
PACKET MODIFICATIONS

April 11, 2022

Addition of Agenda Item 13

Addition of North Fork Reedys bill to Disbursements

Addition of Mayor's Report

Addition of Police Report

Addition of Finance Report

Administrator and Public Works Report to be provided at the meeting



TOWN OF PAONIA
REGULAR TOWN BOARD MEETING AGENDA
6:30 PM

Virtual Meeting Access Link:
<https://us02web.zoom.us/j/83657460180>

Roll Call

Approval of Agenda

Announcements

Recognition of Visitors & Guests

1. Visitors & Guests

Approval of Consent Agenda

2. Minutes:

February 3, 2022 – Work Session

March 10, 2022 – Regular Meeting

March 24, 2022 – Regular Meeting

March 29, 2022 – Work Session

Liquor License Report of Changes:

Like to Bounce Corp – dba Dana’s Paonia

3. Rob Miller – Pickin in the Park Annual Event and Request for waived fees in lieu of sponsorship
4. Resolution 02-2022 Board of Trustees Resignation Procedures – Redline Review and Changes

Public Hearing

5. Action Item: Re-Zoning Application at 1375 3rd Street

New Business

6. Action Item: Town of Paonia and North Fork Pool Park and Recreation District updated agreement regarding the existing Paonia Skate Park
7. Action Item: SGM Engineering Contract Review
8. Action Item: SGM – Proposal for Engineering Services – Water/Wastewater Treatment Facilities Standard Operating Procedures (SOP’s)
9. Action Item: SGM – Proposal for Engineering Services – Water/Sewer Engineering Specifications/Construction Standards and Standard Drawings
10. Action Item: Filter Tech Systems – Annual Service Contract – Lamborn Mesa Water Treatment Facility (2MG)
11. Action Item: Resolution 05-2022 - Emergency Response Authority Designee Update
12. Discussion Item: Town Attorney Memo and Recommendations regarding Ordinance 01-2020 Water Tap Moratorium

[13.](#) Discussion Item: Administrator Report regarding determination and application of residential use in a C-1 Zone

Disbursements

Unfinished Business

[14.](#) Action Item: Following Board discussion - Ad-Hoc committee recommendation for modified Trustee meeting policy and procedures

[15.](#) Action Item: Resolution 04-2022 – Board of Trustees facility inspection policy

Mayor's Report

Staff Reports

[16.](#) Town Administrator's Report

Public Works Report

Police Report

Finance Report

Committee Reports

Adjournment

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.

AGENDA SUMMARY FORM

	Roll Call		
Summary:			
Notes:			
Possible Motions:			
Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine


April 8, 2022

AGENDA SUMMARY FORM

	Agenda Approval		
Summary:			
Notes:			
Possible Motions:			
Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine


April 8, 2022

AGENDA SUMMARY FORM

	Announcements		
Summary:			
Notes:			
Possible Motions:			
Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine


April 8, 2022

AGENDA SUMMARY FORM

	Recognition of Visitors & Guests		
Summary:			
Notes:			
Possible Motions:			
Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine

April 8, 2022

AGENDA SUMMARY FORM

	Minutes: March 10, 2022 – Regular Meeting March 24, 2022 – Regular Meeting March 29, 2022 – Work Session Liquor License Report of Changes: Like to Bounce Corp – dba Dana’s Paonia		
Summary:			
Notes:			
Possible Motions:			
Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine

April 8, 2022

TOWN OF PAONIA



Regular Town Board Meeting, March 10, 2022

**Mayor Bachran
Trustee Knutson
Trustee Budinger
Trustee Johnson
Trustee Smith
Trustee Thompson**

March 10, 2022

Regular Meeting Minutes

6:30 pm

Mayor Mary Bachran called the Regular Meeting of the Town of Paonia to order at 6:30 pm.

ROLL CALL:

Finance Clerk Candy Wuollet called the roll and those present were Mayor Bachran, Trustee Johnson, Budinger, Knutson, Smith, and Trustee Thompson.

Approval of the Agenda:

Motion made by Trustee Knutson, Seconded by Trustee Thompson to change the order of the meeting as follows: Mayor’s Report, agenda item #6 - vacated Trustee seat, agenda item #7 - Ad-Hoc committee recommendations for Trustee meeting policy, agenda item #8 Presentation of JDS Hydro report, agenda item #9 Presentation of JDS and SGM Engineering task list, disbursements, agenda items #2, 4, 5, 10, 11, 12, and 13 as time permits. Motion carried with four (4) Aye and one (1) Nay.

Trustee	Aye	Nay
Johnson	X	
Knutson	X	
Smith	X	
Thompson		X
Budinger	X	

Motion made by Trustee Smith, Second by Trustee Johnson to amend the agenda to remove item #13 and continue to the next meeting. Motion carried unanimously.

Mayor’s Report

AARP grant, specifics were included in the packet. No matching funds are needed for this grant, only staff and public works time. The estimated amount is \$19,000.00, staff time is forty (40) hours of public works time at \$4,000, five (5) hours of administrative staff time at \$250.00 for a total of forty-five (45) hours at a cost of \$4,250 in-kind, with an application deadline of March 22, 2022.

Motion made by Trustee Knutson, Second by Trustee Budinger to approve the writing of this grant for Apple Valley Park for the ADA compliance. Motion carried unanimously.

Motion made by Trustee Thompson, Second by Trustee Budinger to further explore the CDPHE Quick-Win Grant for shade trees. Motion carried unanimously.

New Business

Board consideration and possible action regarding vacated Trustee seat

Motion made by Trustee Smith, Second by Trustee Knutson to have a resigning Trustee submit a written

TOWN OF PAONIA



resignation letter. The Board of Trustees shall by resolution adopt the resignation, which begins the 60-day clock for filling the seat, and the resolution shall indicate how the seat will be filled.

Discussion ensued regarding time limit for written resignation. Upon direction from Town Attorney Conklin the motion was modified to read: Direct the Town Attorney to draft a resolution to require a resigning Trustee to submit a written notice of resignation. If a verbal resignation is given, a request to confirm such resignation in writing within seven (7) days of the verbal resignation shall be made, however if no response is received within seven days, the oral resignation will be considered effective. Trustees shall by resolution adopt the resignation, which begins the 60-day clock for filling the seat and the resolution shall indicate how the seat is filled. Motion carried unanimously.

Board consideration and possible action on Ad-Hoc committee recommendation for Trustee Meeting policy and procedure modifications

No action taken.

Presentation of JDS Hydro Progress Report

James Plumb-Starnes was absent. Brandyn Bair with SGM made himself available to answer questions – as the two are working together to assist Town on water projects.

Presentation of JDS Hydro and SGM Engineering Task List

Mayor Bachran provided a synopsis of the meeting with Steve Thomas of the Colorado Rural Water Association (CRWA) and the benefits they can offer to the Town at zero cost.

Motion made by Trustee Smith, Second by Trustee Johnson to direct Colorado Rural Water Association to conduct an Asset Management Plan. Motion carried unanimously.

Motion made by Trustee Johnson, Second by Trustee Thompson to direct SGM to provide quotes on Standard Operating Procedures and Construction standards by the next meeting. Motion carried unanimously.

Motion made by Trustee Smith, Second by Trustee Thompson to amend the motion to add words water distribution, and sewer collection. Motion carried unanimously.

Following a heated comment from a member of the public Trustee Knutson asked for a five (5) minute recess.

Motion made by Trustee Knutson, Second by Trustee Budinger to take a five (5) minute recess. Motion carried unanimously.

Meeting resumed.

Motion made by Trustee Thompson, Second by Trustee Knutson that the Town make an official request to the water users encouraging water conservation in the community. Motion carried.

Motion made by Trustee Thompson, Seconded by Trustee Knutson to amend the motion to encourage water conservation until lower treatment plant is online. Motion carried with four (4) Aye and one (1) Nay.

Trustee	Aye	Nay
Budinger	X	
Johnson	X	
Knutson	X	

TOWN OF PAONIA



Smith		X
Thompson	X	

Announcements:

Municipal Quarterly will be on March 31, 2022 from 9:30-3:00 in Delta, public is welcome.

Disbursements

Motion made by Trustee Knutson, Second by Trustee Budinger to approve accounts payable. Motion passed unanimously.

Recognition of Visitors and Guest:

None.

Consent Agenda

Motion made by Trustee Knutson, Second by Trustee Budinger to approve the Consent agenda as modified for the 2/28/22 Work Session/Special Meeting. Motion carried unanimously.

Motion made by Trustee Smith, Second by Trustee Budinger to approve the Regular Minutes of 2/22/22 with modifications. Motion carried unanimously.

Special Minutes on 2/28/22 will be continued to the next meeting.

Staff Reports:

Town Administrator Corinne Ferguson report was included in the packet.

Public Work Report

The public works report was included in the packet. Administrator Ferguson stated she plans to have the public works director attend meetings in the near future. New ORC is Benny Archuleta, and he came very highly recommended.

Police Report

Chris Lowe the Chief of police recruiter will be in town Monday and Tuesday he is available to meet with Board members and the public.

Finance Report was included in the packet.

Unfinished Business

Advisory Water Committee Meeting Follow-up Discussion

There are three (3) open positions, two to be filled by in-Town water users once the 30-day deadline passes from ordinance publication date.

Would like to be more consistent with meetings schedules and suggest scheduling them for the last Wednesday of the month.

Would like to have AWC representatives participate in the review, interviewing, and hiring of water staff members.

Town Attorney Conklin advised against involvement below direct supervision of Boards and committees.

TOWN OF PAONIA



Board member volunteer to participate with Mayor Bachran to review the current Colorado Open Records Act Policy

Trustee Knutson volunteered.

Trustee Thompson requested the Trustees review the new Logo for the Tree board so they can move forward. Administrator Ferguson will have it in the next packet.

ADJOURNMENT

The Regular Trustee Meeting was adjourned at 9:29 pm.

Candy Wuollet, Finance Clerk

Mary Bachran, Mayor

DRAFT

TOWN OF PAONIA



Regular Town Board Meeting, March 24, 2022

**Mayor Bachran
Trustee Knutson
Trustee Budinger
Trustee Johnson
Trustee Thompson
Trustee Smith**

March 24, 2022

Regular Meeting Minutes

6:30 pm

Mayor Mary Bachran called the Regular Meeting of the Town of Paonia to order at 6:30 pm.

ROLL CALL:

Finance Clerk Candy Wuollet called the roll and those present were Mayor Bachran, Budinger, Knutson, Thompson, and Trustee Smith. Trustee Johnson was not present.

Approval of the Agenda:

Motion made by Trustee Smith, Second by Trustee Thompson to approve the agenda with the continuation of the public hearing to the April 14, 2022 meeting. Motion fails with three (3) Nays and one (1) Aye.

Trustee	Aye	Nay
Budinger		X
Knutson		X
Smith	X	
Thompson		X
Johnson	Not	present

Motion made by Trustee Knutson, Second by Trustee Johnson to modify the agenda, moving Consent Agenda Mayor’s report, Attorney’s report, and Staff reports to the end of the agenda with a hard start to the Executive session at 8:30 pm, with the rest of the agenda to follow as presented. Motion carried unanimously.

Announcements:

Two (2) Board member training meetings are tentatively scheduled for May 4, 2022, with CIRSA and May 17, 2022, with DOLA. Strategic Planning is proposed to begin in June.

Opportunity to Meet Staff

Administrator Ferguson introduced Cory Heiniger as our new Public Works Director, along with Jordan Redden and Jeremiah Garcia who work for public works with primary focus in the Town our water and wastewater departments.

Project Updates

Trustee Knutson stated that the matrix with updated projects and repairs completed in the water and wastewater departments is very impressive.

Recognition of Visitors and Guest:

North Fork Pool Park and Recreation District

Lenore Cambria and Sara Sharer introduced themselves and provided a draft copy of an updated MOU for the current Skate Park maintenance, to be on a future agenda.

Public Hearing

TOWN OF PAONIA



Davis-Minor Subdivision Variance Application Review-TBA Niagara Avenue

Opened at 6:57 pm.

Administrator Ferguson gave a presentation regarding timeline and review of the application, subdivision, and proposed variance.

The applicant was given opportunity to discuss the reason for the request.

Board comment/questions.
Community Comment/Questions.

Closed at 7:10pm

Board discussion ensued.

Motion made by Trustee Budinger, Second by Trustee Knutson to approve the minor subdivision with variance for the lot size. Motion carried with three (3) Aye, and one (1) Nay

Trustee	Aye	Nay
Budinger	X	
Knutson	X	
Thompson	X	
Smith		X
Johnson	not	present

New Business

Board consideration and possible action regarding Hauze Waterline located on Delta Avenue

Motion made by Trustee Knutson, Second by Trustee Smith to continue the discussion until a later date when the homeowner wants to come in. Motion carried unanimously.

Colorado Department of Health and Environment Quick-Win Grant Review-Shade Trees for Paonia

The total grant would be for \$4,990.00 with no match required. Staff time for in-kind would be approximately fifteen (15) hours. The application deadline is April 24, 2022. CDPHE would like the Town to apply in Two (2) phases, phase one (1) to include the purchase and planting of five (5) trees on Grand Avenue; phase Two (2) for the rest of the trees throughout Town.

Motion made by Trustee Thompson, Second by Trustee Budinger to approve the application to apply for the Quick Win grant. Motion carried unanimously.

Resolution 02-2022 Board of Trustee Resignation Procedures

Discussion ensued regarding how resignations are submitted and within what timeline.

NOTE: The motions made in this section are regarding future resignations given to the Town by seated Trustees. These are not specific to any current activity before the Board.

Motion made by Trustee Knutson, Second by Trustee Smith that all Trustee resignation letters are to be submitted to the Mayor, Town Clerk, and a copy then forwarded to Trustees. Motion carried unanimously.

TOWN OF PAONIA



Motion made by Trustee Knutson, Second by Trustee Smith to accept resignation effective dates once the resolution is adopted at the next board meeting. Motion carried unanimously.

Resolution 03-2022 Acceptance of Resignation & Notice of Vacancy

Motion made by Trustee Smith, Second by Trustee Knutson to accept Resolution 03-2022 with the addition of inclusion of the 60-day information. Motion carried unanimously.

Board of Trustees Appointment to fill trustee vacancy

Three letters of interest were received from Rick Stelter, John Valentine, and Stephen Keenan.

Motion made by Trustee Budinger, Second by Trustee Thompson to appoint Mr. John Valentine to the Board of Trustees for the next Two (2) meetings. Motion carried unanimously.

Mr. Valentine received the affirmation of office.

Disbursements

Motion made by Trustee Budinger, Second by Trustee Knutson to approve disbursements as presented. Motion carried unanimously.

Unfinished Business

Resolution 04-2022 Board of Trustees facility inspection policy, Town Attorney will bring us back a redline copy by next meeting.

Discussion of Trustees top three criteria for setting priorities

Following each Board members presentation of their three (#) priorities, the following list was the overall agreed upon criteria.

- #1 Safety
- #2 Infrastructure
- #3 Staffing and Budget

Town Attorney Report

Town Attorney Report- Attorney Conklin requested direction from the Board regarding where wage garnishment checks from Ms. Chesnik should be delivered to.

Motion made by Trustee Smith, Second by Trustee Knutson to have garnishment check from Kristen Chesnik submitted directly to the town. Motion carried unanimously.

Executive Session

Motion made by Trustee Knutson, Second by Trustee Budinger to go into Executive Session with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b): pertaining to interpretation and application to Ordinance 01-2020 Water Tap Moratorium. Motion carried with three (3) Aye, and one (1) Nay

Trustee	Aye	Nay
Budinger	X	
Johnson	not	present
Knutson	X	
Smith		X

TOWN OF PAONIA



Thompson	X	
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The Board entered into executive session at 8:33 pm.

The regular meeting resumed at 9:20 pm. Those present for executive session were: Mayor Bachran, Trustee Budinger, Knutson, Smith, Thompson, Valentine, Town Administrator Corinne Ferguson, and via video conference Town Attorney Jeff Conklin. No issues were noted.

Motion made by Trustee Thompson, Second by Trustee Knutson, to direct the Town Attorney to prepare a memorandum addressing terminology within the water moratorium ordinance. Motion carried unanimously.

Consent Agenda

- February 3,2022-Work Session
- February 28,2022- Special Meeting
- March 10, 2022 -Regular Meeting
- Liquor License Renewal
- Flying Fork Cafe`
- Thomas Waldo's

Motion made by Trustee Smith, Second by Trustee Budinger to pull the minutes from 2/3/22, and 3/10/22. Motion carried unanimously.

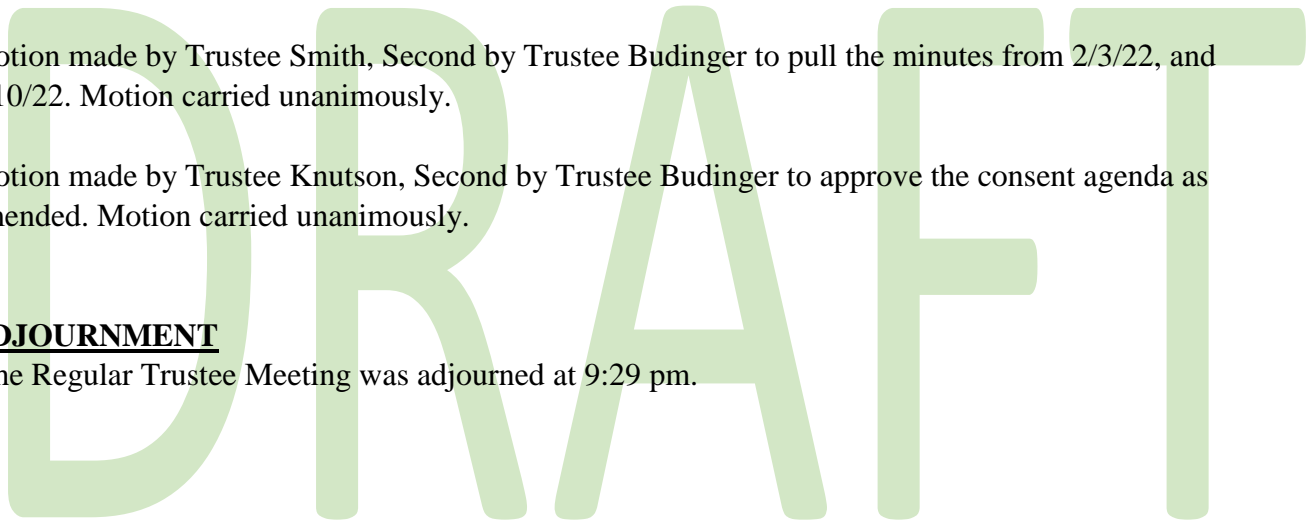
Motion made by Trustee Knutson, Second by Trustee Budinger to approve the consent agenda as amended. Motion carried unanimously.

ADJOURNMENT

The Regular Trustee Meeting was adjourned at 9:29 pm.

Candy Wuollet, Finance Clerk

Mary Bachran, Mayor



TOWN OF PAONIA



Town Board Work Session, March 29, 2022

**Mayor Mary Bachran
Mayor Pro-Tem Dave Knutson
Trustee Karen Budinger
Trustee Mick Johnson
Trustee Paige Smith
Trustee Jeff Thompson
Trustee John Valentine**

March 29, 2022

Minutes

5:30 pm

Mayor Mary Bachran called the Work Session of the Town of Paonia to order at 5:30 pm.

Work Session Roll Call

Finance Clerk Candy Wuollet called the roll and those present were Mayor Bachran, Trustee Budinger, Knutson, Johnson, Thompson, and Valentine.

Unfinished Business

Western Slope Consulting - Paonia in Motion Parks Recreation and Trails Master Plan Review

Davis Farrar from Western Slope Consulting presented an overview of the Paonia in Motion Parks Recreation and Trails Master Plan. Mr. Farrar stated that he is tentatively scheduling an open house in early April at Town Hall or if weather permits, outside.

Mr. Farrar also shared the need for Town to consider reaching out for grants and GOCO (Great Outdoors Colorado) lottery funds. Solicit individual donations and possibly do fundraising.

The public was encouraged at the meeting to speak up about what they like and dislike. Mr. Farrar also emphasized the need to be creative and make sure the final plan is referenced during budget discussions.

Adjournment

Work Session was adjourned at 7: 00 pm.

