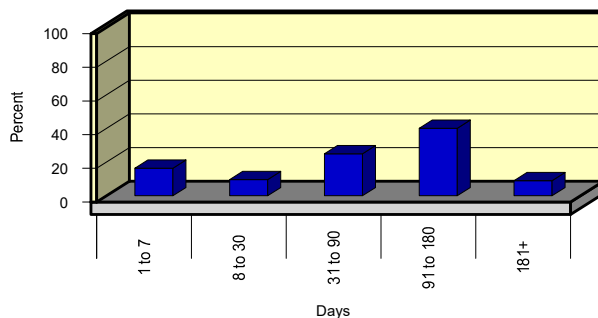
**Data Bank as of September 28, 2021**

Net Asset Value per Share.....	\$1.00002	Net Assets (millions).....	\$11,770.81	Inception Date.....	May 1994
WAM (R) * .....	57 days	WAM (F) **.....	89 days	7 Day Yield.....	0.02%
* Weighted Average Maturity (Reset)		** Weighted Average Maturity (Final)			

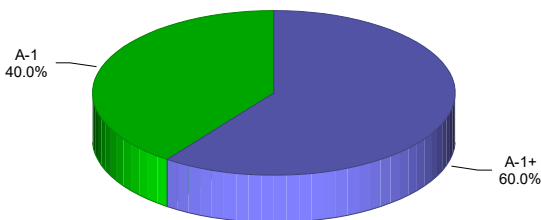
**Net Assets, WAM (R) and WAM (F)**



**Portfolio Maturity Distribution as of September 28, 2021**

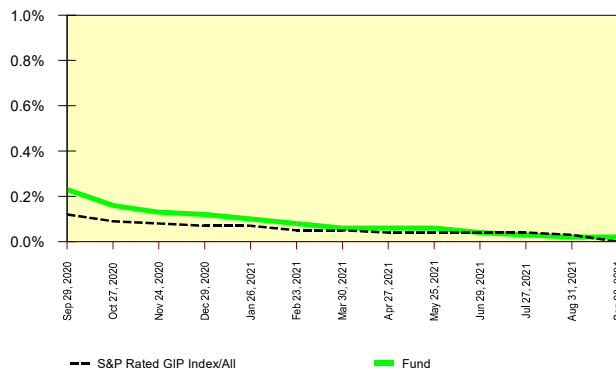


**Portfolio Credit Quality as of September 28, 2021 \***



\*As assessed by S&P Global Ratings

**Portfolio 7 Day Net-Yield Comparison \***



\*S&P 'AAAm' Money Fund Indices are calculated weekly by iMoneyNet, Inc., and are comprised of funds rated or assessed by S&P Global Ratings to within the specific rating categories. The S&P Global Ratings Rated LGIP Indices are calculated weekly by S&P Global Ratings and are comprised of 'AAAm' and 'AAm' government investment pools. *The yield quoted represents past performance. Past performance does not guarantee future results. Current yield may be lower or higher than the yield quoted.*

Pool portfolios are monitored weekly for developments that could cause changes in the ratings. Rating decisions are based on periodic meetings with senior pool executives and public information.

S&P Global Ratings is neither associated nor affiliated with the fund.

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# **PLUS+ Information Statement**

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**October 2021**



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## PLUS+ Introduction

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The Colorado Local Government Liquid Asset Trust (COLOTRUST or the Trust) was organized in 1985 in accordance with the Investment Funds - Local Government Pooling Act, (Part 7, Article 75, Title 24, C.R.S.) to allow Colorado governmental entities to pool their funds to take advantage of short-term investments and maximize net interest earnings. The Trust is a professionally managed local government investment pool trust fund available only to governmental entities in Colorado.

COLOTRUST PLUS+ (PLUS+) is one of three portfolios the Trust offers to Colorado governmental entities that are or become COLOTRUST Participants. As further described herein, PLUS+ was established by the Trust in accordance with Investment Funds - Local Government Pooling Act, (Part 7, Article 75, Title 24, C.R.S.) PLUS+ is a professionally managed portfolio consisting of U.S. Treasury securities, federal instrumentality securities, agency securities, repurchase agreements, tri-party repurchase agreements, collateralized bank deposits, commercial paper that, at the time of purchase, is rated in its highest rating category by at least two nationally recognized organizations which regularly rate such obligations, corporate bonds, and government money market funds rated 'AAAm.' PLUS+ is designed to generate current income while maintaining liquidity and preserving capital.

PLUS+ was created pursuant to the COLOTRUST Indenture of Trust (the Indenture). The most recently Amended and Restated Indenture was adopted by the COLOTRUST Board of Trustees (the Board) and became effective on May 1, 2021. Governmental entities that participate in the PLUS+ portfolio are referred to as "Participants" in the Indenture and this Information Statement. The Indenture allows COLOTRUST Participants to register and participate in PLUS+. Each potential PLUS+ Participant receives a copy of the Indenture, the Information Statement, Investment Policy, and current financial statements before becoming a Participant.

## Participants

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PLUS+ is available to any Colorado local government that is or becomes a Participant by taking appropriate official action to adopt the COLOTRUST Indenture of Trust, open an account in the Trust, and maintain a balance in the account. Each Participant appoints a Designee, and all official communications between the Trust and a Participant are through the Designee.

## Investment Objectives

---

PLUS+ is designed to provide daily liquidity while generating current income and preserving capital for Colorado governmental entities by investing only in securities that are legal pursuant to the Legal Investments Act (Part 6, Article 75, Title 24, C.R.S.) and the Public Deposit Protection Act (Articles 10.5 and 47 of Title 11, C.R.S.) (the Statutes).

PLUS+ is presently allowed by the Trust's investment policies to maintain a portion of its assets in U.S. Treasury securities or repurchase agreements collateralized by U.S. Treasury

securities. It may also invest its assets in securities of a Federal Farm Credit Bank, a Federal Home Loan Bank, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, or the Government National Mortgage Association, and other federal instrumentality or agency security permitted by the Legal Investments Act, or repurchase agreements collateralized by those securities. PLUS+ may also invest in commercial paper and corporate notes rated in the highest rating category by one or more nationally recognized organizations that regularly rate such obligations. The policy also provides that PLUS+ may not invest more than 5% of its portfolio in the commercial paper of any single issuer nor may PLUS+ own more than 5% of any issuer's total commercial paper program. In addition, the portfolio may invest in collateralized bank deposits and 'AAAm' rated government money market funds. The portfolio may invest in securities with a maximum maturity of 397 days for fixed-rate debt and non-sovereign floating-rate debt or 762 days for sovereign government floating-rate debt. The average weighted maturity may not exceed 60 days to reset or 90 days to final maturity.

COLOTRUST is registered with the Securities Commissioner of the State of Colorado in accordance with the Local Government Investment Pool Trust Fund Administration and Enforcement Act (Part 9, Article 51, Title 11, C.R.S.).

COLOTRUST adheres to the Financial Accounting Standards Board (FASB) guidelines for its accounting and financial reporting principles. In accordance with FASB guidance, the Trust utilizes ASC 820 "Fair Value Measurement and Disclosure" to define fair value, establish a framework for measuring fair value, and expand disclosure requirements regarding fair value measurements.

COLOTRUST PLUS+ is rated 'AAAm' by S&P Global Ratings. S&P's definition of a 'AAAm' rating is "safety is excellent" and a fund has "superior capacity to maintain principal value and limit exposure to loss." These ratings are neither a market rating nor a recommendation to buy, hold, or sell the securities by the rating agencies.

*No assurance can be given that the Trust will achieve its investment objective or that any benefits described in this information statement will result from the investment of monies in the Trust.*

## Income Allocations

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All net income of the PLUS+ portfolio is determined as of the close of business each day (and at such other times as the Board may determine) and is credited immediately thereafter pro rata to each Participant's account. Net income that has thus accrued to the Participants is converted as of the close of business of each day into additional shares that are thereafter held in each Participant's account. Reinvested net income is converted into full and fractional shares at the rate of one share for each one dollar credited. Net income for each portfolio each day consists of (1) all accrued interest income on assets of the portfolio; plus or minus (2) any amortized purchase discount or premium; less (3) accrued expenses.

## Determination of Net Asset Value

---

The Trust determines the NAV of the shares of PLUS+ as of the close of business each day. The NAV per share of the PLUS+ portfolio is computed by dividing the total value of the securities and other assets of the portfolio, less any liabilities, by the total outstanding shares of the PLUS+ portfolio. Liabilities, which include all expenses and fees of the PLUS+ portfolio, are accrued daily.

For the purpose of calculating the NAV per share, the securities held by PLUS+ are valued as follows: (1) securities for which market quotations are readily available are valued at the most recent bid price or yield equivalent as obtained from one or more market makers for such securities; (2) all other securities and assets are valued at fair market value determined in good faith.

The result of this calculation is a share value that is rounded to the nearest penny. Accordingly, the price at which PLUS+ shares are sold and redeemed will not reflect net realized or unrealized gains or losses on securities that amount to less than \$.005 per share. The Trust will endeavor to minimize the amount of such gains or losses. However, if net unrealized gains or losses should exceed \$.005 per share, the NAV per share will change from \$1.00 or be maintained at \$1.00 per share by retention of earnings or the reduction, on a pro rata basis, of each Participant's shares in the event of losses or by a pro rata distribution to each Participant in the event of gains.

It is a fundamental policy of PLUS+ to maintain a NAV of \$1.00 per share, but for the reasons herein stated there can be no assurance that the NAV will not vary from \$1.00 per share. The NAV per share of PLUS+ may be affected by general changes in interest rates resulting in increases or decreases in the value of the securities held by the Trust. The market value of such securities will vary inversely to changes in prevailing interest rates. Thus, if interest rates have increased from the time a security was purchased, such security, if sold, might be sold at a price less than its cost. Similarly, if interest rates have declined from the time a security was purchased, such security, if sold, might be sold at a price greater than its cost. If a security is held to maturity, no loss or gain is normally realized as a result of these fluctuations.

## Description of Shares

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The beneficial interests of the Participants in the assets of the PLUS+ portfolio and the earnings thereon are, for convenience of reference, divided into shares that are used as units to measure the allocation of beneficial interest among Participants. All shares participate equally in distributions and have equal liquidation and other rights. The shares have no preference, conversion, exchange, or preemptive rights. For all matters requiring a vote of Participants, each Participant, through its Designee, is entitled to one vote with respect to each matter, without regard to the number of shares held by the Participant.

## Eligible Investments

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The PLUS+ portfolio invests in securities that are legal pursuant to the Statutes. For a more complete description of permitted investments please refer to the PLUS+ Investment Policy, available on [www.colotruster.com](http://www.colotruster.com).

## Investment Restrictions

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The Trust may buy and sell and enter into agreements to buy and sell the permitted investments subject to the restrictions described below. These restrictions are considered to be fundamental to the operation and activities of the Trust and may not be changed without a majority vote of the Participants.

1. The Trust may not make any investment other than a permitted investment.
2. The Trust may not make any investment other than investments authorized by the Board's investment policy, Indenture, and the statutes of the state of Colorado, as the same may be amended from time to time; provided, however, the Board and the Trust shall not be responsible for insuring compliance with any investment restrictions provided for in a Participant's home rule charter or elsewhere.
3. The PLUS+ portfolio may invest in permitted securities with maximum maturities as outlined by the Legal Investments Act (Part 6, Article 75, Title 24, C.R.S.).
4. The Trust may neither borrow money nor incur indebtedness whether or not the proceeds thereof are intended to be used to purchase permitted investments except as a temporary measure to facilitate withdrawal requests which might otherwise require unscheduled dispositions of PLUS+ portfolio investments and only as to the extent permitted by law.
5. The Trust may not buy securities from or sell securities to the Administrator, the Investment Advisor, the Custodian, or any member of the Board (Trustee), or with any affiliate, officer, director, employee, or agent of any of them.

The Trust may not enter into any repurchase agreements for any securities that are not listed as "permitted investments" in the previous section. In addition, all such agreements must be initially collateralized at 102% and additional securities must be provided if the market value of the collateral falls below 101.5%.

## Computation of Yield

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The Trust quotes a daily and seven-day average yield for the PLUS+ portfolio in reports and information published by the Trust. To obtain the daily yield, a daily yield factor is first calculated. The factor is the net income for that day divided by the number of shares outstanding. The factor is then multiplied by 365 (366 in a leap year) to produce the daily

yield. The seven-day average yield is obtained by averaging the daily yield for seven identified, consecutive days. The Trust may also quote the PLUS+ portfolio yield from time-to-time on other bases for the information of its Participants.

The yields quoted from time-to-time should not be considered a representation of the yield of the PLUS+ portfolio in the future since the yield is not fixed. Actual yields will depend not only on the type, quality, and maturities of the investments held by the PLUS+ portfolio and changes in interest rates on such investments but also on changes in the portfolio’s expenses during the period.

Yield information may be useful in reviewing the performance of the PLUS+ portfolio and for providing a basis for comparison with other investment alternatives.

### Investment Risks

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There are several risks associated with pooled investments. Such risks could adversely impact the pool’s performance, or in extreme instances lead to a loss of the principal investment.

**Credit Risk** – Credit risk results from the possibility that an issuer of a security defaults by failing to pay the principal or interest in a timely manner. Any negative change to the credit quality of the PLUS+ portfolio holdings could lead to a decline in share price.

**Interest Rate Risk** – The potential that changes in overall interest rates could negatively impact the values of the fixed-income securities held within the PLUS+ portfolio. Changes to interest rates tend to have a greater impact on longer maturity fixed-income securities.

**Liquidity Risk** – Liquidity risk results from the inability to efficiently convert assets into cash without suffering losses.

**Other Forms of Risk** – Investing involves risks including the possible loss of principal that PLUS+ investors would have to bear. The investment decisions made by COLOTRUST for Participants are subject to certain risks and such decisions may not always be profitable. COLOTRUST does not guarantee returns or performance against stated benchmarks. Many factors affect performance including changes in market conditions and interest rates and in response to other economic, political, or financial developments.

### Suitability

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It is the PLUS+ investors’ responsibility to review the PLUS+ Information Statement and Investment Policy in order to determine whether PLUS+ is a suitable and eligible investment under the investors’ relevant Investment Policy.

### Fees and Expenses

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The Trust has entered into an agreement with Public Trust Advisors, LLC, effective February 7, 2020 whereby Public Trust is paid a fee, calculated daily and paid monthly, at an annual rate of up to 0.12% (12 basis points) of the individual PLUS+ investment of each Participant. This

fee will accrue on a daily basis for the duration of the investment in PLUS+. Public Trust may, from time-to-time, choose to voluntarily waive fees for the benefit of the fund participants.

Public Trust is responsible for payment of the costs of operation of the Trust including but not limited to Administrator and Investment Advisor fees, Custodian fees, ratings agency fees, operational, and marketing expenses.

## Withdrawals

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Withdrawals from the PLUS+ portfolio may be made by wire transfer, ACH funds, or transfer between Participants. Requests for withdrawal from accounts with pre-established wire instructions in the PLUS+ portfolio will be honored on a same day basis if received prior to 11:00 a.m. The Trust requests 24-hour notice for wire transfer withdrawals of \$1 million or more.

## Investing in PLUS+

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PLUS+ is available to existing Participants as well as to new Participants. Prior to investing in PLUS+, Participants are required to submit a PLUS+ Account Registration Form, which is available on [www.colotrust.com](http://www.colotrust.com).

Upon the Participants' receiving acknowledgement of PLUS+ registration from COLOTRUST, shares of PLUS+ are acquired by the Participant in the portal or by check contribution form. There is no minimum initial investment amount, nor a minimum required balance after the purchase is made. PLUS+ contributions and transfers must be submitted via the portal by 11:00 am MT. Funds received after 11:00 a.m. but before 4:00 p.m. (late funds) will be invested overnight by the Trust's Administrator in the Trust's interest-bearing bank account at UMB Bank that is fully collateralized in compliance with the Public Deposit Protection Act, Article 10.5 of Title 11 C.R.S. All interest earnings attributable to late funds invested in the Trust's interest-bearing bank account will be distributed on a pro rata basis to each Participant's account the next business day.

## Reporting

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Each Participant receives quarterly and annual financial statements of the Trust as well as a monthly statement of the Participant's PLUS+ account(s). The annual financial statements are issued as of the Trust's fiscal year end on December 31 each calendar year. Participants are advised to review the financial statements of the Trust that are furnished to them. The reports also include sufficient information to establish compliance with the investment policy established in the Indenture and other information required by the statutes of the state of Colorado and by regulations promulgated by the Securities Commissioner of the State of Colorado.

The Trust answers inquiries from Participants at any time during business hours. Inquiries may be made by mail, email at [info@colotrust.com](mailto:info@colotrust.com), via the Internet at [www.colotrust.com](http://www.colotrust.com),

or by phone at (303) 864-7474 from the Denver area or at (877) 311-0219 outside of the Denver area. The telefax number is (877) 311-0220. The mailing address is COLOTRUST, 717 17th Street, Suite 1850, Denver, Colorado 80202.

## Statements

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In addition to the quarterly and annual financial statements of the Trust, a monthly statement is provided for the accounts of PLUS+ Participants. The Statement will provide the month's beginning balance, purchases, redemptions, income earned, income earned year-to-date, month-end balance, and transaction activity summary.

## Board of Trustees

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The Board is responsible for assuring compliance with the Indenture and the investment restrictions therein. The Board has the power to administer the Trust and the affairs of the Trust. Further information about the COLOTRUST Board of Trustees, its structure, roles and responsibilities is available on [www.colotrust.com](http://www.colotrust.com) and in the COLOTRUST Information Statement.

The Board is responsible for the investments of the Trust and for the general administration of the business and affairs of the Trust; however, the Trustees are not required personally to conduct all of the business of the Trust and consistent with its ultimate responsibility, the Board has appointed an Administrator, an Investment Advisor, a Custodian, Legal Counsel, and an Independent Accountant. The Board may assign such duties to the Administrator, Investment Advisor, and Custodian as it deems to be necessary or desirable for the efficient management of the Trust.

## The Investment Advisor and Administrator

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Pursuant to an agreement with the Trust, Public Trust Advisors, LLC (Public Trust) serves as the Investment Advisor and Administrator of the Trust.

As Investment Advisor, Public Trust provides investment services to the Board. Public Trust is an investment advisory firm located in Denver, Colorado.

Public Trust is registered with the Securities and Exchange Commission as an investment advisor under the Investment Advisers Act of 1940.

As Administrator, Public Trust services all Participant accounts in the Trust, determines and allocates income of the Trust, provides certain written confirmation of the investment and withdrawal of funds by Participants, provides administrative personnel and facilities to the Trust, determines the net asset value of the Trust, and performs all related administrative services for the Trust. At least quarterly, the Administrator provides the Board with a detailed evaluation of the performance of the Trust based upon a number of factors. This evaluation includes a comparative analysis of the Trust's investment results in relation to industry



standards such as the performance of comparable money market mutual funds and various indices of money market securities.

The Agreement with Public Trust may not be assigned, by operation of law or otherwise, by Public Trust, without the express written consent by the Trust and may be terminated without penalty on 45 days written notice at the option of the Trust or Public Trust.

The Trust is prohibited from buying securities from and selling securities to Public Trust and any of its affiliates.

## Custodian

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UMB Bank, N.A. serves as Custodian for the Trust pursuant to a Custodian Agreement. UMB Bank acts as safekeeping agent for the Trust's investment portfolios and serves, in accordance with the statutes of the state of Colorado, as the depository in connection with the direct investment and withdrawal mechanisms of the Trust. UMB Bank does not participate in the Trust's investment decision-making process.

On occasion, the Trust uses other custodians for some permitted investments such as tri-party repurchase agreements.

The Custodian Agreements remain in effect until terminated by either the Trust or the Custodian. The Agreements are not assignable without the prior written consent of the Trust and may be terminated without penalty on 60 days written notice at the option of the Trust or the Custodian.

## Legal Counsel

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At the present time, Butler Snow, LLP serves as General Counsel to the Trust.

## Independent Accountants

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At the present time, CliftonLarsonAllen, LLP serves as independent certified public accountants to audit the annual Financial Statements of the Trust. The audit contains statements of assets and liabilities, of operations, and of changes in net assets of the Trust prepared in conformity with generally accepted accounting principles. The opinion of the independent certified public accountant on such financial statements is based on an examination of the books and records of the Trust made in accordance with generally accepted auditing standards.

The investment advisor providing these services is Public Trust Advisors, LLC (Public Trust), an investment adviser registered with the SEC under the Investment Advisers Act of 1940, as amended. Registration with the SEC does not imply a certain level of skill or training. Public Trust is required to maintain a written disclosure brochure of our background and business experience. If you would like to receive a copy of our current disclosure brochure, please contact us. Additionally, this registration provides no guarantee of return or protection against loss. Many factors affect performance including changes in market conditions and interest rates and in response to other economic, political, or financial developments. Investment involves risk including the possible loss of principal. No assurance



can be given that the performance objectives of a given strategy will be achieved. **Past performance is no guarantee of future results. Any financial and/or investment decision may incur losses.** No assurance can be given that PLUS+ will achieve its investment objective.

Contact Information

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[www.colotrust.com](http://www.colotrust.com)





**PLUS+ Investment Policy**

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**Effective October 1, 2021**

## Introduction

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COLOTRUST is a statutory trust organized and existing under the laws of the state of Colorado in accordance with the provisions of the Investment Funds Local Government Pooling Act (Part 7, Article 75, Title 24, C.R.S.), the Funds Legal Investments Act (Part 6, Article 75, Title 24, C.R.S.), and the Public Deposit Protection Act (Articles 10.5 and 47 of Title 11, C.R.S.). COLOTRUST is registered with the Securities Commissioner of the State of Colorado as required by the Local Government Investment Pool Trust Fund Administration and Enforcement Act (Part 9, Article 51, Title 11, C.R.S.)

COLOTRUST currently offers three portfolios, COLOTRUST PRIME, COLOTRUST PLUS+ and COLOTRUST EDGE.

COLOTRUST provides a professionally managed investment program for local governments. The general objective of COLOTRUST PLUS+ is to generate a high level of investment income for the Participants while maintaining liquidity and preserving capital by investing only in investments authorized by the Statutes.

No assurance can be given that COLOTRUST will achieve its investment objective or that any benefits described in the information statements will result from the investment of moneys in COLOTRUST.

COLOTRUST is specifically designed for Colorado local governments. Accordingly, COLOTRUST has limited its portfolios by investing only in instruments permitted under the Legal Investments Act (Permitted Investments). The COLOTRUST Board of Trustees maintains investment policies for COLOTRUST that are, by nature, more restrictive than the Legal Investments Act. Participants receive 30 days prior notice of any changes in the investment policies.

## PLUS+ Investment Policy

This Investment Policy restricts the COLOTRUST PLUS+ portfolio to the following:

Any security issued by, fully guaranteed by, or for which the full credit of the United States Treasury is pledged for payment:

- The maximum final maturity per fixed United States Treasury investment is 13 months (397 days).
- The maximum final maturity per floating United States Treasury investment is two years (762 days).

Any security issued by, fully guaranteed by, or for which the full credit of the following is pledged for payment: The Federal Farm Credit Bank, the Federal Land Bank, a Federal Home Loan Bank, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Export-Import Bank, the Tennessee Valley Authority, the Government National Mortgage Association, the World Bank, or an entity/organization that is not listed in this paragraph but is created by, or the creation of which is authorized by, legislation enacted by the United States Congress and that is subject to control by the Federal government that is at least as extensive as that which governs an entity or organization listed in this paragraph. No subordinated security may be purchased pursuant to this paragraph.

- The maximum exposure per U.S. government related/guaranteed issuer is 33%.

- The maximum final maturity per U.S. government related/guaranteed fixed-rate investment is 13 months (397 days).
- The maximum final maturity per U.S. government related/guaranteed floating rate investment is two years (762 days).

Repurchase agreements and tri-party repurchase agreements with member banks of the Federal Reserve System and/or dealers in U.S. Government Securities in accordance with C.R.S. 24-75-601.1.

A Master Repurchase Agreement (e.g. The Bond Market Association standard agreement, 1996 version) and applicable COLOTRUST annexes must be signed by all parties and on file prior to executing any transaction.

Tri-party repurchase agreements are permissible with COLOTRUST Board approved counterparties and third-party custodians (acting for both the party and the counterparty). These third-party custodians are not permitted to hold deposits for COLOTRUST and are therefore not required to meet the Colorado PDPA requirements.

Written Tri-party custodian agreements (in addition to The Bond Market Association 1996 standard repurchase agreement) must be signed by all parties and on file prior to executing any transaction.

Collateral (purchased securities) shall be limited to the following and shall be indicated as such on Schedule 1 'Schedule of Eligible Securities' of the Tri-party custodian agreement: U.S. Treasuries (bills, bonds, notes, strips), Federal National Mortgage Association (FNMA), Federal Home Loan Banks (FHLB), Federal Home Loan Mortgage Corporation (FHLMC), Federal Farm Credit Banks (FFCB), GNMA I/II Single Family, GNMA I/II Others-Fixed Rate, GNMA I/II Others, Adjust Rate and Agency Mortgage Backed (Pass-Through Fixed Rate and Pass-Through Adjustable Rate).

Term repurchase agreements (TRA) are considered eligible investments under the following conditions:

- For TRAs between two and five business days, a maximum of 10% of the portfolio with any one dealer.
- For TRAs with maturities of more than five business days, a maximum of 5% of the portfolio.
- TRAs shall not exceed 30 calendar days.
- TRAs shall fulfill all requirements of the 1996 version of The Bond Market Association master repurchase agreement.

The Repurchase Agreements between COLOTRUST and the various approved counterparties require that the aggregate market value of all purchased securities from any particular counterparty be at least 102% (the margin) of the aggregate purchase price of the purchased securities.

The Board recognizes that market fluctuations constantly increase or decrease the value of securities; that there is value in maintaining ongoing positive relationships between COLOTRUST and the various counterparties; that the accepted practice in the industry allows minor deviations from strict application of margins; and that there is a cost of changing collateral securing repurchase agreements. For those reasons, the portfolio manager may use discretion before directing that a counterparty supply additional purchased securities until such time as the margin falls below 101.5%. If the aggregate collateral level of the counterparty falls below 101.5%, the portfolio manager shall notify the counterparty to provide sufficient additional securities to restore the margin to at least 102%. The portfolio manager will require additional collateral to return the margin to at least 102% on the next business day.

Any security that is a general or revenue obligation of any state of the United States, the District of Columbia, any territorial possession of the United States, or of any political subdivision, institution, department, agency, instrumentality, or authority of any of such governmental entities. At the time of purchase, the security must be rated in one of its two highest rating categories by two or more NRSROs that regularly rate such obligations.

- The maximum exposure per municipal issuer is 5%.
- The maximum final maturity per municipal investment is 13 months (397 days).

Any corporate or bank security denominated in United States dollars that, at the time of purchase, carries at least two credit ratings from any of the NRSROs that is not rated below 1) A1, P1, or F1 if the security is a money market instrument or 2) AA- or Aa3 or their equivalents if it is any other kind of security. These rating requirements first apply to the security being purchased, and then, if the security itself is unrated, to the issuer provided that the security contains no provisions subordinating it from being a senior debt obligation of the issuer.

- The maximum exposure per corporate or bank security issuer is 5%.
- The maximum final maturity per corporate or bank security fixed or floating rate investment is 13 months (397 days).

Commercial paper or bankers' acceptances denominated in United States dollars that, at the time of purchase, carry at least two credit ratings from any of the NRSROs and are not rated below A-1, P-1, or F-1.

An Approved Commercial Paper List will be maintained by the investment advisor designating those commercial paper names that are eligible for investment by COLOTRUST PLUS+. All additions to this list must be approved by the Board of Trustees.

At the time commercial paper is purchased:

- No more than 5% of the portfolio may be invested in any single commercial paper issuer.

- The portfolio may not own over 5% of any issuer's total commercial paper program at the time of purchase.

Any deposit that meets the requirements in the Public Deposit Protection Act under CRS 11-10.5-107, et seq.

Any money market fund that is registered as an investment company under the Federal Investment Company Act of 1940, as amended if, at the time COLOTRUST invests in such fund:

- The investment policies of the fund include seeking to maintain a constant share price;
- No sales or load fee is added to the purchase price or deducted from the redemption price of the investment;
- The investments of the fund consist only of securities with a maximum remaining maturity as specified in Rule 2a-7 under the Federal Investment Company Act of 1940, as amended or any successor regulation under such act regulating money market funds, so long as such Rule 2a-7 is not amended to or such successor regulation does not increase the maximum remaining maturity of such securities to a period that is greater than three years, and if the fund has assets of one billion dollars or more or has the highest current credit rating from one or more NRSRO;
- The dollar weighted average portfolio maturity of the fund meets

the requirements specified in Rule 2a-7 under the Federal Investment Company Act of 1940, as amended or any successor regulation under such act regulating money market funds so long as such Rule 2a-7 is not amended to increase the dollar weighted average portfolio maturity of a fund to a period greater than one hundred eighty days.

- No more than 10% of the portfolio may be invested in any single AAAM rated money market fund that meets the above criteria.

*Adopted November 10, 1994*

*Revised February 19, 1999*

*Revised May 7, 1999*

*Revised November 5, 1999*

*Revised May 5, 2000*

*Revised October 3, 2003*

*Revised December 3, 2004*

*Revised August 7, 2009*

*Revised September 8, 2011*

*Revised August 10, 2012*

*Revised January 1, 2016*

*Revised January 1, 2018*

*Revised February 6, 2020*

*Revised August 6, 2020*

*Revised March 5, 2021*

*Approved October 1, 2021*

## Contact Information

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# Paonia Police Department

DEPARTMENT BRIEFING: SUMMARY OF PROGRESS

03/01/2023

- Confirmed an existing MOU is in place with the Delta County Sheriff's Department regarding patrol and enforcement activity by the Paonia Police Department on Grand Avenue from 5<sup>th</sup> Street to Highway 133. This will include Paonia K-8 school zone enforcement and monitoring.
- Used the department drone in conjunction with public works to visually inspect a local water source that was difficult to access due to the remote location and inclement weather.
- Two members of the department attended mental health crisis training put on by Integrated Insight Therapy. This group works with law enforcement to provide on-site mental health support to individuals in need.
- Two members of the department attended Standardized Field Sobriety Training. The department now has three officers on alternating schedules with DUI recognition and enforcement capabilities.
- New lateral transfer officer cleared our Field Training Program and is now fully operational and in our patrol rotation.

# Paonia Police Department

## Law Incident Table, by Date and Time

**Date Occurred:** 02/01/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
11:52:34	Traffic Stop	ONARGA AVE, Paonia, CO	PPD	PPD	CIT
16:57:20	ERROR	DORRIS AVE, Paonia, CO	PPD	PPD	
18:53:44	RUNAWAY	BOX ELDER AVE, Paonia, CO	PPD	PPD	
20:24:59	Information	PAONIA AVE, Paonia, CO	PPD	PPD	

**Total Incidents for this Date:** 4

**Date Occurred:** 02/02/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
13:18:23	Wanted Person	SAMUEL WADE RD, Paonia, CO	PPD	DIST3	
15:20:50	AGENCY ASSIST	HIGHWAY 133, Hotchkiss, CO	PPD	DIST3	
19:04:30	WELFARE CHECK	POPLAR AVE, Paonia, CO	PPD	PPD	
23:35:01	ALARM	GRAND AVE, Paonia, CO	PPD	PPD	

**Total Incidents for this Date:** 4

**Date Occurred:** 02/03/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
14:46:28	WELFARE CHECK	MAIN AVE, Paonia, CO	PPD	PPD	
15:40:24	THEFT	POPLAR AVE, Paonia, CO	PPD	PPD	
18:21:44	SUSPICIOUS	3RD ST, Paonia, CO	PPD	PPD	

**Total Incidents for this Date:** 3

**Date Occurred:** 02/06/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
14:54:10	ANIMAL CONTROL	MAIN AVE, Paonia, CO	PPD	PPD	

**Total Incidents for this Date:** 1

**Date Occurred:** 02/08/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
11:30:42	SUICIDE/ATTEMPT	BOX ELDER AVE, Paonia, CO	PPD	PPD	
15:36:51	Information	GRAND AVE, Paonia, CO	PPD	PPD	

**Total Incidents for this Date:** 2

**Date Occurred:** 02/09/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
13:22:54	VIN INSPECTION	GRAND AVE; PAONIA POLICE, Paonia, CO	PPD	PPD	

**Total Incidents for this Date: 1**

**Date Occurred:** 02/10/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
16:53:09	ANIMAL CONTROL	PAN AMERICAN AVE, Paonia, CO	PPD	PPD	VW

**Total Incidents for this Date: 1**

**Date Occurred:** 02/11/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:09:06	MISSING PERSON	BOX ELDER AVE, Paonia, CO	PPD	PPD	
11:23:33	ANIMAL CONTROL	4TH ST, Paonia, CO	PPD	PPD	
16:19:40	ANIMAL CONTROL	3RD St., Paonia, CO	PPD	PPD	

**Total Incidents for this Date: 3**

**Date Occurred:** 02/12/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:29:57	Disturbance	OAK AVE, Paonia, CO	PPD	PPD	
18:57:31	RESTR/PROT ORDR	BOX ELDER AVE, Paonia, CO	PPD	PPD	A
22:30:41	911/hangup	MAIN AVE, Paonia, CO	PPD	PPD	
22:32:06	911/hangup	MEADOWBROOK CT, Paonia, CO	PPD	PPD	

**Total Incidents for this Date: 4**

**Date Occurred:** 02/13/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
14:23:44	Wanted Person	ORCHARD AVE, Paonia, CO	PPD	PPD	A

**Total Incidents for this Date: 1**

**Date Occurred:** 02/14/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
13:50:06	Information	GRAND AVE, Paonia, CO	PPD	PPD	

**Total Incidents for this Date: 1**

**Date Occurred:** 02/16/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
20:27:21	WELFARE CHECK	GRAND AVE, Paonia, CO	PPD	PPD	UTL

**Total Incidents for this Date: 1**

**Date Occurred:** 02/18/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
16:28:35	ANIMAL CONTROL	4TH ST, Paonia, CO	PPD	PPD	VW
16:36:07	ANIMAL CONTROL	4TH ST, Paonia, CO	PPD	PPD	VW

**Total Incidents for this Date:** 2

**Date Occurred:** 02/19/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
15:51:08	RESTR/PROT ORDR	BOX ELDER AVE, Paonia, CO	PPD	PPD	A

**Total Incidents for this Date:** 1

**Date Occurred:** 02/22/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
11:16:13	Information	OAK AVE, Paonia, CO	PPD	PPD	
13:59:26	Traffic Stop	SAMUEL WADE RD, Paonia, CO	PPD	DIST3	CIT

**Total Incidents for this Date:** 2

**Date Occurred:** 02/23/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
16:46:52	ANIMAL CONTROL	2nd St., Paonia, CO	PPD	PPD	VW
16:53:06	SHOPLIFTING	2ND ST, Paonia, CO	PPD	PPD	

**Total Incidents for this Date:** 2

**Date Occurred:** 02/26/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
19:53:17	AGENCY ASSIST	MINNESOTA CREEK RD, Paonia, CO	PPD	DIST3	

**Total Incidents for this Date:** 1

Total reported: 34

CIT - 2, VW - 4, UTL - 1, A - 3

CITATION=CIT  
 VERBAL WARNING=VW  
 UNABLE TO LOCATE=UTL  
 ARREST - 3

**Report Includes:**

All dates between `00:00:01 02/01/23` and `00:00:01 02/28/23`, All agencies matching `PPD`, All disposition's, All natures, All location codes, All cities



**Town Board Staff Report**

**Subject:** Asbestos Removal

**Author:** Cory Heiniger

**Representing:** Public Works

**Date:** 03/14/2023

**Specific request:** Bid approval for Asbestos Removal in Apple Valley Shed.

**Summary recommendations:** We received 2 bids for removal of Asbestos in the apple valley shed.

- Valley Restoration & Construction Inc: \$12516.60.
- Regional Asbestos Mitigation Services: \$7165.95

**Executive Summary:** Regional Asbestos Mitigation Services submitted a more complete bid package and was the cheaper option. My recommendation would be to accept their bid and move forward with the project.

**Background:** The shed incurred damage from a motor vehicle and during the inspection process Plateau Engineering found 2 patches that contained Asbestos.

**Options/Alternatives for Town Board to Consider:** The asbestos removal has to happen before we are able to do anything with that building. I don't have any other options or alternatives available.

**Attachments:** Photos of the asbestos patches













6140 S. Gun Club Road  
Suite K6 #244  
Aurora, CO. 80016  
Denver (303) 690-7777 Western Slope (970) 242-0016  
www.RegionalAMS.com  
EIN# 45-5002972

Client: Heiniger, Cory  
Property: 45 Pan American Ave  
Paonia, CO 81428

Operator: DAVID.HI

Estimator: Regional Asbestos Mitigation Company

Type of Estimate: Asbestos Abatement  
Date Entered: 1/27/2023                      Date Assigned:

Price List: COGJ8X\_JAN23  
Labor Efficiency: Restoration/Service/Remodel  
Estimate: HEINIGER\_CORY

**ADDITIONAL DAMAGE DISCLOSURE**

Building containment in accordance to state regulation may require us to adhere to some finished surfaces which may result cosmetic damages to the adhered to surfaces.

*Regional Asbestos Mitigation Services will take every precaution possible within reason to prevent collateral damages to the surfaces that have been adhered to according to the state requirements, BUT Regional Asbestos Mitigation Services is not responsible for any said damages that may result from the adhesive to said surfaces.*

**THE FOLLOWING ITEMS LISTED ARE THE ASBESTOS REMEDIATION STAGES**

**PROJECT SET-UP**

Before the project starts the State requires that the proper negative air pressure must be established, then all of the decontamination chambers must be installed. The shower is also set up with filter and hot water tank with attached running water. Electricity must be maintained throughout the entire project. This is completed prior to any abatement begins.

**STAGE 1                      This is the Pre-Clean Process**

Wet wipe and HEPA vacuum all surfaces that are not being removed.

**STAGE 2                      This is the Containment Process.**

Install one layer of certified 6mil poly on the floor, install one layer of certified 4mil on the walls, add an additional layer of certified 6mil on the floor, another layer of certified 4mil on the walls, and then a final layer of certified 4mil on the ceiling. Two layers on the floor, two layers on the walls and one layer on the ceiling. Openings in the structure such as windows, doors, vents and outlets requires an additional layer certified 6mil poly. All poly must have a 12in overlap.

**STAGE 3                      All non-affected items must be cleaned and removed prior to the abatement**

Clean and remove all unaffected property before ACM removal begins. This normally consists of appliances and personal property.

**STAGE 4                      This includes the removal of all ACM contaminated materials/items**

Remove, double bag and prepare for proper disposal of all affected ACM debris.

**STAGE 5                      Final cleaning to prepare for Final Air Clearance Testing**





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This includes the removal of the first layer of poly on the floor, then wet wipe and HEPA vacuum that surface. Then, repeat that process per layer of poly. This is to be done for each layer on every surface. At the completion of the bagging and disposal of all of the poly then the structure has to be wet wiped and HEPA vacuumed. This is all completed in preparation for Final Air Clearances. This is mandated and randomly inspected by the State of Colorado according to the standards listed in the State of Colorado Regulation 8 Guidelines.

### **FINAL AIR CLEARANCES**

Final air clearances are completed by a third-party Certified Industrial Hygienist. The Hygienist enters into the containment area, completes a visual inspection then uses a leaf blower to agitate the air, then collects air samples to inspect for ACM to be present or not in the area where the ACM was removed. The Hygienist then uses a microscope to determine if the area has been sufficiently cleaned.

### **PROJECT COMPLETION**

Upon receiving Final Air Clearance results, then all of the waste load-outs, equipment rooms, clean rooms, showers, and equipment are sealed ready for disposal or transportation. The water that was used from showering is filtered and disposed of. The State is then notified with a Waste Manifest from the site that the debris was disposed of.

### **XCATIMATE ESTIMATION SOFTWARE**

\*All prices are used directly from Xactimate when available, and they include standard removal prices only. The containment process varies depending on contamination factors and the ACM debris removal requirements.



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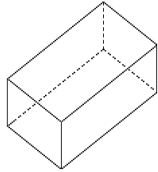
**HEINIGER\_CORY**

**Main Level**

**General**

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
<b>THE FOLLOWING ITEMS ARE FOR THE PERMIT, CERTIFIED SUPERVISION, MONITORING AND PERSONAL PROTECTIVE EQUIPMENT.</b>					
1. Taxes, insurance, permits & fees (Bid item)	1.00 EA	0.00	400.00	0.00	400.00
<i>*Standard permitting takes two weeks to get authorization from the State to proceed, unless there is an emergency letter provided by the homeowner that is accepted by the State.</i>					
2. Hazardous Waste/Mold Cleaning- Supervisory/Admin- per hour	24.00 HR				INCLUDED
<i>*A Certified Asbestos Supervisor is required during all Asbestos removal work. The estimate reflects no charge because the Supervisor is most cases is working as part of the abatement team. inside containment.</i>					
3. Equipment setup, take down, and monitoring (hourly charge)	4.00 HR	0.00	72.85	0.00	291.40
<i>*This includes setting up multiple stage chambers and negative air scrubbers and venting them to the outside.</i>					
4. Add for personal protective equipment (hazardous cleanup)	12.00 EA	0.00	13.43	15.31	176.47
<i>*Project is expected to take 3 day with 2 technicians. 2 changes per day for each technician.</i>					
5. Respirator cartridge - HEPA only (per pair)	6.00 EA	0.00	16.59	9.46	109.00
<i>*Respirator cartridges are replaced daily for each technician.</i>					
<b>The following items are for the disposal of the Asbestos debris</b>					
6. Hazardous waste hauling & disposal - (Bid item)	0.20 EA	0.00	775.00	6.04	161.04
<i>*Asbestos debris is required to be disposed of at a landfill that is certified and regulated to accept hazardous waste materials. The Asbestos debris is manually loaded and unloaded by Certified Asbestos workers, and the cost of the disposal is not based on standard debris</i>					
<b>The following line items are for the daily monitoring of Asbestos Workers air quality that is required by OSHA on every Asbestos project.</b>					
7. Powered Air-Purifying Respirator (PAPR) - per day	1.00 DA				INCLUDED
8. PAPR cartridge - HEPA only (single cartridge)	1.00 EA				INCLUDED
9. Asbestos test fee - self test (per sample)	4.00 EA				INCLUDED
10. Final air clearances	1.00 EA	0.00	1,200.00	0.00	1,200.00
<b>Totals: General</b>				<b>30.81</b>	<b>2,337.91</b>

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**Equipment Room**

**LxWxH 10' x 10' x 8'**

320.00 SF Walls	100.00 SF Ceiling
420.00 SF Walls & Ceiling	100.00 SF Floor
11.11 SY Flooring	40.00 LF Floor Perimeter
80.00 SF Long Wall	80.00 SF Short Wall
40.00 LF Ceil. Perimeter	

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
11. 10 x 10 Containment Room	0.50 EA	0.00	500.00	9.74	259.74

*\*This is a 10X10 area that is required to be built to stage the shower, pop-up chambers, negative air scrubbers and monitoring equipment.*

**The items listed below are the pop-up chambers that are required to enter and exit the Asbestos contaminated areas. These chambers are also required for the Asbestos debris removal as well as the workers access.**

12. Containment Barrier/Airlock/Decon. Chamber	140.00 SF	0.00	1.14	2.13	161.73
--	-----------	------	------	------	--------

*\*Includes four chambers - two clean rooms and two dirty rooms. Total 5-stage chamber with safety shower.*

13. Temporary safety shower	1.00 EA				NOT REQUIRED
14. Temporary heater - electric - per day - Water Heater	3.00 DA				INCLUDED
15. Contaminated water dump fee - (Bid item)	1.00 EA				INCLUDED

**THIS IS A BREAK DOWN OF THE EQUIPMENT AND DECONTAMINATION OF THE EQUIPMENT THAT IS LOCATED IN THE EQUIPMENT ROOM.**

16. Negative air fan/Air scrubber (24 hr period) - No monit.	1.00 DA	0.00	70.00	0.00	70.00
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*\*1 machine for 1 days each*

17. Add for HEPA filter (for negative air exhaust fan)	1.00 EA	0.00	198.75	17.34	216.09
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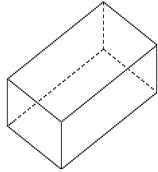
*\*At the end of every project each negative air machine requires that the filter be disposed of and a new filter is installed.*

18. Equipment decontamination charge - HVY, per piece of equip	1.00 EA	0.00	66.29	0.53	66.82
--	---------	------	-------	------	-------

*\*All tools and equipment are decontaminated after every project.*

Totals: Equipment Room				29.74	774.38
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### Garage

LxWxH 15' x 12' x 8'

432.00 SF Walls	180.00 SF Ceiling
612.00 SF Walls & Ceiling	180.00 SF Floor
20.00 SY Flooring	54.00 LF Floor Perimeter
120.00 SF Long Wall	96.00 SF Short Wall
54.00 LF Ceil. Perimeter	

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
<b>STAGE ONE: PRE-CLEANING PROCESS (Includes HEPA Vacuum and Wet-wipe of non-contaminated surfaces prior to beginning the Asbestos removal)</b>					
19. HEPA Vacuuming - Light - (PER SF)	792.00 SF	0.00	0.59	0.00	467.28
<b>STAGE TWO: CONTAINMENT PROCESS (Includes 2 layers of poly installed on the Floor and Walls and 1 Layer for the Ceiling, EXCEPT for the surfaces or materials where the Asbestos Materials is being removed)</b>					
20. Containment Barrier/Airlock/Decon. Chamber	1,344.00 SF	0.00	1.38	20.43	1,875.15
<b>STAGE THREE: REMOVAL OF NON-CONTAMINATED ITEMS (May require cleaning)</b>					
<i>All miscellaneous trim, interior doors, window treatments, etc. will be removed and salvaged when possible. This is included in our price, even though it may not be listed in this estimate.</i>					
<b>STAGE FOUR: REMOVAL OF ALL ASBESTOS MATERIALS (Includes labor to demo and double bag or wrap debris)</b>					
21. Tear out wet plaster, cleanup, bag for disposal	60.00 SF	2.88	0.00	1.20	174.00
<b>STAGE FIVE: FINAL CLEANING AND POLY REMOVAL (Includes HEPA Vacuuming and Wet-Wiping of ALL surfaces)</b>					
22. HEPA Vacuuming - Detailed - (PER SF)	792.00 SF	0.00	1.15	0.00	910.80
23. Clean more than the walls and ceiling	792.00 SF	0.00	0.79	0.75	626.43
Totals: Garage				22.38	4,053.66
Total: Main Level				<b>82.93</b>	<b>7,165.95</b>
<b>Line Item Totals: HEINIGER_CORY</b>				<b>82.93</b>	<b>7,165.95</b>



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**Grand Total Areas:**

752.00 SF Walls	280.00 SF Ceiling	1,032.00 SF Walls and Ceiling
280.00 SF Floor	31.11 SY Flooring	94.00 LF Floor Perimeter
200.00 SF Long Wall	176.00 SF Short Wall	94.00 LF Ceil. Perimeter
0.00 Floor Area	0.00 Total Area	0.00 Interior Wall Area
0.00 Exterior Wall Area	0.00 Exterior Perimeter of Walls	
0.00 Surface Area	0.00 Number of Squares	0.00 Total Perimeter Length
0.00 Total Ridge Length	0.00 Total Hip Length	



# Regional Asbestos Mitigation Services

6140 S. Gun Club Road  
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Denver (303) 690-7777 Western Slope (970) 242-0016  
www.RegionalAMS.com  
EIN# 45-5002972

## Summary

Line Item Total	7,083.02
Material Sales Tax	82.93
<b>Replacement Cost Value</b>	<b>\$7,165.95</b>
<b>Net Claim</b>	<b>\$7,165.95</b>

Regional Asbestos Mitigation Company

**All LEAD testing requirements have and will be adhered to as a result of any and all asbestos abatement work required. The LEAD testing protocol requirements are supplied by the EPA, RRP and OSHA and are available on any government web site or can be supplied with this estimate/invoice.**

## Samira V

---

**From:** Cory Heiniger  
**Sent:** Friday, March 10, 2023 8:36 AM  
**To:** Samira V  
**Subject:** Fwd: Bid on 45 pan American ave.

Bud 2

Town of Paonia  
Public Works Director  
Cory Heiniger  
Phone: 970-527-4101  
Cell: 960-417-6820  
Fax: 970-527-4102  
214 Grand Avenue  
Po. Box 460  
Paonia, Colorado 81428

---

**From:** J Erickson <jerickson\_pw@townofpaonia.com>  
**Sent:** Tuesday, March 7, 2023 6:35:32 PM  
**To:** Cory Heiniger <Coryheiniger\_PW@townofpaonia.com>  
**Subject:** Fwd: Bid on 45 pan American ave.

Get [Outlook for iOS](#)

---

**From:** Zane Prosser <zprosser@valleydrc.com>  
**Sent:** Tuesday, March 7, 2023 10:43:51 AM  
**To:** mbisbee@valleydrc.com <mbisbee@valleydrc.com>  
**Cc:** J Erickson <jerickson\_pw@townofpaonia.com>  
**Subject:** Re: Bid on 45 pan American ave.

Jason,

I apologize for the delay in getting back to you. It looks like we are at \$12,516.60 for the abatement project on 45 Pan American Ave. Paonia, CO 81428. This price includes all permitting, abatement and disposal. I put \$950 in there for a final visual and air clearance from Plateau although I do not know exactly what they charge, so there may be some variability there. I also priced in a generator for power, if there is sufficient power available on site I will take that off. We need at least 4 circuits to run all of our equipment. Right now we are booked through June. I have one that is still holding a spot in may but has not locked in their spot. If that comes available I will let you know if you would like to move forward with this let me know and I will get you a proposal together. The State does require a 10 working day notice (2 weeks) before we can begin a project. Feel free to call me if you have any questions or concerns.

Thank you,

Zane Prosser

On Mon, Feb 27, 2023 at 10:35 AM <[mbisbee@valleydrc.com](mailto:mbisbee@valleydrc.com)> wrote:

Hi Jason,

My apologies, the recent cold snap and actual real winter weather has made it a bit crazy on the emergency side of our business.

Let me check in with Zane as he was putting something together. He is looking at something in Telluride today, but I will have him touch base with you tomorrow.

Thank You,

Michele Bisbee

Valley Restoration & Construction, Inc.

General Manager

970.964.4437 office

970.260.6135 mobile

**From:** J Erickson <[jerickson\\_pw@townofpaonia.com](mailto:jerickson_pw@townofpaonia.com)>

**Sent:** Sunday, February 26, 2023 2:16 PM

**To:** [mbisbee@valleydrc.com](mailto:mbisbee@valleydrc.com)

**Subject:** Bid on 45 pan American ave.

This is Jason Erickson with the town of paonia. I was wondering if you have finished the bid on this project yet.Or have a update for me, if you could let me know that would be great.

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--  
Valley Disaster Restoration and Construction  
Project Manager  
970.964.4437 Office  
970.417.9292 Mobile  
[zprosser@valleydrc.com](mailto:zprosser@valleydrc.com)



**To: The Honorable Mayor Mary Bachran and Board of Trustees**

**From: Samira Vetter, Town Clerk**

**Date: February 14, 2023**

**RE: Brandon Mason/ Filip Sipos Home Occupation Permit Finding of Fact**

**Recommendation:** Approve Home Occupation Permit for 120 Dorris Avenue.

- Application is complete.
- All notifications have been made and proof has been attached.
- All fees have been paid.

**Additional Information:**

Filip Sipos is the occupant of the property the Home Occupation Permit is applied for. He is the employee in this situation and Brandon Mason the original applicant/owner of the business.

PAID

FEB 22 2023

TOWN OF PAONIA, COLORADO

TOWN OF PAONIA

Home Occupation Permit Application

Notified of Public Hearing Date 2/17

84

SMV

Date: 2/2/2023 Name: Brandon Mason / Phillip Sipos

Physical Address: 120 Doris Avenue, Paonia CO 81428

Telephone: 623-882-4246 Email: brandonjason@gmail.com PS: 207-706-6778

Type of Business/Home Occupation Requested: Podcast Studio

A home occupation shall be permitted as an accessory use provided a Home Occupation Permit is granted by the Town and the criteria for home occupations are met at all times the accessory use continues.

Home Occupation Permits are issued to the individual for a specific property and use. Permits are not transferable should the property be sold or rented to other persons.

Please review carefully before submitting this application the attached "Criteria for Home Occupations".

Applications for a Home Occupation Permit shall be filed no less than thirty (30) days in advance of the meeting at which they are to be considered by the Town of Paonia Planning Commission.

The permit application must be completed and accompanied by a check for the required fee of \$150.00 when applying for a Home Occupation Permit from the Town of Paonia. The \$150.00 fee is non-refundable as it covers the expenses for correspondence and publication (related to the required public hearing) that will be incurred by the Town of Paonia.

All property owners within 200 feet of the applicant's property being considered for the Home Occupation Permit will be notified by regular mail - at applicant's expense, to be invoiced by the Town, of a public hearing whereby the Town of Paonia Planning Commission will consider this permit application.

Project Summary:

Please provide a brief summary statement of your requested Home Occupation:

We have created a podcast studio and will be inviting guests for interviews. We will also film promotional material for businesses.

What is the property's current zoning? Residential

If signage is requested, size of sign cannot exceed two (2) square feet. Is this acceptable? Yes

What additions or changes to existing buildings or structures will be made? None

What new buildings or structures will be constructed? None

What additions or changes in utilities will be necessary? None

What is the anticipated increased traffic volume due to this use? 1-2 guests parked, not more than 3 times a week

**Please read the attached criteria.** If your Home Occupation does not meet any of these criteria please attach an explanation to this application. If at any time the criteria not addressed through this process cannot be met, I understand the home occupation permit will be immediately revoked.

Applicant's signature: Burdette 2/3/23 ✓

Clerk's signature of receipt: Danica M Vetter 2/3/23

Town Administrator's signature: Jodie Kuzmicki *ok to proceed with hearing*

**CRITERIA FOR HOME OCCUPATIONS — a home occupation shall be allowed as a permitted accessory use provided the following conditions are met:**

1. The use must be conducted entirely within a dwelling or accessory structure and carried on by the occupants of the dwelling and no more than one non-occupant employee.
2. The use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof
3. The total area used for such purposes may not exceed 25% of the first floor area of the user's dwelling unit.
4. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, including advertising signs or displays, or advertising that solicits or directs persons to the address. A wall-mounted identification sign of not more than two square feet shall be permitted.
5. There shall not be conducted on the premises the business of selling stocks, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupations.
6. There must be no exterior storage on the premises of material or equipment used as a part of the home occupation.
7. No equipment or process shall be used in such home occupation which creates any glare, fumes, odors, or other objectionable condition detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling.
8. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met with additional off-street parking spaces that are not located in a required yard adjacent to a street.
9. Under no circumstances shall any of the following be considered a home occupation: antique shop; barber shop; beauty parlor (with more than one chair); clinic; mortuary; nursing home; restaurant; veterinary clinic; or dance studio.

## Sec. 16-11-10. - Generally.

Accessory buildings, structures and uses may include, but are not limited to, the following:

- (1) Home occupations.
  - (2) Renting of rooms.
  - (3) Horses and household pets.
  - (4) Fences, hedges and walls.
  - (5) Private greenhouses.
  - (6) Private swimming pools.
  - (7) Storage and merchandise in commercial districts.
  - (8) Fallout shelters.
  - (9) Detached garages.
  - (10) Tennis courts.
  - (11) Storage sheds for residential areas.
- uses  
↓  
structures

(Ord. No. 83-116, Art. XVIII, 1983; Ord. No. 2000-02, Art. XVIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

## Sec. 16-11-20. - Home occupations.

A home occupation shall be permitted as an accessory use, provided that a home occupation permit is granted by the Town and the criteria for home occupations are met.

- (1) *Permit required.* A person desiring to establish a home occupation within the Town shall apply as follows:
  - (a) An application shall for home occupation shall be made to the Town Administrator, or its designee, in the form provided by the Town and accompanied by the appropriate fee as set by Resolution of the Board of Trustees.
  - (b) Upon the receipt of a completed application for a home occupation permit, the Town Administrator, or its designee, shall notify the applicant within ten (10) days that such application is complete.
  - (c) Thereafter the Town Administrator, or its designee, shall notify the applicant and set a date of public hearing before the Town Board of Trustees that will allow time for publication and notification of adjoining property holders.
  - (d) Upon the setting of a public hearing before the Board of Trustees the Town Clerk shall notify the property owners within two hundred (200) feet of the applicant's property by regular mail at the applicant's expense. The notification will include the nature of the

(Ord. No. 83-116, Art. XVIII, 1983; Ord. No. 2000-02, Art. XVIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015; Ord. No. 2019-06, § 2, 8-13-2019)

Sec. 16-11-60. - Requirements for accessory buildings and uses.

- (a) All detached accessory buildings shall be located in the rear one-half ( $\frac{1}{2}$ ) of the lot.
- (b) On an interior lot, the minimum setback from the rear lot line shall be ten (10) feet and from the side yard line shall be six (6) feet if there is no alley or five (5) feet from an existing alley easement line.
- (c) On double-frontage lots, the minimum setback from the rear property line shall be the same as the front yard setback for principal uses within that district.
- (d) On corner lots, the accessory building shall not be located closer to the street-side property than the required six (6) feet for the principal use.
- (e) Accessory buildings shall not exceed fifteen (15) feet in height.
- (f) The floor area of accessory uses shall be included in the determination of the maximum lot coverage.

(Ord. No. 83-116, Art. XVIII, 1983; Ord. No. 2000-02, Art. XVIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**NOTICE OF PUBLIC HEARING**

**In compliance with the Municipal Code of the Town of Paonia Section 16-11-20, Colorado, the Paonia Board of Trustees will hold a public hearing to consider a request for: Home Occupation Application for Brandon Mason: Podcast Studio 120 Dorris Avenue, Paonia CO 81428**

**The public hearing on the application, filed with the Town Clerk on February 2, 2023, will be held on March 14, 2023 at or after 6:30 pm before the Board of Trustees of the Town of Paonia in the Town Hall 214 Grand Avenue, Paonia CO 81428.**

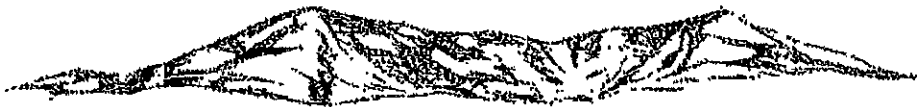
**At said time and place, any interested persons may appear to be heard in reference to the issuance of the Home Occupation License.**

**If you are unable to attend but wish to comment, you may submit written comments to Paonia Town Hall: 214 Grand Avenue, PO Box 460, Paonia, CO 81428, or paonia@townofpaonia.com until March 10, 2023 at 3 pm.**

**Published Wednesday, February 22, 2023**

*Sent to Column  
2/17/23 SMV*

# Town of Paonia



February 17, 2023

## NOTICE OF PUBLIC HEARING

In compliance with the Municipal Code of the Town of Paonia Section 16-11-20, Colorado, the Paonia Board of Trustees will hold a public hearing to consider a request for:

**Home Occupation Application for Brandon Mason:**

**Podcast Studio**

**120 Dorris Avenue, Paonia CO 81428**

The public hearing on the application, filed with the Town Clerk on February 2, 2023, will be held on March 14, 2023 at or after 6:30 pm before the Board of Trustees of the Town of Paonia in

the Town Hall 214 Grand Avenue, Paonia CO 81428.

At said time and place, any interested persons may appear to be heard in reference to the issuance of the Home Occupation License.

If you are unable to attend but wish to comment, you may submit written comments to Paonia Town Hall: 214 Grand Avenue, PO Box 460, Paonia, CO 81428, or [paonia@townofpaonia.com](mailto:paonia@townofpaonia.com) until March 10, 2023 at 3 pm.

*Samira M Vetter*  
Samira M Vetter  
Town Clerk

*Sent w/16-11-20  
2/17/20*



CARVILLE KEVIN  
596 PRESERVE LANE  
CO, GRAND JUNCTION, 81507-8758

ELLER SARAH MARGARET  
1513 2ND STREET  
CO, PAONIA, 81428-8431

STIMAC PEARL  
PO BOX 832  
CO, PAONIA, 81428-0832

DIFRANCO MARY  
PO BOX 685  
CO, PAONIA, 81428-0685

LOOSE RODNEY W  
123 DORRIS AVE  
CO, PAONIA, 81428-8416

DIFRANCO MARY  
PO BOX 685  
CO, PAONIA, 81428-0685

RENNA ALEXANDRA  
3655 HAZELWOOD COURT  
CO, BOULDER, 80304-1417

FAIRCHILD ROGER E  
124 DORRIS AVENUE  
CO, PAONIA, 81428-8415

PELUSO IAN A  
109 PAONIA AVE  
CO, PAONIA, 81428-8457

BENNETT CARLA K  
188 E RIDGE ST  
TX, DECATUR, 76234-4719

COLSON DAVID IRVIN  
126 DORRIS AVE  
CO, PAONIA, 81428-8415

BABCOCK MASON GRAY  
114 DORRIS AVE  
CO, PAONIA, 81428-8415

*mailed  
2/17/23  
12:00 pm  
@uw*

UTTERBACK RANDALL S  
116 DORRIS AVE  
CO, PAONIA, 81428-8415

SCHER AMY  
123 PAONIA AVE  
CO, PAONIA, 81428-8457

GILL RONALD J  
PO BOX 161  
CO, PAONIA, 81428-0161

DIFRANCO MARY  
PO BOX 685  
CO, PAONIA, 81428-0685

PETERS RYAN  
117 PAONIA AVE  
CO, PAONIA, 81428-8457

OMEALLY JAMES A  
2103 N MOGOLLON WAY  
AZ, CORNVILLE, 86325-6114

RAMSEY TIM  
105 PAONIA AVE  
CO, PAONIA, 81428-8457

MILLER GALINA M  
121 DORRIS AVE  
CO, PAONIA, 81428-8416

VALENTINE JOHN C  
1515 2ND ST  
CO, PAONIA, 81428-8431

SCHAEFER JAMES  
117 DORRIS AVE  
CO, PAONIA, 81428-8416



**Sec. 16-11-20. Home occupations.**

A home occupation shall be permitted as an accessory use, provided that a home occupation permit is granted by the Town and the criteria for home occupations are met.

- (1) *Permit required.* A person desiring to establish a home occupation within the Town shall apply as follows:
  - (a) An application shall for home occupation shall be made to the Town Administrator, or its designee, in the form provided by the Town and accompanied by the appropriate fee as set by Resolution of the Board of Trustees.
  - (b) Upon the receipt of a completed application for a home occupation permit, the Town Administrator, or its designee, shall notify the applicant within ten (10) days that such application is complete.
  - (c) Thereafter the Town Administrator, or its designee, shall notify the applicant and set a date of public hearing before the Town Board of Trustees that will allow time for publication and notification of adjoining property holders.
  - (d) Upon the setting of a public hearing before the Board of Trustees the Town Clerk shall notify the property owners within two hundred (200) feet of the applicant's property by regular mail at the applicant's expense. The notification will include the nature of the application, a copy of this Article and the time and place of a public hearing.
- (2) *Revoke the permit.* A home occupation permit may be revoked by the Town Administrator if at any time the home occupation fails to meet the criteria listed below.
- (3) *Nontransferability.* Home occupation permits are issued to an individual for a specific property and use. Permits are not transferable should the property be sold or rented to other persons.
- (4) *Criteria for home occupations.* A home occupation shall be allowed as a permitted accessory use, provided that the following conditions are met:
  - (a) The use must be conducted entirely within a dwelling or accessory structure and carried on by the occupants of the dwelling and no more than one (1) non-occupant employee.
  - (b) The use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof.
  - (c) The total area used for such purposes may not exceed twenty-five percent (25%) of the first-floor area of the user's dwelling unit.
  - (d) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation, including advertising signs or displays or advertising that solicits or directs persons to the address. A wall-mounted identification sign of not more than two (2) square feet shall be permitted.
  - (e) There shall not be conducted on the premises the business of selling inventory, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupation.
  - (f) There must be no exterior storage on the premises of material or equipment used as a part of the home occupation.
  - (g) No equipment or process shall be used in such home occupation, which creates any glare, fumes, odors or other objectionable conditions detectable to the normal senses off the lot if the

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occupation is conducted in a single-family dwelling or outside the dwelling unit if conducted in other than a single-family dwelling.

- (h) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met with additional off-street parking spaces that are not located in a required yard adjacent to a street.
- (i) Under no circumstances shall any of the following be considered a home occupation: Antique shop, barber shop, a beauty parlor (with more than one [1] chair), clinic, mortuary, nursing home, restaurant, veterinarian's clinic or dance studio.

(Ord. No. 83-116, Art. XVIII, 1983; Ord. No. 2000-02, Art. XVIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015; Ord. No. 2019-06 , § 2, 8-13-2019)

**ORDINANCE NO. 2019-06**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, AMENDING CHAPTER 16, ARTICLE 11, SECTION 20 TO THE TOWN OF PAONIA MUNICIPAL CODE**

**RECITALS:**

**WHEREAS**, the Town of Paonia (the “**Town**”), in the County of Delta and State of Colorado, is a municipal corporation duly organized and existing under the laws of the State of Colorado; and

**WHEREAS**, pursuant to C.R.S. § 31-23-301, the Town has the power regulate buildings and other structures for the purposes of promoting health, safety and the general welfare of the community; and

**WHEREAS**, the Board of Trustees determines that it is in the best interest of the community and the public health, safety and welfare of the citizens of the Town to amend the Town Code to administratively facilitate the process for obtaining a Home Occupation provision of the Town Municipal Code.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, AS FOLLOWS:**

**Section 1. Legislative Findings.**

The recitals to this Ordinance are adopted as findings of the Board of Trustees in support of the enactment of this Ordinance.

**Section 2. Amendment of Town Code.**

Sec. 16-11-20 shall be repealed and amended to the Town Code as follows:

**Sec. 16-11-20. - Home occupations.**

A home occupation shall be permitted as an accessory use, provided that a home occupation permit is granted by the Town and the criteria for home occupations are met.

(1) *Permit required.* A person desiring to establish a home occupation within the Town shall apply as follows:

(a) An application shall for home occupation shall be made to the Town Administrator, or its designee, in the form provided by the Town and accompanied by the appropriate fee as set by Resolution of the Board of Trustees.

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(2) *Revoke the permit.* A home occupation permit may be revoked by the Town Administrator if at any time the home occupation fails to meet the criteria listed below.

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(c) The total area used for such purposes may not exceed twenty-five percent (25%) of the first-floor area of the user's dwelling unit.

(d) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation, including advertising signs or displays or advertising that solicits or directs persons to the address. A wall-mounted identification sign of not more than two (2) square feet shall be permitted.

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(f) There must be no exterior storage on the premises of material or equipment used as a part of the home occupation.

(g) No equipment or process shall be used in such home occupation, which creates any glare, fumes, odors or other objectionable conditions detectable to the normal senses off the lot if the occupation is conducted in a single-family dwelling or outside the dwelling unit if conducted in other than a single-family dwelling.

(h) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met with additional off-street parking spaces that are not located in a required yard adjacent to a street.

(i) Under no circumstances shall any of the following be considered a home occupation: antique shop, barber shop, a beauty parlor (with more than one [1] chair), clinic, mortuary, nursing home, restaurant, veterinarian's clinic or dance studio.

**Section 3. Severability.**

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are declared to be severable.

**Section 4. Repeal of Prior Ordinances.**

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5. Ordinance Effect.**

Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed, provided, however, that the repeal of any ordinance or parts of ordinances of the Town shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

**Section 6. Effective Date.**

This Ordinance shall take effect thirty days after adoption.

**INTRODUCED, READ AND REFERRED to public hearing before the Board of Trustees of the Town of Paonia, Colorado, on the 9<sup>th</sup> day of July 2019.**

**TOWN OF PAONIA, COLORADO, A  
MUNICIPAL CORPORATION**

By: \_\_\_\_\_  
CHARLES STEWART, Mayor

ATTEST:

\_\_\_\_\_  
J. CORINNE FERGUSON, Town Clerk

**HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia,  
Colorado, this 13<sup>th</sup> day of August 2019.**

**TOWN OF PAONIA, COLORADO, A  
MUNICIPAL CORPORATION**

By: \_\_\_\_\_  
CHARLES STEWART, Mayor

ATTEST:

\_\_\_\_\_  
J. CORINNE FERGUSON, Town Clerk

**AFFIDAVIT OF PUBLICATION**


Delta County Independent  
401 Meeker Street  
(970) 874-4421

I, Brooke Jacquez, of lawful age, being duly sworn upon oath, deposes and says that I am the Representative of Delta County Independent, a publication that is a "legal newspaper" as that phrase is defined for the city of Delta, for the County of Delta, in the state of Colorado, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

**PUBLICATION DATES:**  
22 Feb 2023

Notice ID: hlvbRnHPaTrPJ8gnr8ku  
Publisher ID: 607520  
Notice Name: Corrected Public Hearing- Mason

**PUBLICATION FEE:** \$18.34

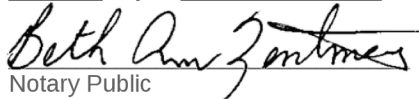
  
Representative

**VERIFICATION**

STATE OF COLORADO  
COUNTY OF DELTA

Signed or attested before me on this

22nd day of February, A.D. 2023.