Candy Wuollet, Finance Clerk

Mary Bachran, Mayor

Permit Application and Report of Changes

All Answers Must Be Printed in Black Ink or Typewritten

1. Applicant is a <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company		License Number 03-15669
2. Name of Licensee Like To Boonice Corp		3. Trade Name of Establishment (DBA) Dana's Paonia
4. Address of Premises (specify exact location of premises) 210 3rd Street		5. Business Email Address keelan@danas-paonia.com
City Paonia	County Delta	State ZIP CO 81428
Business Phone Number		

SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

Section A – Manager Reg/Change	Section C						
<input type="checkbox"/> Manager's Registration (Hotel & Restr.) \$75.00 <input type="checkbox"/> Manager's Registration (Tavern) \$75.00 <input type="checkbox"/> Manager's Registration (Lodging & Entertainment) \$75.00 <input type="checkbox"/> Change of Manager (Other Licenses pursuant to section 44-3-301(8), C.R.S.) NO FEE	<input type="checkbox"/> Retail Warehouse Storage Permit (ea) \$100.00 <input type="checkbox"/> Wholesale Branch House Permit (ea)..... \$100.00 <input type="checkbox"/> Change Corp. or Trade Name Permit (ea)..... \$50.00 <input type="checkbox"/> Change Location Permit (ea)..... \$150.00 <input type="checkbox"/> Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change..... \$150.00 <input checked="" type="checkbox"/> Change, Alter or Modify Premises <table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 5px;"> <tr> <td style="width: 60%; text-align: right;">\$150.00 x</td> <td style="width: 40%; text-align: left;">Total Fee:</td> </tr> </table> <input type="checkbox"/> Addition of Optional Premises to Existing H/R <table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 5px;"> <tr> <td style="width: 60%; text-align: right;">\$100.00 x</td> <td style="width: 40%; text-align: left;">Total Fee:</td> </tr> </table> <input type="checkbox"/> Addition of Related Facility to an Existing Resort or Campus Liquor Complex <table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 5px;"> <tr> <td style="width: 60%; text-align: right;">\$160.00 x</td> <td style="width: 40%; text-align: left;">Total Fee:</td> </tr> </table> <input type="checkbox"/> Campus Liquor Complex Designation No Fee <input type="checkbox"/> Sidewalk Service Area \$75.00	\$150.00 x	Total Fee:	\$100.00 x	Total Fee:	\$160.00 x	Total Fee:
\$150.00 x	Total Fee:						
\$100.00 x	Total Fee:						
\$160.00 x	Total Fee:						
Section B – Duplicate License							
<input type="checkbox"/> Duplicate License \$50.00							

Do Not Write in This Space – For Department of Revenue Use Only

Date License Issued	License Account Number	Period
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 of Revenue may collect the payment amount directly from your bank account electronically.		TOTAL AMOUNT DUE \$00

Instruction Sheet

For All Sections, Complete Questions 1-5 Located on Page 1

Section A

To Register or Change Managers, check the appropriate box in section A and complete question 9 on page 4. Proceed to the Oath of Applicant for signature. Submit to State Licensing Authority for approval.

Section B

For a Duplicate license, be sure to include the liquor license number in section B on page 1 and proceed to page 5 for Oath of Applicant signature.

Section C

Check the appropriate box in section C and proceed below.

- 1) For a Retail Warehouse Storage Permit**, go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Submit to State Licensing Authority for approval.
- 2) For a Wholesale Branch House Permit**, go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Submit to State Licensing Authority for approval.
- 3) To Change Trade Name or Corporation Name**, go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 4) To modify Premise, or add Sidewalk Service Area**, go to page 4 and complete question 10. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 5) For Optional Premises** go to page 4 and complete question 10. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County).
- 6) To Change Location**, go to page 3 and complete question 7. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.
- 7) Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change**, go to page 4, and complete question 8. Use this section to make a current Noncontiguous Manufacturing Location into a Primary Manufacturing Location, or a Primary Manufacturing Location into a Noncontiguous Manufacturing Location. To be eligible for a Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change, you must be a Colorado state licensed manufacturer of vinous liquor pursuant to section 44-3-402 or 44-3-403, C.R.S.
- 8) Campus Liquor Complex Designation**, go to page 5 and complete question 11. Submit the necessary information and proceed to page 5 for Oath of Applicant signature.
- 9) To add another Related Facility** to an existing Resort or Campus Liquor Complex, go to page 5 and complete question 12.

Storage Permit	<p>5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit</p> <p><input type="checkbox"/> Retail Warehouse Permit for:</p> <p style="margin-left: 20px;"><input type="checkbox"/> On-Premises Licensee (Taverns, Restaurants etc.)</p> <p style="margin-left: 20px;"><input type="checkbox"/> Off-Premises Licensee (Liquor stores)</p> <p><input type="checkbox"/> Wholesalers Branch House Permit</p> <p>Address of storage premise: _____</p> <p>City _____, County _____ ZIP _____</p> <p>Attach a deed/lease or rental agreement for the storage premises.</p> <p>Attach a detailed diagram of the storage premises.</p>				
Change Trade Name or Corporate Name	<p>6. Change of Trade Name or Corporation Name</p> <p><input type="checkbox"/> Change of Trade name/DBA only</p> <p><input type="checkbox"/> Corporate Name Change (Attach the following supporting documents)</p> <p style="margin-left: 20px;">1. Certificate of Amendment filed with the Secretary of State, or</p> <p style="margin-left: 20px;">2. Statement of Change filed with the Secretary of State, <u>and</u></p> <p style="margin-left: 20px;">3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Old Trade Name</td> <td style="width: 50%;">New Trade Name</td> </tr> <tr> <td>Old Corporate Name</td> <td>New Corporate Name</td> </tr> </table>	Old Trade Name	New Trade Name	Old Corporate Name	New Corporate Name
Old Trade Name	New Trade Name				
Old Corporate Name	New Corporate Name				
Change of Location	<p>7. Change of Location</p> <p>NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 44-3-311(1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.</p> <p>Date filed with Local Authority _____ Date of Hearing _____</p> <p>(a) Address of current premises _____</p> <p style="margin-left: 20px;">City _____ County _____ ZIP _____</p> <p>(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)</p> <p>Address _____</p> <p style="margin-left: 20px;">City _____ County _____ ZIP _____</p> <p>(c) New mailing address if applicable.</p> <p>Address _____</p> <p style="margin-left: 20px;">City _____ County _____ State _____ ZIP _____</p> <p>(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.</p>				

Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change

8. Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change

Select the option that applies to your situation:

- Make a current Primary Manufacturing Location (Location 1) into a Noncontiguous Location (Location 2); or
Make a current Noncontiguous Manufacturing Location (Location 1) into a Primary Manufacturing Location (Location 2).

(a) Address of Location 1: City County ZIP

(b) Address of Location 2: City County ZIP

Change of Manager

9. Change of Manager or to Register the Manager of a Tavern, Hotel and Restaurant, Lodging & Entertainment liquor license or licenses pursuant to section 44-3-301(8), C.R.S.

(a) Change of Manager (attach Individual History DR 8404-I H/R, Tavern and Lodging & Entertainment only)

Former manager's name

New manager's name

(b) Date of Employment

Has manager ever managed a liquor licensed establishment? Does manager have a financial interest in any other liquor licensed establishment?

If yes, give name and location of establishment

Modify Premises or Addition of Optional Premises, Related Facility, or Sidewalk Service Area

10. Modification of Premises, Addition of an Optional Premises, Addition of Related Facility, or Addition of a Sidewalk Service Area

NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.

(a) Describe change proposed Include the breezeway on the NW side of the building as a service area for liquor. It is a gated area.

(b) If the modification is temporary, when will the proposed change:

Start End (mo/day/year)

NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00

(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

(If yes, explain in detail and describe any exemptions that apply)

(d) Is the proposed change in compliance with local building and zoning laws?

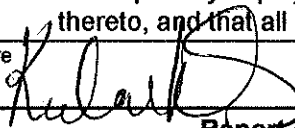
(e) If this modification is for an additional Hotel and Restaurant Optional Premises has the local authority authorized by resolution or ordinance the issuance of optional premises?

(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.

(g) Attach any existing lease that is revised due to the modification.

(h) For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), 1 C.C.R. 203-2, include documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.

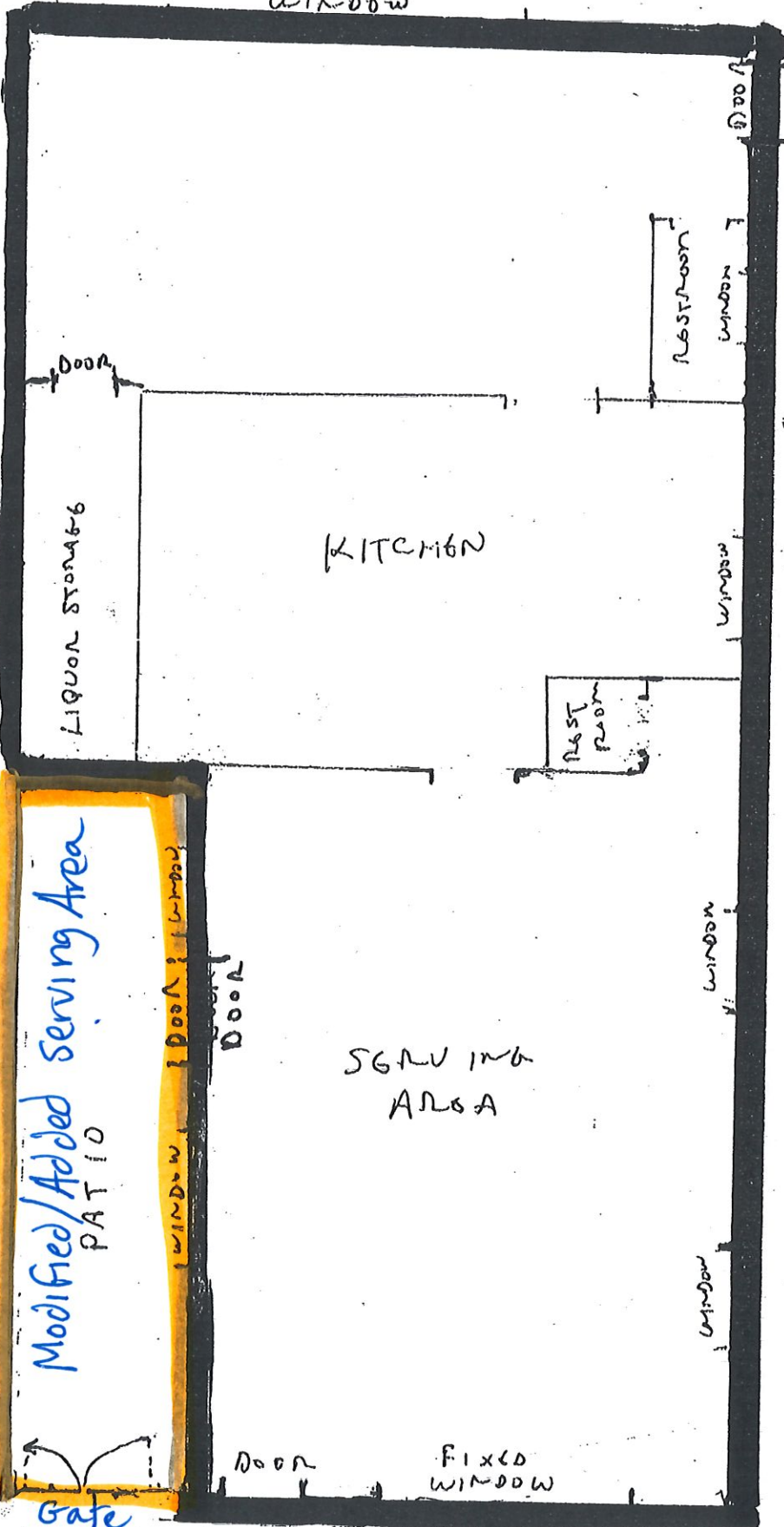
Campus Liquor Complex Designation	<p>11. Campus Liquor Complex Designation</p> <p>An institution of higher education or a person who contracts with the institution to provide food services</p> <p>(a) I wish to designate my existing _____ Liquor License # _____ to a Campus Liquor Complex <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
Additional Related Facility	<p>12. Additional Related Facility</p> <p>To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the Related Facility and include the address and an outlined drawing of the Related Facility Premises.</p> <p>(a) Address of Related Facility _____</p> <p>(b) Outlined diagram provided <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Oath of Applicant		
I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge		
Signature 	Print name and Title Keelan K. Smith, Owner	Date 3/23/22
Report and Approval of LOCAL Licensing Authority (CITY / COUNTY)		
The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 44, Articles 4 and 3, C.R.S., as amended. Therefore, This Application is Approved.		
Local Licensing Authority (City or County)		Date filed with Local Authority
Signature	Title	Date
Report of STATE Licensing Authority		
The foregoing has been examined and complies with the filing requirements of Title 44, Article 3, C.R.S., as amended.		
Signature	Title	Date

210 E THIRD STREET
PADMA COLORADO


FIXED
WINDOW

BLOCK WALL OF ADJACENT BUILDING



ALLEY

AGENDA SUMMARY FORM

	Rob Miller – Pickin in the Park Annual Event and Request for waived fees in lieu of sponsorship		
Summary:			
Notes: Large Park Event Preparation Cost Estimate: Manhours: 24 hours x 2 staff = \$1,200 Supplies: varies based on event size Bathroom – 2 to 4 cases toilet paper/paper towels = \$160 Cleaning Supplies - \$250 Trashcan liners - \$300 per event Trash – 12-14 yards excess trash (3 to 6 tons - \$55 a ton) Fuel - \$300 Administrative: Without special event liquor license – 2 hours x 1 staff member \$100 With special event liquor license – 3 hours x 1 staff + posting \$225 Approximate event cost with liquor license and without parade and/or street closure: \$2,655.			
Possible Motions: Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine

April 8, 2022

TOWN OF PAONIA
REQUEST TO BE PLACED ON AGENDA

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

April 14th

Here are things you need to know:

- You must contact the Town Administrator or Town Clerk prior to coming to the Board. Quite often the issue can be resolved by staff action.
- No charges or complaints against *individual* employees should be made. Such charges or complaints should be sent to the employee's Department Head in writing with your signature.
- Remarks that discriminate against anyone or adversely reflect upon the race, color, ancestry, religious creed, national origin, political affiliation, disability, sex, or marital status of any person are *out of order* and may end the speaker's privilege to address the Board.
- Defamatory, abusive remarks or profanity are *out of order* and will not be tolerated.

Please complete the following information and return this form no later than the Monday, a week prior to the Board meeting to the above address or bring it to the Town Hall at 214 Grand Avenue.

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.

Name of person making presentation:

Rob Miller

Organization, if speaking on behalf of a group:

Pickin' Productions

Is this a request for Board action?

Yes No

Please provide a summary of your comments:

Pickin in the Park - celebrating 15 years!
Free Music every Thursday in August. Thank
you for the towns continued support.

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

Contact information:

Name:

Rob Miller

Mailing Address:

PO Box 1690
PAONIA

E-mail:

PickinProductions@gmail.com

Daytime Phone:

970 260 6493

Office Use Only:

Received:

Approved for Agenda:

Board Meeting Date:

Special Event Park Permit Checklist

Pickin in the Park 2022

Minimum Days Due

PRIOR TO EVENT

ITEM:

Request to be on Agenda	60 DAYS
Large Group Park Application	45 DAYS
Special Event Permit Application (DOR) (serving alcohol)	45 DAYS
On Premise Liquor Permit Requested	45 DAYS
Park/Location Map	45 DAYS
(Outline all areas to be licensed, serving area, and storage area)	
Off Site Map (Map area of off site liquor storage)	45 DAYS
Safety Plan	45 DAYS
Banner Permit Application	45 DAYS
Street Closure Application	45 DAYS
Non-Profit Certificate of Good Standing	45 DAYS
Certificate of Insurance	15 DAYS
Vendor List (PRELIMINARY)	15 DAYS
DOR Fee - liquor (\$25 per day)	with application
Town Fee - liquor (\$50 per day)	with application
Town Fees - park - per application requirements	with application
**SEP Notification Posted PRIOR TO HEARING	15 DAYS
(Email photo of posting proof to: Corinne@townofpaonia.com)	15 DAYS

Packet Complete: _____ Date: _____

Additional Notes: Request for Sponsorship

Town of Paonia Park/Event Registration Application

This form is intended for events 100+ people using public property. The Town of Paonia encourages the use of its parks for the pleasure of its citizens, and reminds applicants to consider impacts on neighbors living adjacent to these public areas so we may all continue to enjoy our parks!

*Please contact the Town office should there be any questions in filling out this form. The Town office is open from 8:00a to 4:30p Monday through Friday.
Thank you~*

Applicant Name: Rob Miller
Organization: Pickin Productions
Mailing Address: Po Box 11690 Paonia CO
Telephone Number: 970 260 6493
Event Manager (if different than Applicant): _____
Event Manager Telephone: _____
Event Manager E-Mail: PickinProductions@gmail.com

Please describe the event: _____

Four free Thursdays of music for the community. Pickin in the Park - 15th Annual

Event Date(s): 8.4.22 Event Hours: 6-10pm

Event Date(s): 8.11.22 Event Hours: 6-10pm

Event Date(s): 8.18.22 Event Hours: 6-10pm

Event Date(s): 8.25.22 Event Hours: 6-10pm

Which park do you want to use?

- Town Park – 700 Fourth Street
 - Green space including shelters and gazebo
 - Football and/or Back Field area
- Apple Valley Park – 45 Pan American Avenue
- Poulos Park – 221 Grand Avenue *(no commercial activity allowed)*
- River Park – Grand Avenue *(no commercial activity allowed)*

Will there be alcohol? (Alcohol Requires Board of Trustees Approval)

- No
- Yes, but we are not selling it.
 - An On-Premise Liquor Application is required.
- Yes, and we would like to sell it.
 - We are a non-profit and submitted From DR-8439 Application for a Special Event Permit and any associated forms required.
 - On an attached piece of paper is the Alcohol Mitigation Plan.

Will there be vendors?

- No
- Yes
 - A list of vendors is being provided to the Town for tax compliance.
 - We have contacted the Department of Revenue to work out how taxes will be submitted for the event; either electronically or manually.
 - Vendors will be notified that tax compliance will be monitored.
 - Chalk or tape are permitted to define vendor boundaries on the grass.

Are you having a parade? Do you need a street closed?

- No
- Yes. Attached is the street closure request form noting the day, hours and route information.

Do you have any special requests? (i.e. - gate openings at certain times?)

- No
- Yes To consider again to waive the Park fee in exchange for a Town Sponsorship.

Pricing:

Half Day (6 Hours or less) \$ 100.00/day

Includes: 3 dumpsters and up to 5 vendors

Date Submitted _____ Amount 400.00 - cf

[] **Full Day (6+ Hours until 10:00p)** \$ 175.00/day

Includes: 3 dumpsters and up to 10 vendors

Date Submitted _____ Amount _____

[] **Multi-Day Rate (3+ consecutive days)** \$ 150.00/day

Includes: 3 dumpsters and up to 10 vendors

Date Submitted _____ Amount _____

[] **Additional Vendors (More than 10)** \$ 5.00/ea

Date Submitted _____ Amount _____

[] **Trash:** The Town will provide 3 dumpsters. If the event requires more, it is the responsibility of the applicant to contract with a local agency for additional services. Compostable ware is strongly encouraged from all vendors and event managers. Styrofoam not permitted.

Date Submitted _____ Amount _____

[] **Any additional fees submitted (street closure, liquor licensing, etc):**

Type: _____ \$ _____

Seperate Application To be Submitted

_____ \$ _____

_____ \$ _____

_____ \$ _____

Date Submitted _____ Amount _____

Recycling: Should the event provide recycling, a \$50 credit shall be applied. \$ \$50x4=cr \$200 cf

TOTAL FEES SUBMITTED

\$ NOT PAID
\$200.00

All fees must be submitted no less than thirty (30) days before the first date of the event.

Other items submitted for consideration: (On an attached piece(s) of paper)

- Communication Contacts
- Liability Insurance
(*\$1,000,000 minimum AND the Town of Paonia needs to be listed as an additional insured*)
- Medical Plan (ie - How do you plan on addressing a person who is injured at the event?)
- Parking Plan (ie-Staff versus Visitor parking)
- Safety Plan (ie – How would you deal with a natural emergency or a tree limb falling?)
- Security Plan (ie – Vendor security, controlling alcohol, etc)

Promotion:


The Town is willing to promote your event by posting submitted material on the Town website, the Town of Paonia Facebook page, and/or a poster placed in the Town Hall entryway.

Any material to be promoted must be submitted no less than thirty (30) days before the first day of the event. Material shall only be promoted once for each avenue noted above.

The undersigned agrees to restore the park to pre-event condition, safety standards will be observed at all times, no glass will be brought into the park and all fees submitted are non-refundable, even if the event is canceled.

Signed and submitted this 19 day of March, 2022

Printed Name: Rob Miller

Signature: 

- Unless waived by Town staff, no less than one week before the event, a meeting **must** be scheduled with the Public Works Director, Parks Maintenance, Town Clerk and the Police Chief, or designees to finalize all plans and coordinate last minute items.

Date of Pre-Event Meeting: _____

- Application is deemed complete and is accepted. Employee Initials _____

- Application requires Board of Trustee Approval.

Hearing Date: 04/14/2022

Comments: _____

Rob Miller
Pickin' Productions
PO Box 1690
Paonia, CO 81428

970.260.6493
pickinproductions@gmail.com
www.pickinproductions.com

Pickin' in the Park
August 4, 11, 18, 25 - 2022

Main Contact: Rob Miller (See above information)

Liability Insurance: We will submit with the town cited in at least 60 days prior

Medical Plan: Call 911 for medical emergencies. We have a first aid kit on hand for smaller situations.

Parking Plan: We borrow traffic cones from the town and reserve parking space for the band's vehicles, as well as our staff.

Safety Plan: Call 911 for emergencies, and we have the number for our local police as well on hand.

Security Plan: The Paradise Theatre holds the liquor license. They ID everyone who looks under 50 years old, and places wristbands on people purchasing alcohol. They have at least two "alcohol watchdogs" walking around the park. We also have a small staff who is looking out for glass in the park and anyone bringing in outside alcohol. Both teams are on the lookout for public drunkenness.

- Need Updated security plan for liquor - understand FOTP no longer requesting liquor license. - cf

AGENDA SUMMARY FORM



Action Item: Resolution 02-2022 Board of Trustees Resignation Procedures – Redline Review and Changes

Summary:
Redline and clean version of solution implementing motions and discussion from 3/10 & 3/24/22 Trustee meeting.