  
Notary Public

My Commission Expires: 08/20/2023  
DAN #19874227037 - 159749

**NOTICE OF PUBLIC HEARING**  
In compliance with the Municipal Code of the Town of Paonia Section 16-11-20, Colorado, the Paonia Board of Trustees will hold a public hearing to consider a request for: Home Occupation Application for Brandon Mason:  
**Podcast Studio**

**120 Dorris Avenue, Paonia CO 81428**

The public hearing on the application, filed with the Town Clerk on February 2, 2023, will be held on March 14, 2023 at or after 6:30 pm before the Board of Trustees of the Town of Paonia in the Town Hall 214 Grand Avenue, Paonia CO 81428.

At said time and place, any interested persons may appear to be heard in reference to the issuance of the Home Occupation License.

If you are unable to attend but wish to comment, you may submit written comments to Paonia Town Hall: 214 Grand Avenue, PO Box 460, Paonia, CO 81428, or paonia@townofpaonia.com until **March 10, 2023 at 3 pm.**

Published Wednesday, February 22, 2023

# Town of Paonia



February 17, 2023

## NOTICE OF PUBLIC HEARING

In compliance with the Municipal Code of the Town of Paonia Section 16-11-20, Colorado, the Paonia Board of Trustees will hold a public hearing to consider a request for:

**Home Occupation Application for Brandon Mason:**

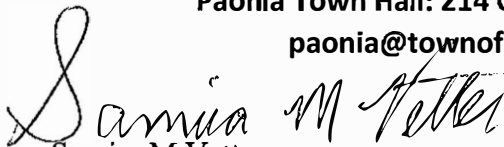
**Podcast Studio**

**120 Dorris Avenue, Paonia CO 81428**

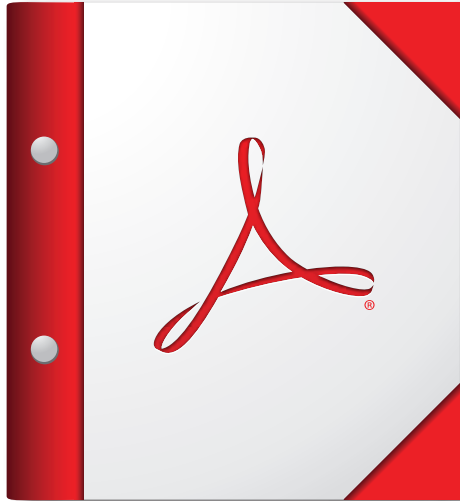
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Samira M Vetter  
Town Clerk





**For the best experience, open this PDF portfolio in  
Acrobat X or Adobe Reader X, or later.**

[Get Adobe Reader Now!](#)



Delta County request for Support and Direction Regarding Wildfire Mitigation on Town of Paonia Property

A large, empty rectangular box with a black border, intended for a detailed agenda summary.



February 24, 2023

Town of Paonia  
214 Grand Ave  
Paonia, CO 81428

**Request for Support and Direction regarding Wildfire Mitigation on Town of Paonia Property**

Town of Paonia Trustees,

As many of you are aware, wildfire risk is a high threat hazard for many communities in Delta County. In an effort to tackle several priority wildfire mitigation projects in Delta County within the Wildland Urban Interface (WUI), in 2022, Delta County applied for the Colorado Strategic Wildfire Action Program (COSWAP) grant.

The grant, at the time of application in 2022, was designed to utilize the State of Colorado Department of Corrections State Wildland Inmate Fire Teams (SWIFT) to conduct fire mitigation work in high priority WUI areas across the state. This grant is unique from other mitigation grants in that it doesn't require local jurisdictions to contribute matching funds. Instead, the grant was designed to pay the SWIFT crews to do several weeks worth of work on projects across the state.

During the application process, Delta County Emergency Management identified property owned by the Town of Paonia as a priority area for wildfire mitigation. The Delta County Community Wildfire Protection Plan (CWPP), finalized in 2011 identified Cedar Hill, or commonly known as "P" hill to many Paonia residents, as a high risk area for wildfire due to the dense cedar and pinyon juniper forest on the property.

The 25.91 acre parcel is owned by the Town of Paonia and includes the cell tower that overlooks Grand Avenue, which is identified as critical infrastructure to the community. The County, at the time of the application, approached then administrator Corinne Ferguson and requested to submit the Cedar Hill project as part of the COSWAP grant for mitigation funding so the Town and County could mitigate a high wildfire risk area at no cost to the Town or County. Administrator Ferguson agreed and the County applied for the COSWAP Grant and was ultimately awarded funding in the form of SWIFT Crew teams to do work on Cedar Hill, on a project near Delta on G50 Road, at Volunteer Park and near Cedaredge for the US Forest Service.

In January 2023, Delta County was notified that the Department of Corrections SWIFT crews would not be available to complete mitigation projects in 2023 as originally planned due to staffing shortages on the SWIFT teams. However, the Department of Natural Resources advised the State was still committed to funding the wildfire mitigation through the COSWAP Grant and gave the County the option of receiving a cash grant to hire professional fire fuels mitigation contractors or to utilize the grant funding through DNR to contract Western Colorado Conservation Corps out of Grand Junction to do mitigation work.

As the COSWAP Grant application identified and agreed to fund mitigation work on Cedar Hill which is owned by the Town of Paonia, Delta County is seeking direction from the Town on how the Trustees would like to proceed in best accomplishing the mitigation work on Cedar Hill in 2023 utilizing one of these options.

The ultimate goal of this project is to conduct mitigation work on Cedar Hill which will thin the density of fuels and create a healthier ecosystem on a 25+ acre parcel of land immediately adjacent to town and several subdivisions and critical infrastructure. While we can't give specifics on the scope of work at this time and what the mitigation work will look like in regards to the number of trees thinned or trimmed, the following summary from the Colorado State Forest Service does a great job of summarizing the objectives for this project.

The Colorado State Forest Service in the *Pinon-Juniper Management Quick Guide Series*, referenced as an attachment, defines the goal of fuel mitigation in Pinon and Juniper forests as: *"To achieve the desired spacing, thin the trees so that, on average, tips of individual tree limbs do not touch their neighbors, or allow for a minimum five feet of space between tree crowns. Spacing reduces competition and allows remaining trees space to grow. Random clumps of trees may be left and occasional larger openings created for greater forest diversity."* See attachment below for more prescription information.

To proceed with the COSWAP Grant and mitigation project, the County is requesting the Town Trustees give direction on how you would like to proceed with accomplishing the mitigation work. If the Board agrees to proceed with the mitigation project, the Board has the choice of:

- 1) The County can put the project out to bid for private contractors using a cash grant from the Department of Natural Resources and the scope of work will depend on the bids from contractors; or
- 2) The Board can request the county opt to have DNR contract with the Western Colorado Conservation Corps (WCCC) to conduct approximately four to five weeks of hand timing work on Cedar this summer that DNR will pay for directly.

Regardless of option chosen, the Town will receive quality fire mitigation, thin dangerous fuels, help mitigate fire risk to the Town and surrounding properties and create a healthier pinon-juniper forest on Cedar Hill.

Due to the grant requirements and scheduling of the Western Colorado Conservation Corps and contractors for the summer of 2023, the County needs a commitment to proceed with the project and the desired goals of the Town for the project and whether we should put it out for bid or use the WCCC by March 17, 2023 to ensure that crews are available to complete the project in 2023.

If you have any questions, please feel free to contact one of the below representatives from the County.

Sincerely,

*Matthew Jennings*

Matt Jennings  
Delta County Grant Administrator  
Enclosure



Kris Stewart  
Emergency Management Coordinator

## ATTACHMENTS RELATED TO THE COSWAP GRANT

- 1) Proposed projects to Colorado Department of Natural Resources from Delta County
- 2) Map of project areas
- 3) Photos of Cedar Hill
- 4) Colorado State Forest Service Pinon Juniper Best Management Practices

### PROJECT DESCRIPTIONS AS PROPOSED TO THE DEPARTMENT OF NATURAL RESOURCES IN THE COSWAP GRANT IN 2022:

#### Project # 1 – Town of Paonia | Cedar Hill – 25.91 acres-4 weeks of SWIFT crews

##### Description of Task and Methods:

Perform fire mitigation work for thinning of pinyon/juniper trees on property owned by the Town of Paonia that overlooks the Town of Paonia. The Cedar Hill property has a cellular communication tower at the summit and is a critical piece of infrastructure for the Paonia Community. Work will include removal of dead or dying trees from the property, thinning trees along the access road to the cell tower and thinning of trees on property to remove dead/dying limbs and chipping trees and spreading the chips no more than 4 inches deep across the project area. Larger trees and limbs that can't be chipped should be piled for removal for pile burning off site.

**Deliverable:** Thin fuel load on Cedar Hill with goal of improving access to cell tower and minimizing fire risk to the Town of Paonia and cell tower which is critical infrastructure.

Community Wildfire Protection Plans and Hazard Mitigation Plan identify that these are areas of concern and one of the risks to the community is limited roads for evacuation from wildfires. The work on Cedar Hill in Paonia is a collaborative project with the Town of Paonia on Town owned property that overlooks Paonia. The crest of the hill has a cellular tower which is the only cell tower in the Paonia area and is critical infrastructure for the Paonia community.



## Other projects funded through COSWAP Grant:

### Project # 2 – Delta County | Volunteer Park – 2.34 acres-1 week of SWIFT crews

**Description of Task and Methods:** Use chainsaws to thin brush and trees between roadway and around the duck ponds back to the river to thin ladder fuels and dense brush that could ignite from vehicles or children playing in the grass at the park. Work with Road & Bridge crew for determination of best methods but recommend chipping and spreading on the ground where possible or piling on site for removal by Road & Bridge crews.

**Deliverable:** Thin the fuel loads and brush on the northern boundary of the Volunteer Park property along the North Fork of the Gunnison River and West property line to improve fire mitigation and risk to neighboring properties. Mulch biomass or pile for removal by county road & bridge for future pile burning.

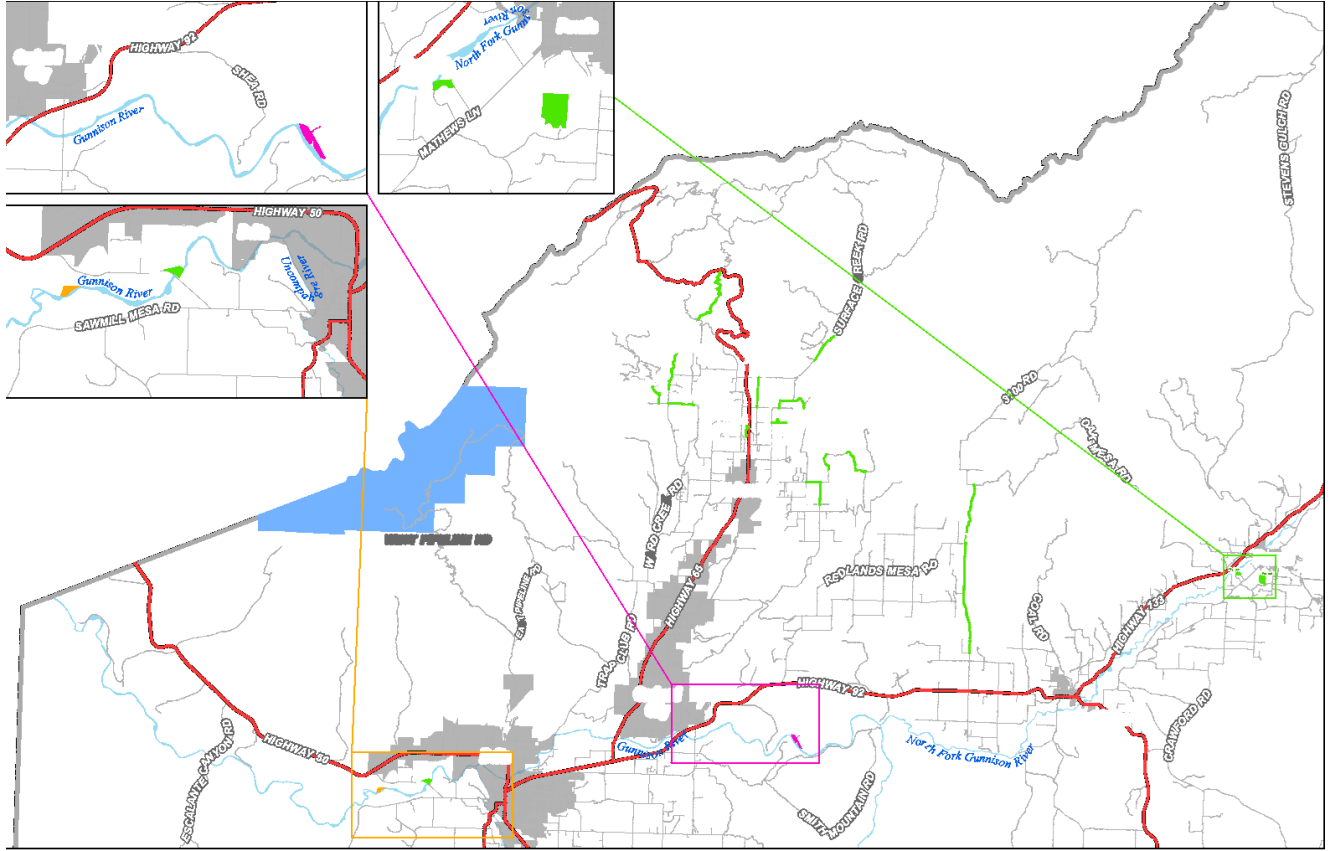
### Project # 3- Delta County | G50 Bridge - 11 acres-2 weeks of SWIFT crews

**Description of Task and Methods:** Use chainsaws to cut stump tamarisk. Work with Road & Bridge crew for determination of best methods but recommend chipping and spreading on the ground where possible or piling on site for removal by Road & Bridge crews.

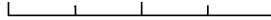
**Deliverable:** Thin the fuel loads and brush and improve riparian area on the northern bank of the Gunnison River at the G50 bridge.

### #4 United States Forest Service-3 weeks of SWIFT crews

**Description of Task and Methods:** The FS, BLM, and City of Delta are planning a cross-boundary prescribed burn on the south side of the Grand Mesa, called the East Pipeline Prescribed Burn. It will include approximately 2,631 acres (FS: 1440; BLM: 556; City of Delta: 635) and is located in the City of Delta's municipal watershed. The purpose of the project is to reduce fuels in the municipal watershed and adjacent to the Cedaredge WUI, improve wildlife habitat, stimulate aspen regeneration, and improve range condition. This project will serve as an anchor for other treatments planned on the southwest flanks of the Grand Mesa as shown in the attached map titled Grand Mesa Slope.



6



Map from COSWAP Application of Project Locations



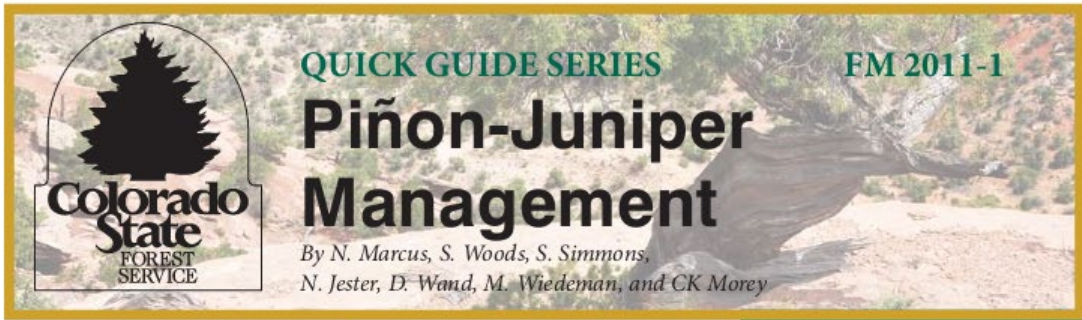
**Photos from Cedar Hill:**







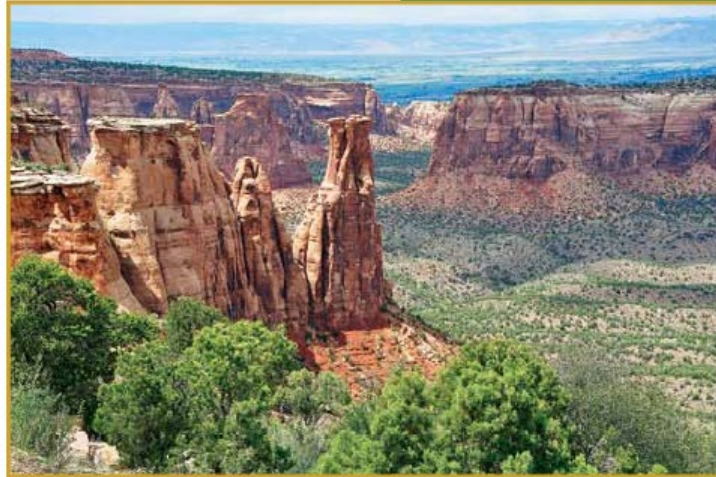




## Piñon-Juniper Ecology

Piñon-juniper woodlands are widespread in Colorado's lower elevations, ranging from 4,900 to 8,000 feet on Colorado's Western Slope and in limited distribution in south-central Colorado and the Eastern Plains. In southeastern Colorado, piñon-juniper ecosystems are found in the canyonlands and adjacent shortgrass prairie ecosystems below the Gambel oak zone. These woodlands are comprised primarily of piñon pine (*Pinus edulis*) and regionalized juniper species. One-seed juniper (*Juniperus monosperma*) is found in the southeastern portion of the state, while Rocky Mountain juniper (*Juniperus scopulorum*) dominates the upper elevation ranges of the southwest, and Utah juniper (*Juniperus osteosperma*) is the primary species in the lower portion of the elevational range in the southwest. Juniper tends to grow in more arid areas; its scaled foliage allows it to conserve water more effectively than piñon pine. Piñon-juniper grows in conjunction with skunkbush sumac and various grasses and forbs.

Piñon-juniper typically grows on harsh sites. Annual precipitation ranges from 10 to 15 inches per year in these woodlands. Both piñon and juniper species have developed resistance to drought and cold. This promotes preferred open canopy structure and encourages regeneration so that new trees are ready to replace the more mature and dying trees. Piñon-juniper reproduction occurs through natural seed dissemination and germination. Good seed crops may only occur every two to five years. Both tree types are shade-tolerant below a height of 12 inches. When the height is greater than 12 inches, full sun is required to promote further growth.



**Figure 1:** Piñon-juniper woodlands are the dominant vegetation type in the Colorado National Monument. Photo: Bill Ciesla

This Quick Guide was produced by the Colorado State Forest Service to promote knowledge transfer.

June 2011  
[www.coloradoforests.co](http://www.coloradoforests.co)



**Figure 2:** Mule deer are commonly found in piñon-juniper forests. Photo: CSFS

Juniper dominated woodlands tend to include open savannahs of scattered trees with significant shrub cover, except in areas where sagebrush has become dominant. Scattered openings and shelter from remaining trees help sustain healthy populations of understory grasses, shrubs and forbs. Due to the lack of natural disturbances and proactive forest management, tree densities have increased to a level that will support damaging crown fires.

Form and growth habit of piñon and juniper limit their use as post and pole material. Because of their resistance to decay, junipers are a preferred species for posts and poles. Other uses of juniper include landscape timbers, ornamental materials, firewood and wood-plastic composites for roofing. Piñon pine woody material uses include pellets, firewood, animal litter and miscellaneous materials such as laminated veneer. Piñon pine also is known for growing and yielding edible, highly-valued piñon nuts.



**Figure 3:** Collared lizards can be found warming their bodies on rocks and boulders in piñon-juniper habitat. Photo: Bill Ciesla

While few mammal, invertebrate, avian and reptile species rely solely on piñon-juniper habitat throughout the year, many do benefit from the food, shelter and breeding areas provided. This habitat also serves as a frequently used migratory corridor.

Pine nuts and juniper berries provide an important source of winter food for wildlife in Colorado's piñon-juniper woodlands. This habitat supports the largest number of nesting bird species found in any upland vegetation type in the West. Wildlife commonly found in the piñon-juniper habitat include western scrub-jay, juniper titmouse, gray flycatcher, blacktail jackrabbit, cliff chipmunk, mule deer and elk. Predators common in this habitat include gray foxes and raptors such as red-tailed hawks.

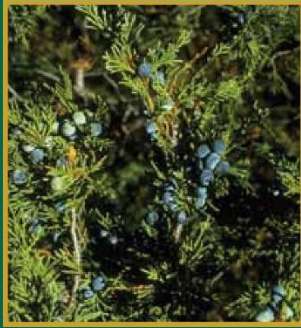
### Treatment Methods for Thinning Piñon-Juniper Forests



**Figure 4:** Prickly pear cactus is a common plant in piñon-juniper forests. Photo: Bill Ciesla

A variety of techniques may be used to manage piñon-juniper forests. Silvicultural prescriptions based on thinning focus on “de-stagnating” dense stands. This helps achieve woodland stand improvement and a healthy balance among overstory trees, young trees and other vegetation. Thinning a forest to a target density and having proper diameter distribution also improves the health and vigor of individual trees and promotes regeneration of forest tree species. A healthy, vigorous tree is less susceptible to insect infestation and pathogen infection and is better able to withstand wildfire – a natural, ecological process in piñon-juniper ecosystems.





**Figure 5:** Characteristics of Rocky Mountain juniper include:

- scale-like, wispy, grayish-green branches;
- reddish branches in winter;
- blue-gray, waxy, 0.2 inch diameter berries;
- 20-40 feet tall with a short, stout trunk; and
- gray-brown to reddish-brown bark.

Photo: CSFS



**Figure 6:** Characteristics of piñon include:

- edible seeds;
- 1-1.5 inch-long needles;
- round, resinous, 2-inch long cones;
- 20-50 feet tall; and
- a rounded crown with a short trunk.

Photo: CSFS

## Mechanical Treatment

Thinning is done where regeneration is not a primary objective. Thinning is applied to reduce stand cover, which will improve understory development, enhance wildlife habitat and reduce fuels in wildland-urban interface areas.

Uneven-aged forest management prescriptions use two types of treatments to achieve the objectives of maintaining continuous forest cover, regenerating desirable species and allowing for multiple size classes:

1. Single-tree selection involves selected removal of trees in varying size classes. This method promotes natural regeneration of tree and other herbaceous cover species. Regeneration protects the managed area from wind and water erosion and maximizes vertical diversity for wildlife. This method requires proper planning so that prescribed burning may be added as an additional maintenance treatment.
2. Group-tree selection involves removing trees in groups throughout the stand. The openings should be smaller than twice the average height of the mature trees. This method re-establishes conditions where diverse grasses and shrubs colonize spaces created by the removal of tree groups. Group-tree removal is the optimal alternative for controlling dwarf-mistletoe infestations. Group-tree selection also mimics naturally occurring competition, fire and insect and disease outbreaks.

A combination of group and single-tree selection methods can be combined as one adaptive treatment. This combined method can be used over time to disperse costs and minimize impacts on the forest.

An easy method for determining which trees to thin is to identify the healthiest looking trees based on live tree crowns, signs or symptoms of insects or disease and overall tree vigor. Once the healthiest trees are identified, the unhealthy trees are removed to create more room for the remaining trees to grow.

To achieve the desired spacing, thin the trees so that, on average, tips of individual tree limbs do not touch their neighbors, or allow for a minimum five feet of space between tree crowns. Spacing reduces competition and allows remaining trees space to grow. Random clumps of trees may be left and occasional larger openings created for greater forest diversity.



**Figure 7:** Chipping slash from a piñon-juniper management project. Photo: CSFS

In drought years, it is best to thin and prune during the

late fall and winter months (the dormant season) to avoid attracting Ips beetles. If thinning and pruning occurs in the spring and/or summer, it is important to properly dispose of slash within three weeks. This is to prevent a generation of Ips from infesting slash piles and producing offspring that may infest healthy trees. Slash that is chipped in spring or summer should not be placed or piled near the base of standing trees because it may attract Ips. Slash piles created in winter or fall may be retained for small mammal habitat.



**Figure 8:** *Slash piles from Rocky Mountain juniper trees. Photo: CSFS*

Active forest management results in uneven-aged tree stands that are more resistant to fire, insect infestation and pathogen infection. Treated stands also will provide cover, forage and wildlife habitat.

### Prescribed Burning

Survivability of piñon and juniper as a result of prescribed burning depends on spatial arrangement across the landscape, overstory density where forest types intertwine, fuel loads of herbaceous understory and individual crown density. Broadcast prescribed burning is best conducted when combined with uneven-aged thinning treatments. The combination of burning and thinning provides better long-term benefits than burning alone. This is due to the reduction of crown-bulk density, which influences potential crowning fire behavior. Fire helps stimulate new growth of the herbaceous understory, including grasses and low shrubs, which increases browsing opportunities for wildlife. A low-intensity fire may increase the size and age class diversity of the piñon and juniper. Fire also may be used to address slash piles in fall, winter and early spring when favorable conditions are present.



**Figure 9:** *A completed management project in a piñon-juniper forest. Photo: CSFS*

## Treating for Wildfire Safety

### Fuel Hazards

Fuel-hazard measures relate to fuel continuity, both horizontally (across the ground) and vertically (from the ground up into the crown). Fuels with a high degree of vertical and horizontal continuity are the most hazardous, particularly when they occur on slopes. Heavier fuels (brush and trees) are more hazardous and produce more intense fires than light fuels (grasses). Mitigation of fuel hazards focuses on breaking up the continuity of fuels, with greater distance between vegetation on slopes.

### Fuel Definitions and Standards for Mitigation

Trees are woody perennials that usually have one dominant vertical trunk and a height greater than 15 feet at maturity. The spacing requirement between trees is a minimum of 10 feet between the edges of the crowns.



Brush and shrubs are woody plants that are smaller than trees and often are formed by a number of vertical or semi-upright branches remaining close to the ground. Brush is smaller than shrubbery and can be either woody or herbaceous vegetation. Thinning of brush and shrubs often can be accomplished by separating clumps rather than individual stems. The spacing requirement between clumps of brush and/or shrubs is 2½ times the height of the vegetation. The maximum diameter of clumps is twice the height of the vegetation measured from the edges of vegetation crowns. Example: If the shrub clumps are 6 feet in height, the spacing distance between clumps should be at least 15 feet. The diameter of shrub clumps should be less than 12 feet measured from the edges of the crowns.

Branches should be pruned to a height of 3 feet. Applying herbicide to stumps immediately following cutting may be necessary to effectively reduce long-term fire hazards. Mowing sprouts annually is an alternative to herbicide treatment.

Ladder fuels are vegetative materials with vertical continuity that allows fire to burn from ground level up into the branches and crowns of trees. While potentially hazardous, ladder fuels are relatively easy to mitigate by following these guidelines: 1) Remove all ladder fuels beneath tree canopies. 2) In the remaining areas, prune all shrub and tree branches up to a height of 10 feet above ground or one-half the height of the plant, whichever is less. 3) Chip and/or remove pruned material from the site.

Dead and dry grasses should be mowed to a height of less than 6 inches.

#### Slope Adjustment Factors

The minimum distance from a structure to the outer edge of brush, shrub and tree fuels treatment is 75 feet on level ground. Where only

grasses exist and no additional vegetative landscaping is planned, the minimum distance is 30 feet.

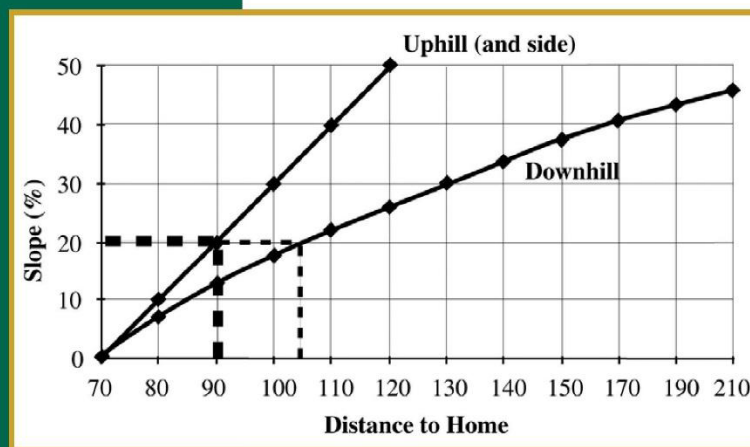


Figure 10: Defensible space thinning guidelines.

On slopes downhill and uphill from structures, fuels treatments should be extended further from structures. Complete defensible space thinning according to the increasing distances in Table 1.

**Quick Review:**

***Piñon-juniper forests are found in elevations ranging from 4,900 to 8,000 feet.***

***Piñon-juniper grow in harsh environments.***

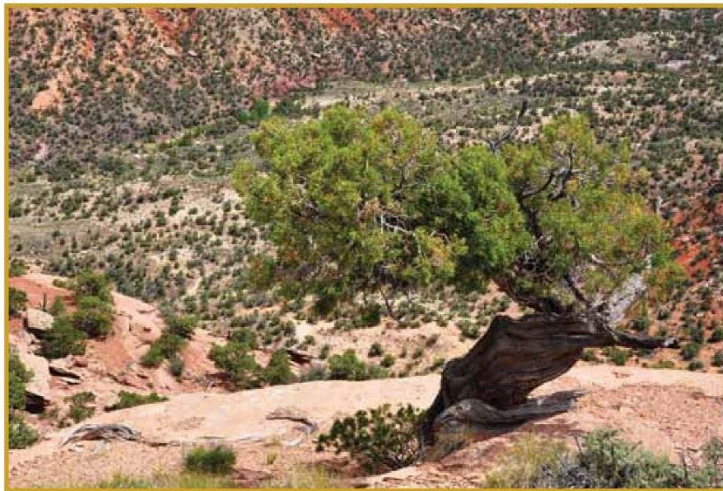
***Piñon and juniper trees are used for a variety of wood products. Piñon nuts are edible and highly valued.***

***A variety of wildlife utilize piñon-juniper habitat for food and shelter.***

***Treatments for piñon-juniper forests include thinning and prescribed burning.***

**Table 1. Defensible space thinning guidelines**

1-percent to 20-percent slopes =	
Brush/shrubs	75' from structure; 3X height separation distance between vegetation.
Trees	75' from structure; 10-foot crown separation distance between trees.
Grass	30' from structure; mow dead, dry grass to 6 inches or less in height.
21-percent to 40-percent slopes =	
Brush/shrubs	150' from structure; 4X height separation distance between vegetation.
Trees	150' from structure; 20-foot crown separation distance between trees.
Grass	50' from structure; mow dead, dry grass to 6 inches or less in height.
Greater than 40-percent slopes =	
Brush/shrubs	200' from structure; 6X height separation distance between vegetation.
Trees	200' from structure; 30-foot crown separation distance between trees.
Grass	75' from structure; mow dead, dry grass to 6 inches or less in height.



**Figure 11:** A juniper tree in the Colorado National Monument. Photo: Bill Ciesla

For more information or professional assistance in managing your forest, contact your local Colorado State Forest Service district office.



*This quick guide was produced by the Colorado State Forest Service (CSFS). CSFS programs are available to all without discrimination. No endorsement of products or services is intended, nor is criticism implied of products not mentioned.*

AGENDA SUMMARY FORM



NFV/Hotchkiss Chamber of Commerce Updating Paonia Board of Trustees on Chamber Activities and Requesting Town's Involvement

[Empty space for agenda summary details]



March 2, 2023

**TOWN OF PAONIA  
REQUEST TO BE PLACED ON AGENDA**

PO Box 460  
Paonia, CO 81428  
970/527-4101  
Paonia@townofpaonia.com



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**Subject: Up to 6 words (example: Town Park, Potholes, Open Meetings, etc.)**

North Fork Valley Chamber of Commerce

**Name of Requester or Presenter:** Terry O'Brien

**Representing: (Group or Agency name, or Self)** NFV/Hotchkiss Chamber of Commerce

**Date of submittal:** 03/01/2023

**Date of Requested Board Meeting: (Insert Board Meeting date)** 03/14/2023

**Specific request:**

Five (5) minutes to present an update of Chamber of Commerce activities in the North Fork Valley and a new coordinated North Fork Valley business community by the formation of a North Fork Valley Chamber of Commerce.

Five (5) minutes for questions.

Describe the problem that requires resolution\* or the topic(s) to be presented:

**\*The Problem**

- What is the problem that needs to be addressed?
- Please start with defining the problem, not describing the solution.
- Please explain briefly why it is essential that the Town address this problem.
- This section should be no more than 4-5 sentences long.

With the Paonia Chamber closure, Crawford Chamber suspending operations until August or indefinitely, and the Delta Area Chamber without an Executive Director or other full-time paid staff, there is a need for a North Fork Valley Chamber of Commerce presence.

**Recommendation** (Please state your recommendation here, along with the main points needed for approval of your request, at most 50 words.) Example: The Paonia Association recommends the Board pass an ordinance preventing elk from standing in the road. The North Fork Valley Chamber Formation Committee recommends the Board stays informed of the coordinated marketing efforts of businesses in the North Fork Valley and specifically the Town of Paonia. And to the level the Board desires, the Board provides steering input to a North Fork Valley Chamber of Commerce.

**What staff member have you spoken to about this? Please summarize your discussion:**  
Phone conversation with Town of Paonia clerk (male) and emails with Town Clerk Samira M Vetter.

Contact information:

Name: Terry O'Brien  
Physical Address: 406 Highway 133 Hotchkiss, CO 81419  
Mailing Address: PO Box 158 Hotchkiss CO 81419  
E-mail: tobrien@disc.com  
Daytime Phone: 970-433-5831

Office Use Only:  
Received: 03/01/23  
Approved for Agenda: 03/02/23  
Board Meeting Date: 03/14/23

[Print Form](#)

[Email Form](#)

AGENDA SUMMARY FORM



Request to Install and Maintain a Pantry Shelf in Town Hall – Monica Foguth

A large, empty rectangular box with a black border, intended for providing details about the agenda item.