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine

April 6, 2022

**TOWN OF PAONIA, COLORADO
RESOLUTION NO. 2 - 2022**

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**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
PAONIA, COLORADO, ADOPTING A POLICY REGARDING
VACANCIES AND RESIGNATIONS ON THE BOARD OF TRUSTEES.**

WHEREAS, the Town of Paonia (the “Town”) is a statutory town in Delta County, Colorado;

WHEREAS, with respect to a vacancy on the Board of Trustees, C.R.S. § 31-4-303 provides, in part:

The board of trustees has the power, by appointment, to fill all vacancies in the board or any other office, and the person so appointed shall hold his office until the next regular election and until his successor is elected and has complied with section 31-4-401. The board also has the power to fill a vacancy in the board or in any other elective office of the town by ordering an election to fill the vacancy until the next regular election and until a successor has been elected and has complied with section 31-4-401. If a vacancy in the board or in such other elective office is not filled by appointment or an election is not ordered within sixty days after the vacancy occurs, the board shall order an election, subject to the municipal election code, to be held as soon as practicable to fill the vacancy until the next regular election and until a successor has been elected and has complied with section 31-4-401....

(emphasis added);

WHEREAS, Section 2-2-10(e) of the Town of Paonia Municipal Code (the “Code”) provides, in part, that “The Board of Trustees shall have power, by appointment, to fill all vacancies in the Board of Trustees or in any other elected office, and the person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified”;

WHEREAS, to ensure the timely and appropriate filling of any vacancy on the Board of Trustees, the Board wishes to adopt the following policy and procedure regarding Board of Trustee vacancies and resignations; and

WHEREAS, the Board of Trustees and finds and determines it is in the best interest of the Town to adopt the policy set forth herein.

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

1. Recitals. The foregoing recitals are incorporated herein as findings of the Board of Trustees.

2. Board of Trustees Vacancy and Resignation Policy.

- a. Filling a Vacancy. Upon a vacancy on the Board of Trustees for any reason, at the next regular meeting of the Board of Trustees, the Board shall adopt a resolution that: declares the vacancy, sets forth the vacancy effective date, states whether the Board chooses to fill the vacancy by appointment or by election, and if such vacancy will be filled by appointment, more information on when and how qualified residents may seek appointment to the Board.
- b. Resignation Procedure. Any member of the Board of Trustees wishing to resign from office may do so in writing to the Mayor and Town Administrator and/or Clerk, with a copy to the Board of Trustees. Any verbal resignation shall not be effective until confirmed in writing to the Mayor and Town Clerk, with a copy to the Board of Trustees, or 7 days after such verbal resignation, whichever is sooner; except, a verbal resignation may be withdrawn in writing if provided to the Mayor and Town Clerk, with a copy to the Town Administrator and/or Board of Trustees, not later than 7 days after the date of such verbal resignation. The effective date of any vacancy on the Board of Trustees caused by resignation shall be the date of ~~be set forth in~~ a resolution adopted pursuant to subsection (a) above.

APPROVED AND ADOPTED this 24th day of March, 2022, by the Board of Trustees, Town of Paonia.

TOWN OF PAONIA, COLORADO

By: _____
Mary Bachran, Mayor

ATTEST:

By: _____
J. Corinne Ferguson, Town Clerk

**TOWN OF PAONIA, COLORADO
RESOLUTION NO. 02 - 2022**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
PAONIA, COLORADO, ADOPTING A POLICY REGARDING
VACANCIES AND RESIGNATIONS ON THE BOARD OF TRUSTEES.**

WHEREAS, the Town of Paonia (the “Town”) is a statutory town in Delta County, Colorado;

WHEREAS, with respect to a vacancy on the Board of Trustees, C.R.S. § 31-4-303 provides, in part:

The board of trustees has the power, by appointment, to fill all vacancies in the board or any other office, and the person so appointed shall hold his office until the next regular election and until his successor is elected and has complied with section 31-4-401. The board also has the power to fill a vacancy in the board or in any other elective office of the town by ordering an election to fill the vacancy until the next regular election and until a successor has been elected and has complied with section 31-4-401. If a vacancy in the board or in such other elective office is not filled by appointment or an election is not ordered within sixty days after the vacancy occurs, the board shall order an election, subject to the municipal election code, to be held as soon as practicable to fill the vacancy until the next regular election and until a successor has been elected and has complied with section 31-4-401....

(emphasis added);

WHEREAS, Section 2-2-10(e) of the Town of Paonia Municipal Code (the “Code”) provides, in part, that “The Board of Trustees shall have power, by appointment, to fill all vacancies in the Board of Trustees or in any other elected office, and the person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified”;

WHEREAS, to ensure the timely and appropriate filling of any vacancy on the Board of Trustees, the Board wishes to adopt the following policy and procedure regarding Board of Trustee vacancies and resignations; and

WHEREAS, the Board of Trustees and finds and determines it is in the best interest of the Town to adopt the policy set forth herein.

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

1. Recitals. The foregoing recitals are incorporated herein as findings of the Board of Trustees.

2. Board of Trustees Vacancy and Resignation Policy.

- a. Filling a Vacancy. Upon a vacancy on the Board of Trustees for any reason, at the next regular meeting of the Board of Trustees, the Board shall adopt a resolution that: declares the vacancy, sets forth the vacancy effective date, states whether the Board chooses to fill the vacancy by appointment or by election, and if such vacancy will be filled by appointment, more information on when and how qualified residents may seek appointment to the Board.

- b. Resignation Procedure. Any member of the Board of Trustees wishing to resign from office may do so in writing to the Mayor and Town Clerk, with a copy to the Board of Trustees. Any verbal resignation shall not be effective until confirmed in writing to the Mayor and Town Clerk, with a copy to the Board of Trustees, or 7 days after such verbal resignation, whichever is sooner; except, a verbal resignation may be withdrawn in writing if provided to the Mayor and Town Clerk, with a copy to the Board of Trustees, not later than 7 days after the date of such verbal resignation. The effective date of any vacancy on the Board of Trustees caused by resignation shall be the date of a resolution adopted pursuant to subsection (a) above.

APPROVED AND ADOPTED this 14th day of April 2022, by the Board of Trustees, Town of Paonia.

TOWN OF PAONIA, COLORADO

By: _____
Mary Bachran, Mayor

ATTEST:

By: _____
J. Corinne Ferguson. Town Clerk

NOTICE OF PUBLIC HEARING


In compliance with the Municipal Code of the Town of Paonia, Colorado, the Planning & Zoning Commission will hold a public meeting on Thursday, February 24, 2022, on or after 4:00PM at Paonia Town Hall Community Center Room, 214 Grand Avenue, Paonia, Colorado to consider:

Special Review/Variance request for a RE-Zone Application to change from Existing zoning C1 to Proposed zone R1 for the Property/Vacant lot below:

**Kira Sadighi & Evan Coffey
1375 3rd St, Paonia CO 81428**

If you are unable to attend but wish to comment, comments can be made emailed to corinne@townofpaonia.com or dropped off at Paonia Town Hall: 214 Grand Avenue, PO Box 460, Paonia, CO 81428, no later than Thursday, February 17th.

AGENDA SUMMARY FORM

	Re-Zoning Application at 1375 3 rd Street		
Summary:			
Notes: Link to Planning Commission purpose which includes zoning amendments. https://library.municode.com/co/paonia/codes/municipal_code?nodeId=CH2A_D_ART6PLCO Application received November 23, 2021 and reviewed. All fees and documents have been provided neighbor notifications were mailed on 02/03/2022 and published in the Delta County Independent on 02/09/2022. Vacant lot has one stand by water tap and has residential use on three sides. Planning Commission Draft minutes included in packet. NOTE: Heading calling for special review/variance request for a re-zoning application was submitted. The section stating special review/variance should have been omitted. Staff recommends approval of application request and direction to the Town Attorney to draft the necessary ordinance for the April 28, 2022, meeting.			
Possible Motions: Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine

April 8, 2022

P/Z Meeting Date 2.24.22
 BoT Meeting Date _____
 Date Received 11.23.21
 Initials _____



Town of Paonia

RE-ZONE APPLICATION

It is the applicant's responsibility to submit the required materials. Checks shall be made payable to *Town of Paonia*. The application fee is non-refundable.

Please contact the Town Clerk at (970) 527-4101 for assistance.

ADDRESS OF PROPERTY 1375 3rd St. Paonia, CO 81428
 EXISTING ZONING C1
 PROPOSED ZONING R1
 CURRENT LAND USE Vacant Lot

PROPERTY OWNER	APPLICANT OR REPRESENTATIVE
NAME: Kira Sadighi Evan Coffey	NAME: Same as Property owner
MAILING ADDRESS: 3 Pan American Ave.	MAILING ADDRESS:
CITY, STATE, ZIP: Paonia, CO 81428	CITY, STATE, ZIP:
PHONE: 303-775-8408 720-255-9322	PHONE:
EMAIL: Kira.Sadighi@gmail.com ev14an@gmail.com	EMAIL:

REQUIRED APPLICATION MATERIALS

This list is intended as a guide and may not be a complete list of all requirements.

- \$500 NON-REFUNDABLE APPLICATION FEE - 11.23.21
- RECORDED WARRANTY DEED WITH LEGAL DESCRIPTION OF THE PROPERTY
(IF MORE THAN ONE TYPE OF ZONING IS BEING REQUESTED, PROVIDE A
LEGAL DESCRIPTION FOR EACH ZONING AREA)
- WRITTEN STATEMENT EXPLAINING HOW THE REQUEST IS IN COMPLIANCE
WITH APPLICABLE CRITERIA (SEE RE-ZONE CRITERIA BELOW)
- PHOTOS OF THE PROJECT AREA

IMPORTANT NOTES

- Applications must be submitted at least 30 days before the next Planning Commission meeting in order to be put on the agenda.
- Any public notice requirements will be the responsibility of the Town of Paonia and will be completed at least 15 days before the public hearing.
- All approved re-zone requests shall be passed by an ordinance adopted by Board of Trustees no less than 45 days after review by the Planning Commission.
- Approval of this application DOES NOT constitute approval of any other Town of Paonia permits or application reviews.
- By signing, you certify that you have read and understood the submittal requirements, and that you understand omission of any listed items may cause delay in processing the application. The undersigned acknowledges that the information supplied in this application is as complete and accurate as possible.

Hi [unclear]

[Signature]

Owner's Signature

11-18-21

Date

Hi [unclear]

[Signature]

Applicant's or Representative's Signature

11-18-21

Date

RE-ZONE CRITERIA

(A) Rezoning:

(1) Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a parcel or district, shall be allowed only upon findings as follows:

- (a) The amendment is not adverse to the public health, safety, and welfare; and
- (b) The amendment is in substantial conformity with the master plan, or
 - i. The existing zoning is erroneous, or
 - ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.

(2) Rezoning may be requested or initiated by the Planning Commission, the Board of Trustees, or the owner of any legal or equitable interest in the property or his representative. The rezoning shall be reviewed for compliance with the criteria of this subsection in accordance with the review procedure of the Paonia Municipal Code and Administrative policies applicable. The Board of Trustees may initiate rezoning on its own motion, in which case the Board shall hold a hearing either in conjunction with second reading of a rezoning ordinance, or separately. The area considered for rezoning may be enlarged by the recommendation of the Planning Commission on its own motion over the area requested in the application.

(3) The Town may impose conditions as necessary to ensure that the above criteria are met.

Lot Legal Description

The warranty deed contains the following description:

Lot 7, Block 1, Kralj Addition to the Town of Paonia

The full legal description is as follows:

1375 3RD ST PAONIA 81428 S: 5 T: 14S R: 91W Subdivision: KRALJ ADD PA Block: 1 Lot: 7 TOTAL
0.21 AC+- LOT 7 BLK 1 KRALJ ADD. SEC 5 T14S R91W 6PM BK 385 PG 82 BK 444 PG 559 (R-
348686) BK 444 PG 562 (R-348689) BK 444 PG 699 (R-348783) BK 444 PG 1099 (R-349045) BK
522 PG 764 BK 522 PG 769 BK 539 PG 832 BK 753 PG 235 R-615244 R-641904 R673329 R673330
R-682851 R-683795 R-696045AS R-696045 R-733145 R-733146 IMP CERT

Statement of Compliance with Re-zone criteria:

The character of the surrounding area is residential. This lot is adjacent to two R1 properties, one R3 property and one C1 property. The existing C1 property to the west, the Linden building, is a quiet office space. This end of 3rd street is many blocks from the downtown Paonia area and suited to an additional R1-zoned lot.

Photos of the lot – there is only an asphalt pad on the lot, no other structures



Looking east toward Lamborn Ave.



Looking west towards the Linden building



Looking north towards 3rd street

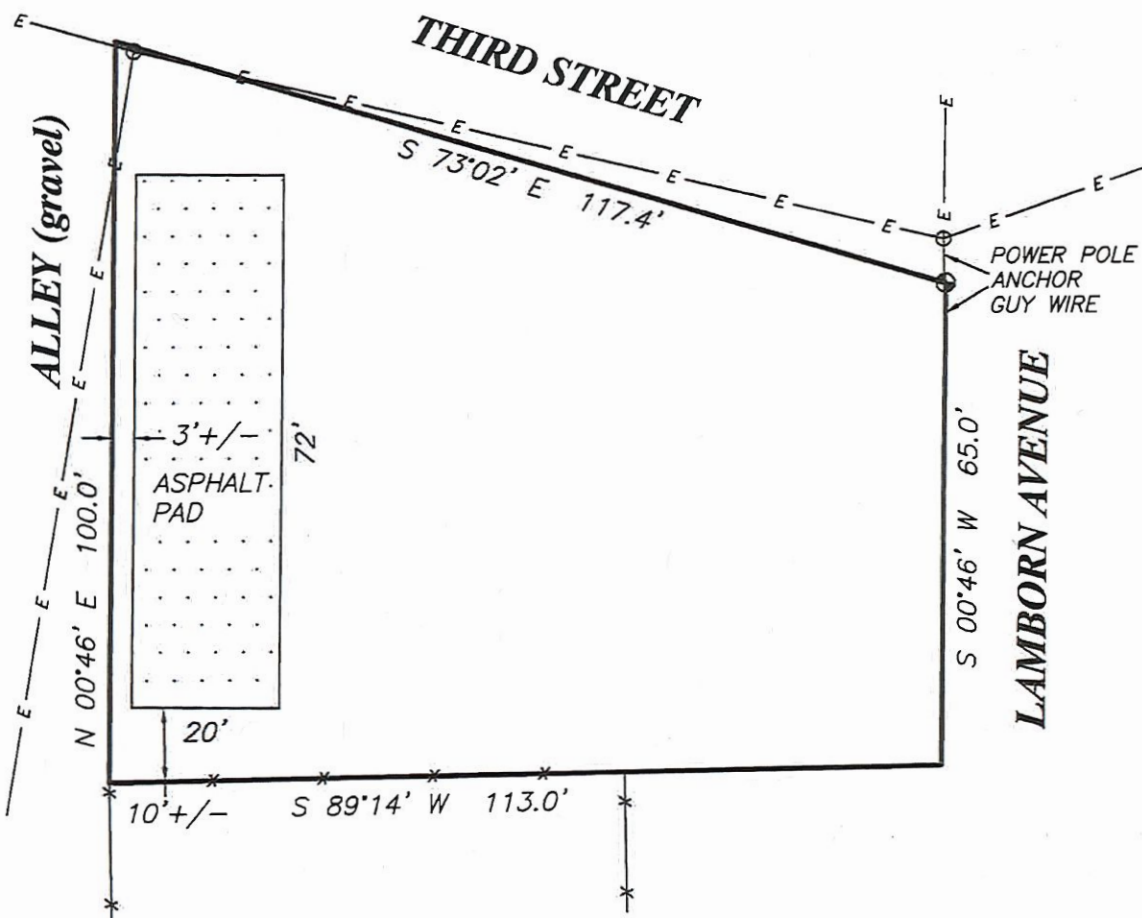


Looking south

IMPROVEMENT LOCATION CERTIFICATE

THIS IS NOT A SURVEY

BUYER: EVAN RANDALL COFFEY AND KIRA ELIZABETH SADIGHI DATE: SEPTEMBER 20, 2021
 ORDERED BY: PAONIA REALTY
 PROPERTY ADDRESS: 1375 3rd STREET
 GENERAL LOCATION: PAONIA



47

TYPICAL LEGEND

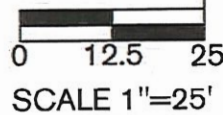
- Found pin with cap
- *— Fencelines
- T— Tel. line
- E— Electric (overhead) (subject to easement)
- G— Gas line
- H— Water line
- Easement
- - - Setback Line
- ▨ Concrete
- ▤ Gravel Driveway

LEGAL DESCRIPTION:

LOT 7, BLOCK 1, KRALJ ADDITION TO THE TOWN OF PAONIA, DELTA COUNTY, STATE OF COLORADO

NOTE:

BOUNDARY LINES ARE UNKNOWN WITHOUT A SURVEY. ONE MONUMENT WAS FOUND. THE IMPROVEMENTS APPEAR TO BE WITHIN THE BOUNDARY LINES.



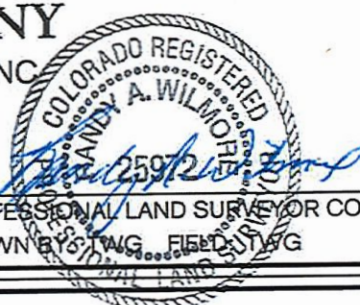
INVESTIGATION BY WILMORE AND COMPANY PROFESSIONAL LAND SURVEYING INC., P.O. BOX 1652, 406 GRAND AVENUE, PAONIA, COLORADO 81428 (970) 527-4200; (970) 527-4202

I hereby certify that this IMPROVEMENT LOCATION CERTIFICATE was prepared solely for THE TITLE COMPANY OF DELTA COUNTY AND EVAN RANDALL COFFEY AND KIRA ELIZABETH SADIGHI, that it is NOT a survey plat, and that it is not to be relied upon for the establishment of fences, buildings, or other future improvement construction lines. I further certify that the improvements on the above described parcels on this 20TH day of SEPTEMBER, 2021, EXCEPT as may be shown above, that there are no apparent encroachments upon the described parcel by improvements on an adjoining property, EXCEPT as indicated, and that there is no apparent evidence of any easement crossing or burdening this parcel, EXCEPT AS NOTED.



WILMORE & COMPANY
 PROFESSIONAL LAND SURVEYING, INC.

406 Grand Avenue 970.527-4200
 P.O. Box 1652 970.527-4202
 Paonia, Colorado 81428



PROFESSIONAL LAND SURVEYOR COLO# 25972

Defining Boundaries

JOB# ILC21199 SEPTEMBER 20, 2021 DRAWN BY: TWG, FIELD SURV

WARRANTY DEED

THIS DEED, is dated September 30, 2021, 20, and is made between
John David Logan

*, (whether one, or more than one), the "Grantor," of the
County of Delta and State of Colorado, and
Evan Randall Coffey and Kira Elizabeth Sadighi

whose legal address is 3 Pan American Ave, Paonia, Co, the "Grantees,"
81428
of the County of Delta and State of Colorado

WITNESS, that the Grantor, for and in consideration of the sum of One hundred six thousand two hundred and
no/100ths----- DOLLARS,
(\$ 106200.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains,
sells, conveys and confirms unto the Grantees and the Grantees' heirs and assigns forever, not in tenancy in common but
in joint tenancy, all the real property, together with any improvements thereon, located in the County
of Delta and State of Colorado, described as follows:
Lot 7, Block 1, Kralj Addition to the Town of Paonia.

County of Delta, State of Colorado

Together with one (1) paid Town of Paonia water tap.

also known by street address as: 1375 3rd Street, Paonia, Co 81428
and assessor's schedule or parcel number: R008493

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise
appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim
and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the
hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the
Grantees and the Grantees' heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with
the Grantees, and the Grantees' heirs and assigns: that at the time of the ensealing and delivery of these presents, the
Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of
inheritance, in law and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and
convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants,
bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and
subject to: none; or the following matters:

except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in
CRS38-30-113, revised

And the Grantor shall and will WARRANT THE TITLE AND DEFEND the above described premises, *but not any adjoining vacated street or alley*, if any, in the quiet and peaceable possession of the Grantees and the heirs and assigns of the Grantees, against all and every person or persons claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

X John David Logan
John David Logan

STATE OF COLORADO

County of Delta

} ss.

The foregoing instrument was acknowledged before me this 30th day of September, 2021, by John David Logan

Witness my hand and official seal.
My commission expires:

ROBIN S. BLACK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #19964006112
My Commission Expires April 25, 2024

Robin S. Black
Notary Public

*Insert "City and" if applicable

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

Minutes
Planning Commission Meeting
Town of Paonia, Colorado
February 24, 2022

RECORD OF PROCEEDINGS

The Regular Meeting of the Paonia Planning Commission was called to order on February 22, 2022, at 4:00 pm by Monica Foguth, Chairperson. No video record available.

Roll Call

Commission members present were as follows: Chairperson Monica Foguth, Mayor Mary Bachran, and Trustee Karen Budinger, and Commissioner Barb Heck & Steve Clisset.

Also present were Town Administrator/Town Clerk Corinne Ferguson and Deputy Clerk Amanda Mojarro.

A quorum was present, and Chairperson Foguth proceeded with the meeting.

Approval of Agenda

Motion to approve agenda as presented by Mayor Bachran, seconded by Commissioner Heck. Motion unanimously passed.

New Business

Planning Commission Re-zoning application review request for 1375 Third Street: Property owners Kira Sadighi and Evan Coffey requested to re-zone from existing zone C-1 to proposed zone R-1.

Discussion points:

- Discussed different zoning options.
- Discussed the housing issues in town.
- Discussed the setback requirements.

- Discussed the reason it was zoned C-1. The reason was that the clinic wanted to expand and build a rehabilitation clinic.

Motion by Commissioner Heck, seconded by Mayor Bachran to recommend to the Board of Trustees the approval of the proposed re-zone application for 1375 Third Street to re-zone to an R-1. Motion carried unanimously.

Adjournment

Chairperson Monica Foguth adjourned the meeting at 4:30 pm

Corinne Ferguson, Administrator/Clerk

Monica Foguth, Chairperson

From: [Esther Kinser](#)
To: [Corinne Ferguson](#)
Subject: Special variance
Date: Monday, March 14, 2022 8:09:44 AM

Corinne, we received the second letter and photos of the request for variance at 1375 3rd St. Gaylen and Esther Kinser at 303 Minnesota Ave support the change of variance.
Thank you, Esther Kinser

Sent from my iPhone

AGENDA SUMMARY FORM



Town of Paonia and North Fork Pool Park and Recreation District updated agreement regarding the existing Paonia Skate Park

Summary:

Notes:

Included in the packet is the expired agreement and the proposed agreement between the North Fork Pool Park and Recreation District and the Town for maintenance and repairs of the existing Skate Park.

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine

April 8, 2022

LEASE AGREEMENT

This Lease Agreement, made this 27th day of JUNE, 2015, between the Town of Paonia, Colorado, a municipal corporation, whose address is P.O. Box 460, Paonia, Colorado 81428, herein referred to as "the Town", and the North Fork Pool, Park and Recreation District, whose address is P.O. Box 2093, Hotchkiss, Colorado 81419, herein referred to as "the District", is to set forth the terms and conditions under which the Town shall lease to the District the area of the old concrete tennis courts located in the Paonia Town Park, now called the Paonia Skate Park, located at 4th and Oak Streets.

The Town hereby leases the (old concrete tennis courts) skate park and fence surrounding said skate park, to the District, for a term of five (5) years from the date hereof, under the following terms and conditions:

1. The leased area is approved with the understanding the District intends to continue to add components over the next five (5) years as the budget will allow.
2. A sign, such as the one that has been used in the past on the premises, will be placed at the entrance to the leased area stating the Paonia Skate Park rules and such sign shall be kept in good repair.
3. The District shall provide general liability insurance for the premises and the uses of a skate park allowed thereon, in an amount of at least \$1,000,000.00 per person and \$2,000,000.00 per occurrence.
4. The District shall maintain, repair, replace and keep all structures, ramps improvements, fixtures, concrete, fencing, and personal property within the leased area in good, safe, and sanitary condition, order and repair.
5. In the event that any of the structures in the leased area are damaged or any other hazard or unsafe condition is discovered by any party, the facility shall be closed and locked until the damage can be repaired or the hazard removed.
6. The District hereby agrees to indemnify and defend the Town in any claim made or action that may be filed as a result of the use by the District of the leased premises.

7. Should the Town determine that the leased area is not being maintained and operated in compliance with this agreement, this lease can be terminated if the District fails to comply following thirty (30) days written notice being delivered to the District; however, should the Town discover any unsafe condition of the leased area, the Town may, without prior notice to the District, lock the leased area and notify the District of such action until such unsafe condition can be repaired.
8. This lease is subject to the pre-existing agreement between the Town and Delta County Joint School District #50 which allows the School District the primary use of the park for school purposes.
9. This lease is also subject to the Town having priority to use the entire park for various functions.
10. The District may initiate the renewal of this lease 60 days prior to its termination on August 1, 2020.
11. Should either party to this agreement be forced to take steps to enforce the terms of this agreement, the non-defaulting party shall be reimbursed for all costs incurred in enforcing the terms of this agreement, including reasonable attorney fees.


Town of Paonia, Colorado

BY: 

Printed Name: NEAL SCHWIETZMAN

Title: MAYOR, TOWN OF PAONIA

North Fork Pool, Park and Recreation District

BY: 

Printed Name: ULRICH O. LANGE

Title: PRESIDENT of BOJ

Intergovernmental Agreement
Skate Park located in Paonia Town Park

This Lease Agreement, made this _____ day of _____, 2022, between the Town of Paonia, Colorado, a municipal corporation, whose address is P.O. Box 460, Paonia, Colorado 81428, herein referred to as “the Town”. And the North Fork Pool, Park and Recreation District, a special district, whose address is P.O. Box 2093, Hotchkiss, Colorado 81419, herein referred to as “the District”, is to set forth the terms and conditions under which the Town shall lease to the District the area of the old concrete tennis courts located in the Paonia Town Park, now called the Paonia Skate Park, located at 4th and Oak Streets, Paonia, Colorado.

The Town hereby leases the (old concrete tennis courts) skate park and fence surrounding said skate park, to the District, until this skate park is replaced by a new skate park to be built within the Town Park boundaries, or for a term of five (5) years from the date hereof, whichever comes first, under the following terms and conditions:

1. The sign at the entrance of the Paonia Skate Park, previously provided by the District, will be replaced if needed.
2. The District shall continue to provide general liability insurance for the premises and the use of the Skate Park allowed thereon, in the amount of at least \$1,000,000.00 per person and \$2,000,000.00 per occurrence.
3. The District shall maintain, repair, and/or replace structures, ramps, and fixtures within the leased area to a good and safe condition. The Town will repair any damaged fencing surrounding the courts, and repair any concrete damage within the Skate Park.
4. In the event that any of the structures in the leased area are damaged or any other hazard or unsafe condition is discovered by any party, the facility shall be closed and locked until the damage can be repaired or the hazard removed.
5. Should the Town determine that the leased area is not being maintained and operated in compliance with this agreement, this lease can be terminated if the District fails to comply following thirty (30) days written notice being delivered to the District; however, should the Town discover any unsafe condition within the leased area, the Town may, without prior notification to the District, lock the leased area and notify the District of such action until such unsafe condition can be repaired.
6. This lease is also subject to the Town having priority to use the entire park for various functions.
7. This lease is only in force until the Skate Park is replaced by a new skate park.
8. Should either party to this agreement be forced to take steps to enforce the terms of this agreement, the non-defaulting party shall be reimbursed for all costs incurred in enforcing the terms of this agreement, including reasonable attorney fees.

Town of Paonia, Colorado

BY: _____

Print Name: _____

Title: _____

North Fork Pool, Park and Recreation District

BY: _____

Print Name: _____

Title: _____

SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

Prepared by

ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

and

Issued and Published Jointly by



PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE
a practice division of the
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

AMERICAN COUNCIL OF ENGINEERING COMPANIES

AMERICAN SOCIETY OF CIVIL ENGINEERS

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1420 King Street, Alexandria, VA 22314

American Council of Engineering Companies
1015 15th Street N.W., Washington, DC 20005

American Society of Civil Engineers
1801 Alexander Bell Drive, Reston, VA 20191-4400

**SHORT FORM OF AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT effective as of _____ (“Effective Date”) between

_____ Town of Paonia (“Owner”)

and _____ SGM (“Engineer”)

Engineer agrees to provide the services described below to Owner for _____ General Engineering (“Project”).

Description of Engineer’s Services: _____ Assist the Town with general engineering tasks that come up not otherwise covered
_____ under specific project contracts.

Owner and Engineer further agree as follows:

1.01 Basic Agreement

A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement, and Owner shall pay Engineer for such Services as set forth in Paragraph 9.01.

2.01 Payment Procedures

A. *Preparation of Invoices.* Engineer will prepare a monthly invoice in accordance with Engineer’s standard invoicing practices and submit the invoice to Owner.

B. *Payment of Invoices.* Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for services and expenses within 30 days after receipt of Engineer’s invoice, the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, without liability, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges. Payments will be credited first to interest and then to principal.

3.01 Additional Services

A. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above.

B. Owner shall pay Engineer for such additional services as follows: For additional services of Engineer’s employees engaged directly on the Project an amount equal to the cumulative hours charged to the Project by each class of Engineer’s employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer’s consultants’ charges, if any.

4.01 Termination

A. The obligation to provide further services under this Agreement may be terminated:

1. For cause,
 - a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement’s terms through no fault of the terminating party.
 - b. By Engineer:
 - 1) upon seven days written notice if Engineer believes that Engineer is being requested by Owner to furnish or perform services contrary to Engineer’s

responsibilities as a licensed professional;
or

2) upon seven days written notice if the Engineer's services for the Project are delayed or suspended for more than 90 days for reasons beyond Engineer's control.

3) Engineer shall have no liability to Owner on account of such termination.

c. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under paragraph 4.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its failure and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

2. For convenience, by Owner effective upon the receipt of notice by Engineer.

B. The terminating party under paragraphs 4.01.A.1 or 4.01.A.2 may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to demobilize personnel and equipment from the Project site, to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

5.01 Controlling Law

A. This Agreement is to be governed by the law of the state in which the Project is located.

6.01 Successors, Assigns, and Beneficiaries

A. Owner and Engineer each is hereby bound and the partners, successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by paragraph 6.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.

B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

7.01 General Considerations

A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Engineer and its consultants may use or rely upon the design services of others, including, but not limited to, contractors, manufacturers, and suppliers.

B. Engineer shall not at any time supervise, direct, or have control over any contractor's work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, for safety precautions and programs incident to a contractor's work progress, nor for any failure of any contractor to comply with laws and regulations applicable to contractor's work.

C. Engineer neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between Owner and such contractor.

D. Engineer shall not be responsible for the acts or omissions of any contractor, subcontractor, or supplier, or of any contractor's agents or employees or any other persons (except Engineer's own employees) at the Project site or otherwise furnishing or performing any of construction work; or for any decision made on interpretations or clarifications of the construction contract given by Owner without consultation and advice of Engineer.

E. The general conditions for any construction contract documents prepared hereunder are to be the "Standard General Conditions of the Construction Contract" as prepared by the Engineers Joint Contract Documents Committee (No. C-700, 2002 Edition).

F. All design documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the

copyright and the right of reuse) in such documents, whether or not the Project is completed.

G. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer, whichever is greater.

H. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (i) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (ii) warrants that the Site is in full compliance with applicable Laws and Regulations.

8.01 Total Agreement

A. This Agreement (consisting of pages 1 to 4 inclusive together with any expressly incorporated appendix), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

9.01 Payment (Hourly Rates Plus Reimbursable Expenses)

A. Using the procedures set forth in paragraph 2.01, Owner shall pay Engineer as follows:

1. An amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class for all services performed on the Project, plus reimbursable expenses and Engineer's consultants' charges, if any.

2a. The total compensation for services and reimbursable expenses for the **General Engineering** contract is estimated to be **\$25,000**.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

OWNER: Town of Paonia

ENGINEER: SGM

By: _____

By: Brandi B

Title: _____

Title: Project Engineer

Date Signed: _____

Date Signed: 03/11/22

License or Certificate No. and State _____

Address for giving notices:

Address for giving notices:

Town of Paonia

SGM


P.O. Box 460

118 West 6th, Suite 200

Paonia, CO 81428

Glenwood Springs, CO 81601

AGENDA SUMMARY FORM

	<p>SGM Engineering Contract Review</p>		
<p>Summary:</p>			
<p>Notes:</p> <p>Included in the packet is a draft short form agreement authorizing SGM to operate as the Town engineer with general engineering services. SGM has been pivotal in assisting Town with many small and large engineering questions, has assisted the Town – at time for no cost – during the last few months transitions, and continues to make themselves available. Signing this contract for a 3–5-year period is recommended, as it locks in the current rate schedule, thus saving the Town expenses over the next few years.</p>			
<p>Possible Motions:</p> <p>Motion by: _____ 2nd: _____ vote: _____</p>			
Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine

April 8, 2022



**FEE SCHEDULE 2022
HOURLY RATE**

PRINCIPAL ENGINEER.....	\$211.00
SENIOR ENGINEER III.....	\$194.00
SENIOR ENGINEER II.....	\$182.00
SENIOR ENGINEER I.....	\$167.00
ENGINEER IV.....	\$153.00
ENGINEER III.....	\$140.00
ENGINEER II.....	\$119.00
ENGINEER I.....	\$102.00
SENIOR PROJECT MANAGER.....	\$152.00
PROJECT MANAGER.....	\$141.00
PRINCIPAL CONSULTANT.....	\$211.00
SENIOR CONSULTANT II.....	\$175.00
SENIOR CONSULTANT I.....	\$146.00
CONSULTANT III.....	\$126.00
CONSULTANT II.....	\$110.00
CONSULTANT I.....	\$99.00
TECHNICIAN III.....	\$85.00
TECHNICIAN II.....	\$72.00
TECHNICIAN I.....	\$61.00
CLERICAL.....	\$78.00
SENIOR CADD/GIS.....	\$141.00
CADD/GIS III.....	\$121.00
CADD/GIS II.....	\$110.00
CADD/GIS I.....	\$90.00
CONSTRUCTION MANAGER.....	\$133.00
CONSTRUCTION TECHNICIAN II.....	\$121.00
CONSTRUCTION TECHNICIAN I.....	\$110.00
SURVEY MANAGER.....	\$170.00
LAND SURVEYOR.....	\$140.00
SURVEY PROJECT MANAGER.....	\$120.00
SURVEY TECHNICIAN.....	\$100.00
FIELD SURVEY (1-Man Crew).....	\$159.00
FIELD SURVEY (2-Man Crew).....	\$212.00
SUE FIELD PROJECT MANAGER.....	\$183.00
SUE FIELD TECHNICIAN.....	\$127.00
EXPERT TESTIMONY.....	\$338.00

REIMBURSABLES

<u>Equipment</u>	<u>Rate</u>
Vehicle Mileage.....	Current IRS Standard Mileage Rate
ATV / Snowmobile.....	\$125.00/day
UTV.....	\$250.00/day
Flow Tote.....	\$125.00/day

Reproduction

Black & White Plots.....	\$ 5.50/sheet
Mylar Plots.....	\$19.00/sheet
Color Plots.....	\$30.00/sheet
Photocopies.....	\$ 0.25/page

Miscellaneous

10% will be added to all direct expenses, including FedEx, special delivery and courier charges, special consultants, subcontractors, laboratory tests, airfare, lodging, meals, car rental, telephone, outside printing expense, etc. **Interest of 1.5% per month will be charged for invoices past 30 days.**

AGENDA SUMMARY FORM



SGM – Proposal for Engineering Services – Water/Wastewater Treatment Facilities Standard Operating Procedures (SOP’s)

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine

April 5, 2022

March 24, 2022

Corinne Ferguson
Town of Paonia
Town Administrator
214 Grand Ave
Paonia, CO 81428

**RE: Proposal for Engineering Services
Paonia Standard Operating Procedures (SOP's) for Water and Wastewater
Treatment Facilities**

Dear Corinne:

This letter presents a proposal for SGM to provide engineering services for the following:

- Help the Town develop standard operating procedures (SOP's) for the two water treatment facilities and the wastewater treatment facility.

We sincerely appreciate this opportunity to help the Town achieve a successful project. We believe the work we have completed over the years, staff relationships we have built, and knowledge of the Town's infrastructure will bring great value to the Town on this project. We look forward to continuing working with yourself and Town staff and recognize the value of your input in meeting schedule goals and developing a great product.

Our letter proposal is presented in the following sections:

Project Understanding

SGM understands these to be the goals for the project:

- Review of available information
- Solicit input from Town Staff and ORC
 - This will be key as SGM can design treatment plants, troubleshoot and optimize plants, however, were not onsite every day to completely understand every nuance associated your specific plant
 - Gather operation and maintenance manuals for specific pieces of equipment, such as the membrane skids, which contain unique procedures for items such as backwashing, chemical cleaning, etc.
- Develop draft SOP's
 - Integrate elements of our knowledge of what works well for other communities/treatment facilities
 - Present this information to Town Staff and other interested parties
- After review, finalize deliverables for Town adoption

Methodology

SOP's detail the regularly recurring work processes that are to be conducted or followed for regular operation. They document the way activities are to be performed to facilitate consistent performance to system design intent.

- SOP's should describe fundamental programmatic actions and technical actions such as
 - Analytical process
 - Processes for maintaining, calibrating, and using equipment
- SOP's are intended to be specific to the organization/facility whose activities are described and assist that organization/facility to maintain their QC and QA processes and ensure compliance with CDPHE regulations

SOP General Format

SOP's should be organized to ensure ease and efficiency in use and to be specific to the organization which develops it. Where possible break the information into a series of logical steps to avoid a long list. The level of detail provided in the SOP may differ on i.e., whether the process is critical, the frequency of that procedure being followed, the number of people who will use the SOP, and where training is not routinely available.

- Title Page
 - Should contain the following information: a title that clearly identifies the activity of procedure, an SOP ID number, date of issue and/or revision, and signatures and dates of those individuals who prepared and approved the SOP
- Table of Contents
 - May be needed for a quick reference, especially if the SOP is long, for locating information and to denote changes of revisions made only to certain sections of an SOP.
- Text
 - Briefly describe the purpose of the work or process. Define any specialized or unusual terms. Denote what sequential procedures should be followed, possible interferences, equipment needed, personnel qualifications, and safety considerations. Finally describe all appropriate QA and QC activities for the procedure.

Project Schedule

This project can be completed in approximately 8-10 weeks from contract execution.

Project Fees

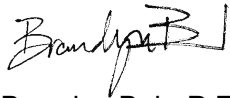
The proposed budgetary range for this type of project is \$20,000 to \$25,000. A 2022 Fee Schedule is attached. Changes in scope requested by the Town or due to circumstances beyond SGM's control may require a contract Change Order to adjust the project budget prior to

execution of the additional work. SGM will bring any out-of-scope items to the Town's attention as they arise and seek authorization to proceed in advance.

Thank you for the opportunity to submit this proposal to the Town. We look forward to continuing our working relationship with the Town. Please call me with any questions you may have on this proposal. Once scope of work and fees have been agreed to, SGM can provide the necessary contract paperwork for execution.

Respectfully Submitted,

SGM, INC.



Brandyn Bair, P.E.
Project Engineer

Attachments:

A - SGM 2022 Fee Schedule



FEE SCHEDULE 2022
HOURLY RATE

PRINCIPAL ENGINEER	\$211.00
SENIOR ENGINEER III	\$194.00
SENIOR ENGINEER II	\$182.00
SENIOR ENGINEER I	\$167.00
ENGINEER IV	\$153.00
ENGINEER III	\$140.00
ENGINEER II	\$119.00
ENGINEER I	\$102.00
SENIOR PROJECT MANAGER.....	\$152.00
PROJECT MANAGER.....	\$141.00
PRINCIPAL CONSULTANT	\$211.00
SENIOR CONSULTANT II	\$175.00
SENIOR CONSULTANT I	\$146.00
CONSULTANT III.....	\$126.00
CONSULTANT II.....	\$110.00
CONSULTANT I.....	\$99.00
TECHNICIAN III	\$85.00
TECHNICIAN II	\$72.00
TECHNICIAN I	\$61.00
CLERICAL.....	\$78.00
SENIOR CADD/GIS	\$141.00
CADD/GIS III.....	\$121.00
CADD/GIS II.....	\$110.00
CADD/GIS I.....	\$90.00
CONSTRUCTION MANAGER	\$133.00
CONSTRUCTION TECHNICIAN II	\$121.00
CONSTRUCTION TECHNICIAN I	\$110.00
SURVEY MANAGER.....	\$170.00
LAND SURVEYOR.....	\$140.00
SURVEY PROJECT MANAGER	\$120.00
SURVEY TECHNICIAN.....	\$100.00
FIELD SURVEY (1-Man Crew).....	\$159.00
FIELD SURVEY (2-Man Crew).....	\$212.00
SUE FIELD PROJECT MANAGER.....	\$183.00
SUE FIELD TECHNICIAN	\$127.00
EXPERT TESTIMONY	\$338.00

REIMBURSABLES

<u>Equipment</u>	<u>Rate</u>
Vehicle Mileage	Current IRS Standard Mileage Rate
ATV / Snowmobile	\$125.00/day
UTV	\$250.00/day
Flow Tote	\$125.00/day

Reproduction

Black & White Plots	\$ 5.50/sheet
Mylar Plots	\$19.00/sheet
Color Plots	\$30.00/sheet
Photocopies.....	\$ 0.25/page

Miscellaneous

10% will be added to all direct expenses, including FedEx, special delivery and courier charges, special consultants, subcontractors, laboratory tests, airfare, lodging, meals, car rental, telephone, outside printing expense, etc. **Interest of 1.5% per month will be charged for invoices past 30 days.**

AGENDA SUMMARY FORM



SGM – Proposal for Engineering Services – Water/Sewer Engineering Specifications/Construction Standards and Standard Drawings

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine

April 5, 2022

March 24, 2022

Corinne Ferguson
Town of Paonia
Town Administrator
214 Grand Ave
Paonia, CO 81428

**RE: Proposal for Engineering Services
Paonia Engineering Specifications/Construction Standards and Standard
Drawings (Water/Sewer)**

Dear Corinne:

This letter presents a proposal for SGM to provide engineering services for the following:

- Develop engineering specifications/construction standards and standard drawings related to buried water and sewer line infrastructure.

We sincerely appreciate this opportunity to help the Town achieve a successful project. We believe the work we have completed over the years, staff relationships we have built, and knowledge of the Town's infrastructure will bring great value to the Town on this project. We look forward to continuing working with yourself and Town staff and recognize the value of your input in meeting schedule goals and developing a great product.