March 2, 2023

**TOWN OF PAONIA  
REQUEST TO BE PLACED ON AGENDA**

PO Box 460  
Paonia, CO 81428  
970/527-4101  
Paonia@townofpaonia.com



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**Subject: Up to 6 words (example: Town Park, Potholes, Open Meetings, etc.)**

Little free pantry in town hall \_\_\_\_\_

**Name of Requester or Presenter:** Monica foguth

**Representing: (Group or Agency name, or Self)** Self

**Date of submittal:** 03/01/2023

**Date of Requested Board Meeting: (Insert Board Meeting date)** 03/01/2023

**Specific request:**

I would like to put a book shelf in the town hall hallway. This shelf is to be used for free shelf stable foods and necessity toiletry items. People can donate and take as needed. I would check on it to make sure it's okay every few days.

**Describe the problem that requires resolution\* or the topic(s) to be presented:**

**\*The Problem**

- What is the problem that needs to be addressed?
- Please start with defining the problem, not describing the solution.
- Please explain briefly why it is essential that the Town address this problem.
- This section should be no more than 4-5 sentences long.

In Paonia we have only one food pantry open 1 day a month. People don't have many options for food and toiletry items if they are in need here. People also don't have many options for donating if they would like to. We also don't have one that is easily accessible during most business hours and protected from the environment.

**Recommendation (Please state your recommendation here, along with the main points needed for approval of your request, at most 50 words.) Example: The Paonia Association recommends the Board pass an ordinance preventing elk from standing in the road.**

The town hall would need to allow a shelf to be placed in the town hall hallway and appropriate signage to be placed on the shelf to indicate it's purpose.

**What staff member have you spoken to about this? Please summarize your discussion:**

I spoke with Samira about putting a little free pantry in the town hall hallway.



Contact information:

Name: Monica foguth  
Physical Address: 9 3rd st Paonia co 81428  
Mailing Address: PO box 1701 Paonia co 81428  
E-mail: moonstarmonica@protonmail.com  
Daytime Phone: 970-314-4372

Office Use Only:  
Received: 03/02/23  
Approved for Agenda: 03/02/23  
Board Meeting Date: 03/14/23

**Print Form**

**Email Form**



North Fork Pool Park & Recreation Request for Board Direction on Options for the Skate Park

A large, empty rectangular box with a black border, intended for providing details or notes related to the agenda item.

March 2, 2023

**TOWN OF PAONIA  
REQUEST TO BE PLACED ON AGENDA**

PO Box 460  
Paonia, CO 81428  
970/527-4101  
Paonia@townofpaonia.com



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**Subject: Up to 6 words (example: Town Park, Potholes, Open Meetings, etc.)**

Moving forward with the Skatepark \_\_\_\_\_

**Name of Requester or Presenter:** Max Heepke \_\_\_\_\_

**Representing: (Group or Agency name, or Self)** NFPPRD \_\_\_\_\_

**Date of submittal:** 3/2/2023 \_\_\_\_\_

**Date of Requested Board Meeting: (Insert Board Meeting date)** 3/14/2023 \_\_\_\_\_

**Specific request:**

To report the feedback provided by GOCO after declining our Town Park Revitalization Project.  
To present the 2 options moving forward.

**Describe the problem that requires resolution\* or the topic(s) to be presented:**

**\*The Problem**

- What is the problem that needs to be addressed?
- Please start with defining the problem, not describing the solution.
- Please explain briefly why it is essential that the Town address this problem.
- This section should be no more than 4-5 sentences long.

Paonia's Skatepark is in desperate need of improvements in order to continue offering a safe and healthy recreational space for our youth.

The Town has received funds from various grants, governmental bodies, and individuals that needs to be utilized for this project.

GOCO dismissed our grant proposal for the Town Park Revitalization (which included building a new skatepark) this round, but offered feedback and encouraged us to apply again later in the year.

The NFPPRD would like to ask the Town Board how they would like to proceed and to discuss the details of our partnership in this effort.

**Recommendation (Please state your recommendation here, along with the main points needed for approval of your request, at most 50 words.) Example: The Paonia Association recommends the Board pass an ordinance preventing elk from standing in the road.**

Option 1: The Town partners with the NFPPRD to use our current funds (~\$115,000) to hire a contractor to design and build permanent improvements on the current skatepark.

Option 2: The Town partners with the NFPPRD to pursue another GOCO Grant to build a new skatepark and make other significant improvements to Paonia Town Park.

**What staff member have you spoken to about this? Please summarize your discussion:**

The NFPPRD has met with Leslie (Interim Town Administrator), Cory Heiniger (Public Works), and Dave Kneutson (Board Member) to discuss the details and implications of the two options.

At this time, we are of the opinion that we should use existing funds to make improvements to the current skatepark. This will have an immediate positive effect for our town that can be considered a leveraged item if the Town of Paonia decides to pursue another GOCO Grant to improve Town Park in the future when more pressing issues have been resolved.

Contact information:

Name: Max Heepke  
Physical Address: 28 Pan American Ave  
Mailing Address: 28 Pan American Ave  
E-mail: max@northforkrecreation.com  
Daytime Phone: 970.380.2637

Office Use Only:  
Received: 3/2/23  
Approved for Agenda: 3/2/23  
Board Meeting Date: 3/14/23

[Print Form](#)

[Email Form](#)

Explanation of our options moving forward regarding the Paonia Skatepark.

Background: The Town of Paonia and NFPPRD were turned down for this round of GOCO grants, but we were encouraged to apply for next round in August 2023. Here is the feedback from GOCO;

- We clearly demonstrated the need for a new skatepark, dogpark, and other features. They would have liked to have seen more information about the members/makeup of Paonia In Motion Focus Groups.
- They would liked to have seen more information regarding the Town’s ability to provide stewardship of the proposed projects while tackling the ongoing “water crisis.”
- They encouraged the Town to apply to other time-sensitive grants to provide supplemental funds for the project making our timing more “urgent.”

The NFPPRD has an agreement with the Town of Paonia to lease and make improvements to the current skatepark. We would like to revisit this agreement with the new members of the Board of Trustees and choose one of the following options together.

**Option 1: Make improvements to the current skatepark with existing funds; NFPPRD’s preferred option.** Between a handful of small grants, donations from community members, and pledges by the County of Delta and Town of Paonia, there is \$115,150 available to put towards improving the skatepark.

Source of Funds (CASH)	Date Secured	GOCO Funds	Matching Funds
GOCO	TBD		
North Fork Pool, Park and Recreation District	2020-Aug		\$10,000.00
Town of Paonia			
Delta County	2021-May		\$10,000.00
The Skatepark Project	2022-Jan		\$25,000.00
El Pomar	2020-Oct		\$5,000.00
Kampe Foundation	2019-Sept		\$5,000.00
Western Colorado Community Foundation	2020-Aug		\$1,500.00
Various Individuals	Various		\$26,500.00
[Partner Source]			
<b>Source of Funds (IN-KIND)</b>			
Town of Paonia	2020-Aug		\$26,000.00
Ira Houseweart Metalworks, LLC	2021-Sept		\$1,000.00
North Fork Pool, Park and Recreation District	Various		\$5,150.00
	<i>subtotal</i>	\$0.00	\$115,150.00
<b>TOTAL SOURCE OF FUNDS</b>			<b>\$115,150.00</b>

*The Town of Paonia currently manages these funds.*

In late January, Max Heepke and Jay Canode met with Chris Berry, an experienced skatepark builder out of Colorado Springs, at the Paonia Skatepark to get his opinion on the condition of the current slab. He felt it was in good enough condition to keep and that this budget would be sufficient to build a series of concrete features.

*Making these significant improvements to the skatepark could be listed as “Leveraged Items” on future GOCO Grant applications if the Town decides to pursue a GOCO Grant at a more convenient time in the future.*

**If the Trustees choose this option there are a few things that need to be decided;**

- 1. Who will write the RFP and choose the contractor? Town of Paonia employees or NFPPRD employees?**
- 2. Who will manage the funds? Town of Paonia or NFPPRD?**

**3. Will the current Town Board honor the pledge of in-kind work to be performed by Paonia Town Employees that was pledged by a former board?**

**Option 2: Apply for the next round of GOCO Grants to secure the funds to build a new skatepark and make other significant improvements to Paonia Town Park.** This is the high-demand high-reward option. Many actions need to be taken before re-applying;

1. The Town of Paonia would need to apply to other smaller grants in order to make the GOCO application appear more “urgent.” Possible grants include; DOLA REDI and Main Street Grants to improve electric utilities and restrooms.
2. The Town of Paonia would need to host a community workshop to receive and document more direct community input in order to demonstrate which improvements are most desired.
3. The Town of Paonia would need to perform a physical survey of the park to identify the exact locations of these potential improvements along with the head of Paonia Public Works.
4. The Town of Paonia needs to research costs for other park improvements to add to the estimated budget for the GOCO grant in August. NFPPRD has researched some of the costs for the concept paper submitted in August and could be a resource for the Town in this endeavor.
5. The Town of Paonia must decide what type of partnership, if any, they would like to have with the NFPPRD in relation to the additional new skatepark build. GOCO can divide the grant and make funds available to the NFPPRD for the portion pertaining to the skatepark and they would be the administrator for that portion only. The remainder of the grant would be administered by the Town of Paonia for the other park improvements.
6. An MOU designating duties and responsibilities of each entity would need to be drawn up and signed by the NFPPRD and the Town of Paonia.





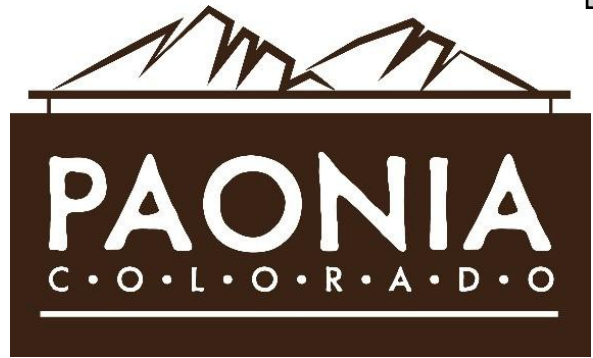
North Fork Valley Creative Coalition Request for Reimbursement of Corridor Dues

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**TOWN OF PAONIA  
REQUEST TO BE PLACED ON AGENDA**

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**Subject: Up to 6 words (example: Town Park, Potholes, Open Meetings, etc.)**

**Name of Requester or Presenter:** Amy DeLuca, President

**Representing: (Group or Agency name, or Self)** NF Valley Creative Coalition

**Date of submittal:** 2/27/23

**Date of Requested Board Meeting: (Insert Board Meeting date)** March 14

**Specific request:**

Describe the problem that requires resolution\* or the topic(s) to be presented:

**\*The Problem**

- What is the problem that needs to be addressed?
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- This section should be no more than 4-5 sentences long.

For the past 6 years Paonia has been a partner with 4 other districts that define the “Creative Cooridor” with Carbondale, Crested Butte, Salida and Ridgeway.

This partnership supports economic developement in each community and the region of Creative Districts. The Corridor collaborates with print media & online advertising with an annually contribution dues of \$1000.

**Recommendation** (Please state your recommendation here, along with the main points needed for approval of your request, at most 50 words.) Example: The Paonia Association recommends the Board pass an ordinance preventing elk from standing in the road. The North Fork Valley Creative Coalition recommends the Board reimburse the Creative Cooridor annual dues of \$1000. See receipt attached

**What staff member have you spoken to about this? Please summarize your discussion:**  
Samira regarding protocol to be on the agenda

Contact information:

Name: NFVCC  
Physical Address: \_\_\_\_\_  
Mailing Address: PO Box 304 Paonia CO 81428  
E-mail: nfvcreativecoalition@gmail.com  
Daytime Phone: 805-798-4806

Office Use Only:  
Received: 2/28/23  
Approved for Agenda:  
2/28/23  
Board Meeting Date:  
3/14/23

[Print Form](#)

[Email Form](#)

Tourism Council of Carbondale

Carbondale Chamber  
P.O. Box 1645  
Carbondale, CO 81623

**Invo** 136

Date	Invoice #
1/27/2023	211

Bill To
North Fork Valley Creative Coalition/ Susie Kaldis PO Box 143 Paonia, CO 81428

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
	2023 Colorado Creative Corridor Grant Partners cash commitment	1,000.00	1,000.00
Thank you for supporting the 2023 Creative Corridor Project!		<b>Total</b>	\$1,000.00



# TOUR THE COLORADO CREATIVE CORRIDOR!

5 SMALL MOUNTAIN TOWNS FULL OF BIG CREATIVITY & INSPIRATION

48,104' OF ELEVATION

3 MOUNTAIN PASSES

6 CREATIVE DISTRICTS

8 IN TOWN RIVERS

16 DISTILLERIES & WINERIES

10 CRAFT BREWERIES

8 HOT SPRINGS

1000+ ARTISTS & CREATIVE BUSINESSES

60 GALLERIES & MUSEUMS

116 RESTAURANTS

3 RESERVOIRS

9 WILDERNESS AREAS

10 ART CENTERS

1 NATIONAL PARK

1 NATIONAL MONUMENT

44 PERFORMING ARTS VENUES

14 FILM FESTIVALS

28 MUSIC FESTS & CONCERT SERIES

12 ALPINE & NORDIC SKI AREAS

5 HISTORIC DOWNTOWNS

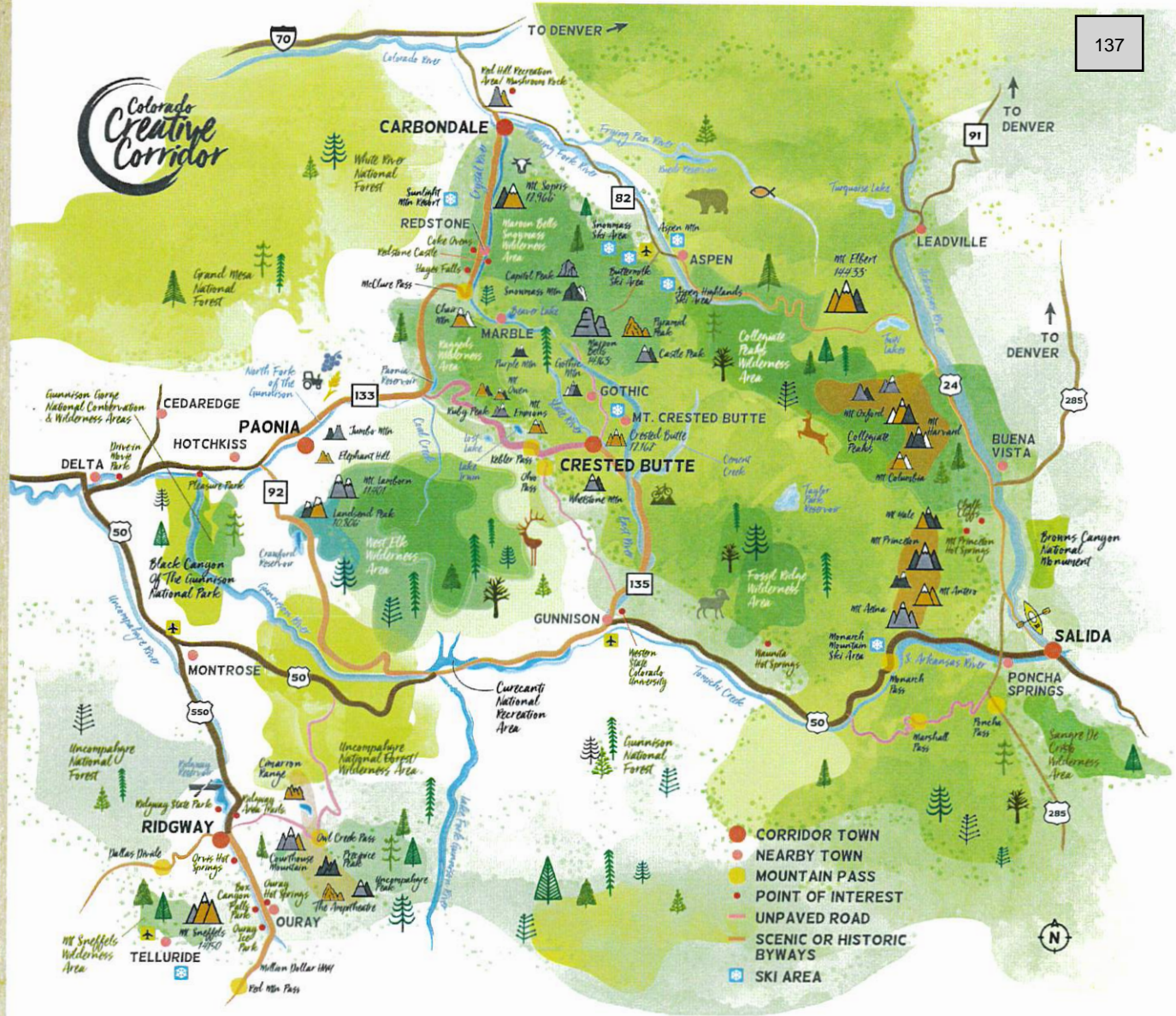
4 SCENIC & HISTORIC BYWAYS

12 VIEWABLE MOUNTAIN RANGES

COUNTLESS HIKING & BIKING

TRAILS

16,300+ SMILING LOCALS



Thank you

TO OUR PARTNERS





The Colorado Creative Corridor travels 331 miles through a handful of state-certified Creative District destinations including Carbondale, Crested Butte, Paonia, Ridgway and Salida. These five towns combine to offer a collective experience of unique events and activities, alongside mountain town eclecticism and culture, majestic vistas and outdoor recreation.

**CARBONDALE** sits on the confluence of the Crystal and Roaring Fork Rivers at the foot of the mighty Mount Sopris where over 200 creatives reside. Rich agricultural history and an artistic flair combine to form a community focused on health and wellness, local food production and four-season recreation to boot.

Tucked in the North Fork Valley under the watchful eye of Mt. Lamborn and surrounded by the beauty of the West Elks Wilderness, **PAONIA** has a thriving arts community including a high altitude winery association and the largest number of natural and organic farms, per capita, in Colorado.

Once described as a surf town in the mountains, **CRESTED BUTTE** features a National Historic District with vibrant Victorian storefronts and expressive local characters. Stroll within the walkable downtown and pop into any of ten galleries and a host of small creative businesses. Be sure to visit the newly completed 28,000 sq. ft. Center for the Arts, to catch a concert, gallery reception, art workshop, or cultural event.

Nestled in the picturesque Uncompahgre Valley and surrounded by the majestic snow-capped peaks of the Cimarrons and San Juans, the **RIDGWAY** experience satisfies art lovers, foodies, history buffs, and outdoor enthusiasts. Spend the day on an adventure, soak in the hot springs or tour this charming community while noting public art and creative surprises, including those found in our alleyways.

For some of the best views of soaring mountaintops in the state head to **SALIDA**, a haven for culture seekers and outdoor enthusiasts alike. While in the town of 6,400 residents, visit several artist studios and galleries, participate in artists' workshops and attend live performances at The SteamPlant Theater, or celebrate during the warm weather months the talented local musicians with the outdoor summer concert series.



## ROAD TRIP!

Grab your friends, family, or both and prepare yourself for five days of stunning landscapes and creative inspiration around every corner.

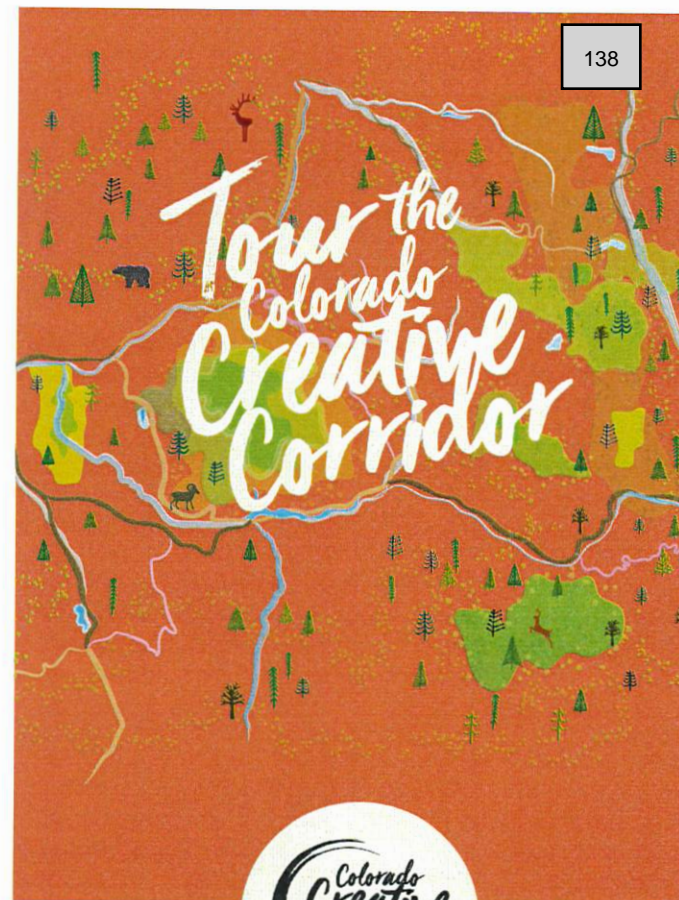
- DAY 1** Begin your journey in **CARBONDALE** and head south over McClure Pass the fourth steepest pass in Colorado!
- DAY 2** Head south: Make your way an hour and 15 minutes to the lovely enclave of **PAONIA**, passing by lush orchards and vineyards as you go.
- DAY 3** Head east: In summer or early fall head east two hours over scenic Kebler Pass, featuring the largest Aspen grove in Colorado, to the active and creative town of **CRESTED BUTTE**. In the winter, during the pass closure, take CO-92 to US-50 & then drive north from Gunnison.
- DAY 4** Head south & west: Drive two hours and 15 minutes south and west to the mountain-cradled town of **RIDGWAY**.
- DAY 5** Head east: There's lots to do and see on the way to **SALIDA**, including national forests, wilderness areas, scenic mountain passes and hot springs.

Find a detailed itinerary with recommended food, drinks, activities, lodging and more!

[COLORADOCREATIVECORRIDOR.COM](http://COLORADOCREATIVECORRIDOR.COM)

Follow us!

@[COLORADOCREATIVECORRIDOR](https://www.instagram.com/coloradocreativecorridor)



CARBONDALE • PAONIA • CRESTED BUTTE • RIDGWAY • SALIDA

OFFICIAL MAP & GUIDE  
[COLORADOCREATIVECORRIDOR.COM](http://COLORADOCREATIVECORRIDOR.COM)



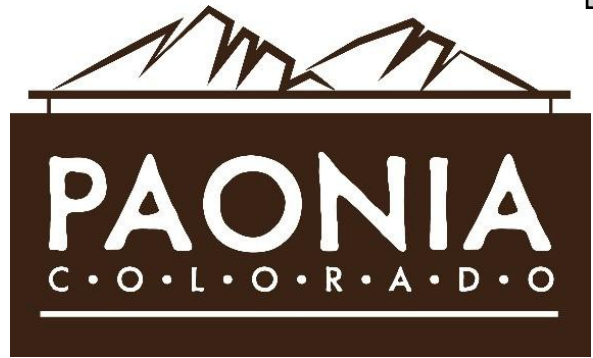


North Fork Valley Creative Coalition Request for Letter of Support for Town of Paonia for Colorado Creative District Renewal

March 2, 2023

**TOWN OF PAONIA  
REQUEST TO BE PLACED ON AGENDA**

PO Box 460  
Paonia, CO 81428  
970/527-4101  
Paonia@townofpaonia.com



Here are things you need to know:

Formal Board agenda items should be matters of substance for the Board to consider. Examples include: Presentations to the Board seeking support or wishing to inform the Board of plans that affect the Town, Committees presenting their goals and accomplishments, Items that need Board approval to proceed.

**Submitting an agenda request does not guarantee placement on an agenda. The Mayor will determine if this is an appropriate item for consideration on the Board of Trustees' formal agenda.**

**Should this request be denied, the requester may present their item in writing to the Board under correspondence received or by making a verbal comment within the established time limit at the beginning of a regular meeting.**

Please complete the following information and return this form no later than Tuesday, two weeks prior to the Board meeting to the Town Hall at 214 Grand Avenue. If the regular meeting is on the Tuesday the 28<sup>th</sup>, the request must be received before 5pm on Tuesday the 14<sup>th</sup>.

If your issue is placed on the agenda, be aware that your presentation is limited to 5 minutes.

Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.  
Regular Board meetings are scheduled for the second and fourth Tuesdays of each month.

**Subject: Up to 6 words (example: Town Park, Potholes, Open Meetings, etc.)**

**Name of Requester or Presenter:** Amy DeLuca, President

**Representing: (Group or Agency name, or Self)** NF Valley Creative Coalition

**Date of submittal:** Monday Feb. 27th, 2023

**Date of Requested Board Meeting: (Insert Board Meeting date)** March

**Specific request:**



Describe the problem that requires resolution\* or the topic(s) to be presented:

**\*The Problem**

- What is the problem that needs to be addressed?
- Please start with defining the problem, not describing the solution.
- Please explain briefly why it is essential that the Town address this problem.
- This section should be no more than 4-5 sentences long.

NFVCC is up for renewal of our Colorado Creative District status. All Creative Districts must have municipal support for this important designation which Paonia has held via a volunteer board of directors for 10 years. We are requesting a Letter of Support for our renewal by April 5th.

**Recommendation** (Please state your recommendation here, along with the main points needed for approval of your request, at most 50 words.) Example: The Paonia Association recommends the Board pass an ordinance preventing elk from standing in the road.

NFVCC recommends the Board draft a Letter of Support for the North Valley Creative Coalition's - Creative District renewal.

\* Please see previous MOU and LOS attached.

**What staff member have you spoken to about this? Please summarize your discussion:**  
Communicated with Samira about the protocol for requesting a LOS

Contact information:

Name: NFVCC  
Physical Address: \_\_\_\_\_  
Mailing Address: Po Box 143  
E-mail: nfvcreativecoalition@gmail.com  
Daytime Phone: 805-798-4806

Office Use Only:  
Received: 2/28/23  
Approved for Agenda:  
2/28/23  
Board Meeting Date:  
3/14/23

[Print Form](#)

[Email Form](#)

**RESOLUTION NO. 2013-04**

**A RESOLUTION IN SUPPORT OF THE NORTH FORK VALLEY CREATIVE COALITION AND DESIGNATION AS A CERTIFIED CREATIVE DISTRICT; AND AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICERS TO SIGN THE NECESSARY DOCUMENTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.**

**WHEREAS**, the Town of Paonia, Colorado recognizes the significant contribution that the Creative Industries provide to the community in creating economic opportunity; and

**WHEREAS**, the North Fork Valley has a rich diversity of musicians, artists, artisans, actors, dancers, videographers, graphic designers, landscape designers, wineries, writers, craft brewers, agricultural and culinary artists, architects, leather workers, quilters, fashion designers, jewelers, weavers, and other creatives; and

**WHEREAS**, the Town of Paonia, Colorado recognizes that these creatives and the special events and festivals, productions, art galleries, performances, concerts and arts and cultural celebrations they produce, are an integral part of the fabric of our community and an important part of our economic base; and

**WHEREAS**, these activities provide local residents and visitors with enhanced quality of life; and

**WHEREAS**, the Town of Paonia, Colorado recognizes the potential benefits that designation of the North Fork Valley as a Certified Creative District could provide to the local citizens as well as visitors to the area; and

**WHEREAS**, the Town of Paonia, Colorado wishes to appoint a representative to the Board of Directors of the North Fork Valley Creative Coalition; and

**WHEREAS**, the Town Council of the Town of Paonia, Colorado believes it is in the best interest of the Town to appoint a representative to the Board of Directors of the North Fork Valley Creative Coalition;

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

**Article 1.** Appoint a representative to the North Fork Valley Creative Coalition Board of Directors and to represent the best interests of the citizens of Paonia on said Board.

**Article 2.** Endorse the goal of economic development of said creative district.

**Article 3.** Endorse the goal of tourism development of said creative district within the context of contributing to the overall visitor development goal of the Town of Paonia.



**Article 4.** Authorizes the appropriate officials to draft and send a letter of support for the efforts of the North Fork Valley Creative Coalition to seek designation as a Certified Creative District in the State of Colorado.

**Article 5.** Directs town staff to assist in collection of pertinent data to support the North Fork Valley Creative Coalition meet the criteria for designation as a Certified Creative District in the State of Colorado.

**Article 6.** Directs town staff to actively support and cooperate with the governing board of the North Fork Valley Creative Coalition to develop and maintain said creative district.

**Article 7.** Requests all residents and business owners of the Town of Paonia to support, promote and help maintain activities and events in said district.

Adopted this 26<sup>th</sup> day of February, 2013 by the Board of Trustees, Town of Paonia, Colorado.

Voting Members Aye:

Brian Ayers  
Trustee Brian Ayers

Absent  
Trustee Corinne Ferguson

Eric Goold  
Trustee Eric Goold

Amber Kleinman  
Trustee Amber Kleinman

Absent  
Trustee Ross King

Larry Wissbeck  
Trustee Larry Wissbeck

Attest:

Barbara J. Peterson  
Barbara J. Peterson, Town Clerk



Neal Schwieterman  
Mayor, Neal Schwieterman



February 27, 2018

Re: Paonia Creative District Letter of Support 2018

Colorado Creative Industries, A Division of the COEDIT  
1625 Broadway, Suite #2700  
Denver, CO 80202

Dear Colorado Creative Industries:

On behalf of the Paonia Board of Trustees, I would like to submit this Letter of Support for the North Fork Valley Creative Coalition's (NFVCC) recertification application for **Paonia Creative District**. The Town fully supports the NFVCC's mission to impact the local economy by supporting and expanding creative industries. Our community has experienced positive economic growth due in part to Creative District status. Property values have increased, new residents are moving in, innovative businesses are finding their home here, and the arts culture is alive and well.

Therefore, we fully support the recertification of the Paonia Creative District and hope that you will look favorably upon this application.

With Regards,



Kenneth Knight  
Paonia Town Administrator

AGENDA SUMMARY FORM



Approval to Enter into Contract Negotiations with Selected Housing Firm

Notes:



**To: The Honorable Mayor Mary Bachran and Board of Trustees**

**From: Leslie Klusmire, Interim Administrator**

**Date: March 14, 2023**

**RE: Housing Needs Assessment & Housing Action Plan consulting firm selection and direction to enter into contract negotiation**

**Recommendation:** Select a firm and direct the Interim Town Administrator and Town Attorney to enter into contract negotiations.

**Background:**

At a special meeting on March 1<sup>st</sup>, 2023, the Board of Trustees interviewed three firms who submitted proposals to provide the Town with a Housing Needs Assessment & Housing Action Plan. They were:

1. Matrix
2. EPS
3. Urban-Rural Continuum

Please select a firm to negotiate with. The Town Attorney will prepare a contract using the Town’s services template, and the Interim Town Administrator will send it to the firm. The result will be a final contract for the Board to approve.



Ordinance 03-2023: Amending Street Closure Permits

	Ordinance 03-2023: Amending Street Closure Permits

March 2, 2023





**Town Board Staff Report Template**

**Subject: Ordinance No. 2023-03; An Ordinance Amending Section 11-1-80 of the Paonia Municipal Code Regarding Street Closures**

**Author: Nick Cotton-Baez, Town Attorney**

**Representing: Legal**

**Date: March 14, 2023**

**Specific request: Consider Approval of Ordinance**

**Summary Recommendation**

- The Town staff recommends approval of the Ordinance if the Board desires to strictly (1) limit street closures to a maximum of 10 hours in any 24-hour period, and (2) prohibit the closure of any “city block” (defined in the Executive Summary) to 2 times in any 30-day period.
- If the Board desires more flexibility, the Town staff recommends that the Board adopt the Ordinance with amendments to subsections (m) and (n).

**Executive Summary**

- The Board directed the Town Attorney to prepare the draft Ordinance for the Board’s consideration of approval.
- The draft included in the packet is intended to reflect the discussions had, and motions adopted, at the Board’s regular meetings on November 22, 2022, and February 14, 2023.
- In addition, after finding PMC § 11-1-80 does not contain an adequate enforcement mechanism, the Town Attorney has included language that would allow the Town to draw on the deposit provided by the applicant under certain circumstances (i.e., failure to clean up, and failure to remove items from, the event area). See subsections (c) and (o).
- The Town Attorney has also included clarifying amendments to subsection (f), regarding insurance, and subsection (i), regarding proof of street closure notification.
- The revisions to subsection (m) [formerly subsection (l)] would limit street closures to a maximum of 10 hours in any 24-hour period.
- The new subsection (n) would prohibit the closure of any “city block” to 2 times in any 30-day period. “City block” is defined in subsection (n) as “the distance along the subject street between the two (2) nearest intersecting through streets or, where there is no second intersecting through street, the distance along the subject street from the intersecting through street to the dead end.”
- Subsection (l) contains a new definition of “event area,” which would include “the area of street closure, abutting sidewalks, and all other areas utilized by the event.” The defined term is used in subsection (l) regarding trash cleanup, and subsection (o) regarding draws on the applicant’s deposit.

**The Intent**

- The draft Ordinance seeks to strike the balance between the desire to allow events within the Town’s commercial districts, and perceived business owner concerns with closures of the streets abutting their businesses
- The draft Ordinance further seeks to ensure event organizers return the Town’s streets and other areas utilized by the event free of trash and to the condition existing prior to the event

**Background**

- The Board discussed, and adopted motions regarding, potential revisions to PMC § 11-1-80 at its regular meetings on November 22, 2022, and February 14, 2023.
- Motions adopted at the February 14 meeting supersede conflicting motions adopted at the November 22 meeting (to the extent of the conflict).
- Summary of (main) motions adopted on November 22:
  - Motion to require the event holder to be responsible for providing proof of general liability insurance with the application.
  - Motion that section (l) limit the closure of commercial streets (C-1 and C-2 zone districts) to no more than 6 times in one calendar year.
  - Motion that section (m) limit Town Administrator-approved street closures to not more than 10 hours in duration and 1 day in a row; and that Board must approve closures falling outside those limits.
- Summary of (main) motions adopted on February 14:
  - Motion that Section (f) remain as is, such that organizer provides insurance.
  - Motion that Section (l) should be revised to limit the frequency of “block” closures to no more than 2 times in a calendar month.
  - Motion to allow Town Administrator to approve street closure for up to 10 hours in any one day, with no ability of the Board to approve a longer closure.
- The Board’s adoption of this Ordinance would have the effect of superseding any motions adopted on November 22, 2022, and February 14, 2023, to the extent that such motions are not reflected in the adopted Ordinance.