Our letter proposal is presented in the following sections:

Project Understanding

SGM understands these to be the goals for the project:

- Review of available information and solicit input from Town Staff
- Develop draft specifications/construction standards and drawings
 - Integrate elements of our knowledge of what works well for other communities
 - Present this information to Town Staff and other interested parties
- After review, finalize deliverables for Town adoption

Goals and Methodology

On every project, SGM's fundamental goal is to act as an extension of our client, to take our client's needs and make them our own. The specific goal for this project is to develop a robust set of Engineering Specifications and Standard Drawings tailored to the needs of the Town of Paonia. In order to achieve these goals we will:

- Assign the most qualified personnel to each element of the project

- Provide the Town with relevant information from Engineering Specifications and Standard Drawings that SGM has developed over 30+ years of working with numerous municipalities and districts
- Talk to our contacts at other municipalities and districts, as well as relevant stakeholders, to find out what works well for them – and what could use improvement
- Perform an independent QA/QC review by senior engineers who possess in-depth knowledge in the specific disciplines required for the project

Project Schedule

This project can be completed in approximately 4 weeks from contract execution.

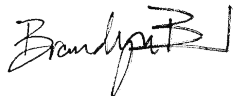
Project Fees

The proposed budgetary range for this type of project is \$10,000 to \$15,000. A 2022 Fee Schedule is attached. Changes in scope requested by the Town or due to circumstances beyond SGM's control may require a contract Change Order to adjust the project budget prior to execution of the additional work. SGM will bring any out-of-scope items to the Town's attention as they arise and seek authorization to proceed in advance.

Thank you for the opportunity to submit this proposal to the Town. We look forward to continuing our working relationship with the Town. Please call me with any questions you may have on this proposal. Once scopes of work and fees have been agreed to, SGM can provide the necessary contract paperwork for execution.

Respectfully Submitted,

SGM, INC.



Brandyn Bair, P.E.
Project Engineer

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<u>Equipment</u>	<u>Rate</u>
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Miscellaneous

10% will be added to all direct expenses, including FedEx, special delivery and courier charges, special consultants, subcontractors, laboratory tests, airfare, lodging, meals, car rental, telephone, outside printing expense, etc. **Interest of 1.5% per month will be charged for invoices past 30 days.**

AGENDA SUMMARY FORM



Filter Tech Systems – Annual Service Contract – Lamborn Mesa Water Treatment Facility (2MG)

Summary:

Notes:

Included in the packet is a proposal for a one-year service contract with Filter-Tech for the evaluation of operation, equipment inspection, routine maintenance, calibration, operator training, and log sheet review.

I recommend the Board approve the contract as presented. Currently the town expends approximately \$4,000 to \$7000 per year in calibration services with Filter-Tech. The contract includes the calibration and offers opportunity for training of the staff hired to operate the plant. I do not anticipate the need for the contract beyond one year.

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine



Designers & Manufacturers of Water Filtration Systems
2844 Chipeta Avenue Grand Junction, CO 81501
Tel (888) 287-8292 or (970) 254-2855 Fax (970) 254-2858

* * * **Proposal** * * *

Proposal 22-1461
24 March 2022

Annual Service Contract
Town of Paonia - Lamborn Mesa WTF

Scope of Work:

Provide Field Service Technicians to visit the plant on a monthly basis to evaluate operation, inspect equipment, perform routine maintenance, provide additional operator training and review log sheets.

Filter Tech Systems will visit the plant once per month:

Contract includes all labor & expenses. Spare Parts, Repair Parts & Consumables are NOT INCLUDED

Scope of work:

Observe Process Operation

Record Process Values (TMP, resistance, Turbidity)

Confirm Chlorine Pump Operation

Check dosage and residual levels

Clean and replace injection check valve if needed

Inspect Pump Tubes; Replace if necessary

Check Inlet & Outlet Pressures on Pre-Filters

Observe a flush cycle for each one

Record pressure data before and after the flush

Place each skid (three total) into service and run through the following steps:

Note: Operator must be present to turn the skids on & off

Perform a Hydraulic Cleaning

Perform a periodic Pressure Decay Test

(for maintenance purposes only, not for regulatory reporting)

Function Pressure Decay Test Valve; Confirm operation
Observe operation of all valves
Record Readings before and after each process test
Check timings, pressures, process values and operations

Compressed Air System:

Drain Receiver Tank; confirm automatic operation
Check particulate filters at each skid
Inspect Dessicant Filter; replace if necessary

Finished Water Pumps:

Observe operation
Review VFD Fault Log

Backwash Supply Pumps:

Observe operation
Review VFD Fault Log

Piping Systems:

Inspect piping for leaks. Notify operator of issues or schedule a Filter Tech Service Call to make the repairs.

Equipment Systems:

Observe / Inspect all process equipment in the plant

Chlorine Analyzers

Confirm Operation and Calibrate if necessary
Clean out Mixing Chamber if needed
Replace Pump Tubes at start of season
Replace reagents if necessary
Perform calibration / maintenance every three months
Replace Pump Tubes twice per year

Turbidimeters

Confirm Operation and Calibrate every three months
Clean out Sensor Body

pH Meter

Calibrate monthly
Clean out Sample Cell

SCADA System

Re-boot computer, install updates, inspect for errors.

Annual Service & Calibration Contract \$ 15,552

Billed in monthly installments of \$1,296

Price includes labor, mileage and expenses. Parts and material are extra

Items NOT included in this overall scope that must be provided by others (but not limited to):

- Parts & Consumables
- Any entry into confined spaces
- Sales Taxes, Licenses, Permits

Customer Responsibilities (but not limited to):

- Day-to-Day Operation
- Maintaining consumables - chlorine, CL17 Reagents
- Daily equipment maintenance
- Maintaining Log sheets
- Monitoring the plant both on-site and with remote access
- Reviewing Historic Trend Charts
- Responding to all alarm notifications
- Basic, Filter Tech Systems-assisted trouble shooting


Filter Tech Systems Service Rates:

Normal, On-site hourly rate	\$ 95.00
After Hours, weekday rate	\$ 142.50
Weekends and holiday hourly rate	\$ 190.00
Mileage rate	\$ 0.90 per mile

Free Telephone Support available 24/7

Quotation Valid For Thirty Days

AGENDA SUMMARY FORM

	Resolution 05-2022 - Emergency Response Authority Designee Update		
Summary: Required updated Designated Emergency Response Authority (DERA) for the Town of Paonia.			
Notes: The County local volunteer fire departments informed Towns several years ago that they would not operate as the DERA for the Towns. In order to stay compliant and properly update the Joint Delta County Hazard Mitigation Plan the Town needs to designate a local emergency authority and report to the State. The proposed resolution holds the required designation.			
Possible Motions: Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine

April 8, 2022

**TOWN OF PAONIA, COLORADO
RESOLUTION NO. 05 - 2022**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
PAONIA, COLORADO, DESIGNATING THE EMERGENCY RESPONSE
AUTHORITY.**

WHEREAS, Colorado Revised Statutes Title 29-22-102 (3) defines and designates the local Fire Department as the Emergency Response Authority unless otherwise designated by the Board of Trustees; and

WHEREAS, the Local Fire District #2, as volunteers has expressed that they cannot operate as the Designated Emergency Response Authority.

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

BOUNDARY OF EMERGENCY RESPONSE DISTRICT: TOWN OF PAONIA

Designated Emergency Response Authority: Paonia Police Department – Chief of Police or in absence next in command.

APPROVED AND ADOPTED this 14th day of April 2022, by the Board of Trustees, Town of Paonia.

TOWN OF PAONIA, COLORADO

By: _____
Mary Bachran, Mayor

ATTEST:

By: _____
Corinne Ferguson, Town Clerk

AGENDA SUMMARY FORM



Town Attorney Memo and Recommendations regarding Ordinance 01-2020 Water Tap Moratorium

Summary:

Board directed memo following executive session at the 3/24/2022 regular meeting.

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine

April 8, 2022

Glenwood Springs – Main Office

201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602

Aspen

323 W. Main Street
Suite 301
Aspen, CO 81611

Montrose

1544 Oxbow Drive
Suite 224
Montrose, CO 81402

Jeffrey J. Conklin

Partner/Shareholder

jjc@mountainlawfirm.com

Direct: 970.928.2124

Office: 970.945.2261

Fax: 970.945.7336

**Direct Mail to Aspen Office*

April 7, 2022

PACKET MEMORANDUM

TO: Town of Paonia, Mayor and Board of Trustees

FROM: Karp Neu Hanlon, P.C.

RE: Review and Recommendations regarding Ordinance No. 2020-01 – Moratorium on the Sale of Water Taps

As a result of a citizen initiative petition and special election, the Town adopted Ordinance No. 2020-01, “An Ordinance of the People of the Town of Paonia Amending chapter 13, Article 1, of the Town of Paonia Municipal Code by the addition of a New Section 13-1-131, Imposing a Moratorium on the Sale of Water Taps and Placing Limits on Future Water Sales.” It is my understanding that there has been some prior discussion and divergence as to the scope of the moratorium under Section 13-1-131 of the Municipal Code and, in particular, whether it precludes the connection of purchased but unconnected taps and the extension of any service lines to/from existing taps. Accordingly, the Board of Trustees requested that I review the scope of the moratorium imposed under Section 13-1-131 and make recommendations regarding the same.

There are two definitions in Section 13-1-131 – “moratorium” and “tap” – which I include here with my underlined emphasis:

“*Moratorium* means suspension of the sale of domestic water taps that the Town of Paonia is not legally obligated to serve on the effective date of this ordinance.”

“*Tap* means a physical service connection to the municipal domestic water supply distribution system or right to water supplied by the Town of Paonia. For the purposes of this Section, tap shall also include the extension of water delivery pipes.”¹

Subsection (b) then states “a moratorium is hereby imposed on the sale of water taps by the Town of Paonia.” Based on my reading, the interrelation of the two definitions (specifically, the underlined language) and operative Code section is incongruent, leading to potential confusion regarding the scope of the moratorium, although not necessarily ambiguous.

¹ Note, in Section 13-1-10 “tap” is defined as “Tap: A physical service connection to the municipal domestic water supply distribution system.”

The “moratorium” suspends the “sale” of taps that the Town is “not legally obligated to serve.” Section 13-1-30 of the Code contains the fees for water taps. The definition of “moratorium” does not include express language to suspend the “connection” of purchased taps, to suspend the provision of water service to purchased but unconnected taps, nor to suspend issuing building permits to install and connect water service lines. Thus, the definition of “moratorium” alone could not be reasonably interpreted to preclude connection of existing taps or extending service lines.

Pairing the definition of “moratorium” with the definition of “tap”, however, may confuse this issue as a result of the problematic phrase “extension of water delivery pipes,” which does not fit within the use and construction of the remaining Code language. The Town does not “sell” water delivery pipes and, thus, it’s unclear how the Code could “suspend the sale” of the “extension of water delivery pipes.”² Further, even if the definition of “tap” were to operate to preclude extension of “water delivery pipes,” there is some question as to what constitutes a “delivery pipe.”

Again, the definition of “tap” refers to “delivery pipes,” not *service* lines. There is not a definition of “delivery pipes” or “delivery lines” in the Code;³ however, “delivery lines,” “distribution lines,” or “main lines” are generally known to be Town-owned lines to which a privately owned service line may connect. The Code refers to “delivery lines” in just one other place, stating “[a]n existing water company may add new lateral lines to a main delivery line of the Town of Paonia that extend its coverage.” *See* Code, § 13-1-30(g). In this context, a “delivery line” is not a service line connection – it’s the Town line. Moreso, the Code contains several references to “service line,” including:

- “Each property owner (residential and commercial) connecting a water service line from their property to any water line constructed or owned by the Town, shall pay a water tap fee prior to being permitted to connect to the main water line. The tap, water service line, and meter shall be sized according to either the existing and/or proposed use.” *See* Code § 11-1-30(a).
- “Regardless of previous service record, length of service or history of the water line involved, it is hereby established that service shall be commenced only where each user is served by a separate water meter and separate service line unless exempt as outlined in this section.” *See* § 13-1-70.
- Section in Public Works Manual on Service Line Installation.

In each of these contexts, the service line is the privately owned line providing water from a delivery or main line for private use.

² If this phrase stood alone in separate subsection apart from the definitions to state “the Town shall not extend water delivery pipes during the term of this moratorium” it would help alleviate this issue.

³ Section 1-2-50(4) provides: “Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.”

Thus, reading the definitions together, if the Code is construed to preclude extension of “water delivery pipes,” this would likely only preclude the Town from extending Town-owned main lines and not preclude the extension of privately owned “service lines.”

Further, other sections of the Code do not clearly require the purchase of an additional water tap to serve an additional unit on Lot with a service line from one tap, instead stating: “If an additional household unit is constructed on an existing lot that has a water tap, the new structure must be provided with an additional water meter.”⁴ See Code § 13-1-70(b).

Nevertheless, subsection (c)(1) provides some support that perhaps the *intent* of the moratorium is to not expand existing water service, as the moratorium cannot be lifted until the Town can confirm it can serve “all existing obligations for water into the foreseeable future.” Such obligations would include purchased but unconnected taps.

Recommendation. At a minimum, the foregoing illustrates it may require legal parsing to apply the water moratorium section of the Code and, thus, be ripe for a clarification through a Code amendment to clarify the meaning and application. Accordingly, I recommend that the Board consider amending the Code to clarify the issues presented in this memo, including:

- Clarify the scope of uses that may be served by a water tap;
- Clarify when an additional water tap is required (e.g. for an ADU);
- If the Board wishes to suspend the “connection” of purchased taps, to suspend the provision of water service to purchased but unconnected taps, or to suspend issuing building permits to install and connect water service lines until the conditions of the Moratorium are met, amend the Code to expressly address these issues;

4 Sec. 13-1-70. - Individual meters.

(a) Separate meters shall be required for each residence or commercial building. Properties sharing a common line feeding through one property to another, or utilizing a single meter for two (2) or more units or serviced by only one water line shall be required to install separate meters so that service to each user is independent from every other.

(b) Each household unit shall be serviced by a separate water meter. Multiple household units in a single building owned by a single entity built prior to the enactment of this Article may be served by a single water meter under the condition that all units are included in one bill which is the responsibility of the property owner. New construction of multiple household units in a single building will require separate water meters. If an additional household unit is constructed on an existing lot that has a water tap, the new structure must be provided with an additional water meter. If a lot containing more than a single structure is subdivided to provide separate lots for each structure, each lot without water meters must provide separate water lines and separate water meters as a condition of subdivision. If a lot containing a single household unit is subdivided, each household unit erected upon the new subdivided area must have a separate water line and water meter. Each separate commercial building using water must have a separate water line and water meter.

(c) Regardless of previous service record, length of service or history of the water line involved, it is hereby established that service shall be commenced only where each user is served by a separate water meter and separate service line unless exempt as outlined in this section.

Page 4

- Pursue a water supply report to better understand the Town's water supply and demand limitations, as contemplated by the Moratorium; and
- Amend the Code to clean up and clarify some of the incongruent language in this Section.

AGENDA SUMMARY FORM



Discussion Item: Administrator Report regarding determination and application of residential use in a C-1 Zone

Summary:

Administrator Review and interpretation of the zoning regulations specific to residential as a secondary use in C-1 and C-2.

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine

April 11, 2022

Please find below some history and interpretation of residential use as part of business use
by Town Administrator Corinne Ferguson – April 14, 2022 meeting

Enacting Land Development Regulations Ordinance 83-116

1. Defines a dwelling unit as; *One room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a monthly or longer basis. The dwelling unit shall be physically separated from any other rooms or dwelling units that may be in the same structure -- and served by no more than one gas meter and one electric meter.*
2. Defines a multiple-family dwelling unit as; *A single building used by three or more families living independently of each other in separate dwelling units, but not including motels, hotels, boarding houses, tourist homes.*

Schedule of Uses - Attachment A

The only reference to residential within the Commercial Districts is Multiple Family Dwellings which require a special review in both C-1 and C-2 (**Attachment A.2**) as enacted via Ordinance 83-116

Amended Land Development Regulations Ordinance 2000-02

1. Defines a dwelling unit as; *one (1) room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a monthly or longer basis. The dwelling unit shall be physically separated from any other rooms or dwelling units that may be in the same structure and served by no more than one (1) gas meter, one (1) electric meter and one (1) water meter and sewer tap.*
2. Defines a multiple-family dwelling unit as; *A single building used by three or more families living independently of each other in separate dwelling units, but not including motels, hotels, boarding houses, tourist homes.*

Schedule of Uses - Attachment B

The references to residential within the Commercial Districts are Dwelling Units as a part of a business use and Multiple Family Dwellings which both require a special review in C-1 and C-2 (**Attachment B.1 & B.2**) as enacted via Ordinance 2000-02

Original Municipal Code

1. Defines a dwelling unit as; *one (1) room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a monthly or longer basis. The dwelling unit shall be physically separated from any other rooms or dwelling*

units that may be in the same structure and served by no more than one (1) gas meter, one (1) electric meter and one (1) water meter and sewer tap.

2. Defines a multiple-family dwelling as; *a single building used by three (3) or more families living independently of each other in separate **dwelling units** but does not include motels, hotels, boarding houses or tourist homes.*

[Link:https://library.municode.com/co/paonia/codes/municipal_code?nodeId=CH16ZO_ART1GEP_R_S16-1-100DE](https://library.municode.com/co/paonia/codes/municipal_code?nodeId=CH16ZO_ART1GEP_R_S16-1-100DE)

Original Schedule of Uses – NO Attachment Letter -

The references to residential within the Commercial Districts are Dwelling Units as a part of a business use, and Multiple Family Dwellings which all require a special review in C-1 and C-2 (No Attachment Letter - Original Codification located after completion of this memo.

Modified Municipal Code following Enactment of Ordinance 2016-06 (Zoning Amendment)

1. Defines a dwelling unit as; *one (1) room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a monthly or longer basis. The dwelling unit shall be physically separated from any other rooms or dwelling units that may be in the same structure and served by no more than one (1) gas meter, one (1) electric meter and one (1) water meter and sewer tap.*
2. Defines a multiple-family dwelling as; *a single building used by three (3) or more families living independently of each other in separate **dwelling units** but does not include motels, hotels, boarding houses or tourist homes.*

[Link:https://library.municode.com/co/paonia/codes/municipal_code?nodeId=CH16ZO_ART1GEP_R_S16-1-100DE](https://library.municode.com/co/paonia/codes/municipal_code?nodeId=CH16ZO_ART1GEP_R_S16-1-100DE)

Modified Schedule of Uses - Attachment D

The references to residential within the Commercial Districts are Dwelling Units as a part of a business use require a special review in C-1 and C-2, Dwelling units secondary to the business use permitted by right in C-1 and C-2, and Multiple Family Dwellings which require a special review in C-1 and C-2 (**Attachment C.1 & C.2**).

HISTORY:

Ordinance 2000-02 was codified into the Paonia Municipal Code under enacting an ordinance 2014-04. The only zoning changes provided within this ordinance were:

Sec. 16-9-410. Penalties for noncompliance. (Chapter 16, Zoning; Article 9, Flood Damage Prevention; Division 4, Penalties)

Sec. 16-18-20. Penalty. (Chapter 16, Zoning; Article 18, Enforcement)

There were **no** changes to the definitions or Schedule of Uses Table 16-3. There is no record of any ordinance enacting a new use known as Dwelling units secondary to the business use.

Within the Municipal Code there are **no** definitions for Dwelling units as *part of* or *secondary* to a business use.

According to the original Application for Amended Zoning, submitted by Ron and Debra Rowell July 11, 2016, the then owners applied to amend the light industrial zoning of their for-sale property located at 602,604 & 606 Second Street to C-2 zoning, and to amend the C-2 zoning uses to include “dwelling as a permitted use” to be more appealing to buyers. The Town Manager Jane Berry requested the Planning Commission to include the C-1 and C-2 permitted by-right use in Section 16-3-70 Table 16-3.

(Attachment D)

The Notice of Public Hearing – Published August 3rd and August 10th, 2016 stated “Section 16-3-70 Schedule of Uses Commercial District currently requires Special Review for dwelling units as a part of a business use in the Town of Paonia. This zoning amendment would provide for Dwelling units secondary to the business use in C-1 and C-2 Districts as a Permitted by right use. The public hearing notice references one existing dwelling use in C-1 & C-2, which is Dwelling units as part of a business use by Special Review, and states that use will be amended to read Dwelling units secondary to the business use Permitted by right. (Attachment E)

Town Manager Jane Berry’s Planning Commission Recommendation to the Board of Trustees dated August 11, 2016, also references both as part of and secondary, but clearly states “This amendment would eliminate the current cumbersome and expensive requirement of a Special Review application and process for dwelling units as a part of a business use. Dwelling uses would become secondary to the business use.” (Attachment F)

The recommendation from the Planning Commission stated: Motion by Commissioner Stewart, Supported by Commissioner Bear to approve amendment of section 16-3-70 Schedule of uses for C-1 and C-2 Districts for Dwelling Units as part of a business use **from** Permitted by Special Review **to** Dwelling Units Secondary to the Business use Permitted by Right... (Attachment F)

The Board of Trustees Public Hearing was on August 23, 2016. The deliberation and discussion are exactly as follows from the recorded minutes (highlights added for emphasis):

Consideration to Adopt Ordinance 2016-06 – Chapter 16 Town Code – Amendment to Schedule of Uses

Proposed Ordinance 2016-06 was provided in the Board packet. Mayor Stewart read the title heading for the audience.

2016-06 AN ORDINANCE OF THE TOWN OF PAONIA, COLORADO PROVIDING FOR THE AMENDMENT OF ZONING OF THE TOWN OF PAONIA, COLORADO, FOR SECTION 16-3-70 SCHEDULE OF USES COMMERCIAL DISTRICTS, DWELLING UNITS AS A SECONDARY USE TO THE BUSINESS USE AS A PERMITTED BY RIGHT USE PURSUANT TO THE CODIFIED ORDINANCES OF THE TOWN OF PAONIA, CHAPTER 16 ARTICLE 14 AMENDMENT PROCEDURES.

Discussion ensued regarding the implementation of restrictions with the residential permitted use in C-1 and C-2, the benefit of utilizing the special review process to investigate the proposed change in use, and the existing non-conforming uses within the Town.

Trustee Bradford stated that a commercial building that already has a living space would not require any review, while a property that requires alteration will require a building permit and multiple inspections.

Trustee Brunner believes allowing the mixed use in the core commercial area will result in parking congestion and property taxing issues and requires further study.

Mayor Stewart believes this change is an opportunity for the Town to support business. The risk of crime and vandalism drops with a residential presence in the commercial area as well.

Motion by Trustee Brunner, Supported by Trustee Watson to return Ordinance 2016-06 to the Planning Commission for further study. Motion failed with two (2) ayes and four (4) nays from Trustees Bear, Bradford, Bookout, and Budinger.

Motion by Trustee Watson to allow zoning permitted use change in C-2 while C-1 requires a special review.

Mayor Stewart stated he will not accept the motion made by Trustee Watson, but will accept a motion to accept Ordinance 2016-06, which Trustee Watson can move to amend.

Motion by Trustee Bradford, Supported by Trustee Budinger to adopt Ordinance 2016-06 as presented. Motion carried with four (4) ayes and two (2) nays from Trustees Brunner and Watson.

Motion by Trustee Watson, Supported by Trustee Brunner to allow zoning permitted use change in C-2 while C-1 requires a special review. Motion failed with two (2) ayes and four (4) nays from Trustees Bear, Bradford, Bookout, and Budinger.

I reviewed the draft minutes from the public hearing and found Trustee Chelsea Bookout questioned if the residential use was only for the owner or could be used as a rental? Town Manager Jane Berry stated dwelling unit secondary to commercial use, can be used as a rental. (Attachment G)

NOTE: A shopkeeper living on-site would need one dwelling unit. Attachments B, C, public hearing notice, planning commission recommendation, discussion by Board of Trustees on August 23, 2016, and enacting ordinance 2016-06 clearly show that the intent was to replace Dwelling units as a part of a

business use with Dwelling units secondary to the business use. The addition to Table 16-3 is in error and needs to be corrected in the updated codification. The reference to Multiple-Family Dwellings in C-1 and C-2 is irrelevant to this discussion, as they are a stand-alone apartment/condominium/duplex in a commercial zone, not secondary to business use, and therefore would require a special review.

The adoption of Ordinance 2016-06, supersedes and replaces the special review requirement for residential as part of a use to business in Commercial Districts. This was the intent of the law, the way it was drafted and presented, as well as implemented in multiple locations throughout the C1 & C-2 Districts since 2016; therefore, neither 223 nor 224 Grand Avenue are required to have a special review for dwelling units secondary to business use within the property.

In reference to Ordinance 2020-01 Water Tap Moratorium.

Kennedy Building – 224 Grand Avenue

This building was built in 1905. The building consisted of a full downstairs commercial area with an apartment in the rear and six (6) apartments on the second floor for a total of seven (7) dwellings. The former owners removed the back apartment for additional commercial storage and quit considering renters following a burglary in the pharmacy located on the lower level, which was accessed from an apartment on the second floor. Property taxes are based on the actual use of a building, not what the building is capable of being used for. Following three (3) years of a changed taxable activity, the taxes are modified. Following three (3) years of no residential use, the building was taxed only for commercial use. The current owner received a building permit to modify the existing commercial lower level with approximately five separate commercial spaces available and a modification to reduce apartments by one. The updated building has full commercial use on the lower level with reduced dwelling units for a total of five (5) on the upper level. There is no requirement to purchase tap(s) nor an extension of water delivery pipes. Had the new owner made no modification and rented all six (6) units as they were the Town would have been legally obligated to provide the water to the units.

Community Collective – 223 Grand Avenue

This building was built in 1908. I do not have original information on the breakdown of rooms or use. This building has three (3) sections. While owned by the Masonic Lodge the building had a partially finished basement with one (1) ½ bathroom, commercial space on the lower level with two (2) full bathrooms, and two rooms on the second level with a full commercial kitchen and two (2) additional full bathrooms. The square footage is approximately 3,731 without the basement area. The new owners, with a permit, are in process of modifying the building to remove the commercial kitchen, remove one full bathroom, and convert the upper level into three (3) 550 square foot studio apartments with kitchenettes - for one (1) person only.

The Town is currently obligated to provide water to the building to service five (5) bathrooms and a full commercial kitchen. Under the modified plans the Town will be providing water for four (4) bathrooms and three (3) kitchenettes.

While the hours of use are different with tenants, the facilities are reduced, as are the potentials for commercial kitchen use. Single-person residential use in Paonia averages about 1000 gallons per month. A commercial kitchen space – conservatively averages about 30,000 gallons per month.

Parking – 223 Grand Avenue has three off-street parking areas and a lease agreement with the neighboring property owner for an additional two parking spaces. 224 Grand Avenue is reviewing parking options and may use public parking lots for residential parking.

Please consider the provided information.

Thank you.

Corinne Ferguson, Administrator/Clerk

ORDINANCE NO. 83-116

10.03—1 Average Lot Area. When a group of ten or more single family dwellings are proposed for development as a unit the minimum lot area may be varied in order to achieve flexibility and creativity in design. However, in no case shall (1) the lot area be less than 4500 sq. ft., (2) the average lot size for the unit be less than six thousand square feet, and (3) more than twenty percent of the lots be less than six thousand square feet. When such development procedures are followed, the Town approved subdivision plat must be on record in the Delta County, Colorado, Clerk and Recorder's Office.

10.03-2 Side Yard Setback Variation. When a group or cluster of three or more single family dwellings are proposed for development as a unit the side yard requirement may be reduced subject to the approval of the Town Administrator. However, the minimum spacing between two structures shall not be less than twelve feet. In the case of zero lot line developments, permitted by this provision, a minimum of a three-foot wide maintenance easement shall be provided on the property adjacent to the wall that is placed along the side lot line.

10.03-3 Front Yard Variation. In areas established and predominantly built out prior to the effective date of this ordinance the front yard setback shall be equal to the average setbacks for the other buildings on the same block or a maximum of that required by the new regulation as herein provided.

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10.04: SCHEDULE OF USES

USE	Commercial/Industrial Districts		Light Industrial I-1
	Core Commercial C-1	Community C-2	
Auto Sales and Service	X	S	P
Banking, Savings & Loan	P	P	
Campgrounds, Recreational Vehicle Parks	X	S	S
Child Care & Day Nurseries	P	P	X
Churches	S	S	X
Commercial Recreational Facilities including pool halls, bowling alleys, skating rinks, golf courses	S	S	S
Dental or Medical Clinics	P	P	X
Drive Up Windows for Banks, Business, Restaurants	S	S	X
Fast Food and Drive—In Restaurants	S	S	X
Gas Stations	X	S	S
Group Homes for the Developmentally Disabled	P	P	X
Lumber Yards	X	S	S
Manufacturing	X	X	P
Membership Clubs	S	S	X

ORDINANCE NO. 83-116

Mining of natural resource material	X	X	S
Motels, Hotels, and Lodging Facilities (including Rooming Houses)	S	P	X
Mobile Home Parks/Subdivisions	X	S	S
Mobile Home Sales & Service	X	S	P

P = Permitted by Right
 S = Permitted by Special Review
 X = Prohibited Use.

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SCHEDULE OF USES (Continued)

USE	Commercial/Industrial Districts		
	C-1	C-2	I-1
Multiple Family Dwellings	S	S	X
Parks and Recreation Areas	P	P	S
Personal Service Shops including barber, beauty shops, shoe repair, self-service laundries, travel agencies, etc.	P	P	X
Parking Lots	P	P	P
Public & Governmental Facilities	S	S	P
Public or Private Schools	S	S	X
Professional and Business Offices	P	P	S
Retail Business	P	P	X
Restaurants	P	P	X
Wholesale Business	X	S	S
Nursing Homes	P	P	X

P = Permit by Right
 S = Permit by Special Review
 X = Prohibited Use

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10.05: SCHEDULE OF REQUIREMENTS

REQUIREMENTS	Commercial/Industrial Districts		
	C-1	C-2	I-1
<u>Minimum Lot Area</u>			
Non-Residential	2,500 sq. ft.	10,000 sq. ft.	10,000 sq. ft.
Residential	6,500 sq. ft.	6,000 sq. ft.	
Combined Res./			

10.04 SCHEDULE OF USES
Commercial/Industrial Districts

USE	Core		Light	Heavy
	Commercial	Community	Industrial	Industrial
	C-1	C-2	I-1	I-2
Auto Sales & Service Repair	X	S	S	P
Automobile Wrecking Yards Scrap processing when Yard is enclosed by 6 Ft. screening of wall. (No junk allowed outside of screening)	X	X	X	S
Banking, Savings & Loan	P	P	X	X
Bulk large storage of Flammable liquid gas Facilities	X	X	X	S
500 gallons and under	S	S	S	S
Campgrounds, Recreational Vehicle Parks	X	S	X	S
Child Care	P	P	S	X
Churches	S	S	X	X
Commercial Recreational Including pool halls, Bowling alleys, skating Rinks, golf courses	S	S	S	X
Dental or Medical Clinics	P	P	S	X
Drive-up Windows for Banks, Business, Restaurants	S	S	S	X
Dwelling Units as a part Of a business use	S	S	S	X
Fabricating/Manufacturing Industry	S	S	S	P
Fast Food and Drive-in Restaurants	S	S	S	X

P = Permitted by Right

S = Permitted by Special Review

X = Prohibited

10.04 SCHEDULE OF USES (Continued)
Commercial/Industrial Districts

USE	Core		Light	Heavy
	Commercial	Community	Industrial	Industrial
	C-1	C-2	I-1	I-2
Fertilizer storage Manufacture of	X	X	X	S
Fruit/Packing	X	X	P	P
Fruit/Produce Processing	X	X	S	P
Gas Stations	X	S	S	S
Grain Warehouses	X	X	X	P
Group Homes for the Developmentally Disabled	S	S	X	X
Livestock areas or barns	X	X	X	S
Lumber Yard	X	S	S	P
Manufacture & Storage of Explosives	X	X	X	X
Manufacturing	X	X	S	P
Membership Clubs	S	S	S	S
Mining of natural resource material	X	X	X	S
Mobile Home Sales/ Service	X	S	S	P
Motels, Hotels, & Lodging Facilities (Including Room Houses, Bed & Breakfast)	S	P	X	X
Multiple Family Dwellings	S	S	X	X
Nursing Homes	S	P	P	P
Parking Lots	P	P	P	P
Parks & Recreation Areas	P	P	P	P

10.04 SCHEDULE OF USES (Continued)

Commercial/Industrial Districts

USE	Core		Light	Heavy
	Commercial C-1	Community C-2	Industrial I-1	Industrial I-2
Personal Services Shops Including barber, beauty Shops, shoe repair, self- Service laundries, travel Agencies, etc.	P	P	S	X
Professional & Business Office when part of Permitted light industry	P	P	S	X
Public & Governmental Facilities	P	P	S	X
Public or Private Schools	S	S	S	X
Ready-mix concrete & asphalt plants	X	X	X	P
Restaurants	P	P	S	X
Retail Business	P	P	S	S
Service & Keeping of heavy industrial equipment	X	X	X	P
Small Animal Clinic	X	S	P	X
Storage Sheds (Rental spaces)	S	S	S	S
Utilities ¹	X	X	S	P
Utility Substation ¹	X	S	S	S
Warehouses	S	S	P	P
Wholesale Business (Factory Outlet)	S	S	S	S

¹ See 16.05

Sec. 16-3-70. Schedule of uses, commercial and industrial districts.

Table 16-3
Schedule of Uses – Commercial and Industrial Districts

Use	C-1 District	C-2 District	I-1 District	I-2 District
Auto sales and service repair	X	S	S	P
Automobile wrecking yards Scrap processing when yard is enclosed by 6-foot screening of wall. (No junk allowed outside of screening)	X	X	X	S
Banking, savings and loan	P	P	X	X
Bulk large storage of flammable liquid gas facilities	X	X	X	S
500 gallons and under	S	S	S	S
Campgrounds, recreational vehicle parks	X	S	X	S
Child care	P	P	S	X
Churches	S	S	S	X
Commercial recreational including pool halls, bowling alleys, skating rinks and golf courses	S	S	S	X
Dental or medical clinics	P	P	S	X
Drive-up windows for banks, businesses and restaurants	S	S	S	X
Dwelling units as a part of a business use	P S	P S	S	X
Fabricating/manufacturing industry	S	S	S	P
Fast food and drive-thru restaurants	S	S	S	X
Fertilizer storage or manufacturing of	X	X	X	S
Fruit/packing	X	X	P	P
Fruit/produce processing	X	X	S	P
Gas stations	X	S	S	P
Grain warehouses	X	S	S	P
Group homes for the developmentally disabled	S	S	X	X
Livestock areas or barns	X	X	X	S
Lumber yards	X	S	S	P
Manufacture and storage of explosives	X	X	X	X
Manufacturing	X	X	S	P
Membership clubs	S	S	S	S
Mining of natural resource material	X	X	X	S
Mobile home sales/service	X	S	S	P

P = Permitted by right
S = Permitted by special review
X = Prohibited

Table 16-3
Schedule of Uses — Commercial and Industrial Districts (Cont'd)

Use	C-1 District	C-2 District	I-1 District	I-2 District
Motels, hotels and lodging facilities (including room houses and bed and breakfasts)	S	P	X	X
Multiple-family dwellings	S	S	X	X
Nursing homes	S	P	P	P
Parking lots	P	P	P	P
Parks and recreation areas	P	P	P	P
Professional service shops, including barber shops, beauty shops, shoe repair, self-service laundries, travel agencies, etc.	P	P	S	X
Professional and business offices when part of permitted light industry	P	P	S	X
Public and governmental facilities	P	P	S	X
Public or private schools	S	S	S	X
Ready-mix concrete and asphalt plants	X	X	X	P
Restaurants	P	P	S	X
Retail businesses	P	P	S	S
Service and keeping of heavy industrial equipment	X	X	X	P
Small animal clinic	X	S	P	X
Storage sheds (rental spaces)	S	S	S	S
Utilities ¹	X	X	S	P
Utility substations ³	X	S	S	S
Warehouses	S	S	P	P
Wholesale businesses (factory outlets)	S	S	S	S

P = Permitted by right
S = Permitted by special review
X = Prohibited

(Ord. 2000-02, Art. X; Ord. 2014-__ §1)

¹ See Section 16-10-50.

ZONING

§ 16-3-70

Sec. 16-3-70. Schedule of uses, commercial and industrial districts.

Table 16-3
Schedule of Uses - Commercial and Industrial Districts

Use	C-1 District	C-2 District	I-1 District	I-2 District
Auto sales and service repair	X	S	S	P
Automobile wrecking yards	X	X	X	S
Scrap processing when yard is enclosed by 6-foot screening of wall. (No junk allowed outside of screening)				
Banking, savings and loan	P	P	X	X
Bulk large storage of flammable liquid gas facilities	X	X	X	S
500 gallons and under	S	S	S	S
Campgrounds, recreational vehicle parks	X	S	X	S
Child care	P	P	S	X
Churches	S	S	X	X
Commercial recreational including pool halls, bowling alleys, skating rinks and golf courses	S	S	S	X
Dental or medical clinics	P	P	S	X
Drive-up windows for banks, businesses and restaurants	S	S	S	X
Dwelling units as a part of a business use	S	S	S	X
Dwelling units secondary to the business use	P	P	S	X
Fabricating/manufacturing industry	S	S	S	P
Fast food and drive-thru restaurants	S	S	S	X
Fertilizer storage or manufacturing of	X	X	X	S
Formula businesses	X	S	S	S
Fruit/packing	X	X	P	P
Fruit/produce processing	X	X	S	P
Gas stations	X	S	S	S
Grain warehouses	X	X	X	P
Group homes for the developmentally disabled	S	S	X	X
Livestock areas or barns	X	X	X	S
Lumber yards	X	S	S	P
Manufacture and storage of explosives	X	X	X	X

§ 16-3-70

PAONIA MUNICIPAL CODE

<i>Use</i>	<i>C-1 District</i>	<i>C-2 District</i>	<i>I-1 District</i>	<i>I-2 District</i>
Manufacturing	X	X	S	P
Membership clubs	S	S	S	S
Mining of natural resource material	X	X	X	S
Mobile home sales/service	X	S	S	P
Motels, hotels and lodging facilities (including room houses and bed and breakfasts)	S	P	X	X
Multiple-family dwellings	S	S	X	X
Nursing homes	S	P	P	P
Parking lots	P	P	P	P
Parks and recreation areas	P	P	P	P
Personal services shops, including barber, beauty shops, shoe repair, self-service laundries, travel agencies, etc.	P	P	S	X
Professional and business offices when part of permitted light industry	P	P	S	X
Public and governmental facilities	P	P	S	X
Public or private schools	S	S	S	X
Ready-mix concrete and asphalt plants	X	X	X	P
Restaurants	P	P	S	X
Retail businesses	P	P	S	S
Service and keeping of heavy industrial equipment	X	X	X	P
Small animal clinic	X	S	P	X
Storage sheds (rental spaces)	S	S	S	S
Utilities ²	X	X	S	P
Utility substations ⁸	X	S	S	S
Warehouses	S	S	P	P
Wholesale businesses (factory outlets)	S	S	S	S

P = Permitted by right

S = Permitted by special review

X = Prohibited

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015; Ord. No. 2016-06, exh. A. 8-23-2016; Ord. No. 2019-10, § 2, 8-13-2019)

File Copy / PC
Attachment D

Ronald W. & Debra M. Rowell
PO Box 294
Paonia, CO 81428

July 11, 2016
Honorable Paonia Mayor Charles Stewart
Town of Paonia Board of Trustees
Town of Paonia Staff

Greetings ,

This narrative accompanies the attached "Application for Amended Zoning" to hopefully simplify what we are requesting for our commercial property located at 602, 604 and 6006 Second Street (one (1)) parcel occasionally known as 205 North Fork. Please see attached legal description Exhibit A.

This property has be zoned as Light Industrial since the beginning of zoning requirements. Practically every time we have rented out units in this building we have been required to apply for variances to accommodate those uses. With the probable sale of this property to Gia Fannelli we are requesting an amendment to the Zoning for a C-2 designation with amended use of dwelling as a permitted use.

Page 1. Narrative.

Page 2 through 5. Application.

Page 6. Exhibit A Legal Description.

Page 7 and 8. Improvement Location Certificate.

Page 9. Plat with surrounding properties,

Page 10. Water Tap Certificate.

Page 11 and 12. Building descriptions.

Respectfully,  Ronald W. Rowell

 Debra M. Rowell

Town of Paonia

www.townofpaonia.com



**Notice of Public Hearing
Town of Paonia, Colorado
Amendment of Section 16-3-70 Schedule of Uses Commercial Districts
Case No. PC-2016-04**

Notice is hereby given of the Amendment of Section 16-3-70 Schedule of Uses Commercial Districts Public Hearing before the Town Board of the Town of Paonia, Colorado on Tuesday, the 23rd day of August, 2016 at 7:45 PM in the Paonia Town Hall, 214 Grand Avenue, Paonia, Colorado 81428.

This is a zoning amendment pursuant to the provisions of Codified Ordinances of the Town of Paonia, Chapter 16 the Paonia Zoning Ordinance. Section 16-3-70 Schedule of Uses Commercial Districts currently requires Special Review for Dwelling units as a part of a business use in the Town of Paonia. This zoning amendment would provide for Dwelling units secondary to the business use in C-1 and C-2 Districts as a Permitted by right use. The Town of Paonia is the applicant and recommending party for this zoning amendment. The recommended Amendment of the Schedule of Uses Amendment is as below:

Sec. 16-3-70. Schedule of uses, commercial and industrial districts.

**Table 16-3
Schedule of Uses – Commercial and Industrial Districts**

<i>Use</i>	<i>C-1 District</i>	<i>C-2 District</i>	<i>I-1 District</i>	<i>I-2 District</i>
Dwelling units secondary to the business use	P	P	S	X

P = Permitted by right

S = Permitted by special review

X = Prohibited

For further information regarding the Amendment of Section 16-3-70 Schedule of Uses Commercial Districts and Public Hearing process please contact Jane Berry, Town Manager, Telephone: (970) 527-4101, 214 Grand Avenue, PO Box 460, Paonia, CO 81428.

Jane A. Berry, Town Manager
Town of Paonia, Colorado
July 29, 2016

Published: Delta County Independent on 8/3/2016 and 8/10/2016

TOWN OF PAONIA

TO: Mayor Stewart and Members of the Town Board of Trustees
FROM: Jane A. Berry, Town Manager
RE: **Planning Commission Recommendation:**
Amendment of Section 16-3-70 Schedule of Uses Commercial Districts
Case No. PC-2016-04 Requested By: Ronald and Debra Rowell and the
Town of Paonia Planning Commission

DATE: August 11, 2016

The Town of Paonia Planning Commission convened a Special Meeting of the Commission on Thursday, August 11, 2016, at 7:00PM to conduct a duly noticed meeting pursuant to the provisions and requirements of the Codified Ordinances of the Town of Paonia, Chapter 16 Zoning, Article 14 Amendment Procedures (Section 16-14-20), specifically for Amendment of Section 16-3-70 Schedule of Uses Commercial Districts.