**Options/Alternatives for Town Board to Consider**

See Summary Recommendation (above).

**Funding Source and Fiscal Impact**

- No perceived fiscal impact.
- No perceived increase in staff time.
- Would eliminate Board’s need to review applications for street closures that exceed the Town Administrator’s approval authority.

**Attachments**

- (Draft) Ordinance No. 2023-03; An Ordinance Amending Section 11-1-80 of the Paonia Municipal Code Regarding Street Closures

**Samira V**

---

**From:** Mary B  
**Sent:** Wednesday, February 22, 2023 1:36 PM  
**To:** mitch.farm.home@gmail.com  
**Cc:** Samira V; Leslie  
**Subject:** Re: Ouch!

Mitch,  
Thank you for your comments. I will forward them to our Town Clerk, Samira) and she will see that they are included in the packet for the meeting on Tuesday. Since this is a change in ordinance, this will come before the Board again in about 30 days (the 14<sup>th</sup> of March, Sam can correct me if I am wrong,) for final approval. You will have a chance to address the Board on the issue again at that time.

Thanks for the input.  
Mary

---

**From:** mitch.farm.home@gmail.com <mitch.farm.home@gmail.com>  
**Sent:** Wednesday, February 22, 2023 1:31 PM  
**To:** Mary B <maryb@townofpaonia.com>  
**Cc:** Thomas M <ThomasM@townofpaonia.com>; Dave K <DaveK@townofpaonia.com>; Paige S <paiges@townofpaonia.com>; John V <JohnV@townofpaonia.com>; Rick S <RickS@townofpaonia.com>; D Weber <dweber@townofpaonia.com>; Leslie <leslie@townofpaonia.com>; nick@townofpaonia.com <nick@townofpaonia.com>  
**Subject:** Ouch!

Mary,  
I agree that the town needs a clearly defined ordinance for street closures of who, what, where, when and how many and the process to go about it.

Trustees provide direction to attorney regarding special event street closures - Cotton-Baez to provide document aligning their amendments to code at later date. May 16, 2023. DCI.

Assuming the article is close to accurate, street closure up to 2 times per month would significantly impact our business, customers, pets, and livestock. (24 Sundays -no big deal, we are closed. 24 Saturdays – devastating)

As stated, every time we approach this topic – we are not against street closures that are for the overall town health, culture and wellbeing like Cherry Days and the Harvest Festival. If you moved those to our town park you wouldn't hurt my feelings.

But the smaller arts/crafts/fairs/festivals that seem to only benefit a few boutiques located at the other end of the street, that's another story. Those and you can quote me if you like, **should be** held at the town park rather than on Grand Avenue. We have a beautiful town park, great facilities and amenities. Let's use it. Streets are for cars/trucks and the businesses they patronize.

Can you inform me as to the process moving forward? As a concerned resident and business owner I would like to do my part with public input and feedback as appropriate to try to influence the decision-making process.

Thanks,



Mitch Morgan  
Paonia Farm & Home Supply  
970-527-3301

PS. If you are still reading, please make sure event coordinators provide public restroom facilities and plenty of trash receptacles during street closures.

**ORDINANCE NO. 2023-03**

**AN ORDINANCE AMENDING SECTION 11-1-80 OF THE PAONIA MUNICIPAL CODE REGARDING STREET CLOSURES**

**WHEREAS**, the Town of Paonia (the “Town”) is a municipal corporation duly organized and existing under the laws of the State of Colorado; and

**WHEREAS**, the Town Board of Trustees desires by this Ordinance to amend the street closure permitting requirements of Section 11-1-80 of the Paonia Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, AS FOLLOWS:**

**Section 1.** Section 11-1-80 of the Paonia Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

**Sec. 11-1-80. - Street closure; permit.**

(a) Persons and/or organizations requesting a parade or other event involving street closure within the Town limits must apply in writing to the Town Clerk for a street closure permit. The Town Clerk shall submit such application to the Chief of Police for comment and to the Town ~~Administrator~~ Manager for review and denial or approval. ~~by the Town Manager.~~

(b) The issuance of a street closure permit shall be in accordance with applicable provisions herein, the provisions for street closure as set forth below, and any applicable provisions of the ordinances of the Town regarding the private usage of public property. Such permit is revocable by the Town ~~Administrator~~ Manager, the Mayor, or Mayor Pro Tem.

(c) The fee and deposit amount for submittal of a street closure permit application will be set by Resolution as determined from time-to-time by the Board of Trustees. The deposit, minus any amounts lawfully drawn upon by the Town in accordance with subsection (o) of this Section, shall be returned to the applicant within the thirty (30) day period subsequent to the event and upon the Town Administrator's determination that the street and adjoining area are returned to the same condition as prior to the closure as further detailed in subsection (o).

(d) The application shall be submitted no less than thirty (30) days in advance of the event.

(e) The Town ~~Administrator~~ Manager shall not approve any street closure if the Town does not have sufficient resources to properly manage the event in a manner consistent with the preservation of the public peace, health and safety

and to provide for adequate traffic control or if an adequate alternate route is not available, if applicable.

(f) The applicant shall provide proof of a commercial general liability insurance policy ~~with in a~~ minimum limits of not less than the maximum amount that may be recovered from public entities pursuant to coverage equal to that specified in Section 24-10-114, C.R.S., which names the Town, its officers, agents and employees as additional insureds for claims arising out of the event.

(g) The closure shall be implemented and the route chosen in a manner that will cause the least inconvenience to the driving public, adjacent residents or businesses consistent with the reasonable requirements of the event. The applicant shall submit and implement an adequate plan to control and organize the event in a manner consistent with all applicable ordinances of the Town.

(h) Applicable open container laws within the Town shall apply in all street closure events.

(i) The applicant shall also provide, as a requirement of permit issuance, written proof of street closure notification to all ~~adjoining~~ property owners and businesses abutting the area of the street closure.

(j) The applicant shall also provide a detailed description of any vending or commercial activity occurring coincident with the event. Separate vending permits shall not be required for all such commercial activities so described, but vendors shall be subject to all other permitting requirements, including but not limited to sales tax licenses.

(k) For street-closure events, the Town shall provide ~~and install barricades, and to be installed and monitored by the applicant as necessary to prevent vehicles from entering the area of street closure. shall arrange for and provide necessary trash containers.~~

(l) The applicant shall arrange for and provide trash containers in an amount necessary to serve the event, and shall empty such containers as necessary to prevent the accumulation of trash in the event area. The applicant shall maintain the event area in a clean and orderly condition at all times during the event, and shall ensure all trash is picked up and properly disposed of following the event's conclusion. For purposes of this Section, "event area" shall mean and include the area of street closure, abutting sidewalks, and all other areas utilized by the event.

(m) ~~(4) Street closures shall not exceed ten (10) five (5) hours in duration in any twenty-four (24) hour period, except on Sundays and state-recognized holidays when closure may occur for up to ten (10) hours.~~

(n) The Town Administrator shall not approve the closure of any city block more than two (2) times in any thirty (30) day period. For purposes of this subsection, “city block” shall mean the distance along the subject street between the two (2) nearest intersecting through streets or, where there is no second intersecting through street, the distance along the subject street from the intersecting through street to the dead end.

(o) The Town may draw on the deposit under the following circumstances:

(1) The applicant’s failure to ensure the removal of all barricades, event organizer and vendor equipment and personal property, trash containers and receptacles, and any other items placed by the applicant in the event area by such time as the event is required to conclude as established in the street closure of the permit; or

(2) The applicant’s failure to return the event area free of trash and to the condition existing prior to the event within twelve (12) hours of the conclusion of the event;

The Town will draw fifty dollars (\$50.00) from the deposit if the applicant fails to meet the deadlines set forth above, and an additional fifty dollars (\$50.00) for every thirty (30) minute period thereafter until such time as the applicant has complied with its obligations pursuant to this subsection, or the deposit is depleted. In addition, the Town will draw such amounts from the deposit as are necessary to offset the Town’s costs in removing trash or items remaining in the event area following the deadlines set forth above, including but not limited to staff time and any fuel and equipment costs.

(p) ~~(m)~~ The Town, upon permit approval, shall notify all emergency service providers accordingly.

**Section 2.** All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 3.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 4.** This Ordinance shall take effect thirty (30) days after adoption and



publication.

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this 14<sup>th</sup> day of March, 2023.

**TOWN OF PAONIA, COLORADO,  
a Colorado municipal corporation**

By: \_\_\_\_\_  
Mary Bachran, Mayor

ATTEST:

\_\_\_\_\_  
Samira Vetter, Town Clerk

AGENDA SUMMARY FORM



Direction from the Board regarding zoning violation investigation -  
Interim Town Administrator

Notes:

**To: The Honorable Mayor Mary Bachran and Board of Trustees**

**From: Leslie Klusmire, Interim Town Administrator**

**RE: Request for Board Direction Regarding Possible Ongoing Zoning Violation**

**Date: March 14, 2023**

**Recommendation:**

Provide direction to the Town Administrator on how to proceed with investigating complaints regarding a zoning violation. Options include:

1. Asking another local government to provide code enforcement service and reimburse their costs, including travel time.
2. Find an existing Town staff member willing to be trained and do this work. Typically code enforcement officers are issued a badge since they have to enter private property to investigate complaints.
3. Hiring a private company to conduct this specific investigation. This is likely the most expensive option.
4. Choose not to investigate the complainant's allegations.

**Background:**

The Town has traditionally relied on staff who have not been trained in code enforcement to enforce the Town's codes. Some of those efforts resulted in decisions that may not have addressed the situation according to Town codes.

Since beginning work here, I have been able to address code violations that merely require documenting a violation and sending either a cease or notice to cure order.

I investigated a complaint that the property owner had rented the house in the R1 zone and was using the oversized garage (20' x 40'=800 sq. ft.) for a business warehouse/distribution center. The use of the garage for business is not allowed in the R1 zone. The complainant sent photos of what appeared to be the type of trucks associated with a business at the garage. I called the business owner, who confirmed he was using the garage for his business. I sent a cease and desist order to require them to stop the business use by a specific date. You received a copy of the cease-and-desist order. The deadline is long past.

The complainant believes the property owners are still running the business out of the garage. A photo was submitted showing a pickup truck parked in front of the garage. The garage door was closed in the photo. The complainant claims that an employee of the business owns the pickup and that employees work in the garage for about two hours daily.

To investigate this claim, the Town has to verify that the garage is being used for business and that employees are working in the garage. This takes a lot of time to do. We don't have the

current staff to devote to this type of follow-up. To issue a citation, we need evidence that there actually is a violation. This may require surveillance and entering the garage to see if business is conducted there.

The property owner has the right to park a vehicle, use the garage, and store things in it. However, running any commercial business out of the garage is a zoning violation. In my experience, it will take many hours over many days to determine if they are really doing business and not just storing stuff.

I have contacted the City of Delta to see if they would loan us their code enforcement officer, and they told me they are swamped and can't. It may be that the County would lend us their code enforcement officer. Law enforcement doesn't usually get involved in these kinds of violations.

The Town probably needs to hire an as-needed contract code enforcement officer in the future, but that takes time and will be difficult because it doesn't have a lot of intensive code enforcement work.

Some private companies will send in people to do this kind of work, but it will be at a considerable expense.





Request for Board Direction Establishing Needs & Desires Boundaries for Liquor Licensing

A large, empty rectangular box with a black border, intended for providing details or notes related to the agenda item.

March 2, 2023



**Town Board Staff Report**

**Subject: Resolution for Neighborhood Boundaries for Liquor Licensing**

**Author: Samira Vetter**

**Representing: Clerk’s Office**

**Date: March 14, 2023**

**Specific request: That the Town’s Local Licensing Authority set a standard ‘neighborhood’ boundary for Liquor Licensing application requirements.**

**Summary Recommendation**

**To either provide direction to the Town Attorney about a Resolution for the establishment of Neighborhood Boundaries**

**-or-**

**To send the issue to the Planning Commission for a more in-depth discussion and recommendation of neighborhood boundaries based on potential future planning.**

**Executive Summary**

**When a business applies for a liquor license, before their public hearing they are required to show the Local Licensing authority the ‘Needs & Desires’ of the neighborhood. This is often done by petition, and it seems that the ‘neighborhood’ is the town limit. Paonia has an ever-evolving business structure and has a community that is forward looking and creative when it comes to building a sustainable economy, so this could be an important distinction to have in the future.**

**State statute requires that the Local Licensing Authority consider many things including the ‘needs & desires’ of the neighborhood. There is also no definition in the State Statute of ‘neighborhood’ or guidelines to determine those boundaries. However, at the time a complete application is turned in and when a public hearing is scheduled, the Clerk’s office needs to be able to provide a boundary for applicants.**

**The Intent**

**As Paonia continues to develop and be surrounded by tourism, food, festivals, vineyards and breweries; having an official ‘neighborhood’ established by Resolution is just good practice. It ensures that everyone has to meet the same standards, all licensees know from the start what their requirements are and it provides a solid base for the Local Licensing Authority/ Board of Trustees to provide consistent and equitable treatment.**

**Options/Alternatives for Town Board to Consider**

**I offered a second recommendation of sending the issue to the Planning Commission for a more in-depth discussion and recommendation because while the boundaries could be changed if desired**

later, with Master Plan work being done and planning for growth after the water moratorium is lifted, it might be a good time to look at what the business/tourism growth might look like alongside the residential growth.

**Funding Source and Fiscal Impact**

None at this time

**Attachments**

Pages from the Colorado Municipal Leagues 'Liquor & Beer Handbook 2022'



## DETERMINING THE “REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD”

Before approving or denying an application for a new license, the local authority must consider, among other factors:

[T]he reasonable requirements of the neighborhood for the type of license for which application has been made, the desires of the adult inhabitants, [and] the number, type, and availability of alcohol beverage outlets located in or near the neighborhood under consideration... except that the reasonable requirements of the neighborhood shall not be considered in the issuance of a club liquor license.<sup>184</sup>

Another statute requires the local authority to consider:

[T]he reasonable requirements of the neighborhood, the desires of the adult inhabitants as evidenced by petitions, remonstrances, or otherwise, and all other reasonable restrictions that are or may be placed upon the neighborhood by the local licensing authority.<sup>185</sup>

## DETERMINING THE BOUNDARIES OF THE “NEIGHBORHOOD”

Key to these considerations, and one of the more difficult problems confronting the local licensing authority, is the method for determining the boundaries of the “neighborhood” to be served by the proposed outlet. No statutory definition of the word “neighborhood” exists, and no statutory guidelines explain how to determine neighborhood boundaries.<sup>186</sup> However, in several cases decided over the years, the Colorado courts have tried to fill this void.

In general, the courts have recognized that the geographic extent of the “neighborhood” will vary from case to case, depending upon individual facts and circumstances.<sup>187</sup> Thus the local licensing authority has considerable discretion in determining neighborhood boundaries, and its determination will not be overturned by the courts unless it is shown to have acted arbitrarily or capriciously or to have abused its discretion.<sup>188</sup> In smaller communities the entire municipality<sup>189</sup> or even the entire municipality and its surrounding suburban area<sup>190</sup> has, at times, been permissibly determined to be a single “neighborhood.” Designated neighborhoods have also been upheld even when they cross municipal boundary lines.<sup>191</sup>

The courts have, on occasion, used a distance radius as a convenient rule of thumb for the neighborhood.<sup>192</sup> However, courts require that the determination of a neighborhood be based not merely on linear footage but take into account relevant factors such as the nature of the area in which the proposed outlet is to be located (i.e. rural, residential, shopping center),<sup>193</sup> as well as traffic flow,<sup>194</sup> access roads,<sup>195</sup> and “geography, terrain, and barriers, both God-made and man-made.”<sup>196</sup> Finally, there are some outside limits to what a court will accept as a single “neighborhood,” and if it is described too expansively it may be struck down.<sup>197</sup>

If the record is complete and reveals that the local licensing authority has considered the evidence and based its determination of neighborhood boundaries on these types of factors, a court will likely uphold the local authority’s decision on appeal.<sup>198</sup> It should be noted that in order to challenge the authority’s description of the neighborhood in court, the applicant or those opposing the application should have objected to the local authority’s designation of the neighborhood at the licensing hearing and have made their objections part of the record. The authority’s designation of neighborhood boundaries will almost surely survive a court hearing if it is only challenged for the first time during judicial review of the licensing authority’s decision.<sup>199</sup>

In reviewing a license application, the local authority should establish the neighborhood boundaries as soon as possible, since many other elements of the application and review process depend on what the board has determined the relevant “neighborhood” to be. Where a local authority could reasonably select more than one area as the relevant neighborhood, an early determination is essential to guide interested parties in the presentation of opinions and information. The local authority may wish to hear substantial evidence at the hearing on the question of the proper boundaries. In small communities where the entire community may be considered “the neighborhood,” or where the relevant neighborhood is otherwise obvious, this early determination should cause few problems.

In order to expedite the process, some local authorities in urban areas make “preliminary rulings” on the boundaries of the neighborhood, which will apply to the hearing unless the applicant or some other interested party presents sufficient evidence that a different definition with different boundaries should be established. If the boundaries are changed during the course of the hearing and the change affects the hearing significantly, the authority may continue the hearing to a specified date to allow the interested parties to obtain and present more appropriate, relevant information and arguments.

## DETERMINING THE “NEEDS” OF THE NEIGHBORHOOD

Initially, the license applicant has the burden of making a *prima facie* showing that the reasonable requirements of the neighborhood establish a need for issuance of the particular license.<sup>200</sup> Evidence that there is no liquor outlet of a similar classification within a radius of several miles and that there is substantial support for issuance of the license may be dispositive of the issue for the local authority, and a finding that the

<sup>184</sup> § 44-3-312(2)(a).

<sup>185</sup> § 44-3-301(2)(a).

<sup>186</sup> In describing the term “neighborhood,” § 44-3-103(19)(d) adds the modifying term “immediate” [i.e. “immediate neighborhood in which the establishment is located”], but beyond this there is nothing in the C.R.S. to offer any guidance.

<sup>187</sup> See generally, e.g., Bd. of Cnty. Comm’rs of Boulder Cnty. v. Johnson, 460 P.2d 770 (1969); Campbell v. City Council of Montrose, 374 P.2d 348 (1962).

<sup>188</sup> See Bd. of Cnty. Comm’rs of Boulder Cnty. v. Johnson, 460 P.2d at 771; Campbell v. City Council of Montrose, 374 P.2d 348, 351 (1962); see also Potter v. McClearn, 467 P.2d 54, 56 (1970); Lassak v. City Council of Arvada, 423 P.2d 574, 575 (1967); Hicks v. Capra, 416 P.2d 362, 364 (1966).

<sup>189</sup> See generally Norris v. Grimsley, 585 P.2d 925, 926-27 (1978).

<sup>190</sup> Campbell v. City Council of Montrose, 374 P.2d 348, 350-51 (1962).

<sup>191</sup> See generally Bd. of Cnty. Comm’rs of Larimer Cnty. v. Bickel, 395 P.2d 208, 209 (1964); Brentwood Liquors v. Schooley, 363 P.2d 670, 670 (1961).

<sup>192</sup> A “distance radius” is some predetermined radius—such as six blocks, ½ mile, five miles (etc.)—that is used to construct a circle on a map around the proposed outlet. See

generally, e.g., AWR Corp. v. Bd. of Cnty. Comm’rs of Morgan Cnty, 391 P.2d 675 (1964); Heinz v. Bauer, 375 P.2d 520, 521 (1962).

<sup>193</sup> Lassak v. City Council of Arvada, 423 P.2d 574, 575 (1967); Hicks v. Capra, 416 P.2d 362, 364 (1966).

<sup>194</sup> Lassak v. City Council of Arvada, 423 P.2d 574, 575 (1967).

<sup>195</sup> Bd. of Cnty. Comm’rs of Fremont Cnty v. Salardino, 329 P.2d 629, 632 (1957).

<sup>196</sup> Hicks v. Capra, 416 P.2d 362, 364 (1966).

<sup>197</sup> See, e.g., Bolton v. Bd. of Cnty. Comm’rs of Delta Cnty, 432 P.2d 761, 762 (1967) (reversing a county licensing authority’s finding that the “neighborhood” for an application could be defined as the entire county).

<sup>198</sup> See generally Chap. Two - Issuing New Licenses: Judicial review of the local licensing authority’s decision (explaining the process of judicial review generally, and the importance of keeping a complete record).

<sup>199</sup> See Bd. of Cnty. Comm’rs of Adams Cnty. v. Thompson, 448 P.2d 639, 640 (1969); Hicks v. Capra, 416 P.2d 362, 364 (1966).

<sup>200</sup> Nat’l Convenience Stores v. Englewood, 110, 556 P.2d 476, 477 (1976); Tavella v. Eppinger, P.2d 314, 315 (Colo. 1963); Jennings v. Hoskinson, 382 P.2d 807, 809 (1963); Bd. of Cnty. Comm’rs of Adams Cnty. v. Nat’l Tea Co., 367 P.2d 909, 911 (1962).



requirements of the neighborhood are already met under such conditions may be found to be arbitrary as a matter of law.<sup>201</sup> Additionally, once the applicant has presented a *prima facie* case that the reasonable requirements for the neighborhood are not being met, the mere existence of other outlets nearby may be an inadequate basis upon which to deny a license.<sup>202</sup> The key question, according to the Colorado Supreme Court in *Canjar v. Huerta*, is whether “the needs of the neighborhood with respect to the type of beverage authorized to be sold are being met by existing licenses.”<sup>203</sup> Under this test, when determining the needs of the neighborhood for a beer and wine license application, the licensing authority may consider the existence of all beer and wine licenses, hotel and restaurant licenses, vintner’s restaurant licenses, and tavern licenses located in the defined neighborhood, since all may sell beer and wine for consumption on the premises.<sup>204</sup>

The corollary to this rule is that if there are a number of licensed outlets in the area, then the applicant has the burden of showing that they are somehow inadequate to serve the needs of the neighborhood.<sup>205</sup> Petitions signed for or against the application by residents of the affected neighborhood also present some evidence of the requirements of the neighborhood,<sup>206</sup> although the sheer number of persons signing will not be determinative of the issue.<sup>207</sup>

Other types of evidence showing the needs of the neighborhood might include (for instance) neighborhood population and traffic counts on nearby streets,<sup>208</sup> as well as convenience of access, hours of operation, frequency of customer requests, and numbers of similar outlets in the neighborhood.<sup>209</sup> Survey data may also be submitted in support of an application. The licensing authority, however, must view any statistical data submitted in a consistent manner; it cannot both accept and reject the methodology used or find the data both significant and insignificant because of the results produced.<sup>210</sup> For example, a licensing authority cannot base a denial of a license on the views of a vocal minority which are opposed to the license, while ignoring the majority of respondents who favor it.<sup>211</sup>

## NUMBER, TYPE, AND AVAILABILITY OF LIQUOR OUTLETS LOCATED IN OR NEAR THE NEIGHBORHOOD

This criterion is closely related to the “requirements of the neighborhood” standard, since the availability or lack of similar liquor outlets in the area is some evidence of the needs of the neighborhood. The lack of any other licensed establishment in the area to be served by the proposed outlet obviously provides strong support in a *prima facie* showing of need for the license.

A fermented malt beverage “package” outlet is not considered a “similar liquor outlet” to one which will sell fermented malt beverages by the drink.<sup>212</sup> Also, the number and location of liquor outlets is not controlling when deciding whether a fermented malt beverage license should be granted.<sup>213</sup> It also seems logical to assume that the existence of, for example, restaurant licenses within the designated neighborhood of an applicant’s proposed retail liquor store would not be entitled to the same weight as would the existence of other retail liquor store licenses in the neighborhood.

In any event, the record of the hearing on any new license application should clearly reflect the fact that the local authority considered the existence or lack of liquor outlets located in or near the defined neighborhood, the weight attached to the existence of the outlets, and the reasons for assigning such weight.<sup>214</sup> The Colorado Court of Appeals has ruled that existence of other liquor outlets, by themselves, is a legally insufficient basis for denying an application.<sup>215</sup> However, a record containing such information enhances the likelihood that the local authority’s decisions will be upheld upon review.

Consideration of the “number, type, and availability” of other liquor outlets has been a longstanding feature of the Liquor Code. However, in 1997 the General Assembly amended the code to specifically provide that a retail liquor store or tavern license could be denied if it would result in an “undue concentration” of such licenses in a particular area.<sup>216</sup> The degree to which this new provision actually affords licensing authorities additional discretion to deny license applications has not yet been specifically addressed by the courts.

## CONSIDERATIONS REGARDING “UNDUE CONCENTRATION”

Where a licensee applies for a second hotel and restaurant or vintner’s restaurant license the local authority must consider the effects on local competition, and must deny the application if approval would have the effect of restraining competition.<sup>217</sup> Furthermore, for retail liquor store and tavern licenses only, the local licensing authority may consider whether the license “would result in or add to an undue concentration of the same class of license and, as a result, require the use of additional law enforcement resources,” and may deny a license on that basis.<sup>218</sup> In defining “undue concentration,” the local board may consider (1) the ratio of license type to population statewide as compared to the neighborhood, (2) the ratio of license type to population in the municipality or county as a whole as compared to the census tract or census division in question, and (3) the distance between the applicant’s premises and other premises holding the same license.<sup>219</sup> The local authority may also consider any published data concerning the concentration of licenses and its effect on the need for local law enforcement, and testimony by law enforcement officials with the responsibility for the area in which the applicant premises are located.<sup>220</sup>

Because the statutory language does not lend itself to precise definition, and because the Liquor Code contains no explanation of many of the above quoted phrases, court rulings must be examined to understand better the meaning of these statutory standards.<sup>221</sup>

201 See, e.g., *Wadlow v. Hartman*, 551 P.2d 201, 201 (1976) (citations omitted); *Anderson v. Spencer*, 426 P.2d 970, 974 (1967).

202 *Southland Corp. v. City of Westminster*, 746 P.2d 1353, 1355 (Colo. App. 1987), citing *Nat’l Convenience Stores v. Englewood*, 556 P.2d 476, 477 (“The mere existence of other outlets in the neighborhood, although a factor to be considered by the licensing authority, is not in itself a sufficient ground for denying a license.”).

203 *Canjar v. Huerta*, 566 P.2d 1071, 1073 (1977) (emphasis added).

204 *Canjar v. Huerta*, 566 P.2d 1071, 1073 (1977).

205 See, e.g., *Tavella v. Eppinger*, 383 P.2d 314, 315 (Colo. 1963); *Jennings v. Hoskinson*, 382 P.2d 807, 809 (1963).

206 *Bd. of Cnty. Comm’rs of Adams Cnty. v. Nat’l Tea Co.*, 367 P.2d 909, 911 (1962); *Brass Monkey, Inc. v. Louisville City Council*, 870 P.2d 636, 641 (Colo. App. 1994).

207 See *Vigil v. Burress*, 404 P.2d 147, 148 (1965) (explaining that “the number of persons signing for or against a license is not wholly determinative of either the reasonable requirements or the desires of the neighborhood.”).

208 See *Nat’l Convenience Stores v. Englewood*, 556 P.2d 476, 477 (1976).

209 See generally *Nat’l Convenience Stores v. Englewood*, 556 P.2d 476, 477 (1976); *Southland Corp. v. City of Westminster*, 746 P.2d 1353, 1354 (Colo. App. 1987).

210 *Brass Monkey, Inc. v. Louisville City Council*, 870 P.2d 636, 641 (Colo. App. 1994) (finding

the denial of an application arbitrary and capricious where the council relied on twenty-six percent surveyed opposition, but found the corresponding seventy-four percent favorable opinion from the same survey insignificant due to the small survey sample size).

211 *Brass Monkey, Inc. v. Louisville City Council*, 870 P.2d 636, 641 (Colo. App. 1994).

212 *Kerr v. Bd. of Cnty. Comm’rs*, 460 P.2d 235, 237 (1969); *Bd. of Cnty. Comm’rs of Adams Cnty. v. Nat’l Tea Co.*, P.2d 909, 911 (1962).

213 See *Hirsch v. Bd. of Tr.*, 370 P.2d 760, 761 (1962).

214 *Brass Monkey, Inc. v. Louisville City Council*, 870 P.2d 636, 641 (Colo. App. 1994).

215 *Brass Monkey, Inc. v. Louisville City Council*, 870 P.2d 636, 641 (Colo. App. 1994).

216 § 44-3-301(2)(b); *Liquor Reg. § 47-301*.

217 § 44-3-301(2)(a).

218 § 44-3-301(2)(b).

219 *Liquor Reg. §§ 47-301(A)(1)-47-301(A)(3)*.

220 *Liquor Reg. §§ 47-301(A)(4); 47-301(A)(5)*.

221 Because the cases decided under the Colorado Beer Code in this area are based on the same considerations as those decided under the Liquor Code, both types of cases are included in the following discussion.

AGENDA SUMMARY FORM



Approve the Mayor to sign documents allocating the Town's 2023 Opioid Settlement Funds to the Region 14 Opioid Abatement Council (Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel Counties)

Notes:



**TOWN OF PAONIA, COLORADO  
RESOLUTION 2021-08**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN  
OF PAONIA APPROVING COLORADO'S OPIOID SETTLEMENT  
AND RECOVERY**

WHEREAS, the Colorado Department of Law has come to an agreement with Colorado's local governments for distributing opioid settlement and recovery funds to local counties and municipalities; and

WHEREAS, to maximize the settlement funds within Colorado, it is important that all Colorado counties and municipalities participate in these settlements and the distribution process.

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

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Board of Trustees of the Town of Paonia ("Board").
2. Approval. The Board approves for execution by the Mayor and Town Clerk the following documents:
  - (1) The Memorandum of Understanding that lays out the allocation of Opioid recoveries in the State of Colorado;
  - (2) The Subdivision Settlement Participation Form that releases subdivisions' legal claims against Johnson & Johnson;
  - (3) The Subdivision Settlement Participation Form that releases subdivisions' legal claims against AmerisourceBergen, Cardinal Health, and McKesson; and
  - (4) The Colorado Subdivision Escrow Agreement that ensures subdivisions' legal claims are released only when 95% participation by certain local governments has been reached.
3. Effective Date. This Resolution shall take effect upon adoption hereof.

ADOPTED this 24<sup>th</sup> day of November, 2021.

PAONIA Board of Trustees

By: Mary Bachran  
Mary Bachran, Mayor

ATTEST:

Corinne Ferguson  
Corinne Ferguson, Town Administrator/ Clerk





**COLORADO OPIOIDS SETTLEMENT MEMORANDUM OF UNDERSTANDING  
("MOU")**

Thursday, August 26, 2021

August 25, 2021 Attorney General version

**A. Definitions**

As used in this MOU:

1. "Approved Purpose(s)" shall mean forward-looking strategies, programming, and services to abate the opioid epidemic as identified by the terms of any Settlement. If a Settlement is silent on Approved Purpose(s), then Approved Purpose(s) shall mean those forward-looking strategies to abate the opioid epidemic identified in **Exhibit A** or any supplemental forward-looking abatement strategies added to **Exhibit A** by the Abatement Council. Consistent with the terms of any Settlement, "Approved Purposes" shall also include the reasonable administrative costs associated with overseeing and administering Opioid Funds from each of the four (4) Shares described in Section (B)(2). Reimbursement by the State or Local Governments for past expenses are not Approved Purpose(s). "Approved Purposes" shall include attorneys' fees and expenses incurred in the course of the opioid litigation that are paid through the process discussed below.
2. "County Area" shall mean a county in the State of Colorado plus the Local Governments, or portion of any Local Government, within that county.
3. "Effective Date" shall mean the date on which a court of competent jurisdiction, including any bankruptcy court, enters the first Settlement by order or consent decree. The Parties anticipate that more than one Settlement will be administered according to the terms of this MOU, but that the first entered Settlement will trigger the formation of the Abatement Council in Section (C) and the Regional Councils in Section (F)(5).<sup>1</sup>
4. "General Abatement Fund Council," or "Abatement Council," shall have the meaning described in Section (C), below.

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<sup>1</sup> For the avoidance of doubt, the McKinsey Settlement and any other Settlement that precedes the finalization of drafting this MOU are not considered a trigger for purposes of the calculation of "Effective Date."

5. "Local Government(s)" shall mean all counties in the State of Colorado and the municipalities, towns, and county and city municipal corporations that are listed in **Exhibit B**.
6. "National Opioid Settlement Administrative Fund" shall mean any fund identified by a Settlement for the national distribution of Opioid Funds.
7. "Opioid Funds" shall mean damage awards obtained through a Settlement.
8. "Opioid Settling Defendant" shall mean any person or entity, or its affiliates, that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of licit opioids.
9. "Participating Local Government(s)" shall mean all Local Governments that sign this MOU, and if required under terms of a particular Settlement, who have executed a release of claims with the Opioid Settlement Defendant(s). For the avoidance of doubt, a Local Government must sign this MOU to become a "Participating Local Government." Local Governments may designate the appropriate individual from their entity to sign the MOU.
10. "Party" or "Parties" shall mean the State and/or Participating Local Government(s).
11. "Qualified Settlement Fund Account," or "QSF Account," shall mean an account set up as a qualified settlement fund, 468b fund, as authorized by Treasury Regulations 1.468B-1(c) (26 CFR §1.468B-1).
12. "Regional Council" shall have the meaning described in Section (F)(5), below.
13. "Settlement" shall mean the negotiated resolution of legal or equitable claims against an Opioid Settling Defendant when that resolution has been jointly entered into by the State and the Participating Local Governments, or by any individual Party or collection of Parties that opt to subject their Settlement to this MOU. Unless otherwise directed by an order from a United States Bankruptcy Court, "Settlement" shall also include distributions from any liquidation under Chapter 7 of the United States Bankruptcy Code or confirmed plan under Chapter 11 of the United States Bankruptcy Code that treats the claims of the State and Local Governments against an Opioid Settling Defendant.
14. "The State" shall mean the State of Colorado acting through its Attorney General and the Colorado Department of Law.

**B. Allocation of Settlement Proceeds**

1. All Opioid Funds shall be held in accordance with the terms of any Settlement. If a Settlement allows Opioid Funds to be held in a National Opioid Settlement Administrative Fund, then Opioid Funds shall be held in such National Opioid Settlement Administrative Fund. If a Settlement does not allow for Opioid Funds

to be held in a National Opioid Settlement Administrative Fund, Opioid Funds shall be held in a Colorado-specific QSF Account or, under the following limited circumstances, in the State’s Custodial Account: 1) if at the time of a Settlement, a Colorado-specific QSF Account is not yet established, although in such case, the Opioid Funds shall be transferred to the Colorado-specific QSF Account once it is established or 2) where the Abatement Fund Council determines Opioids Funds cannot be legally held in a Colorado-specific QSF Account. Regardless of whether Opioid Funds are held in a National Administrative Fund, a Colorado-specific QSF Account, or in the State’s Custodial Account, the Abatement Council shall appoint one of its members to serve as the point of contact in accordance Section (C)(4)(b)(i), below.