Town Manager Jane Berry, Ronald and Debra Rowell discussed the proposed amendment with the Planning Commission for amendment to Section 16-3-70 Schedule of Uses Commercial Districts to provide for Dwelling Units Secondary to Business Use as a Permitted by Right Use.

No citizens wished to address the Planning Commission on this matter.

The Planning Commission continued their discussion and deliberation of Case No. PC-2016-04. This zoning amendment is requested by commercial property owners, existing and proposed businesses provides, and the Planning Commission for dwelling units secondary to the business use in C-1 and C-2 districts as a permitted by right use. This amendment would eliminate the current cumbersome and expensive requirement of a Special Review Application and process for dwelling units as a part of a business use. Dwelling uses would be secondary to the business use.

Many businesses in town are interested in being able to have a residence in their commercial property to assist them in sustaining their business as well as returning the historic use of commercial properties whereby the merchant and his family occupied a residence in some portion of their business property.

This change would also address current nonconforming uses and preserve the character of the Town's Downtown and community commercial districts. Business property owners Ronald and Debra Rowell have are requesting this amendment in addition to their zoning amendment.

RECOMMENDATION OF THE TOWN OF PAONIA PLANNING COMMISSION:

Motion by Commissioner Stewart, Supported by Commissioner Bear to approve the Amendment of Section 16-3-70 Schedule of Uses for C-1 (Core Commercial) and C-2 (Community Commercial) Districts for Dwelling Units as part of a business use from Permitted by Special Review to Dwelling Units secondary to the business use Permitted by Right as requested from business property owners Ronald and Debra Rowell and in addition as requested by the Planning Commission and to recommend approval of the same to the Town Board.

Ayes: Stewart, Heck, Bear, Hirschfeld

Nays: None

Motion carried unanimously

1. Consideration to Adopt Ordinance 2016-04 Thliveris Addition Zoning

Ordinance in packet. – cstew read title for record. - kbud move to adopt – Swatson 2nd. – no discussion – unan

2. Consideration to Adopt Ordinance 2016-05 Rowell Parcels Zoning Amendment

Ordinance in packet – cstew read title for record – bbrunner – to adopt – bbear and Swatson 2nd – unan

3. Consideration to Adopt Ordinance 2016-06 Chapter 16 Town Code - Amendment to Schedule of Uses

Ordinance in packet. – cstew read title for record. –

Bbear – permitting the use – or use with restrictions?

Jberry – zoning ordinance has sched of uses for all zoning classifications. – comm and industrial have dwelling units by special review which is a long and costly process. – Town already allows it, the change allows it as a permitted by right but secondary to a business. Already allow dwelling uses, just by special review – other codes and processes govern what can be done, and how permitted and approved.

Can a property owner have a dwelling unit at their business location?

Swatson – special review process is a process where fire safety, parking availability, number of units, all addressed at that time. Cutting out the review process I believe we have an obligation to investigate and set parameters. Should try to set some parameters. - \

Discussion ensued regarding inconsistencies within zoning – current existing residential uses.

Dbradford – bus comm building downtown – want to set up a residence and don't have to change the building they can move right in. changes to structure a building permit required which would address the issues.

Swatson – how to address water, trash, sidewalk fee – jberry – work with the businesses, get to know them, town clerk auditing commercial accounts and getting compliant with codes and sitting down with them.

Jberry - Law abiding citizens in community get permits, renew permits, etc. others try to challenge it. We work with any of them.

Cstew – giving one more opportunity to speak. - Bbrunner – believes change will open up to multi use in c-1 c-2 and will result in congested parking, each units could be expected to have multiple vehicles – going to be a problem – cut down parking for businesses – issue with property taxes – comm is at 29 ½ % res is about 1/3 of that – properties converted will result in loss of sales tax. –

Ironic town admin feels fee is burdensome when it is half of what she recommended it be set at. – reasonable to allow res in comm property – not a good idea to make a blanket change – legitimate questions regarding proper posting – need to reach out more to property comm owners and need further study.

Cbook – situation where there is a residence but not occupied, and some things are outdated, only concern is potential for fire. How do we make sure residences are updated for those issues?

Jberry – issues are everywhere, not just commercial with residential. – Property owners are responsible. – if operation business and not taking on any steps to renovate no need for building permits, etc. Responsibility to maintain property is property owner – codes and updated when renovations come in to place.

Cstew – opportunity where town can support businesses – can be very helpful to support business when an owner can live within their business. Risk of vandalism and crime drops when people are in town all night, trying to eliminate the special review procedure. – recognize the reality in town currently and accommodate those who have a business and wish to live at the location of that business.

bbrunner – a lot of potential – move to send to planning commission for further study – positive plan but negative impacts need to be weighed. – Swatson 2nd motion failed pole vote with Watson brunner voting yay

Swatson – move to allow zoning chg in c – 2 and leave c – 1 as special review process while investigated more closely.

Cstew – accepting a motion to adopt and you can amend

Dbrad move to adopt ordinance 2016-06 as written – kbud 2nd. – passed – brunner and Watson – nay.

Swatson move to amend motion to permit cvhg in c – 2, leaving c-1 as special review. – bbrunn 2nd failed – brunner and Watson

Kbud – c- 1 downtown right now? Jberry - On grand and on third and main.

Jberry – not an issues given to the board tonight – everyone had weeks to come in look at map, talk to staff, talk to business owners. We can talk about assist business all night long but this is a huge step in right direction.

Bbear – presented at zoning meeting, which was noticed and no one attended.

Cbook – need to support the business and interested in possible ordinance regarding some type of code and structure reviews.

Bbrunner – simplistic to think it will be a boost to all business owners – mixed reaction. –

STATE OF COLORADO
TOWN OF PAONIA, COLORADO
ORDINANCE NO. 2014-04

AN ORDINANCE OF THE TOWN OF PAONIA, COLORADO, ADOPTING BY REFERENCE AND ENACTING A NEW MUNICIPAL CODE FOR THE TOWN OF PAONIA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR THE ADOPTION OF SECONDARY CODES BY REFERENCE; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the Town of Paonia (the "Town"), is a duly organized and existing statutory municipality of the State of Colorado, created and operating pursuant to the Colorado Revised Statutes; and

WHEREAS, the members of the Board of Trustees of Paonia (the "Board") have been duly elected and qualified; and

WHEREAS, pursuant to § 31-16-202, C.R.S, the Town is authorized to enact any ordinance which adopts any code by reference in whole or in part.

NOW, THEREFORE, Be It Ordained by the Board of Trustees of the Town of Paonia, Colorado:

Section 1. The Code entitled the Paonia Municipal Code published by Colorado Code Publishing Company, now known as Municode, consisting of Chapters 1 through 18, with Appendix, Tables and Index, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance, which are inconsistent with the provisions of the Paonia Municipal Code, to the extent of such inconsistency, are hereby repealed. The repeal established in this Section 2 shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

Section 3. The following code is hereby adopted by reference and incorporated in the Paonia Municipal Code. One (1) copy is on file in the Town Clerk's office:

(1) The *Model Traffic Code for Colorado*, 2010 edition, published by the Colorado Department of Transportation, as adopted and amended in Section 8-1-10, et seq.;

Section 4. The following codes were previously adopted by reference and incorporated in the Paonia Municipal Code. One (1) copy of each is on file in the Town Clerk's office:

(1) The *International Building Code*, 2003 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-1-10, et seq.;

(2) The *International Residential Code*, 2003 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-2-10, et seq.;

(3) The *International Existing Building Code*, 2003 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-3-10, et seq.;

(4) The *Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings*, published by the Colorado Office of State Planning and Budgeting, as adopted and amended in Section 18-4-10, et seq.;

(5) The *Colorado Recommended Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings*, published by the Colorado Office of State Planning and Budgeting, as adopted and amended in Section 18-4-10, et seq.; and

(6) The *Guidelines for Manufactured Housing Installations*, 1991 edition, published by the International Conference of Building Officials, as adopted and amended in Section 18-5-10, et seq.

Section 5. The penalties provided by the Municipal Code of the Town of Paonia are hereby adopted as follows:

(1) **Sec. 1-4-20. General penalty for violation. (Chapter 1, General Provisions; Article 4, General Penalty)**

Any person pleading guilty or convicted of violating a municipal ordinance may be incarcerated for a period not to exceed one (1) year or fined an amount not to exceed one thousand dollars (\$1,000.00), or by both such fine and imprisonment, except as hereinafter provided in Section 1-4-30. In addition, such person shall pay all costs and expenses in the case, including attorney fees. Each day such violation continues shall be considered a separate offense.

(2) **Sec. 1-4-30. Application of penalties to juveniles. (Chapter 1, General Provisions; Article 4, General Penalty)**

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to, a violation of any provision of this Code, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation or count. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. Nothing in this Section shall be construed to prohibit incarceration in an appropriate facility, at the time of charging, of a juvenile violating any section of this Code.

(3) **Sec. 1-4-40. Altering or tampering with Code; penalty. (Chapter 1, General Provisions; Article 4, General Penalty)**

Any person who alters, changes or amends this Code, except in the manner prescribed in this Chapter, or who alters or tampers with this Code in any manner so as to cause the ordinances of the Town to be misrepresented thereby, shall, upon conviction thereof, be punished as provided by Section 1-4-20 hereof.

(4) Sec. 1-4-50. Penalty for violation of ordinances adopted after adoption of Code. (Chapter 1, General Provisions; Article 4, General Penalty)

Any person who violates any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this Code, either before or after it has been inserted in this Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-4-20, or, in the case of juveniles, as provided by Section 1-4-30, unless another penalty is specifically provided for the violation.

(5) Sec. 5-2-60. Remittance schedule. (Chapter 5, Franchises; Article 2, Electric Franchise; Division 1, Generally)

The Company shall remit franchise fee revenues to the Town in monthly installments not more than thirty (30) days following the close of each month. All payments shall be made to the Town. In the event that either the Town or the Company discovers that there has been an error in the calculation of the franchise fee payment to the Town, the error shall be corrected in the next monthly payment. Underpayments shall be subject to one and one-half percent (1.5%) interest per month until paid. In the event an error by the Company results in an overpayment of the franchise fee to the Town, and said overpayment is in excess of five thousand dollars (\$5,000.00), credit for the overpayment shall be spread over the same period of time that the error was undiscovered. If the overpayment is less than five thousand dollars (\$5,000.00), credit shall be taken against the next payment. In no event shall the Town be required to refund any overpayment made as a result of a Company error which occurred more than three (3) years prior to the discovery of the Company error.

(6) Sec. 5-2-610. Breach. (Chapter 5, Franchises; Article 2, Electric Franchise; Division 4, Approval and Compliance)

(a) If the Company fails to perform any of the terms and conditions of this franchise, and such failure is within the Company's control, the Town may require the Company to show cause, at a hearing before the Board of Trustees, why the reasons its rights and privileges under this franchise should not be forfeited or other penalties imposed as provided by this franchise or by law. No such hearing shall be held unless the Company has first been given notice of its failure and reasonable time, not to exceed ninety (90) days, in which to remedy the failures. If the Company does not remedy the failures, the Board of Trustees may determine at such a hearing whether such failure to perform and the Company's failure to remedy the same occurred and, if so, whether such failure to perform is substantial. The Board of Trustees may impose one (1) or more of the following remedies or penalties for a substantial failure to perform.

(1) A civil penalty of five hundred dollars (\$500.00) for each day or portion thereof in which the Board of Trustees has determined that the failure was committed or continued. The Company understands and agrees that such liquidated damages are intended to compensate the Town for the additional efforts of the Town in administering and enforcing the franchise, for inconvenience to Town operations and to the residents and loss of confidence in government and morale of the Town and its residents when franchise obligations are not met. Such damages are uncertain in amount and difficult to measure and prove accurately. By this franchise, the Company agrees that the liquidated damages specified herein are reasonable in amount and are not disproportionate to actual anticipated damages.

(2) Forfeiture of all rights under this franchise.

(3) Any other remedies available to the Town by law.

(b) The Town may take action to correct the failure, and the Company shall promptly reimburse the Town for the cost of such action.

(c) In the event of litigation for a breach of this franchise or for an interpretation of this franchise, the prevailing party shall be reimbursed for all costs related thereto, including reasonable attorney's fees, by the nonprevailing party.

(7) Sec. 6-3-10. Medical marijuana businesses prohibited. (Chapter 6, Business Licenses and Regulations; Article 3, Medical Marijuana Businesses)

Medical marijuana businesses, including medical marijuana centers, optional premises cultivation operations and marijuana-infused products manufacturing operations are prohibited within the Town. In addition to any other penalties that may exist under state federal and local laws, violation of this Section shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment, each day of violation considered and declared to be a separate violation.

(8) Sec. 7-2-170. Automobile junkyards. (Chapter 7, Health, Sanitation and Animals; Article 2, Nuisances)

(a) An automobile wrecking or junkyard, if located in any exclusively or predominantly residential neighborhood within or within one (1) mile beyond the outer limits of the Town, is hereby defined and declared to be an offensive business or establishment and is hereby prohibited.

(b) An automobile wrecking or junkyard is hereby defined as including a yard or place where wrecked, abandoned or junked automobiles, trucks or other vehicles are stored or kept for dismantling and salvage of parts therefrom.

(c) Any person, corporation or partnership violating any provision of this Section shall be deemed guilty of an offense and upon conviction thereof shall be fined in the sum of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) for each offense. In addition, anyone convicted of violating this Section shall be ordered to abate such offensive business or establishment by removal of such stored or kept automobiles, trucks or other vehicles within ten (10) days from such conviction, and upon failure to do so, such convicted violator of this Section shall be fined an additional twenty dollars (\$20.00) per day for each day after said ten-day period that he or she so fails to abate said offensive business or establishment, and the judgment and order of conviction shall so state. In the alternative, anyone violating this Section may be sentenced to imprisonment not exceeding ninety (90) days. The provisions of this Section with respect to fines and penalties are and shall be deemed severable from each other, and if any such provisions are held or determined to be invalid or unenforceable, the remainder of this Section shall stand unaffected by any such holding or determination.

(9) Sec. 7-3-80. Removal of junk by Town; assessment of costs; collection. (Chapter 7, Health, Sanitation and Animals; Article 3, Accumulation of Junk)

(a) If the owner or occupant fails or refuses to remove such junk within twenty (20) days from the date of the notice and order issued in accordance with Section 7-3-60 above, from the notice that negotiations were unsuccessful under Subsection 7-3-60(b) above, or from the decision of the Board of Trustees under Section 7-3-70, above, the Enforcement Officer shall have the

authority to remove or cause to be removed such junk, either by and through Town forces, contract or otherwise. If the owner or occupant fails to pay the costs of removal within five (5) days after receipt of invoice, the whole cost thereof, including five percent (5%) for inspection and incidental costs in connection therewith, may be assessed upon the lots and tracts from which such junk has been removed. Any assessment pursuant to this Subsection shall be a lien against such lot or tract of land until paid.

(b) In case the assessment prescribed in Subsection (a) above is not paid within ninety (90) days from the date of the mailing of an invoice for the cost of the removal of such junk by the Town, such assessment may be certified to the County Treasurer who shall collect such assessment, together with a ten-percent penalty for the cost of collection in the same manner as other taxes are collected. The laws of the State for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall govern and apply to the collection of assessments pursuant to this Subsection.

(10) Sec. 7-3-120. Criminal prosecution. (Chapter 7, Health, Sanitation and Animals; Article 3, Accumulation of Junk)

(a) Each day that junk continues to exist unremoved from the premises alleged to be in violation after the date of expiration of the applicable twenty-day notice provided for in Subsection 7-3-60(a) herein or, in the event an agreement to mitigate is desired by the owner or applicant and negotiations are deemed unsuccessful, according to Subsection 7-3-60(b) herein, shall constitute a separate violation.

(b) Any person convicted of violating the provisions of this Article may be fined by the Municipal Court a sum not to exceed one thousand dollars (\$1,000.00).

(11) Sec. 7-7-50. Vicious animals. (Chapter 7, Health, Sanitation and Animals; Article 7, Animals; Division 1, General Provisions)

(a) No person shall own, keep, harbor or allow a vicious animal within the Town.

(b) Vicious animals shall be impounded as a public nuisance.

(c) A hearing shall be conducted by the Municipal Judge as soon as possible to determine if a violation of this Section has occurred and what disposition shall occur.

(d) If such animal is found to be vicious by the Municipal Judge, he or she may order the Animal Control Officer or authorized member of the Police Department to humanely euthanize said animal under the supervision of a licensed veterinarian, and may impose a fine and/or jail sentence, or both, against the owner of such animal as provided by this Code. This disposition provision is in addition to any other terms of disposition provided for in any ordinances of the Town.

(12) Sec. 8-1-50. Penalties. (Chapter 8, Vehicles and Traffic; Article 1, Model Traffic Code)

The following penalties, herewith set forth in full, shall apply to this Article:

(1) It is unlawful for any person to violate any of the provisions adopted in this Article.

(2) Every person convicted of any violation of any provision adopted in this Article shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(13) Sec. 8-3-30. Penalty for violation. (Chapter 8, Vehicles and Traffic; Article 3, Parking Regulations.)

Any person convicted of violating the provisions of this Article shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(14) Sec. 10-6-50. Sale of cigarettes and tobacco products. (Chapter 10, General Offenses; Article 6, Minors)

(a) For purposes of this Code, the following words shall have the meanings ascribed hereafter:

Cigarettes means premanufactured cigarettes and/or hand-rolled cigarettes.

Minor means a person under the age of eighteen (18) years.

Tobacco products means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scraps, clippings, cutting and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

(b) Any person who knowingly furnishes to a minor, by gift, sale or any other means, any cigarettes or tobacco products commits an offense and, upon conviction thereof, shall be punished by a fine of two hundred dollars (\$200.00). It shall be an affirmative defense to a prosecution under this Subsection that the person furnishing the cigarettes or tobacco products was presented with and reasonably relied upon a valid state driver's license or other government-issued form of identification which identified the person receiving the cigarettes or tobacco products as being eighteen (18) years of age or older.

(c) Any minor who purchases or attempts to purchase any cigarettes or tobacco products, and/or is found to be in possession of any cigarettes or tobacco products commits an offense and, upon conviction thereof, shall be punished by a fine of one hundred dollars (\$100.00); except that, following a conviction or adjudication for a first offense under this Subsection, the Court in lieu of the fine may sentence the person to participate in a tobacco education program. The Court may allow such person to perform community service and be granted credit against the fine and court costs at the rate of five dollars (\$5.00) for each hour of work performed, for up to fifty percent (50%) of the fine and court costs.

(d) No retailer shall sell or permit the sale of cigarettes or tobacco products by use of a vending machine or other coin-operated machine; except that cigarettes may be sold at retail through vending machines only in:

(1) Factories, businesses, offices or other places not open to the general public;

(2) Places to which minors are not permitted access at any time during the day or night;

or

(3) Places where the vending machine is under the direct supervision of the owner of the establishment or an adult employee of the owner, including but not limited to establishments holding a valid liquor license issued pursuant to Article 47 of Title 12, C.R.S.

(e) Any person who sells or offers to sell any cigarettes or tobacco products shall display a warning sign as specified in this Subsection. Said warning sign shall be displayed in a prominent place in the building and on such machine at all times, shall have a minimum height of three (3) inches and a width of six (6) inches, and shall read as follows:

WARNING
IT IS ILLEGAL FOR ANY PERSON UNDER 18
YEARS OF AGE TO PURCHASE CIGARETTES AND
TOBACCO PRODUCTS AND, UPON CONVICTION,
A \$100.00 FINE MAY BE IMPOSED.

(f) Any violation of Subsection (e) above shall not constitute a violation of any other provision of this Section.

(15) Sec. 10-7-120. Possession of cannabis. (Chapter 10, General Offenses; Article 7, Alcoholic Beverages and Drugs; Division 2, Drugs)

(a) It shall be unlawful for any person to possess one (1) ounce or less of cannabis as hereinabove defined, and upon conviction thereof, he or she shall be punished by a fine of not more than one hundred dollars (\$100.00).

(b) Whenever a person is arrested or detained for a violation of Subsection (a) above, the arresting or detaining officer shall prepare a written notice or summons for such person to appear in court. The written notice or summons shall contain the name and address of such arrested or detained person, the date, time and place where such person shall appear and a place for the signature of such person indicating the person's written promise to appear on the date and at the time and place indicated on the notice or summons. One (1) copy of said notice or summons shall be given to the person arrested or detained, one (1) copy shall be sent to the Municipal Court and such other copies as may be required by the Police Department shall be sent to the places designated by the Police Department. The date specified in the notice or summons to appear shall be at least five (5) days after such arrest or detention unless the person arrested or detained demands an earlier hearing. The arrested or detained person, in order to secure release from arrest or detention, shall promise in writing to appear in court by signing the notice or summons prepared by the arresting or detaining officer.

(c) Any person who openly and publicly displays, consumes or uses not more than one (1) ounce of marijuana commits an offense and, upon conviction thereof, shall be punished, at a minimum, by a fine of not less than one hundred dollars (\$100.00) or, at a maximum, by a fine of not more than one hundred dollars (\$100.00) and, notwithstanding the provisions of Section 18-13-503, C.R.S., by fifteen (15) days in jail.

(d) The provisions of this Section shall not apply to any person who possesses or uses marijuana pursuant to the Dangerous Drugs Therapeutic Research Act.