- 2. All Opioid Funds, at the time of a Settlement or at the time designated in the Settlement documents, shall be divided and distributed as follows:<sup>2</sup>
  - a. 10% directly to the State (“State Share”) for Approved Purposes in accordance with Section (D), below;
  - b. 20% directly to Participating Local Governments (“LG Share”) for Approved Purposes in accordance with Section (E), below;
  - c. 60% directly to Regions (“Regional Share”) for Approved Purposes in accordance with Section (F), below; and
  - d. 10% to specific abatement infrastructure projects (“Statewide Infrastructure Share”) for Approved Purposes in accordance with Section (G), below.
- 3. Distribution of the Shares in Section B(2)(a) – (d) shall be direct, meaning that funds held in accordance with Section B(1) shall be disbursed directly to the State, Participating Local Governments, Regions, and the Statewide Infrastructure Share according to the terms of this MOU.
- 4. All Opioid Funds, regardless of allocation, shall be used for Approved Purposes.
- 5. Participating Local Governments may elect to share, pool, or collaborate with their respective allocation of the LG or Regional Shares in any manner they choose, so long as such sharing, pooling, or collaboration is used for Approved Purposes and complies with the terms of this MOU and any Settlement.

**C. General Abatement Fund Council**

- 1. A General Abatement Fund Council (the “Abatement Council”), consisting of representatives appointed by the State and Participating Local Governments, shall

<sup>2</sup> This MOU treats multi-county health departments as county health departments for purposes of allocation and distribution of abatement proceeds and therefore multi-county health departments shall not receive any Opioid Funds directly. Third-Party Payors (“TPPs”) are not Parties to this MOU.

be created to ensure the distribution of Opioid Funds complies with the terms of any Settlement and to provide oversight of the Opioid Funds in accordance with the terms of this MOU.

2. **Membership:** The Abatement Council shall consist of the following thirteen (13) members, who shall serve in their official capacity only.

a. **State Members:** Seven (7) members shall be appointed by the State, as authorized volunteers of the State, as follows:

- (i) A Chair to serve as a non-voting member, except in the event of a tie;
- (ii) Two (2) members who are licensed professionals with significant experience in substance use disorders;
- (iii) Three (3) members who are professionals with significant experience in prevention, education, recovery, treatment, criminal justice, rural public health issues, or government administration related to substance use disorders; and
- (iv) One (1) member or family member affected directly by the opioid crisis.

b. **Local Government Members:** Six (6) members shall be appointed by the Participating Local Governments. Local Government Members shall be a County Commissioner, Mayor, City or Town Council Member, or a professional with significant experience in prevention, education, recovery, treatment, criminal justice, rural public health issues, or governmental administration related to substance use disorders. A Participating Local Government may determine which Local Government Members are eligible (or ineligible) to serve on the General Abatement Fund Council. County Commissioners, City or Town Council Members, and/or Mayors from the Regions identified in **Exhibit C** shall collaborate to appoint Local Government Members as follows:

- (i) Two (2) Members from Regions 1, 5, 13, 14, 15, 17, 18;
- (ii) Two (2) Members from Regions 2, 6, 7, 8, 9, 10, 11, 12, 16; and
- (iii) Two (2) Members from Regions 3, 4, 19.

c. **Terms:** The Abatement Council shall be established within ninety (90) days of the Effective Date. In order to do so, within sixty (60) days of the Effective Date, the State shall appoint the State Members in accordance with Section (C)(2)(a), and after conferral with the Local Governments, CCI and CML shall jointly appoint six (6) Local Government Members for an initial term not to exceed one year. Thereafter, Members shall be



appointed in accordance with this Section and Sections (C)(2)(a) and (b) and may serve no more than two (2) consecutive two-year terms, for a total of four (4) consecutive years. Except that, beginning in the second year only, two (2) State Members and two (2) Local Government members shall be appointed for a three-year term and may serve one consecutive two-year term thereafter. The Chair shall have no term but may be replaced at the State's discretion.

- (i) If a State or Local Government Member resigns or is otherwise removed from the Abatement Council prior to the expiration of their term, a replacement Member shall be appointed within sixty (60) days in accordance with Sections (C)(2)(a) and (b).
- (ii) If a Local Government Member vacancy exists for more than sixty (60) days, the State shall appoint a replacement Local Government Member to serve until the vacancy is filled in accordance with Section (C)(2)(b).

- 3. **Duties:** The Abatement Council is primarily responsible for ensuring that the distribution of Opioid Funds complies with the terms of this MOU. The Abatement Council is also responsible for oversight of Opioid Funds from the Regional Share in accordance with Section (F), below, and for developing processes and procedures for the distribution and oversight of Opioid Funds from the Statewide Infrastructure Share in accordance with Section (G) below.
- 4. **Governance:** The Abatement Council shall draft its own bylaws or other governing documents, which must include appropriate conflict of interest and dispute resolution provisions, in accordance with the terms of this MOU and the following principles:
  - a. **Authority:** The Abatement Council does not have rulemaking authority. The terms of this MOU and any Settlement, as entered by any court of competent jurisdiction, including any bankruptcy court, control the authority of the Abatement Council and the Abatement Council shall not stray outside the bounds of the authority and power vested by this MOU and any Settlement.
  - b. **Administration:** The Abatement Council shall be responsible for an accounting of all Opioid Funds. The Abatement Council shall be responsible for releasing Opioid Funds in accordance with Section (B)(1) for the Regional and Statewide Infrastructure Shares in Sections (B)(2)(c) and (d) and shall develop policies and procedures for the release and oversight of such funds in accordance with Sections (F) and (G). Should the Abatement Council require assistance with providing an accounting of Opioid Funds, it may seek assistance from the State.

- (i) The Abatement Council shall appoint one of its members to serve as a point of contact for the purpose of communicating with the entity holding Opioid Funds in accordance with Section (B)(1) and in that role shall only act as directed by the Abatement Council.
- c. **Transparency:** The Abatement Council shall operate with all reasonable transparency and operate in a manner consistent with all Colorado laws relating to open records and meetings regardless of whether the Abatement Council is otherwise obligated to comply with them.
  - (i) The Abatement Council shall develop a centralized public dashboard or other repository for the publication of expenditure data from any Party or Regional Council that receives Opioid Funds in accordance with Sections (D)-(G).
  - (ii) The Abatement Council may also require outcome related data from any Party or Regional Council that receives Opioid Funds in accordance with Sections (D)-(G) and may publish such outcome related data in the centralized public dashboard or other repository described above. In determining which outcome related data may be required, the Abatement Council shall work with all Parties and Regional Councils to identify appropriate data sets and develop reasonable procedures for collecting such data sets so that the administrative burden does not outweigh the benefit of producing such outcome related data.
  - (iii) For purposes of funding the centralized public dashboard or other repository described above, the Abatement Council shall make good faith efforts to seek funding from outside sources first, otherwise the State shall provide such funding.
- d. **Collaboration:** The Abatement Council shall facilitate collaboration between the State, Participating Local Governments, Regional Councils, and other stakeholders for the purposes of sharing data, outcomes, strategies, and other relevant information related to abating the opioid crisis in Colorado.
- e. **Decision Making:** The Abatement Council shall seek to make all decisions by consensus. In the event consensus cannot be achieved, unless otherwise required in this MOU, the Abatement Council shall make decisions by a majority vote of its Members. The Chair shall only vote in the event of a tie.
- f. **Due Process:** The Abatement Council shall develop the due process procedures required by Section (G)(3)(d) for Parties to dispute or challenge remedial actions taken by the Abatement Council for Opioid Funds from the Statewide Infrastructure Share. The Abatement Council

shall also abide by the due process principles required by Section (F)(12)-(13) for Regions to dispute or challenge remedial actions taken by the Abatement Council for Opioid Funds from the Regional Share.

- g. **Legal Status:** The Abatement Council shall not constitute a separate legal entity.
- h. **Legal Representation:** To the extent permitted by law, the State shall provide legal counsel to State Members for all legal issues arising from those State Members' work on the Abatement Council. At all times, Local Government Members of the Abatement Council are entitled to receive legal representation from their respective governmental entities. In the event of a conflict, the Abatement Council and its members may retain the services of other legal counsel.
- i. **Compensation:** No member of the Abatement Council shall be compensated for their work related to the Abatement Council.

**D. State Share**

- 1. In accordance with Sections (B)(1) and (B)(2)(a), and the terms of any Settlement, the State Share shall be paid directly to the State in accordance with the terms of this Section (D).
- 2. The State maintains full discretion over distribution of the State Share anywhere within the State of Colorado, however, the State Share shall be used for Approved Purposes only. The State will work to reduce administrative costs as much as practicable.
- 3. On an annual basis, as determined by the Abatement Council, the State shall provide all expenditure data, including administrative costs, from the State Share to the Abatement Council for purposes of maintaining transparency in accordance with Section (C)(4)(c)(i). The Abatement Council may require the State to provide additional outcome-related data in accordance with Section (C)(4)(c)(ii) and the State shall comply with such requirements.
- 4. If the State disputes the amount of Opioid Funds it receives from the State Share, the State shall alert the Abatement Council within sixty (60) days of discovering the information underlying the dispute. Failure to alert the Abatement Council within this time frame shall not constitute a waiver of the State's right to seek recoupment of any deficiency in its State Share.

**E. LG Share**

- 1. In accordance with Sections (B)(1) and (B)(2)(b), and the terms of any Settlement, the LG Share shall be paid directly to Participating Local Governments in accordance with the terms of this Section (E).

2. Allocations to Participating Local Governments from the LG Share shall first be determined using the percentages shown in **Exhibit D**.
3. The LG Share for each County Area shall then be allocated among the county and the other Participating Local Governments within it. **Exhibit E** reflects the default allocation that will apply unless the Participating Local Governments within a County Area enter into a written agreement providing for a different allocation. The Participating Local Governments may elect to modify the allocation for a County Area in **Exhibit E**, but such modification to the allocation in **Exhibit E** shall not change a County Area's total allocation under Section (E)(2).
4. A Local Government that chooses not to become a Participating Local Government will not receive a direct allocation from the LG Share. The portion of the LG Share that would have been allocated to a Local Government that is not a Participating Local Government will instead be re-allocated to the Regional Share for the Region where the Local Government is located, in accordance with Section (F), below.
5. In the event a Participating Local Government dissolves or ceases to exist during the term of any Settlement, the allocation for that Participating Local Government from the LG Share shall be re-allocated as directed by any Settlement, and if not specified, be re-allocated to the Regional Share for the Region in which the Participating Local Government was located, in accordance with Section (F). If a Participating Local Government merges with another Participating Local Government, the allocation for that Participating Local Government from the LG Share shall be re-allocated as directed by any Settlement, and if not specified, shall be re-allocated to the successor Participating Local Government's allocation of the LG Share. If a Participating Local Government merges with a Local Government that is not a Participating Local Government, the allocation for that Participating Local Government from the LG Share shall be re-allocated as directed by any Settlement, and if not specified, be re-allocated to the Region in which the merging Participating Local Government was located, in accordance with Section (F), below.
6. A Participating Local Government may forego its allocation of the LG Share and direct its allocation to the Regional Share for the Region where the Participating Local Government is located, in accordance with Section (F) below, by affirmatively notifying the Abatement Council on an annual basis of its decision to forego its allocation of the LG Share. A Participating Local Government's election to forego its allocation of the LG Share shall carry over to the following year unless the Participating Local Government notifies the Abatement Council otherwise. If a Participating Local Government elects to forego its allocation of the LG Share, the Participating Local Government shall be excused from the reporting requirements required by Section (E)(8).
7. Participating Local Governments maintain full discretion over the distribution of their allocation of the LG Share anywhere within the State of Colorado, however,



all Participating Local Governments shall use their allocation from the LG Share for Approved Purposes only. Reasonable administrative costs for a Participating Local Government to administer its allocation of the LG Share shall not exceed actual costs or 10% of the Participating Local Government’s allocation of the LG Share, whichever is less.

- 8. On an annual basis, as determined by the Abatement Council, all Participating Local Governments shall provide all expenditure data, including administrative costs, from their allocation of the LG Share to the Abatement Council for purposes of maintaining transparency in accordance with Section (C)(4)(c)(i). The Abatement Council may require Participating Local Governments to provide additional outcome related data in accordance with Section (C)(4)(c)(ii) and all Participating Local Governments shall comply with such requirements.
- 9. If any Participating Local Government disputes the amount of Opioid Funds it receives from its allocation of the LG Share, the Participating Local Government shall alert the Abatement Council within sixty (60) days of discovering the information underlying the dispute. Failure to alert the Abatement Council within this time frame shall not constitute a waiver of the Participating Local Government’s right to seek recoupment of any deficiency in its LG Share.

**F. Regional Share**

- 1. In accordance with Sections (B)(1) and (B)(2)(c), and the terms of any Settlement, the Regional Share shall be paid to the Regions in accordance with the terms of this Section (F).
- 2. Participating Local Governments shall organize themselves into the Regions depicted in **Exhibit C**. Municipalities located in multiple Regions may join all or some of the Regions in which they are located according to **Exhibit C**.
- 3. Allocations to Regions will be distributed according to **Exhibit F**. For multi-county Regions, each Region’s share listed in **Exhibit F** is calculated by summing the individual percentage shares listed in **Exhibit D** for the counties within that Region. The percentages in **Exhibit F** are based on the assumption that every Local Government in each Region becomes a Participating Local Government.
- 4. In the event a city, town, or other municipality that is a Participating Local Government merges, dissolves, or ceases to exist during the term of any Settlement, the allocation of the Regional Share owed to the Region in which that Participating Local Government existed shall be re-allocated as directed by any Settlement, and if not specified, shall not be modified from **Exhibit F**. If a county that is a Participating Local Government merges with another county within its Region, the allocation of the Regional Share owed to the Region in which that county existed shall be re-allocated as directed by any Settlement, and if not specified, shall not be modified from **Exhibit F**. If a county that is a Participating Local Government merges with a county in a different Region during the term of

any Settlement, the allocation of the Regional Share owed to the Region in which that county existed shall be re-allocated as directed by any Settlement, and if not specified, shall be re-allocated to the Region in which that Participating Local Government merged in accordance with **Exhibit F**.

5. Each Region must create its own Regional Council while giving consideration to the regional governance models illustrated in **Exhibit G**. The Regional Council must be formed by the Participating Local Governments within the Region and each Regional Council shall designate a fiscal agent for the Region. Regional fiscal agents shall be county or municipal governments only. All funds from the Regional Share shall be distributed to the Regional Council's identified fiscal agent for the benefit of the entire Region.
  - a. Subject to this Section F(5), each Region may draft its own intra-regional agreements, bylaws, or other governing documents to determine how the Regional Council will operate. However, each voting member of a Regional Council shall be an employee or elected official of a Participating Local Government within the applicable Region. In the case of Denver, the voting members of its Regional Council shall be appointed by the Mayor. In the case of Broomfield, the voting members of its Regional Council shall be appointed by the Broomfield City and County Manager.
  - b. The Region shall not receive any Opioid Funds from the Regional Share until the Region certifies to the Abatement Council that its Regional Council has been formed and a fiscal agent has been designated. Such certification shall be in a simple form adopted by the Region and may be made via email, so long as it includes the names and affiliations of the Regional Council's members and the designated fiscal agent.
  - c. If a Region does not form and certify its Regional Council and designate its fiscal agent within one-hundred and eighty (180) days of the Effective Date, the Abatement Council shall appoint members to the Region's Regional Council. Regional Council members appointed by the Abatement Council shall serve until the Region certifies the formation of its Regional Council to the Abatement Council.
  - d. A Region shall submit a renewed certification required by Section (F)(5)(b), above, when its membership changes.
  - e. If a membership vacancy exists on a Regional Council for more than ninety (90) days and the Regional Council is unable to fill the vacancy by its regular procedures during that time, the Abatement Council shall appoint a replacement member to serve until the Region fills the vacancy.

6. A Local Government that chooses not to become a Participating Local Government shall not receive any Opioid Funds from the Regional Share or participate in the Regional Councils described in Section (F)(5) above.
7. Each Regional Council shall make requests to the Abatement Council for Opioid Funds from their allocation of the Regional Share. Each Regional Council's request for Opioid Funds from the Regional Share shall be accompanied by a 2-year plan identifying the Approved Purposes for which the requested funds will be used by the Region anywhere within the State of Colorado. A Regional Council's 2-year plan may be amended so long as such amendments comply with the terms of this MOU and any Settlement. Any Regional Council may seek assistance from the Abatement Council for purposes of developing its 2-year plan.
8. Reasonable administrative costs for a Regional Council to administer its Region's allocation of the Regional Share shall not exceed actual costs or 10% of the Region's allocation of the Regional Share, whichever is less.
9. The Abatement Council shall release funds requested by a Regional Council in accordance with Section (B)(1) if the Regional Council's 2-year plan complies with the Approved Purposes, the terms of this MOU, and the terms of any Settlement. The Abatement Council shall not deny any funding request from a Regional Council on the basis that the Abatement Council does not approve or agree with the Approved Purposes for which a Regional Council requests Opioid Funds from the Regional Share. Nor may the Abatement Council hold up, delay, or make unreasonable requests for additional or supporting information of the Regional Council prior to releasing the requested Opioid Funds. The purpose of this MOU is to facilitate Opioid Funds to their intended recipients quickly and efficiently with minimal administrative procedure.
10. On an annual basis, as determined by the Abatement Council, each Regional Council's fiscal agent shall provide to the Abatement Council the Regional Council's expenditure data, including administrative costs, from their allocation of the Regional Share and certify to the Abatement Council that the Regional Council's expenditures were for Approved Purposes and complied with its 2-year plan. The Regional Council shall subject itself to an accounting at the Abatement Council's discretion.
  - a. The Abatement Council shall review a Regional Council's expenditure data and certification to ensure compliance with the Regional Council's 2-year plan, the Approved Purposes, and the terms of this MOU and any Settlement.
  - b. The Abatement Council shall publish the Regional Council's expenditure data, including administrative costs, from the Regional Share in accordance with Section (C)(4)(c)(i). The Abatement Council may require Regional Councils to provide additional outcome related data in

accordance with Section (C)(4)(c)(ii) and all Regional Councils shall comply with such requirements.

11. If any Regional Council disputes the amount of Opioid Funds it receives from its allocation of the Regional Share, the Regional Council shall alert the Abatement Council within sixty (60) days of discovering the information underlying the dispute. Failure to alert the Abatement Council within this time frame shall not constitute a waiver of the Regional Council's right to seek recoupment of any deficiency in its Regional Share.
12. If the Abatement Council has reason to believe a Region's expenditure of its allocation of the Regional Share did not comply with the Region's 2-year Plan, the Approved Purposes, the terms of this MOU or any Settlement, as described in this Section (F), or that the Region otherwise misused its allocation of the Regional Share, the Abatement Council may take remedial action against the alleged offending Region. Such remedial action is left to the discretion of the Abatement Council and may include but not be limited to, withholding future Opioids Funds owed to the offending Region or requiring the offending Region to reimburse improperly expended Opioid Funds to the Regional Share.
13. Within one hundred and twenty (120) days of the Abatement Council being formed, in accordance with Section (C)(2)(c) above, the Abatement Council shall develop and publish due process procedures for allowing a Region to challenge or dispute any remedial action taken by the Abatement Council, including timelines during which the Region may engage in such a challenge or dispute. Such due process procedures shall reflect, at a minimum, the following principles:
  - a. Upon learning of any conduct that may warrant remedial action against a Region, the Abatement Council shall first provide notice to the Region of the conduct at issue, provide the Region an opportunity to respond, and, if appropriate, cure the alleged offending conduct. If after providing the Region such notice and opportunities to respond and cure, the Abatement Council continues to believe remedial action is warranted, the Abatement Council may take such remedial action.
  - b. If the Abatement Council decides to take remedial action against an alleged offending Region, such action may only occur by a two-thirds supermajority vote of the Abatement Council. Thus, an Abatement Council made up of twelve (12) voting members requires a vote of eight (8) Members prior to taking remedial action against an alleged offending Region.
  - c. Prior to taking any remedial action against an alleged offending Region, the Abatement Council shall first provide notice to the alleged offending Region of the remedial action to be taken and the facts underlying such remedial action. The Abatement Council shall then provide the alleged



offending Region an opportunity to challenge or dispute the remedial action in accordance with, at a minimum, the principles below:

- i. The alleged offending Region may request revisions or modifications to the proposed remedial action;
  - ii. The alleged offending Region may submit a written response to and/or request a hearing before the Abatement Council, or a third-party hearing officer,<sup>3</sup> regarding the alleged offending conduct and proposed remedial action; and
  - iii. After such written responses are submitted and reviewed and/or a hearing is conducted, the alleged offending Region may submit an appeal to the Abatement Council of the decision to take remedial action.
- d. Remedial actions taken by the Abatement Council, in accordance with the due process principles detailed above, shall be considered final non-appealable orders and offending Regions may not seek judicial relief from remedial action taken by the Abatement Council, except as provided in Section (H), below.
- e. Subject to Section (H)(2), below, if any Party(ies) believes the Abatement Council violated the terms of this MOU, such Party(ies) may seek to enforce the terms of this MOU.

14. If the Abatement Council has reason to believe a Region’s conduct, or the conduct of any Participating Local Government or individual in that Region, amounts to a violation of any criminal law, the Abatement Council shall refer such matters to the appropriate authorities and may consider such conduct in its determination of any remedial action to be taken.

15. If the Abatement Council has reason to believe that an individual involved in the receipt or administration of Opioid Funds from the Regional Share has violated any applicable ethics rules or codes, the Abatement Council shall not attempt to adjudicate such a violation. In such instances, the Abatement Council shall lodge a complaint with the appropriate forum for handling such ethical matters, such as a local home rule municipality’s ethics board.

16. Costs associated with the Abatement Council’s distribution and oversight of the Regional Share, as described above in this Section (F), including costs associated with any remedial action by the Abatement Council, shall be paid from the Statewide

<sup>3</sup> Only an alleged offending Region may request the appointment of a third-party hearing officer to review any written responses and conduct any requested hearings. If an alleged offending Region makes such a request, the Abatement Council has sole discretion to appoint the third-party hearing officer and the alleged offending Region shall bear the cost of such review and/or hearing by the third-party hearing officer.

Infrastructure Share. The Abatement Council shall make all good faith efforts to limit such costs to the greatest extent possible.

**G. Statewide Infrastructure Share**

1. In accordance with Sections B(1) and (B)(2)(d), and the terms of any Settlement, the Statewide Infrastructure Share shall be paid to any Party or Regional Council in accordance with this Section (G).
2. The purpose of the Statewide Infrastructure Share is to promote capital improvements and provide operational assistance for developing or improving the infrastructure necessary to abate the opioid crisis anywhere within the State of Colorado. The Statewide Infrastructure Share is intended to supplement Opioid Funds received by any Party or Region.
3. Prior to distributing any Opioid Funds from the Statewide Infrastructure Share, the Abatement Council shall establish and publish policies and procedures for the distribution and oversight of the Statewide Infrastructure Share, including processes for Parties or Regions to apply for Opioid Funds from the Statewide Infrastructure Share. The Abatement Council's policies and procedures shall, at a minimum, reflect the following principles:
  - a. Opioid Funds from the Statewide Infrastructure Share shall be used for Approved Purposes only;
  - b. Opioid Funds from the Statewide Infrastructure Share shall be paid directly to the appropriate state agencies (including but not limited to the Colorado Department of Law), Regional fiscal agents, or Participating Local Governments only;
  - c. Distribution and oversight of the Statewide Infrastructure Share shall comply with the terms of this MOU and any Settlement;
  - d. Appropriate processes for remedial action will be taken against Parties or Regions that misuse Opioid Funds from the Statewide Infrastructure Share. Such processes shall include procedures for alleged offending Parties or Regions to challenge or dispute such remedial action; and
  - e. Limitations on administrative costs to be expended by recipients for administering Opioid Funds received from the Statewide Infrastructure Fund, not to exceed actual costs expended by the recipient or 10% of the amount received, whichever is less.
4. The distribution and oversight policies and procedures developed by the Abatement Council, in accordance with Section (G)(3), shall be non-appealable orders and no Party or Region may seek judicial relief related to the distribution and oversight of the Statewide Infrastructure Share.

5. On an annual basis, as determined by the Abatement Council, any Party or Regional Council that receives funds from the Statewide Infrastructure Share shall provide all expenditure data, including administrative costs, related to any Opioid Funds it received from the Statewide Infrastructure Share and subject itself to an accounting as required by the Abatement Council. The Abatement Council shall publish all expenditure data from the Statewide Infrastructure Share in accordance with Section (C)(4)(c)(i). The Abatement Council may require the Parties or Regional Councils that receive funds from the Statewide Infrastructure Share to provide additional outcome related data in accordance with Section (C)(4)(c)(ii) and the Parties or Regional Councils shall comply with such requirements.
6. Costs associated with the Abatement Council's distribution and oversight of the Statewide Infrastructure Share, as described in this Section (G), shall be paid for from the Statewide Infrastructure Share. The Abatement Council shall make all good faith efforts to limit such costs to the greatest extent possible.

**H. General Terms**

1. All Parties and Regional Councils shall maintain all records related to the receipt and expenditure of Opioid Funds for no less than five (5) years and shall make such records available for review by the Abatement Council, any other Party or Regional Council, or the public. Records requested by the public shall be produced in accordance with Colorado's open records laws. Records requested by the Abatement Council or another Party or a Regional Council shall be produced within twenty-one (21) days of the date the record request was received. This requirement does not supplant any Party or Regional Council's obligations under Colorado's open records laws.
2. If any Party(ies) believes the Abatement Council has violated the terms of this MOU, the alleging Party(ies) may seek to enforce the terms of this MOU, provided the alleging Party(ies) first provides notice to the Abatement Council of the alleged violation and a reasonable opportunity to cure the alleged violation. In such an enforcement action, the alleging Party(ies) may only seek to enforce the terms of the MOU against the State and the Participating Local Governments from which the Local Government Members of the Abatement Council were appointed and may only seek declaratory and/or injunctive relief. In defense of such an enforcement action, the State's Members of the Abatement Council shall be represented by the State and the Local Government Members shall be represented by the Participating Local Governments from which the Local Government Members were appointed. In the event of a conflict, the Abatement Council and its Members may seek outside representation to defend itself against such an enforcement action.
3. If any Party(ies) believes another Party(ies), not including the Abatement Council, violated the terms of this MOU, the alleging Party(ies) may seek to enforce the terms of this MOU in the court in which any applicable Settlement(s) was entered, provided the alleging Party(ies) first provide the alleged offending Party(ies)

notice of the alleged violation(s) and a reasonable opportunity to cure the alleged violation(s). In such an enforcement action, any alleging Party or alleged offending Party(ies) may be represented by their respective public entity in accordance with Colorado law.

4. Nothing in this MOU shall be interpreted to waive the right of any Party to seek judicial relief for conduct occurring outside the scope of this MOU that violates any Colorado law. In such an action, the alleged offending Party(ies), including the Abatement Council, may be represented by their respective public entities in accordance with Colorado law. In the event of a conflict, any Party, including the Abatement Council and its Members, may seek outside representation to defend itself against such an action.
5. If any Party(ies) believes another Party(ies), Region(s), or individual(s) involved in the receipt, distribution, or administration of Opioids Funds has violated any applicable ethics codes or rules, a complaint shall be lodged with the appropriate forum for handling such matters, such as a local home rule municipality’s ethics board.
6. If any Party(ies) believes another Party(ies), Region(s), or individual(s) involved in the receipt, distribution, or administration of Opioid Funds violated any Colorado criminal law, such conduct shall be reported to the appropriate criminal authorities.
7. Venue for any legal action related to this MOU shall be in a court of competent jurisdiction where any applicable Settlement(s) is entered.
8. Because recovery under the terms of different Settlement(s) may vary depending on the number of Parties required to effectuate a Settlement, the Parties may conditionally agree to sign on to the MOU through a letter of intent, resolution or similar written statement, declaration or pronouncement declaring their intent to sign on to the MOU if the threshold for Party participation in a specific Settlement is achieved.<sup>4</sup>
9. This MOU may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The Parties approve the use of electronic signatures for execution of this MOU. All use of electronic signatures shall be governed by the Uniform Electronic Transactions Act, C.R.S. §§ 24-71.3-101, *et seq.* The Parties agree not to deny the legal effect or enforceability of the MOU solely because it is in electronic form or

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<sup>4</sup> For instance, the July 21, 2021 “Distributor Settlement Agreement” includes a “Subdivision Settlement Agreement Form” that, once filled out and executed, is meant to indicate that Local Government’s (or Subdivision’s) election to participate in that Distributor Settlement and also, to require that Local Government to take steps to formally release any claim it may have against the Settling Distributors. With regard to the Distributor Settlement Agreement or any other Settlements that include a form similar to the Subdivision Settlement Agreement Form, the Parties may still conditionally agree to sign on to the MOU if, for instance, the threshold for Party participation in a specific Settlement is achieved.



because an electronic record was used in its formation. The Parties agree not to object to the admissibility of the MOU in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the ground that it is an electronic record or electronic signature or that it is not in its original form or is not an original.

- 10. Each party represents that all procedures necessary to authorize such Party's execution of this MOU have been performed and that the person signing for such Party has been authorized to execute the MOU.

**I. Payment of Counsel and Litigation Expenses Through a Back-Stop Fund**

- 1. Some Settlements, including the McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation ("Distributor") and Johnson & Johnson/Janssen ("J&J") settlements, may provide for the payment of all or a portion of the fees and litigation expenses owed by Participating Local Governments to counsel specifically retained to file suit in the opioid litigation. If any Settlement is insufficient to cover the fee obligations of the Participating Local Governments (as discussed and modified by Judge Polster's Order of August 6 regarding fees for the Distributor and J&J settlements), the deficiencies will be covered as set forth in further detail below.
- 2. The Parties also recognize that, as in the Distributor and J&J settlements, certain Opioid Settling Defendants may offer premiums benefiting the entire state of Colorado when Participating Local Governments agree to the Settlement(s), thereby settling their claims in their on-going lawsuits. For example, below is the chart illustrating how Incentive Payment B (a 25% premium to the entire state) works in the Distributor Settlement at Section IV.F.2.b (p. 20):

Percentage of Litigating Subdivision Population that is Incentive B Eligible Subdivision Population <sup>5</sup>	Incentive Payment B Eligibility Percentage
Up to 85%	0%
85%+	30%
86+	40%
91+	50%
95+	60%
99%+	95%
100%	100%

- 3. If the court in *In Re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio), or if a Settlement establishes a common benefit fund or similar device to compensate attorneys for services rendered and expenses incurred that have benefited plaintiffs generally in the litigation (the "Common Benefit Fund"),

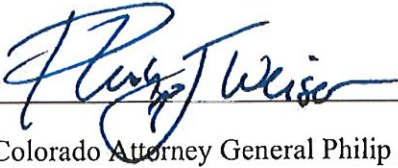
and/or requires certain governmental plaintiffs to pay a share of their recoveries from defendants into the Common Benefit Fund (“Court-Ordered Common Benefit Fund Assessment”), then the Participating Local Governments shall be required to first seek to have their attorneys’ fees and expenses paid through the Common Benefit Fund.

4. For the Distributor and J&J settlements only, counsel for Participating Local Governments shall have their expenses otherwise recoverable from Colorado Participating Local Governments compensated only through the Common Benefit Fund(s) established in those settlement(s). For the avoidance of doubt, counsel for Participating Local Governments may recover their attorneys’ fees through the Distributor and J&J settlements and through the other applicable provisions of this Section (I).
5. In addition, as a means of covering any deficiencies in paying counsel for Participating Local Governments, a supplemental Colorado Attorney Fee Back-Stop Fund shall be established. The Colorado Attorney Fee Back-Stop Fund is to be used to compensate counsel for Participating Local Governments that filed an initial complaint in the opioid litigation by September 1, 2020 (“Litigating Participating Local Governments”).
6. Payments out of the Colorado Attorney Fee Back-Stop Fund shall be determined by a committee (the “Opioid Fee and Expense Committee”). The Opioid Fee and Expense Committee shall consist of the following five (5) members:
  - a. One (1) member appointed by CCI from a litigating county or from a litigating county and city municipal corporation;
  - b. One (1) member appointed by CML from a litigating city;
  - c. One (1) member appointed jointly by CCI and CML from a non-litigating county or city;
  - d. One (1) member appointed by the Attorney General’s Office; and
  - e. One (1) neutral member jointly appointed by all of the other members listed above.
7. The Colorado Attorney Fee Back-Stop Fund shall be funded as follows from any Settlement, excluding settlements involving McKinsey and payments resulting from the Purdue or Mallinckrodt bankruptcy. For purposes only of calculating the funding of the Colorado Attorney Fee Back-Stop Fund, the Parties deem 58% of the total LG Share and Regional Share to be attributable to the Litigating Local Governments. The Colorado Attorney Fee Back-Stop Fund shall be funded by 8.7% of the total LG Share and 4.35% of the total Regional Share at the time such funds are actually received. No funds deposited into the Colorado Attorney Fee Back-Stop Fund will be taken from the Statewide Infrastructure Share or State Share.

8. Counsel for Litigating Participating Local Governments may apply to the Colorado Attorney Fee Back-Stop Fund only after applying to the Common Benefit Fund.
9. Counsel for Litigating Participating Local Governments may apply to the Colorado Attorney Fee Back-Stop Fund for only a shortfall – that is, the difference between what their fee agreements would entitle them to (as limited by this Section (I)) minus what they have already collected from the Common Benefit Fund (including both the “common benefit” and “contingency fee” calculations, if any). If they receive fees/costs for common benefit work in the national fee fund, these fees/costs will be allocated proportionately across all their local government opioid clients based on the allocation model used in the Negotiation Class website to allocate the appropriate portion to Colorado clients.
10. Counsel for Litigating Participating Local Governments are limited to being paid, at most, and assuming adequate funds are available in any Common Benefit Fund and Colorado Attorney Fee Back-Stop Fund, fees in an amount equal to 15% of the LG Share and 7.5% of the Regional Share attributable to their Colorado clients.
11. Any funds remaining in the Colorado Attorney Fee Back-Stop Fund in excess of the amounts needed to cover the fees and litigation expenses owed by Litigating Participating Local Governments to their respective counsel shall revert to the Participating Local Governments according to the allocations described in Sections (E) and (F). Every two years, the Opioid Fee and Expense Committee shall assess the amount remaining in the Colorado Attorney Fee Back-Stop Fund to determine if it is overfunded.
12. Despite the fact that a litigating entity bonus benefits the entire state, no portion of the State Share shall be used to fund the Colorado Attorney Fee Back-Stop Fund or in any other way to fund any Participating Local Government’s attorneys’ fees and expenses. Because the state did not hire outside counsel, any funds for attorneys fees that the state receives from the J&J and Distributor settlement will be deposited into the State Share.
13. To participate in the Colorado Attorney Fee Back-Stop Fund, counsel must follow the requirements of C.R.S. § 13-17-304.

This Colorado Opioids Settlement Memorandum of Understanding is signed

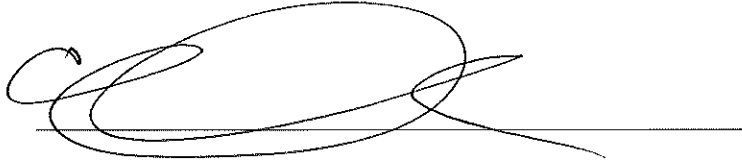
this 26 day of August, 2021 by:

  
\_\_\_\_\_  
Colorado Attorney General Philip J. Weiser



This **Colorado Opioids Settlement Memorandum of Understanding** is

signed this 24 day of November, 2021 by:

A handwritten signature in black ink, appearing to read 'Corinne Ferguson', is written over a horizontal line. The signature is cursive and somewhat stylized.

Name & Title Corinne Ferguson, Town Administrator

On behalf of Board of Trustee, Town of Paonia

**EXHIBIT K**

**Settlement Participation Form**

Governmental Entity: Town of Paonia	State: Colorado
Authorized Official: Corinne Ferguson	
Address 1: 214 Grand Avenue	
Address 2: PO Box 460	
City, State, Zip: Paonia CO 81428	
Phone: 970-527-4101	
Email: corinne@townofpaonia.com	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Janssen Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.


8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.
  
9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: CORINNE FERGUSON   
Name: Corinne Ferguson  
Title: Town Administrator/Clerk  
Date: 11/24/2021





**EXHIBIT K**

**Subdivision Settlement Participation Form**

Governmental Entity:	Town of Paonia	State:	Colorado
Authorized Official:	Corinne Ferguson, Town Administrator		
Address 1:	214 Grand Avenue		
Address 2:	PO Box 460		
City, State, Zip:	Paonia, CO 81428		
Phone:	970-527-4101		
Email:	corinne@townofpaonia.com		

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“*Distributor Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Distributor Settlement.


7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including, but not limited to, all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.

11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Participation Form is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity.

Signature: CORINNE FERGUSON 

Name: Corinne Ferguson

Title: Town Administrator/Clerk

Date: 11/24/2021





**Mayor's Report  
3-14-23**

**Prop 122: Access to Natural Psychedelic Substances**

- CML is looking for feedback on the desire of local municipalities for legislation to allow for local control over psilocybin. They want to know if they should lobby for this.

**Grants Submitted**

- **Congressionally Directed Spending submitted**
  - Requests to Senators Bennet and Hickenlooper for \$3,000,000 each
  - Department of Agriculture
    - Community Facilities Grant
    - Grant of 75% = \$2,250,000
    - Match 25% - \$750,000 (Match can be DOLA housing land/building purchase funds, CHAFA funds)
  - Soonest expect to hear if we are included in 2024 budget - Fall of 2023
  - Working on MOU with School District

**Grants in progress**

- **Colorado Water Conservation Board Water Supply Reserve Fund Grant**
  - Purpose – Hydrogeology study for Paonia and Crawford springs
  - Amount – TBD
  - Due – April 1
- **Colorado River District Community Funding Partnership Grant**
  - Purpose – matching funds for hydrogeology study for Paonia and Crawford springs
  - Amount – Up to \$25,000
  - No set due date at this time
- **DOLA Planning Grant**
  - Purpose – matching funds for hydrogeology study for Paonia and Crawford springs
  - Amount - \$25,000
  - Due date - ASAP
- **DOLA EIAF TIER I Grant**
  - Purpose – Dorris Ave sewer line replacement
  - Amount - TBD
  - April 1



## CML identifies key legislative issues for upcoming session

*By Kevin Bommer, CML executive director, and Heather Stauffer, CML legislative & policy advocate*

The Colorado Municipal League Executive Board held its final meeting of 2022 on Dec. 9. At the meeting, the Board made key decisions related to positions on legislative proposals set to be introduced in the 2023 session beginning Jan. 9, the procedure for filling an upcoming vacancy on the board in the Small Municipality (under 8,000 population) category, and approval CML's 2023 budget and strategic plan.

### KEY LEGISLATIVE ISSUES FOR 2023

#### State preemption of municipal authority:

We are aware of a number of potential bills that seek to preempt local authority in areas such as local zoning and land use ordinances, broadband, and building codes. CML remains opposed to state preemption of local authority in these and other areas and any interference with home rule authority granted by Art. XX, s. 6 of the Colorado Constitution.

**Affordable housing:** The availability and affordability of housing is of utmost concern to Colorado's municipalities. CML supports continued work in partnership with the state and public private partnerships to give local governments the tools to work on solutions in their communities.

**Criminal justice:** CML supports collaborative relationships with the state on criminal justice issues that avoid expansion of local taxpayer liability and will support efforts to mitigate increased rates of vehicle theft in communities across Colorado.

**Regulated substances:** CML supports maximum local control of regulated substances and will support efforts to include a greater degree of local control in the operation of natural medicine facilities legalized by Proposition 122.



For a full list of CML's 2023 legislative priorities, visit <https://bit.ly/3FC3OT7>.

### UPCOMING CML BOARD VACANCY – SMALL CATEGORY

With a vacancy to occur in January, the board decided to accept letters of application through 5 p.m. Monday, **Jan. 9**, to fill a position on the Colorado Municipal League Executive Board "Small" category (under 8,000 population).

Elected or appointed municipal officials in municipalities with a population under 8,000 who wish to be considered for appointment by the CML Executive Board should follow the instructions below. Under CML bylaws, population figures are based upon population estimates from the Colorado Department of Local Affairs used in computing 2023 municipal dues.

Any eligible official who desires to be considered for the position must:

● Submit an application for nomination, in a letter or other written form, no later than 5 p.m. Monday, **Jan. 9**

● Include an endorsement in writing from the applicant's city council or board of trustees with the application by 5 p.m. Monday, **Jan. 9**. The endorsement need not be a formal resolution. A letter signed by the mayor affirming the support of the council or board will suffice. A city council or board of trustees may endorse the nomination of only one official.

● Be prepared to attend the CML Executive Board meeting Friday, **Jan. 27**, from 10 a.m.-1:30 p.m., if selected to be recommended to the full board for appointment.

Application materials and any questions should be emailed to Executive Director Kevin Bommer at [kbommer@cml.org](mailto:kbommer@cml.org). Clerks and managers in small municipalities will be sent this information plus additional details to share with interested individuals.

CONGRATULATIONS

### Massey receives IMLA service award



Wynetta Massey, Colorado Springs city attorney and CML secretary-treasurer, received the James H. Epps, II Award for Longevity of Service to a Community from the International Municipal Lawyers Association. The award recognizes the significant achievement of attorneys having the political and legal skills necessary to represent the same community for at least 30 years and who have been active in IMLA.

### New faces on CCCMA Board of Directors

Congratulations to the newly elected members of the Colorado City & County Management Association Board of Directors.

- President-elect: Travis Machalek, Town of Estes Park town administrator
- At-large representative: Carly Lorentz, City of Golden deputy city manager
- Emerging Manager representative: Grace Johnson, City of Woodland Park assistant to the city manager

● Colorado Veterans Leading Government representative: John Trylch, City of Fountain administrative services director

CCCMA exists to connect local government managers and assistants through professional networking and career development, supporting their service to Colorado communities. CML is grateful for the relationship we have with CCCMA and its members.

### CML announces scholarships available for 2023 Annual Conference in Aurora

Plans are underway for the Colorado Municipal League's 101<sup>st</sup> Annual Conference, to be held **June 25-28** at the Gaylord of the Rockies in Aurora.

This conference is the signature event of the year, where municipal officials from around the state gather to network and exchange ideas. Year after year, attendees rave about the valuable experience and how inspired they are to get back to work and put their newfound knowledge to use. In addition to the time devoted to educational and programmed meetings, many delegates feel the conference gives them a unique opportunity to meet and network with municipal officials from communities across the state with similar concerns.

CML is pleased to offer 10 scholarships to the 2023 annual conference. Scholarships are open to all member municipalities.

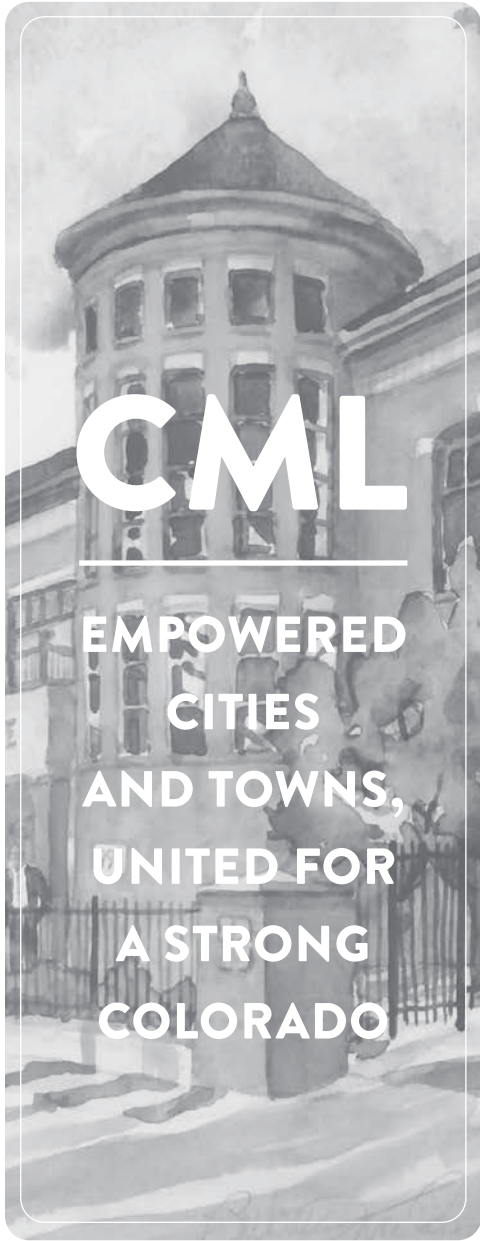
Applicants can be a manager, clerk, mayor, councilmember, town board member, or key department head. Scholarship recipients (one application per municipality)

will receive complimentary registration; lodging (arranged by CML at a contracted hotel); travel stipend; and tickets for lunch on Monday and Tuesday and one of the following: Elected Officials Breakfast, Managers Breakfast, or Attorneys Lunch on Wednesday. (Note: Municipalities that had a scholarship awarded to someone in their city or town in 2022 are not eligible to receive a scholarship for 2023.)

For more information and to apply, visit <https://bit.ly/3E5PUGU>. Please complete the application, include all necessary paperwork, and return to CML by **Feb. 24**. Incomplete applications will not be considered.

If you have any questions about the conference or scholarships, please contact Karen Rosen at [krosen@cml.org](mailto:krosen@cml.org).

We hope you will consider this opportunity to join your colleagues from around the state for a very productive, exciting, and rewarding conference.



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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Subscription to CML Newsletter is offered as a portion of member dues.

Get this newsletter by email. The CML Newsletter is available by email three days before it arrives in the mail! Sign up at [bit.ly/CMLNewsletter](https://bit.ly/CMLNewsletter).





# Upcoming CML webinars on psychedelics, Statehouse, crisis communications

## Crisis Communications: When the Never Expected Happens — Marshall Fire Lessons Learned

WEDNESDAY, JAN. 18, 12-1 P.M.

When wildfire hit highly populated areas never imagined to be in a danger zone, it put Boulder County government communicators to the ultimate test.

Join leaders from the Town of Superior, the City of Louisville, and Boulder County to hear:

- Lessons gained and reinforced in terms of thinking about crisis response communications, frameworks, and tactics; plus, real-life examples that can help you ensure you're prepared both professionally and personally
- How times of crisis offer an opportunity for government to build bridges between partner agencies, community groups, subject matter experts, department leadership, media, and residents
- Key takeaways on the importance of a digital-first strategy for crisis response and other communication channels to reach all audiences
- Valuable ways for monitoring community sentiment during and after crisis response to ensure optimal support, appropriate services, and long-term healing

To register, please visit <https://bit.ly/3iUygPG>.

## Psychedelics, Housing & Wine: A Review of 2022's Propositions 122, 123, and 125

WEDNESDAY, JAN. 11, 12-1 P.M.

Presented by Robert Sheesley, CML General Counsel, and Rachel Bender, CML Associate Counsel.

Three of the citizen-initiated statutes approved by voters in November 2022 will impact Colorado municipalities: Proposition 122 (legalizing natural medicine); Proposition 123 (affordable housing funding); and Proposition 125 (allowing the sale of wine in grocery stores). CLE credits anticipated.

To register, please visit <https://bit.ly/3he6Rri>.

## 2023 Legislative Update

WEDNESDAY, JAN. 20, 12-1 P.M.

Presented by the CML Advocacy Team.

Learn what to expect during this session of the Colorado General Assembly. Get the latest news on potential legislation and ask questions about issues that could affect your city or town.

To register, please visit <https://bit.ly/3HFJUbX>.



# GRANT OPPORTUNITIES FOR LOCAL GOVERNMENTS

## BHA releasing \$130 million in community grant programs

The Behavioral Health Administration is excited to announce over \$130 million of grant opportunities for local governments. BHA will be accepting applications on a rolling basis beginning **Dec. 8**. The first group of applications should be submitted by **Jan. 15** and will be awarded by **March 1**.

There are four grant programs to choose from. The Criminal Justice Early Intervention Grant Program was created by Senate Bill (SB) 22-196, Health Needs Of Persons In Criminal Justice System. The program

has \$49 million of funding available, and allowable uses of the program include the establishment of a court reminder program for municipal courts.

There are three grants related to House Bill (HB) 22-1281, Behavioral Health-care Continuum Gap Grant Program:

- Community Investment Grant Program (\$34 million)
- Children, Youth, and Families Grant Program (\$39 million)

- Substance Use Workforce Stability Grant Program (\$14 million).
- The BHA will also offer technical assistance and support for local governments submitting applications. For more information, including how to apply, deadlines, and technical information visit the BHA Funding Opportunities website, <https://bit.ly/3PcuI7p>, which has more information on the grant process, application requirements and review timeline.

## Grant program for remote education, health resources in rural, tribal communities

U.S. Department of Agriculture is accepting grant applications for the Distance Learning and Telemedicine program, <https://bit.ly/3VxCpav>, to help people in rural and tribal communities access remote education and health care resources.

The program helps fund real-time, interactive distance learning and telemedicine services in rural and tribal areas to increase access to education, training and health care resources that are otherwise limited or unavailable. This effort is part of the Biden-Harris Administration's goal that every American has access to affordable, reliable, high-speed internet. Digital equity is an important component of that mission. For instance, the program gives students the opportunity to participate in classes that may be in places that are too far to access. Funds can help connect rural people virtually to medical professionals without leaving their home. USDA plans to make \$64 million available in fiscal year

2023. Of this amount, \$12 million is intended for projects that provide substance use disorder treatment services to people in rural areas.

Eligible applicants include state and local governmental entities, federally recognized tribes, nonprofits, and for-profit businesses.

Applications must be submitted electronically through [grants.gov](https://grants.gov) no later than **Jan. 30**. For additional information on projects in Colorado contact Bradley Clausen, [bradley.clausen@usda.gov](mailto:bradley.clausen@usda.gov).

USDA is offering priority points to projects that advance key priorities under the Biden-Harris Administration to help communities create more and better market opportunities, advance equity and combat climate change. These extra points will increase the likelihood of funding. More information is available online at <https://bit.ly/3gVAM7r>.

## \$2.5M available to fight opioid crisis

The Colorado Opioid Abatement Council is accepting applications for \$2.5 million of the 2022-23 Opioid Infrastructure Share funds. Local governments that participated in the Colorado Opioid MOU and Colorado Opioid Regions are eligible to apply for Infrastructure Share funds to develop the infrastructure necessary to combat the opioid crisis in Colorado. Deadline is **Jan. 13**. More information is available on the Opioid Abatement Council website, <https://bit.ly/3EZfcXA>.

## Waste diversion grants available

The Recycling Resources Economic Opportunity program provides funding that promotes economic development through the management of materials that would otherwise be landfilled. Funds are available to support recycling, composting, anaerobic digestion, source reduction, and beneficial use/reuse. The application deadline is **Jan. 5**, and more information is available online, <https://bit.ly/3VstR4N>.

## Outdoor recreation grant deadline Dec. 31

The Colorado Outdoor Recreation Industry Office is accepting applications for projects related to economic development and recovery in the outdoor recreation sector.

The next application deadline is **Dec. 31**. More information is available online, <https://bit.ly/3ulBONm>.

Eligible entities include government bodies, nonprofits, colleges/universities,

economic development organizations. Applications will be accepted on a rolling basis with quarterly review deadlines of **March 31, June 30, Sept. 30, and Dec. 31** of each year through 2025 or until all funding is allocated. These funds are made available through the Economic Development Administration as a part of the American Rescue Plan Act.

## Webinar is an opportunity to weigh in on Colorado's new energy codes, funding

The Colorado Energy Office and the Colorado Department of Local Affairs, in partnership with Colorado Counties Inc., the Colorado Municipal League, the Colorado Chapter of the International Code Council, and the Colorado City & County Managers Association, invite you to participate in a webinar and listening session that will cover the new building energy code requirements that passed in the 2022 Colorado legislative session in House Bill 22-1362 and the funding opportunities included in that legislation to support local governments and the building industry in meeting those requirements.

The sessions will provide an opportunity for building officials, city councilors, city

and county managers, county commissioners, and other local government officials and staff to provide input to the Energy Office and DOLA on the development of energy code funding programs to ensure they meet the needs of local governments.

There will be three opportunities to participate in a session on the dates and times listed below. Each session will provide the same information.

- **Jan. 12**, 1-3 p.m.  
Register <https://bit.ly/3VN6TWe>.
- **Jan. 19**, 10 a.m.-12 p.m.  
Register <https://bit.ly/3hhGqkE>.
- **Jan. 20**, 11 a.m.-1 p.m.  
Register <https://bit.ly/3i1tzFP>.

## Colorado Energy Office survey will shape vehicle replacement program

The Colorado Energy Office is requesting feedback on a program that will provide financial incentives to income-qualified Coloradans to help replace old, inefficient cars and trucks with electric vehicles.

The program may also provide financial incentives for other transportation options, such as electric bikes or carshare membership. To gain input on the design of this vehicle replacement program, the State of Colorado is inviting Colorado residents to fill out a brief survey, <https://bit.ly/3gSGnve>, (English and Spanish versions available). The program is targeted to launch in spring 2023.

Transportation is the largest single source of greenhouse gas pollution in Colorado. It is a major source of other forms of pollution, including ozone precursors, hazardous air pollutants, nitrogen oxides, and particulate pollution. Electric vehicles will provide many benefits to program participants, including reduced fuel and maintenance costs, lower vehicle emissions, and improved air quality.

Electric vehicles (also known as "EVs") include fully electric vehicles and plug-in hybrid electric vehicles. The Colorado Energy Office will share more information about this vehicle replacement program in the coming months.

## State ethics panel seeks applicants

The Colorado Independent Ethics Commission is seeking applications from local government officials or employees to fill an upcoming commissioner's vacancy through **June 30**. The commission will thereafter consider appointment to a full four-year term. Interested applicants may submit a resume to [iecinfo@state.co.us](mailto:iecinfo@state.co.us). Questions may be directed to Dino Ioannides, the commission's executive director, at (720) 625-5697 or by email to [iecinfo@state.co.us](mailto:iecinfo@state.co.us).

## Saving Places Conference 2023

Join Colorado Preservation, Inc. in 2023 to celebrate the heart of preservation—the people, partners, and funders making a difference in communities throughout Colorado. The conference will explore stories behind the preservation of place, cultural heritage, and the context behind some of our most well-known and overlooked communities. The conference will take place **Feb. 8-10** in Boulder. More information and registration are available online, <https://bit.ly/3Y5iphI>.

# CML LEGAL CORNER



## What the passage of Proposition 122 means for local governments

By Ashlyn DuThorn, CML law clerk

This November, Coloradans voted to pass Proposition 122 (to be codified at C.R.S. §§ 12-170-101 to -115), which legalizes the supervised use of “natural medicine” at state-licensed facilities by individuals over 21 years old and decriminalizes the personal use of natural medicine by individuals over 21 years old. “Natural medicine” means any form of psilocyn and psilocybin until 2026, and may later include dimethyltryptamine (DMT), ibogaine, or mescaline (excluding peyote) if approved by the Department of Revenue. Personal use includes possessing, using, growing, ingesting, or sharing with other persons over 21 years of age. The sale of natural medicine, however, will still be illegal outside of state-licensed healing centers.

### NATURAL MEDICINE WILL NOT BE TREATED THE SAME WAY AS MARIJUANA

Although one might be inclined to compare this measure to the legalization of marijuana in Colorado, there are several significant differences between how the state treats marijuana and how it will treat natural medicine, or “natural psychedelic substances.” One especially important difference is that the sale of marijuana for recreational use is legal in Colorado, but it will not be for natural psychedelic substances. Giving away the substances for free, however, will be lawful.

Additionally, unlike the marijuana regulatory structure, local authority to regulate natural medicine is strictly curtailed. Instead of operating under the same dual-licensing system that marijuana businesses do, healing centers will be solely state-licensed. The state will also be responsible for regulating the manufacture, cultivation, testing, storage, transfer, transport, delivery, sale, purchase, and provision of natural medicine.

While local governments are authorized to regulate the time, place, and manner of the operation of healing centers, local authority is otherwise strictly limited. Under the law, local governments cannot ban healing centers (unless required by a federal grant) or the transportation of natural medicine in the same way that they can deny marijuana dispensaries within their jurisdictions. Local governments are also prohibited from enacting laws that are “unreasonable or in conflict with” the statute.

### PREPARING FOR IMPLEMENTATION

In its current form, the new law’s ambiguities and restrictions on local control will likely create confusion. Municipalities will be impacted in their law enforcement, business licensing, code enforcement, court, and employment roles. For example, the broad permission for personal use and gifting of natural medicine will test the boundaries of lawful searches and seizures. Whether conduct is permitted by the law may be difficult to determine since the law maintains many prohibitions while limiting the ability of law enforcement to act. Consequently, police and code enforcement will have to take extra care not to violate the mandate that natural medicine can be harmed or destroyed.

Local governments should consider appropriate “time, place, and manner” regulations for healing centers. Modifications to zoning laws will be needed. Changes can include identifying where such uses may be right for a community. A cap on the number of establishments may also be lawful.

### OTHER AREAS FOR CONCERN

The law’s broad preemption language will particularly impact local ordinances involving the possession or sale of natural medicine and policies that might be based

on the possession of controlled substances. Other concerns include:

- The impact on drug-testing and drug-free workplace policies, Colorado’s lawful off-duty activities statute, and the remote work environment. The law does not require an employer to permit the possession or use of natural medicine in the workplace, but it also does not discuss an employee being under the influence of natural medicine while in the workplace or while otherwise performing job duties.
- The permission to cultivate natural medicine for personal use, which may conflict with building codes and zoning standards. The law has no limits on the amount of natural medicine that can be grown or where it can be grown.
- The limitation or denial of public assistance based on now-lawful conduct.
- The permission to seal prior offenses based on conduct that would have been lawful under the new law.
- The reclassification of offenses that may affect law enforcement authority.

### WHAT’S NEXT FOR PROPOSITION 122?

The law will likely be effective by **Dec. 31**. The implementation of Proposition 122 is just beginning, and the 2023 legislative session may bring changes to the new law. In the meantime, municipalities should use caution when taking any action with respect to natural medicine, particularly when it comes to law enforcement and code enforcement activities.

Note: CML will be hosting a CLE webinar on Propositions 122, 123, and 125 on **Jan. 11**.

*This column is not intended and should not be taken as legal advice. Municipal officials are always encouraged to consult with their own attorneys.*



# RESEARCH CORNER

## CML's year in webinars, by the numbers

26

NUMBER OF WEBINARS HOSTED

4

WEBINARS HOSTED PER MONTH IN THE BUSIEST MONTHS FOR WEBINARS: MARCH, APRIL & MAY

1,862

TOTAL ATTENDEES

2,381

TOTAL VIEWS ON CML'S YOUTUBE CHANNEL

290

ATTENDEES OF THE YEAR'S MOST HEAVILY ATTENDED WEBINAR, WATER LAW 101

297

VIEWERS OF THE MOST WATCHED CML WEBINAR ON YOUTUBE, RESILIENT LEADERSHIP TOOLS FOR ELECTED OFFICIALS AND EXECUTIVE LEADERS

### Popular topics



STATEHOUSE REPORT  
7 WEBINARS



ELECTIONS  
3 WEBINARS



HOUSING  
3 WEBINARS



ACCESSIBILITY  
3 WEBINARS



BROADBAND  
2 WEBINARS



RESILIENT LEADERSHIP  
2 WEBINARS



SUSTAINABILITY  
2 WEBINARS



COLORADO  
MUNICIPAL  
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**Featured in this issue:**

- CML identifies key municipal issues for 2023
- Upcoming webinars on psychedelics, wildfire, Statehouse
- Behavioral Health Administration offers \$130 million in grants
- Legal Corner: What does Proposition 122 mean for natural medicine and municipalities?
- Research Corner: CML's year in webinars, by the numbers

Vol. 48, No. 25, December 16, 2022

# NEWSLETTER

COLORADO  
MUNICIPAL  
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Proposition 122 Amendments

**Local Approval Requirement:** Rewrite 12-170-105:

**12-170-107. Localities.** (1) A locality may regulate the time, place, and manner of the operation of healing centers licensed pursuant to this article 170 within its boundaries.

~~(2) A locality may not ban or completely prohibit the establishment or operation of healing centers licensed pursuant to this article 170 within its boundaries.~~ A LOCALITY MAY PROHIBIT THE ESTABLISHMENT AND OPERATION OF HEALING CENTERS, THE PROVISION OF NATURAL MEDICINE SERVICES, THE CULTIVATION, PROCESSING, OR TESTING OF NATURAL MEDICINE FOR USE IN THE PROVISION OF NATURAL MEDICINE SERVICES, AND THE CULTIVATION OF NATURAL MEDICINE FOR PERSONAL USE THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH AN INITIATED OR REFERRED MEASURE. SUCH PROHIBITION WILL APPLY ONLY TO THE AREA SUBJECT TO THE JURISDICTION OF THE CITY OR TOWN OR IN THE UNINCORPORATED AREA SUBJECT TO THE JURISDICTION OF THE COUNTY. UPON RECEIVING NOTICE OF A PROHIBITION UNDER THIS SECTION, THE DEPARTMENT SHALL DISCONTINUE LICENSING THOSE PREMISES TO WHICH THE PROHIBITION APPLIES.

~~(3) A locality may not ban or completely prohibit a licensed health care facility or individual within its boundaries from providing natural medicine services if the licensed health care facility or individual is permitted to provide natural medicine services by the department pursuant to this article 170.~~ A LOCALITY MAY PROHIBIT THE CULTIVATION OF NATURAL MEDICINE FOR PERSONAL USE THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH AN INITIATED OR REFERRED MEASURE. SUCH PROHIBITION WILL APPLY ONLY TO THE AREA SUBJECT TO THE JURISDICTION OF THE CITY OR TOWN OR IN THE UNINCORPORATED AREA SUBJECT TO THE JURISDICTION OF THE COUNTY.

(4) A locality may not prohibit the transportation of natural medicine through its jurisdiction on ~~public roads~~ A STATE HIGHWAY by a licensee or ~~as otherwise~~ BY A PERSON CARRYING NATURAL MEDICINE FOR THEIR PERSONAL USE AS allowed by this article 170.

~~(5) A locality may not adopt ordinances or regulations that are unreasonable or in conflict with this article 170, but may enact laws imposing lesser criminal or civil penalties than provided by this article 170.~~ WITHOUT LIMITATION, A LOCALITY MAY:

- (i) ESTABLISH AND ENFORCE REQUIREMENTS FOR THE OVERSIGHT OF HEALING CENTERS AND RECORDKEEPING THAT ARE MORE STRINGENT THAN THE REQUIREMENTS OF THIS ARTICLE 170;
- (ii) ESTABLISH AND ENFORCE ZONING, LAND USE, OR BUILDING REGULATIONS AFFECTING THE ESTABLISHMENT AND OPERATION OF HEALING CENTERS AND OTHER CONDUCT ALLOWED BY THIS ARTICLE 170; AND
- (iii) RESTRICT THE SHARING OF PREMISES BY HEALING CENTERS OR THE OPERATION OF HEALING CENTERS OR THE PROVISION OF NATURAL MEDICINE SERVICES IN PRIVATE RESIDENCES OR PREMISES NOT OWNED OR CONTROLLED BY A LICENSEE.

(6) NOTHING IN THIS ARTICLE 170 SHALL BE CONSTRUED TO SUPERSEDE, INVALIDATE, OR PREEMPT ANY CHARTER PROVISION, ORDINANCE, OR REGULATION OF A LOCALITY ENACTED PURSUANT TO THIS SECTION OR TO AUTHORIZE OR EXCUSE ANY ACTION OR CONDUCT THAT WOULD VIOLATE ANY

CHARTER PROVISION, ORDINANCE, OR REGULATION OF A LOCALITY ENACTED PURSUANT TO THIS SECTION.

- **Legislative Declaration (12-170-102):** Remove subsection (k) regarding interpretation of statute.
- **State Rulemaking (12-170-104):**
  - Delay acceptance of applications until after rulemaking and remove timeline for making decisions on applications (3).
  - Require General Assembly approval to include more items in the definition on natural medicine (4).
  - Require confirmation of local approval and zoning authorization for permitting (6)(c).
  - Reconsider confidentiality of participant information, in light of lawful subpoenas and warrants (6)(c)(III).
  - **Delete provisions regarding statewide access (6)(c)(VIII).**
  - **Delete requirement that rules allow for sharing premises between healing centers (6)(c)(X)**
  - **Delete requirement that rules allow for natural medicine services in private residences or other premises not controlled by the licensed healing center (6)(c)(XI).**
  - Consider impact of proposed training recommendations from this board for public safety and social services and potential conflict with specific regulatory agencies (6)(f).
- **Advisory Board Membership (12-170-105):** Add representatives of local government and law enforcement.
- **Protections (12-170-108):** The breadth of certain provisions needs to be reduced and clarified, especially if the scope of the law regarding home cultivation, transfers of natural medicine by non-licensees, etc., is not reduced. For example:
  - **Remove “but notwithstanding any other provision of law” (1)**
  - **Add a clarification recognizing local regulation (1)(a).**
  - **Modify (e):** Nothing in this section shall be construed or interpreted . . . to limit a state or local law enforcement agency’s ability to investigate AND PROSECUTE unlawful activity ~~in relation to a licensee~~ OR TO LIMIT THE STATE OR ANY LOCALITY’S ABILITY TO INVESTIGATE, CHALLENGE, OR PROSECUTE ACTIVITY THAT IS UNLAWFUL UNDER STATE OR LOCAL LAW.
  - Section also needs to be renumbered – there is no (2).
- **Personal Use (12-170-109):**
  - Consider limiting the ability to purchase, obtain, or ingest, or give away, natural medicine for personal use regardless of age (1)(a).
  - **Consider reducing the allowed actions for personal use to respect building safety requirements, prevent improper use of property not zoned for such use, and avoid illicit markets (1)(b).** A quantity limitation may be appropriate.



- Delete the concept of cultivating or sharing with others for personal use, regardless of age, as these are outside of the state regulatory system (2). Clarify that personal use does not include these things.
- The concept of seizure and harming/destroying needs to be revised to avoid confusion and account for the difficulty in determining if the possession or cultivation or other action is actually allowed. Law enforcement and other agencies cannot be responsible for maintaining natural medicine. (5)
- **Personal Use Penalties (12-170-110):**
  - Delete requirement of “no cost” education or counseling (1).
  - **Broaden scope of penalties for other acts (3) and remove limitation on establishing penalties for anything but cultivating natural medicine that is not secure from access (4).**
- **Limitations (12-170-111):**
  - Expand prohibition on transfer to include transfer to any person, except for by a licensee in the context of healing center operation (1)(d).
  - Expand employer protection to not require the employer to permit actions “in the performance of job duties” or to require the employer to allow work performance while the person is under the influence of natural medicines (1)(g).
  - Consider adding other limitations as provided for marijuana (e.g., adulteration of natural medicine, false or misleading advertising, providing public premises for consumption, destroying natural medicine to avoid investigation, prohibiting public consumption, etc.).
- **Preemption (12-170-113):**
  - **This needs to be deleted or modified to account for local regulation as provided by the amendment.**



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# PACKET MODIFICATIONS

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March 14, 2023

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*Addition of Chase Credit Card Statements 02232023*

*Addition of Disbursement Summary 2023*

*Disbursements 03142023*

*Payroll 03102023*

*Payroll Taxes 03102023*

*Phillips66 Fuel Card 02232023*

*Letter of Support- Lucas*

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Manage your account online at : [www.chase.com/cardhelp](http://www.chase.com/cardhelp)

Customer Service: 1-800-945-2028

Mobile: Download the Chase Mobile® app today

March 2023						
S	M	T	W	T	F	S
26	27	28	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1
2	3	4	5	6	7	8

New Balance  
**\$5,443.43**  
 Minimum Payment Due  
**\$54.00**  
 Payment Due Date  
**03/17/23**

**Late Payment Warning:** If we do not receive your minimum payment by the due date, you may have to pay a late fee, and existing and new balances may become subject to the Default APR.

**Minimum Payment Warning:** Enroll in Auto-Pay and avoid missing a payment. To enroll, go to [www.chase.com](http://www.chase.com)

## ACCOUNT SUMMARY

<b>Account Number: 4246 3152 5990 8901</b>	
Previous Balance	\$2,700.45
Payment, Credits	-\$2,700.45
Purchases	+\$5,443.43
Cash Advances	\$0.00
Balance Transfers	\$0.00
Fees Charged	\$0.00
Interest Charged	<u>\$0.00</u>
<b>New Balance</b>	<b>\$5,443.43</b>
Opening/Closing Date	01/24/23 - 02/23/23
Credit Limit	\$45,000
Available Credit	\$39,556
Cash Access Line	\$2,250
Available for Cash	\$2,250
<b>Past Due Amount</b>	<b>\$0.00</b>
<b>Balance over the Credit Limit</b>	<b>\$0.00</b>

## YOUR ACCOUNT MESSAGES

Your next AutoPay payment for \$5,443.43 will be deducted from your Pay From account and credited on your due date. If your due date falls on a Saturday, we'll credit your payment the Friday before.

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N Z 23 23/02/23

Page 1 of 3

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**This Statement is a Facsimile - Not an original**



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P.O. BOX 15123  
 WILMINGTON, DE 19850-5123  
 For Undeliverable Mail Only

**AUTOPAY IS ON**  
 See Your Account  
 Messages for details.

**Payment Due Date:** 03/17/23  
**New Balance:** \$5,443.43  
**Minimum Payment Due:** \$54.00

Account number: 4246 3152 5990 8901

\$ \_\_\_\_\_ Amount Enclosed

**AUTOPAY IS ON**

46723 BEX Z 05423 C  
 CINDY JONES  
 TOWN OF PAONIA  
 PO BOX 460  
 PAONIA CO 81428-0460

CARDMEMBER SERVICE  
 PO BOX 6294  
 CAROL STREAM IL 60197-6294

⑆ 5000 160 28 ⑆ 1595 25990890 15⑆

## To contact us regarding your account:



**Call Customer Service:**  
In U.S. 1-800-945-2028  
Spanish 1-888-795-0574  
Pay by phone 1-800-436-7958  
International 1-480-350-7099  
We accept operator relay calls



**Send Inquiries to:**  
P.O. Box 15298  
Wilmington, DE 19850-5298



**Mail Payments to:**  
P.O. Box 6294  
Carol Stream, IL 60197-6294



**Visit Our Website:**  
[www.chase.com/cardhelp](http://www.chase.com/cardhelp)

### Information About Your Account

**Making Your Payments:** The amount of your payment should be at least your minimum payment due, payable in U.S. dollars and drawn on or payable through a U.S. financial institution or the U.S. branch of a foreign financial institution. You can pay down balances faster by paying more than the minimum payment or the total unpaid balance on your account.

You may make payments electronically through our website or by one of our customer service phone numbers above. In using any of these channels, you are authorizing us to withdraw funds as a one-time electronic funds transfer from your bank account. In our automated phone system, this authorization is provided via entry of a personal identification number. You may revoke this authorization by cancelling your payment through our website or customer service telephone numbers prior to the payment processing. If we receive your completed payment request through one of these channels by 11:59 p.m. Eastern Time, we will credit your payment as of that day. If we receive your request after 11:59 p.m. Eastern Time, we will credit your payment as of the next calendar day. If you specify a future date in your request we will credit your payment as of that day.

If you pay by regular U.S. mail to the Payments address shown on this statement, write your account number on your check or money order and include the payment coupon in the envelope. Do not send more than one payment or coupon per envelope. Do not staple, clip or tape the documents. Do not include correspondence. Do not send cash. If we receive your properly prepared payment on any day by 5 p.m. local time at our Payments address on this statement, we will credit to your account that day. If your payment is received after 5 p.m. local time at our Payments address on this statement, we will credit it to your account as of the next calendar day.

For all other payments or for any payment type above for which you do not follow our payment instructions, crediting of your payments may be delayed for up to 5 days.

**Account Information Reported To Credit Bureau:** We may report information about your Account to credit bureaus. Late payments, missed payments or other defaults on your Account may be reflected in your credit report. If you think we have reported inaccurate information to a credit bureau, please write to us at Chase Card Services P.O. Box 15369, Wilmington, DE 19850-5369.

**To Service And Manage Any Of Your Account(s):** By providing my mobile phone number, I am giving permission to be contacted at that number about all of my accounts by JPMorgan Chase and companies working on its behalf. My consent allows the use of text messages, artificial or prerecorded voice messages and automatic dialing technology for informational and account servicing, but not for sales or telemarketing. Message and data rates may apply.

**Authorization To Convert Your Check To An Electronic Transfer Debit:** When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check. Your bank account may be debited as soon as the same day we receive your payment. You will not receive your check back from your institution.

**Conditional Payments:** Any payment check or other form of payment that you send

us for less than the full balance due that is marked "paid in full" or contains a similar notation, or that you otherwise tender in full satisfaction of a disputed amount, must be sent to Card Services, P.O. Box 15049, Wilmington, DE 19850-5049. We reserve all our rights regarding these payments (e.g., if it is determined there is no valid dispute or if any such check is received at any other address, we may accept the check and you will still owe any remaining balance). We may refuse to accept any such payment by returning it to you, not cashing it or destroying it. All other payments that you make should be sent to the regular Payment address shown on this statement.

**Annual Renewal Notice:** If your Account Agreement has an annual membership fee, you are responsible for it every year your Account is open. We will add your annual membership fee to your monthly billing statement once a year, whether or not you use your account. Your annual membership fee will be added to your purchase balance and may incur interest. The annual membership fee is non-refundable unless you notify us that you wish to close your account within 30 days or one billing cycle (whichever is less) after we provide the statement on which the annual membership fee is billed. Your payment of the annual membership fee does not affect our rights to close your Account and to limit your right to make transactions on your Account. If your Account is closed by you or us, the annual membership fee will no longer be billed to your Account.

**Calculation Of Balance Subject To Interest Rate:** To figure your periodic interest charges for each billing cycle when a daily periodic rate(s) applies, we use the daily balance method (including new transactions). To figure your periodic interest charges for each billing cycle when a monthly periodic rate(s) applies, we use the average daily balance method (including new transactions). For an explanation of either method, or questions about a particular interest charge calculation on your statement, please call us at the toll free customer service phone number listed above.

We calculate periodic interest charges separately for each feature (for example, purchases, balance transfers, cash advances or overdraft advances). These calculations may combine different categories with the same periodic rates. Variable rates will vary with the market based on the Prime Rate or such index described in your Account Agreement. There is a transaction fee for each balance transfer, cash advance, or check transaction in the amount stated in your Account Agreement. There is a foreign transaction fee of 3% of the U.S. dollar amount of any foreign transaction for some accounts. Please see your Account Agreement for information about these fees.

**Interest Accrual:** We accrue periodic interest charges on a transaction, fee or interest charge from the date it is added to your daily balance until payment in full is received on your account.

**Credit Limit:** If you want to inquire about your options to help prevent your account from exceeding your credit limit, please call the number on the back of your card.

**Payment Allocation:** When you make a payment, generally, we first apply your minimum payment to the balance on your monthly statement with the lowest APR. Any payment above your minimum payment would generally then be applied to the balance on your monthly statement with the highest APR first. If you do not pay your balance in full each month, you may not be able to avoid interest charges on new purchases.



DA05042021

To manage your account, including card payments, alerts, and change of address, visit [www.chase.com/cardhelp](http://www.chase.com/cardhelp) or call the customer service number which appears on your account statement.





## YOUR ACCOUNT MESSAGES (CONTINUED)

Your AutoPay amount will be reduced by any payments or merchant credits that post to your account before we process your AutoPay payment. If the total of these payments and merchant credits is more than your set AutoPay amount, your AutoPay payment for that month will be zero.

## ACCOUNT ACTIVITY

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
02/17	AUTOMATIC PAYMENT - THANK YOU	-2,700.45
02/01	WALTHER ARMS 479-646-4210 AR	599.70
02/08	MESA COUNTY HEALTH WWW.MESACOUNT CO	40.00
02/18	SPRINT STORE #3290 GRANDJUNCTION CO	106.15
02/20	SPRINT *WIRELESS 800-639-6111 KS CINDY JONES TRANSACTIONS THIS CYCLE (CARD 8901) \$1588.95- INCLUDING PAYMENTS RECEIVED	365.65
01/26	USPS PO 0769660541 PAONIA CO	9.96
01/30	AMZN Mktp US*TZ3QQ02M3 Amzn.com/bill WA	56.88
02/22	AMZN Mktp US*HP1T61XW1 Amzn.com/bill WA TOWNOF PAONIA TRANSACTIONS THIS CYCLE (CARD 8181) \$279.73	212.89
01/28	STAPLES DIRECT 800-3333330 MA	201.46
02/01	WORDCAB, INC. HTTPSWORDCAB. NY	24.00
02/03	WWW.SPSWORKS.COM WWW.SPSWORKS. MN	21.45
02/08	COLORADO CWP 719-5456748 CO	50.00
02/09	PAYPAL *JUMPSTARTTE 402-935-7733 CA	75.00
02/09	PAYPAL *JUMPSTARTTE 402-935-7733 CA	75.00
02/09	PAYPAL *JUMPSTARTTE 402-935-7733 CA	75.00
02/09	PAYPAL *JUMPSTARTTE 402-935-7733 CA TOWNOF PAONIA TRANSACTIONS THIS CYCLE (CARD 4100) \$596.91	75.00
01/24	IIMC 909-9444162 CA	185.00
01/29	Amazon.com*S617J7AL3 Amzn.com/bill WA	44.60
02/06	AMZN Mktp US*4Y5KK2U63 Amzn.com/bill WA	42.36
02/15	AMZN Mktp US*HE3Y581U2 Amzn.com/bill WA	19.94
02/21	CEDAREdge DOCTORS OFFICE CEDAREdge CO	170.00
02/22	ABC-NV 913-8954600 KS TOWNOF PAONIA TRANSACTIONS THIS CYCLE (CARD 8158) \$561.90	100.00
01/24	CO MOTOR VEH SERV EMV DENVER CO	12.59
02/02	GOVX INC 888-468-5511 CA	180.61
02/19	AMZN Mktp US*HE5KP7RW2 Amzn.com/bill WA MATT LAIMINGER TRANSACTIONS THIS CYCLE (CARD 7897) \$243.77	50.57
01/24	ALLIED ELECTRONICS INC 800-433-5700 TX	535.26
01/27	TRACTOR SUPPLY CO #1791 DELTA CO	2,055.69
02/16	CONOCO - STOP N SAVE 9 PAONIA CO CORY HEINIGER TRANSACTIONS THIS CYCLE (CARD 9828) \$2649.62	58.67

2023 Totals Year-to-Date	
Total fees charged in 2023	\$0.00
Total interest charged in 2023	\$0.00

Year-to-date totals do not reflect any fee or interest refunds you may have received.

## INTEREST CHARGES

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Balance Type	Annual Percentage Rate (APR)	Balance Subject To Interest Rate	Interest Charges
<b>PURCHASES</b>			
Purchases	17.74%(v)(d)	- 0 -	- 0 -
<b>CASH ADVANCES</b>			
Cash Advances	29.49%(v)(d)	- 0 -	- 0 -

# INTEREST CHARGES (CONTINUED)

Your **Annual Percentage Rate (APR)** is the annual interest rate on your account.

Balance Type	Annual Percentage Rate (APR)	Balance Subject To Interest Rate	Interest Charges
<b>BALANCE TRANSFERS</b>			
Balance Transfer	17.74%(v)(d)	- 0 -	- 0 -

**31 Days in Billing Period**

(v) = Variable Rate

(d) = Daily Balance Method (including new transactions)

(a) = Average Daily Balance Method (including new transactions)

Please see Information About Your Account section for the Calculation of Balance Subject to Interest Rate, Annual Renewal Notice, How to Avoid Interest on Purchases, and other important information, as applicable.



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FOR: 03/14/2023

UBB OPS DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC OPS BALANCE		347,633.93
ACCOUNTS PAYABLE	02/17/2023 - 03/09/2023	(77,061.45)
LOAN PAYMENT		
BOND PAYMENT	4/3/23-AMKO 1ST BOND PMT-APPROVED 2/14/23	(73,250.00)
NORRIS RETIREMENT PAYMENT	3/24/2023	(1,120.00)
CHASE CREDIT CARD	01/24/23 - 02/23/23	(5,443.43)
PHILLIPS 66	FUEL CARD 02/23/23	(3,149.02)
TRANSFER TO SUMMIT		
TRANSFER TO PAYROLL	3/10/2023	(33,221.96)
PAYROLL TAXES	3/10/2023	(14,359.26)
<b>BALANCE AFTER PAYMENT</b>		<b>140,028.81</b>

UBB SUMMIT/PAYROLL DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC SUMMIT BALANCE		2,397,852.27
TRANSFER FROM OPS		-
TRANSFER FROM INT. GRANTS		-
TRANSFER TO OPS		
CURRENT FSBC PAYROLL BALANCE		1,703.82
TRANSFER FROM OPS	3/10/2023	33,221.96
PAYROLL (DIRECT DEPOSIT)	3/10/2023	(33,221.96)
<b>BALANCE AFTER PAYMENT</b>		<b>2,399,556.09</b>

UBB INTERNAL GRANT DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT INTERNAL GRANT BALANCE	SALE OF ASSETS-AUCTION	40,912.00
<b>BALANCE AFTER PAYMENT</b>		<b>40,912.00</b>

\*Transfer from Operations Account to Payroll Account then disbursed as Direct Deposit

BANK BALANCES				
	FSBC	COLOTRUST	TOTAL	DESCRIPTION
3/9/2023				
GENERAL		545,799.59		COMBINED FUNDS
SEWER RESTRICTED		543,840.75		PROPERTY SALE-RESTRICTED
DEBT RESERVE		109,581.77		AMKO BOND REQUIRED RESERVE
BRIDGE RESERVE		603,528.87		BRIDGE RESERVE
CONS.TRUST	10,421.22			RESTRICTED TO PARK USE ONLY
GRANT PASS THRU	25,025.00			PLACE HOLDER-COMBINED FUNDS
INT GRANT	40,912.00			PLACE HOLDER-COMBINED FUNDS
OPS	387,840.58			COMBINED FUNDS
PARK CONTRIBUTIONS	12,750.00			SPECIFIC PARK PROJECTS
PAYROLL	1,703.82			PLACE HOLDER-COMBINED FUNDS
SUMMIT	2,397,852.27			COMBINED FUNDS
WWTP	58,608.94			OLD SEWER REHAB ONLY
CD#2-402	204,126.61			COMBINED FUNDS-LOC COLLATERAL
CD#3-2578	261,378.93			COMBINED FUNDS
	3,400,619.37	1,802,750.98	5,203,370.35	

CASH POSITION

CASH POSITION

	COMBINED	RESTRICTED	TOTAL	DESCRIPTION
3/9/2023				
GENERAL	545,799.59			
SEWER RESTRICTED		543,840.75		RESTRICTED TO SEWER CAPITAL PROJECT
DEBT RESERVE		109,581.77		RESTRICTED LOAN REQUIREMENT
BRIDGE RESERVE		603,528.87		RESTRICTED TO BRIDGE REPAIRS
CONS.TRUST		10,421.22		RESTRICTED TO PARK CAPITAL PROJECT
GRANT PASS THRU	25,025.00			
INT GRANT		40,912.00		RESTRICTED LOAN REQUIREMENT
OPS	387,840.58			
PARK CONTRIBUTIONS		12,750.00		SPECIFIC PARK PROJECTS AS DONATED
PAYROLL	1,703.82			
SUMMIT	2,397,852.27			
WWTP		58,608.94		OLD SEWER REHAB ONLY
CD#2-402	204,126.61			
CD#3-2578	261,378.93			
	3,823,726.80	1,379,643.55	5,203,370.35	



Due Date	Vendor Number	Vendor Name	Invoice Number	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Pay	Partial Pmt Amt	Part Pmt Disc Amt	
03/14/2023	661	All Points Transit I	4522	3,100.00	.00	.00	3,100.00				Dial-a-Ride Funding-104131
03/14/2023	1245	Archuleta, Benny	ARCH3-1-20	1,500.00	.00	.00	1,500.00				ORC CONTRACT AGREEMENT-605042
03/14/2023	901	Blue Sage Center	013123(EXT)	480.00	.00	.00	480.00				LODGING-104102
03/14/2023	1126	Browns Hill Engine	953	1,710.00	.00	.00	1,710.00				2023 SCADA LEASE-605031
03/14/2023	21	Caselle, Inc	123329	1,261.00	.00	.00	1,261.00				MONTHLY SOFTWARE FEE - ALLOCATED
03/14/2023	673	City Of Grand Junc	2023-000730	131.00	.00	.00	131.00				WATER SAMPLES-605032
03/14/2023	1183	Column Software	8DFD59D8-0	18.34	.00	.00	18.34				LEGAL NOTICES - 104130
03/14/2023	1183	Column Software	8DFD59D8-0	132.04	.00	.00	132.04				LEGAL NOTICES - 605030
03/14/2023	1183	Column Software	8DFD59D8-0	22.94	.00	.00	22.94				LEGAL NOTICES - 104130
03/14/2023	39	Delta County Inde	0223519674	100.30	.00	.00	100.30				CLASSIFIED AD-104130
03/14/2023	56	Delta County Land	393301-3941	2,352.50	.00	.00	2,352.50				LANDFILL FEES-805242
03/14/2023	43	Delta Montrose Ele	3-2023-W	1,956.29	.00	.00	1,956.29				UTILITIES - ALLOCATED
03/14/2023	711	Delta Rigging & To	GRA-PSI001	302.00	.00	.00	302.00				TIRE CHAINS - 805225
03/14/2023	46	Dependable Lumb	2012-266864	285.69	.00	.00	285.69				VARIOUS-ALLOCATED
03/14/2023	48	Don's Market	01-1751479	26.49	.00	.00	26.49				PROPANE-204525
03/14/2023	1238	Dooley Enterprises	65000	888.21	.00	.00	888.21				RIFLE TRAINING AMMO-144216
03/14/2023	50	Duckworks Auto P	11044-40499	114.60	.00	.00	114.60				KODIAK D.TRUCK-ALLOCATED
03/14/2023	50	Duckworks Auto P	11044-40543	42.56	.00	.00	42.56				KODIAK D.TRUCK-ALLOCATED
03/14/2023	50	Duckworks Auto P	11044-40587	20.18	.00	.00	20.18				MEYER SNOW PLOW REPAIR-204542
03/14/2023	986	Elevate Fiber	66210_2717	676.59	.00	.00	676.59				TELEPHONE & INTERNET - ALLOCATED
03/14/2023	1172	Flowpoint Environ	2023	1,095.00	.00	.00	1,095.00				ANNUAL SOFTWARE FEE-605033
03/14/2023	1294	Garfield County Tr	2023-000000	197.50	.00	.00	197.50				ENERGY SYMPOSIUM-104126
03/10/2023	81	High Country Printi	19542	59.63	.00	.00	59.63				BUSINES CARD-104115
03/14/2023	1124	JDS-Hydro Consul	INV-0123-13	3,948.75	.00	.00	3,948.75				GENERAL ENGINEERING-ALLOCATED
03/14/2023	1277	Kelly PC	2012023	10,202.70	.00	.00	10,202.70				ATTORNEY - ALLOCATED
03/14/2023	1277	Kelly PC	3022023	8,498.70	.00	.00	8,498.70				ATTORNEY - ALLOCATED
03/14/2023	1296	LADS Welding LL	12	300.00	.00	.00	300.00				LIFT ON TRASH TRUCK REPAIR-805223
03/14/2023	482	Larry D Gillenwate	693109	43.74	.00	.00	43.74				CAR WASH - ALLOCATED
03/14/2023	470	Leon, Susan	030123-0331	775.00	.00	.00	775.00				CLEANING CONTRACT-104125
03/14/2023	645	Mail Services, LLC	1874999	537.81	.00	.00	537.81				BILLING POST CARDS-ALLOCATED
03/14/2023	228	North Fork Farmer	2023	320.00	.00	.00	320.00				ANNUAL ASSESSMENT-705132
03/14/2023	141	North Fork Service	629671-6296	432.39	.00	.00	432.39				FUEL+TIRES-ALLOCATED
03/14/2023	122	Paonia Auto Parts	397372-3978	404.58	.00	.00	404.58				VARIOUS-ALLOCATED
03/14/2023	125	Paonia Farm & Ho	146792-1480	332.06	.00	.00	332.06				VARIOUS-ALLOCATED
03/14/2023	1197	Phonetics, Inc	38421-2023	83.40	.00	.00	83.40				SEWER ALERT SYSTEM-705131
03/14/2023	499	Phonz +	14565	4,011.54	.00	.00	4,011.54				PRINTER/LAPTOPS-ALLOCATED
03/14/2023	499	Phonz +	14655	2,128.13	.00	.00	2,128.13				MONTHLY IT FEES-ALLOCATED
03/14/2023	931	Roop Excavating L	1491	480.00	.00	.00	480.00				GRAVEL DELIVERY-ALLOCATED
03/14/2023	1295	Santiago, Ruben	03072023	350.00	.00	.00	350.00				OFFICE DESK-104125
03/14/2023	1170	Shums Coda Asso	16460	480.00	.00	.00	480.00				BUILDING INSPECTOR-PLAN REVIEWS-124302
03/14/2023	1170	Shums Coda Asso	16461	910.00	.00	.00	910.00				BUILDING INSPECTOR-INSPECTION SERVICES-124302
03/14/2023	1170	Shums Coda Asso	16462	960.00	.00	.00	960.00				BUILDING INSPECTOR-CONSULTING SERVICES-124302
03/14/2023	226	Stewart Ditch and	6285	648.45	.00	.00	648.45				ANNUAL ASSESSMENT-164632
03/14/2023	1283	Sustainable Future	02-2023	13,893.84	.00	.00	13,893.84				TOWN ADMINISTRATOR SERVICES-104102
03/14/2023	861	The Paper-Clip LL	2046269-204	186.13	.00	.00	186.13				OFFICE SUPPLIES-ALLOCATED
03/14/2023	1256	The UPS Store #5	POS5734A-0	165.05	.00	.00	165.05				WATER SAMPLE SHIPPING-605017
03/14/2023	1039	Tribble & Sons Co	293	4,884.00	.00	.00	4,884.00				SEWER REPAIR-705122
03/14/2023	161	UNCC	223020967	47.73	.00	.00	47.73				LOCATES-ALLOCATED
03/14/2023	162	United Companies	1505488	293.26	.00	.00	293.26				SEWER ROAD REPAIR-705122
03/14/2023	162	United Companies	1506646	1,101.46	.00	.00	1,101.46				3/4" ROAD BASE-ALLOCATED
03/14/2023	441	USA Blue Book	266418	643.36	.00	.00	643.36				PARTS & SUPPLIES-ALLOCATED
03/14/2023	441	USA Blue Book	266719	442.38	.00	.00	442.38				WATER REPAIR-605022
03/14/2023	441	USA Blue Book	271183	773.63	.00	.00	773.63				WATER REPAIR-605022
03/14/2023	441	USA Blue Book	277364	62.17	.00	.00	62.17				WATER MARKING FLAGS-605025
03/14/2023	441	USA Blue Book	280602	62.94	.00	.00	62.94				WATER REPAIR-605022
03/14/2023	441	USA Blue Book	283634	400.55	.00	.00	400.55				WATER PARTS-605022

Due Date	Vendor Number	Vendor Name	Invoice Number	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Pay	Partial Pmt Amt	Part Pmt Disc Amt	
03/14/2023	946	Varner Equipment	38475	510.00	.00	.00	510.00				F250 PLOW TRUCK REPAIR-204523
03/14/2023	946	Varner Equipment	38575	37.34	.00	.00	37.34				F350 MEYER SNOW PLOW REPAIR-204542
03/14/2023	588	Wilbur-Ellis Compa	15548064	1,237.50	.00	.00	1,237.50				SEWER CHEMICALS-705116
Grand Totals:			59	77,061.45	.00	.00	77,061.45				

Cash Requirements Summary

Date	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Net Cumulative Amount
03/10/2023	59.63	.00	.00	59.63	59.63
03/14/2023	77,001.82	.00	.00	77,001.82	77,061.45
Grand Totals:				77,061.45	

Employee Number	Name	85-00 Net Pay Emp Amt
1055	Byrge, Rodney A	1,671.73
1053	Cecil, Raymond Cole	1,388.78
1051	Erickson, Jason C	1,831.48
1071	Garcia, Jeremiah	1,623.80
1023	Gilliam, William J	1,719.84
1072	Heiniger Burum, Derek J	1,508.90
1050	Heiniger, Cory	2,050.05
1021	Henderson, Garrett W	1,929.95
1022	Hinyard, Patrick	1,828.19
1001	Jones, Cynthia	2,485.34
1010	Katzer, JoAnn	1,160.05
1024	Kramer, Lance W	1,535.91
1020	Laiminger, Matt	1,726.18
1003	Mojarro-Lopez, Amanda	864.70
1070	Redden, Jordan	2,271.10
1052	Reich, Dennis	1,416.68
1056	Rose, Clinton A	1,258.29
1006	Santiago, Ruben	1,392.28
1025	Seeley, Thomas J	983.87
1005	Vetter, Samira	1,637.96
1063	Walton, Matthew	789.12
1004	Wuollet, Candice C	147.76
Grand Totals:		
	22	33,221.96

Report Criteria:  
 Unpaid transmittals included  
 Begin Date: ALL  
 End Date: ALL

Transmittal Number	Name	Invoice Number	Pay Per Date	Pay Code	Description	GL Account	Amount
<b>2</b>							
2	IRS Tax Deposit		03/03/2023	74-00	Federal Tax Deposit Social Security	10-0216	1,977.90
2	IRS Tax Deposit		03/03/2023	74-00	Federal Tax Deposit Social Security	10-0216	1,977.90
2	IRS Tax Deposit		03/03/2023	75-00	Federal Tax Deposit Medicare Pay P	10-0216	634.86
2	IRS Tax Deposit		03/03/2023	75-00	Federal Tax Deposit Medicare Pay P	10-0216	634.86
2	IRS Tax Deposit		03/03/2023	76-00	Federal Tax Deposit Federal Withhold	10-0216	3,776.86
Total 2:							9,002.38
<b>4</b>							
4	Aflac		03/03/2023	63-01	Aflac Pre-Tax Pay Period: 3/3/2023	10-0225	71.34
4	Aflac		03/03/2023	63-02	Aflac After Tax Pay Period: 3/3/2023	10-0225	24.90
Total 4:							96.24 <i>MD.</i>
<b>6</b>							
6	Colorado Dept of Labor		01/06/2023	98-00	SUTA State Unemployment Tax Pay	10-0218	70.69
6	Colorado Dept of Labor		01/20/2023	98-00	SUTA State Unemployment Tax Pay	10-0218	82.99
6	Colorado Dept of Labor		02/03/2023	98-00	SUTA State Unemployment Tax Pay	10-0218	81.88
6	Colorado Dept of Labor		02/17/2023	98-00	SUTA State Unemployment Tax Pay	10-0218	91.99
6	Colorado Dept of Labor		03/03/2023	98-00	SUTA State Unemployment Tax Pay	10-0218	90.56
Total 6:							418.11 <i>DTK</i>
<b>9</b>							
9	Colorado Dept of Revenue		03/03/2023	77-00	State Withholding Tax Pay Period: 3/3	10-0217	1,552.00
Total 9:							1,552.00 <i>MD.</i>
<b>30</b>							
30	Empower Retirement		03/03/2023	51-01	Retirement Plan Retirement Plan Pa	10-0220	1,110.40
30	Empower Retirement		03/03/2023	51-01	Retirement Plan Retirement Plan Pa	10-0220	1,265.61
30	Empower Retirement		03/03/2023	51-02	Retirement Plan Retirement Loan Pa	10-0220	42.87
Total 30:							2,418.88
<b>33</b>							
33	FPPA - Fire & Police Pensi		03/03/2023	50-00	FPPA Pay Period: 3/3/2023	10-0219	1,416.00
33	FPPA - Fire & Police Pensi		03/03/2023	50-00	FPPA Pay Period: 3/3/2023	10-0219	1,121.00
33	FPPA - Fire & Police Pensi		03/03/2023	90-00	Death & Disability Pay Period: 3/3/20	10-0219	401.20
Total 33:							2,938.20
<b>70</b>							
70	Rocky Mountain HMO		03/03/2023	60-01	United - Employee Only Pay Period:	10-0223	286.35
70	Rocky Mountain HMO		03/03/2023	60-01	United - Employee Only Pay Period:	10-0223	5,154.65
70	Rocky Mountain HMO		03/03/2023	60-02	United - Employee + 1 Pay Period: 3/	10-0223	140.69
70	Rocky Mountain HMO		03/03/2023	60-02	United - Employee + 1 Pay Period: 3/	10-0223	808.87
70	Rocky Mountain HMO		03/03/2023	60-03	United - Employee + Family Pay Peri	10-0223	669.90
70	Rocky Mountain HMO		03/03/2023	60-03	United - Employee + Family Pay Peri	10-0223	2,322.69
70	Rocky Mountain HMO		03/03/2023	60-07	United - Employee + Spouse Pay Peri	10-0223	90.29
70	Rocky Mountain HMO		03/03/2023	60-07	United - Employee + Spouse Pay Peri	10-0223	1,010.67



Transmittal Number	Name	Invoice Number	Pay Per Date	Pay Code	Description	GL Account	Amount
Total 70:							10,484.11 <i>mo</i>
71	71 The Harford		03/03/2023	65-01	Group#013307460001 Hartford Basic	10-0226	29.68
	71 The Harford		03/03/2023	65-02	Group#013307460001 Hartford Suppl	10-0226	27.47
	71 The Harford		03/03/2023	65-03	Group#013307460001 Hartford Disab	10-0226	136.62
Total 71:							193.77 <i>mo</i>
73	73 Delta Dental of Colorado		03/03/2023	60-05	Dental Delta Dental - Dental Pay Peri	10-0223	157.59
Total 73:							157.59 <i>mo</i>
75	75 VSP Insurance CO (CT)		03/03/2023	60-04	VSP - Vision Pay Period: 3/3/2023	10-0223	77.84
Total 75:							77.84 <i>mo</i>
Grand Totals:							27,338.92

Report Criteria:

Unpaid transmittals included  
 Begin Date: ALL  
 End Date: ALL



PARENT ACCOUNT:  
Town of Paonia

REPORT FOR:  
Town of Paonia  
0490-00-823899-0  
JAN-24-2023 TO FEB-23-2023

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END OF REPORT

# Financial Summary

ACCOUNT NUMBER	FLEET NAME
0490-00-823899-0	Town of Paonia

DEPARTMENT	DESCRIPTION	UNITS	COST OR FEE	TOTAL FEES	FUEL \$	OTHER \$	GROSS \$	TOTAL FEES & PURCHASES
POLICE	Monthly Card Charge	1.00	2.000	0.00	0.00	0.00	0.00	
	PERIOD			0.00	0.00	0.00	0.00	0.00
	YTD			0.00	0.00	0.00	0.00	0.00
PUBLIC SAFETY	Unleaded Plus	28.30	4.248	0.00	120.26	0.00	120.26	
	Unleaded Regular	189.99	4.080	0.00	770.27	0.00	770.27	
	Monthly Card Charge	15.00	2.000	0.00	0.00	0.00	0.00	
	PERIOD			0.00	890.53	0.00	890.53	890.53
	YTD			0.00	1307.13	0.00	1307.13	1307.13
PUBLIC WORKS	Regular Diesel #2	151.95	4.824	0.00	732.68	0.00	732.68	
	Unleaded Plus	24.99	4.249	0.00	106.17	0.00	106.17	
	Unleaded Regular	363.88	3.927	0.00	1427.94	0.00	1427.94	
	Monthly Card Charge	36.00	2.000	0.00	0.00	0.00	0.00	
	PERIOD			0.00	2266.79	0.00	2266.79	2266.79
	YTD			0.00	2991.41	0.00	2991.41	2991.41
Unassigned	Rebate	610.13	0.030	-18.30	0.00	0.00	0.00	
	PERIOD			-18.30	0.00	0.00	0.00	-18.30
	YTD			0.00	0.00	0.00	0.00	0.00
ACCOUNT TOTALS	Regular Diesel #2	151.95	4.824	0.00	732.68	0.00	732.68	
	Unleaded Plus	53.29	8.497	0.00	226.43	0.00	226.43	
	Unleaded Regular	553.87	8.007	0.00	2198.21	0.00	2198.21	
	Monthly Card Charge	52.00	6.000	0.00	0.00	0.00	0.00	
	Rebate	610.13	0.030	-18.30	0.00	0.00	0.00	
	Paper Delivery Fee	1.00	10.000	10.00	0.00	0.00	0.00	
	PERIOD			-6.30	3157.32	0.00	3157.32	3149.02
	YTD			0.00	4298.54	0.00	4298.54	4298.54

**ACCOUNTS RECEIVABLE SUMMARY - Invoice 87324460**

PREVIOUS BALANCE	1082.27
PAYMENTS	-1082.27
PURCHASES	3157.32
DEBITS	10.00
CREDITS	0.00
Phillips 66 Rebate	-18.30
ANCILLARIES	0.00
<b>AMOUNT DUE</b>	<b>3149.02</b>

My name is Lucille Lucas owner of the Lucille Lucas Gallery here in the town of Paonia . I lived here for ten years from 1988 to 1998 and moved back in June of 2022. I am a member of the Creative Coalition and I am here as a citizen and a business owner to speak to you about the Coalition's request to add "Board Approval to the 10 hour rule for festivals and events in town . I have been attending the Harvest Festival for the 22 years it has been happening here in Paonia. It is one those events that people from all the surrounding areas look forward to year after year even beyond Delta County. It is an iconic Paonia event that brings many many folks and their families to this town, and this in turn helps the businesses and of course the general over all economy. It also helps the many talented artists, musicians, crafts persons, farmers , bakers, etc, etc. celebrate a full summer of hard work and show off the results of that hard work. AND it helps spread our reputation which is that Paonia is a very cool creative place to visit.

When I lived here in the 80's and 90's the economy everywhere in Delta county was suffering a great deal. Matter of fact it was in a sad way. It does not make sense to me that you the Town Council of Paonia who are supposed to represent all of us here would not do whatever it takes to keep the vibrancy that I see happening here since my return, on an upward scale. I love living here and I want to see us succeed. The Harvest Festival last year was an overwhelming success. Folks talked about it for weeks afterwards. They were already looking forward to the next one.

So please take another look at how your decisions affect not only the town itself but those who live and work here as they are the ones that give Paonia the vibrancy I am talking about. PLEASE ADD " BOARD APPROVAL" TO THE 10 HOUR ORDINANCE SO THE BOARD CAN MAKE AN EXCEPTION WHEN IT IS APPROPRIATE. Thank you