(16) Sec. 11-1-20. Snow and ice removal from sidewalks. (Chapter 11, Streets, Sidewalks and Public Places; Article 1, Streets and Sidewalks)

(a) Every owner or occupant of any premises within the Town having a sidewalk or walkway on or adjacent to the premises shall have the duty to keep the sidewalk clean of snow and ice.

(b) All snow and ice from such sidewalks and public walkways shall be removed within twenty-four (24) hours of accumulation.

(c) All snow and ice from sidewalks and public walkways in the C-1, Core Commercial District shall be removed by 9:00 a.m.

(d) For purposes of this Section, *premises* shall mean any lot, parcel, outlot or other subdivision of real property, whether occupied or not, and whether or not a structure exists on the lot, parcel, outlot or other subdivision.

(e) If the owner or occupant does not remove the snow and ice as required in this Section, the Town Administrator shall, by certified mail, personal service or posting of a written notice affixed or hung on the door of an occupied residential property, direct the owner, occupant, agent in charge or other person responsible that the snow and ice be removed. Failure to comply with the provisions of this Section within twenty-four (24) hours following issuance of a written warning by the Town shall be a violation for which the property owner may be fined in accordance with the provisions of Section 1-4-20 of this Code.

(17) Sec. 11-3-30. Glass containers prohibited. (Chapter 11, Streets, Sidewalks and Public Places; Article 3, Public Parks)

(a) No person shall use glass containers within the parks of the Town.

(b) Any group of people using the Town parks shall be responsible for the possession of glass containers by its members.

(c) The Board of Trustees may allow exemptions to this Section by majority vote.

(d) Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and be punished in accordance with Section 1-4-20 of this Code, plus any cleanup costs associated with the accidental or intentional breakage of the glass containers.

(18) Sec. 13-1-20. Rates for water. (Chapter 13, Municipal Utilities; Article 1, Water Regulations)

...

(i) Billing procedure. Water meters will be read or usage estimated during the last five (5) workings days of the month. Utility bills will be mailed to the address provided by the water user no later than the fifth day of each month. The due date for utility bills shall remain constant on the fifteenth day of the month. A late charge of five dollars (\$5.00) will be added to each bill not paid by the fifteenth of each month. All unpaid utility bills are delinquent after the fifteenth of the month. A shutoff notice shall be sent on the twentieth of the month or the next Monday is the twentieth falls on a weekend, specifying a shutoff time and date. The penalty fee that shall be charged for shutoff for nonpayment is fifty dollars (\$50.00). This penalty fee, which is in addition

to the water charges and late fees, also covers the subsequent turn-on service charge once the outstanding bill is paid. A Public Works Department employee may be accompanied by a police officer to terminate service as of the notified date.

(1) The Town shall notify the water user and property owner of delinquent accounts. Notification shall be deemed issued by placing the shutoff notice in certified U.S. mail, return receipt requested, to the property owner's last known address, as indicated on the County's assessment roll or the Town's utility billing records, or delivered by personal service.

(2) Restoration of service after a shutoff for delinquent payment will be by a member of the Public Works Department during regular business hours after payment in full of all delinquent and current amounts owed, including all additional charges. Regular business hours for such payment and for requests for resumption of service are between the hours of 8:00 a.m. and 4:30 p.m. in person at the Town Office, Monday through Friday, except holidays. There will be no after-hours, holiday or weekend turn-on when there has been a delinquency shutoff, unless it has been approved by the Town Manager. There will be an additional one-hundred-dollar fee for after-hours, holiday or weekend turn-on.

(3) If a utility bill shows an unusual increase in water usage and if the water user notified the Town within thirty (30) days of the billing date, a Public Works Department employee will reread the meter. If the original meter reading is in error, the water user will be credited for the amount of the error. If the original meter reading is correct and the water users are served by a master meter, they will be liable for all measured water. If the original meter reading is correct and if the Public Works Department employee determines there is a leak on the water user's side of the meter and so informs the water user, the water user will be credited for the excess usage over the seasonal average usage back to the previous meter reading. No further credit will be made for excess usage after the date the user is informed of the leak, nor will there be any credit for periods preceding the previous meter reading.

...

(l) Unpaid charges a lien. All water charges, sewer charges, garbage collection charges and sewer and water tap fees shall be a lien upon the property furnished with the service, from the date such charges become due until such charges are paid in the full amount. The owner of every building, premises, lot or house shall be liable for the charges or tap fees for any water, sewer or garbage collection service furnished to their premises. Such lien and liability may be enforced by the Town in action at law or in a suit to enforce the lien. The Town shall not be required to look to any person or entity other than the owner for the payment of such charges. No change in ownership or occupation of the premises shall affect the application of this Section. In the event such charges are not paid within thirty (30) days after becoming due, the Town Clerk may certify such delinquent payments, together with accrued interest, to the County Treasurer, such charges to be collected in the same manner as the real property taxes on such premises, plus a ten-percent penalty to defray the costs of collection.

(19) Sec. 13-1-80. System prohibitions. (Chapter 13, Municipal Utilities; Article 1, Water Regulations)

(a) Water system damage. No person shall:

(1) Willfully, negligently or maliciously break, damage, destroy, uncover, deface, tamper with or alter any structure, property, appurtenance, equipment or any other item which is part of the water system;

(2) Remove any in-Town water meter, water pipe or other water equipment or tools owned by the Town; or

(3) Prevent or circumvent a water meter from measuring water supplied by the water system.

(b) Obtaining water fraudulently. Tampering with water system equipment or stealing water service shall be grounds for discontinuance of water service. Theft of water shall include, but not be limited to, the following:

(1) Opening valves at the curb or meter that have been turned off;

(2) Breaking, picking or damaging cut-off locks;

(3) Bypassing meters in any way;

(4) Taking unmetered water from hydrants by unauthorized person or department;

(5) Removing, disabling or adjusting meter registers;

(6) Connecting to or intentionally damaging water lines, valves or other appurtenances for the purpose of stealing or damaging water system equipment;

(7) Moving the meter or extending service without permission;

(8) Any other intentional act of defacement, destruction or vandalism to water system property or act that affects water system property; or

(9) Any intentional blockage or obstruction of water system equipment.

Water service turned on without permission or by someone not officially designated by the Town to do so, or any unauthorized turn-on, off or tampering with a meter shall subject the user or the property owner to whom the tap is registered to a penalty fee of one hundred dollars (\$100.00) for the first offense and a misdemeanor summons to the Municipal Court for subsequent offenses. All penalties paid will be in addition to the regular costs of connection and service, as well as liability for full damages, repairs, investigations or inspection incurred by their actions. After three (3) prohibition violations by the same user, the matter will be sent before the Board of Trustees for a public hearing and further action, including possible tap revocation.

...

(f) Unpaid charges.

(1) The name that appears on the account for water service shall be billed for payment of all charges. All water charges and fees shall be a lien upon the property furnished with the service from the date such charges become due until such charges are paid in the full amount. Such lien and liability may be enforced by the Town in an action at law or in a suit to enforce the lien. The Town shall not be required to look to any person or entity other than the owner

for the payment of such charges. No change in ownership or occupation of the premises shall affect the application of this Section. In the event such charges are not paid within thirty (30) days after becoming due, the Town Clerk may certify such delinquent payments, together with accrued interest, to the County Treasurer, such charges to be collected in the same manner as the real property taxes on such premises, plus a ten-percent penalty to defray the costs of collection.

(2) The Town shall have the right to refuse to provide water service to an applicant or to any member of an applicant's household who is living at the same address whenever such person is delinquent on any payment to the Town or had his or her water service discontinued because of a violation of this Article.

(20) Sec. 13-3-170. Violation and penalty. (Chapter 13, Municipal Utilities; Article 3, Watershed)

(a) Offense. Any person who violates any of the provisions of this Chapter shall be fined in accordance with the provisions of Section 1-4-20 of this Code.

(b) Remedies. The remedies herein provided shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law. Nothing herein shall be construed a waiver of any civil remedies available to the Town.

(21) Sec. 13-5-260. Lien. (Chapter 13, Municipal Utilities; Article 5, Sewer System; Division 2, Tap Fees and Service Charges)

All sewer charges and tap fees shall be a lien upon the property furnished with the service, from the date such charges become due until such charges are paid in the full amount. The owner of every building, premises, lot or house shall be liable for the charges or tap fees for any sewer service furnished to their premises. Such lien and liability may be enforced by the Town in an action at law or in a suit to enforce the lien. The Town shall not be required to look to any person or entity other than the owner for the payment of such charges. No change in ownership or occupation of the premises shall affect the application of this Section. In the event such charges are not paid within thirty (30) days after becoming due, the Town Clerk may certify such delinquent payments, together with accrued interest, to the County Treasurer, such charges to be collected in the same manner as the real property taxes on such premises, plus a ten percent (10%) penalty to defray the costs of collection.

(22) Sec. 13-6-30. Charges. (Chapter 13, Municipal Utilities, Article 6, Garbage Collection)

...

(g) A fine of not more than one thousand dollars (\$1,000.00) for each offense may be levied against a person or business establishment using garbage containers or Dumpsters that they have not themselves contracted for, if they are not registered for and subject to the appropriate fees, if they are not residents of the Town or for any other violation hereof. Any person, agent, corporation or firm violating any Section of this Article shall be deemed guilty of a petty offense and subject to the stated fine. Each day of such violation shall constitute a separate offense.

...

(23) Sec. 13-6-50. Lien. (Chapter 13, Municipal Utilities; Article 6, Garbage Collection)

All garbage collection charges shall be a lien upon the property furnished with the service from the date such charges become due until such charges are paid in the full amount. The owner of every building, premises, lot or house shall be liable for the charges for any garbage collection service furnished to his or her premises. Such lien and liability may be enforced by the Town in an action at law. The Town shall not be required to look to any person other than the owner for the payment of such charges. No change in ownership or occupation of the premises shall affect the application of this Section. In the event such charges are not paid within thirty (30) days after becoming due, the Town Clerk shall certify such delinquent payments, together with accrued interest, to the County Treasurer, such charges to be collected in the same manner as the real property taxes on such premises, plus a ten-percent penalty to defray the costs of collection.

(24) Sec. 13-6-100. Violation and penalty. (Chapter 13, Municipal Utilities; Article 6, Garbage Collection)

A person using garbage containers or Dumpsters for which he or she has not contracted, if he or she is not registered for and subject to the appropriate fees, if he or she is not a resident of the Town or for any other violation hereof shall be punished in accordance with Section 1-4-20 of this Code. Any person violating any Section of this Article shall be deemed guilty of a petty offense and subject to the stated fine. Each day of such violation shall constitute a separate offense.

(25) Sec. 16-9-410. Penalties for noncompliance. (Chapter 16, Zoning; Article 9, Flood Damage Prevention; Division 4, Penalties)

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Article and other applicable regulations. Violation of the provisions of this Article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Article or fails to comply with any of its requirements shall be considered in violation of the Code and ordinances of the Town and shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than ninety (90) days, or both, for each violation and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Town from taking such other lawful action as deemed necessary to prevent or remedy any violation.

(26) Sec. 16-18-20. Penalty. (Chapter 16, Zoning; Article 18, Enforcement)

Any person upon conviction of a violation of this Chapter, shall be fined in accordance with the provisions of Section 1-4-20 of this Code.

(27) Sec. 18-4-40. Penalties. (Chapter 18, Building Regulations; Article 4, Energy Efficiency Standards)

The following penalty clause is herewith set forth in full and adopted: "It shall be unlawful for any person, firm or corporation to erect, construct, renovate, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the Town, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Energy Code. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of

a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Energy Code is committed, continued or permitted, and, upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

Section 6. Additions or amendments to the Code, when passed in the form as to indicate the intention of the Town to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 7. Ordinances adopted after this Ordinance that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to those provisions of the Code.

Section 8. This Ordinance shall become effective thirty (30) days after publication thereof.

ADOPTED AND ORDERED PUBLISHED on this 13th day of January, 2015.

ATTEST:

/S/

J. Corinne Ferguson, Deputy Town Clerk Neal Schwieterman, Mayor

STATE OF COLORADO
TOWN OF PAONIA, COLORADO
ORDINANCE NO. 2016 - 06

AN ORDINANCE OF THE TOWN OF PAONIA, COLORADO PROVIDING FOR THE AMENDMENT OF ZONING OF THE TOWN OF PAONIA, COLORADO, FOR SECTION 16-3-70 SCHEDULE OF USES COMMERCIAL DISTRICTS, DWELLING UNITS AS A SECONDARY USE TO THE BUSINESS USE AS A PERMITTED BY RIGHT USE PURSUANT TO THE CODIFIED ORDINANCES OF THE TOWN OF PAONIA, CHAPTER 16 ARTICLE 14 AMENDMENT PROCEDURES

WHEREAS, The Board of Trustees of the Town of Paonia, Delta County, Colorado, have reviewed the Recommendation of the Town of Paonia Planning Commission for the Amendment of Section 16-3-70 Schedule of Uses Commercial Districts Case No. PC-2016-04, Requested by Ronald and Debra Rowell and the Town of Paonia Planning Commission; and

WHEREAS, the Board of Trustees has determined, upon reviewing pertinent facts, data, and statutory law, that the amendment of Section 16-3-70 Schedule of Uses Commercial Districts is desirable and in conformity with the zoning district classification and uses for C-1 Core Commercial and C-2 Community Commercial with Dwelling Units Secondary to the Business Use as a Permitted by Right Use pursuant to the Codified Ordinances of the Town of Paonia, Chapter 16 Zoning; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, DELTA COUNTY, COLORADO:

1. That Section 16-3-70 Schedule of Uses Commercial Districts, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference, is hereby amended for Dwelling Units Secondary to the Business Use as a Permitted by Right Use.
2. The Town Board for the Town of Paonia is acting upon the Recommendation of the Town of Paonia Planning Commission said recommendation attached hereto as Exhibit "B".
3. This Ordinance shall become effective upon the date hereinafter set forth.
4. That if anyone or more sections or parts of this Ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate any of the remaining provisions hereof, it being the intention that the various provisions of this Ordinance are hereby repealed.

INTRODUCED, READ, APPROVED, ADOPTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO THIS 23rd DAY OF AUGUST, 2016 TO BECOME EFFECTIVE THIRTY DAYS AFTER PUBLICATION BY A MAJORITY VOTE OF THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA.

TOWN OF PAONIA, COLORADO

By: /s/
Charles Stewart, Mayor

ATTEST:

 /s/
J. Corinne Ferguson, Town Clerk

[Seal]

EXHIBIT A

**Town of Paonia, Colorado
Amendment of Section 16-3-70 Schedule of Uses Commercial Districts
Case No. PC-2016-04**

This is a zoning amendment pursuant to the provisions of Codified Ordinances of the Town of Paonia, Chapter 16 the Paonia Zoning Ordinance. Section 16-3-70 Schedule of Uses Commercial Districts currently requires Special Review for dwelling units as a part of a business use in the Town of Paonia. This zoning amendment would provide for dwelling units secondary to the business use in C-1 and C-2 Districts as a Permitted by right use. The Town of Paonia is the applicant and recommending party for this zoning amendment. The recommended Amendment of the Schedule of Uses Amendment is as below:

Sec. 16-3-70. Schedule of uses, commercial and industrial districts.

**Table 16-3
Schedule of Uses – Commercial and Industrial Districts**

<i>Use</i>	<i>C-1 District</i>	<i>C-2 District</i>	<i>I-1 District</i>	<i>I-2 District</i>
Dwelling units secondary to the business use	P	P	S	X

P = Permitted by right

S = Permitted by special review

X = Prohibited

EXHIBIT B

TOWN OF PAONIA

TO: Mayor Stewart and Members of the Town Board of Trustees
FROM: Jane A. Berry, Town Manager
RE: **Planning Commission Recommendation:**
Amendment of Section 16-3-70 Schedule of Uses Commercial Districts
Case No. PC-2016-04 Requested By: Ronald and Debra Rowell and the Town of Paonia Planning Commission
DATE: August 11, 2016

The Town of Paonia Planning Commission convened a Special Meeting of the Commission on Thursday, August 11, 2016, at 7:00PM to conduct a duly noticed meeting pursuant to the provisions and requirements of the Codified Ordinances of the Town of Paonia, Chapter 16 Zoning, Article 14 Amendment Procedures (Section 16-14-20), specifically for Amendment of Section 16-3-70 Schedule of Uses Commercial Districts.

Town Manager Jane Berry, Ronald and Debra Rowell discussed the proposed amendment with the Planning Commission for amendment to Section 16-3-70 Schedule of Uses Commercial Districts to provide for Dwelling Units Secondary to Business Use as a Permitted by Right Use.

No citizens wished to address the Planning Commission on this matter.

The Planning Commission continued their discussion and deliberation of Case No. PC-2016-04. This zoning amendment is requested by commercial property owners, existing and proposed businesses, and the Planning Commission for dwelling units secondary to the business use in C-1 and C-2 districts as a permitted by right use. This amendment would eliminate the current cumbersome and expensive requirement of a Special Review Application and process for dwelling units as a part of a business use. Dwelling uses would be secondary to the business use.

Many businesses in town are interested in being able to have a residence in their commercial property to assist them in sustaining their business as well as returning the historic use of commercial properties whereby the merchant and his family occupied a residence in some portion of their business property and/or rented units within their property.

This change would also address current nonconforming uses and preserve the character of the Town's Downtown and community commercial districts. Business property owners Ronald and Debra Rowell are requesting this amendment in addition to their zoning amendment.

RECOMMENDATION OF THE TOWN OF PAONIA PLANNING COMMISSION:

Motion by Commissioner Stewart, Supported by Commissioner Bear to approve the Amendment of Section 16-3-70 Schedule of Uses for C-1 (Core Commercial) and C-2 (Community Commercial) Districts for Dwelling Units as part of a business use from Permitted by Special Review to Dwelling Units secondary to the business use Permitted by Right as requested from business property owners Ronald and Debra Rowell and in addition as requested by the Planning Commission and to recommend approval of the same to the Town Board.

Ayes: Stewart, Heck, Bear, Hirschfeld
Nays: None

Motion carried unanimously

Minutes
Town Board Regular Meeting
Town of Paonia, Colorado
August 23, 2016

RECORD OF PROCEEDINGS

The Regular Meeting of the Town Board of Trustees held Tuesday, August 23, 2016 was called to order at 7:00 PM by Mayor Charles Stewart, followed by the Pledge of Allegiance.

Trustees present were as follows:

Mayor Charles Stewart
Trustee Bill Bear
Trustee David Bradford
Trustee Bill Brunner
Trustee Karen Budinger
Trustee Chelsea Bookout
Trustee Suzanne Watson

Town Staff present were as follows:

Town Manager Jane Berry
Town Clerk Corinne Ferguson
Sergeant Neil Ferguson arrived at 8 PM
Finance Officer Cindy Jones
Town Attorney David Marek
Treasurer Ross King

A quorum was present and Mayor Stewart proceeded with the meeting.

Approval of Agenda

Motion by Trustee Bradford, Supported by Trustee Budinger to amend the agenda correcting Ordinance numbers and removing item #2, Airport Advisory Board Appointment. Motion carried with six (6) ayes and zero (0) nays.

Announcements

None

Visitors

Elaine Brett was present on behalf of Downtown Colorado Paonia Institute. Ms. Brett provided a summary report for the Institute, which took place August 4, and August 5, 2016. Attendees represented were from both the Western Slope as well as the Front Range.

Public Hearing – Thliveris Addition Zoning to C-2

Mayor Stewart opened the public hearing for the Thliveris Addition Zoning at 7:26pm. Town Manager Berry provided an explanation of the process for zoning an addition following annexation stating these facts:

1. The Planning Commission met August 11, 2016 for the purpose of establishing zoning recommendations to the Board for annexed parcels.
2. The Zoning Commission minutes were read for the record.
3. The Planning Commission recommends approval of C-2 zoning for the annexed parcels.

No Board comments submitted.

No public comment submitted.

Mayor Stewart closed the public hearing at 7:30pm.

Public Hearing – Rowel Parcels Zoning Amendment from I-1 to C-2

Mayor Stewart opened the public hearing for the Rowell Parcels Zoning at 7:30pm.

Town Manager Berry provided an explanation of the process for amending existing zoning and provided these facts:

1. The Planning Commission met August 11, 2016 for the purpose of establishing amended zoning recommendations to the Board for the Rowell parcels.
2. The Zoning Commission minutes were read for the record.
3. The Planning Commission recommends amending the Rowell parcels zoning from I-1 to C-2.

Ron Rowell was sworn in for testimony. Mr. Rowell stated the amended zoning is proper for the parcels in question. Each time a tenant changes at the location a variance process must occur because of the I-1 rules. C-2 zoning is more appropriate for the existing business model.

Board Comment:

Trustee Brunner believes it is appropriate to re-zone to C-2.

Public Comment:

Dorothy Lorig – 212 North Fork Avenue – supports residential use within commercial area. Ms. Lorig believes the re-zoning will bring a stronger feel of residential to the existing neighborhood.

Mayor Stewart closed the public hearing at 7:37pm.

Public Hearing – Amendment of Section 16-3-70 Schedule of Uses for C-1 and C-2

Mayor Stewart opened the public hearing for the proposed amendment of Section 16-3-70 Schedule of Uses for C-1 and C-2 at 7:45pm.

Town Manager Berry provided a brief explanation of permitted use by right and permitted use by special review.

1. The Planning Commission met August 11, 2016 for the purpose of establishing a recommendation to the Board regarding amending zoning regulations within C-1 and C-2, specifically permitted use by right for dwelling units within commercial zoning.
2. The Zoning Commission minutes were read for the record.
3. The Planning Commission recommends amending Section 16-3-70 Schedule of Uses for C-1 and C-2.
4. All posting and notice requirements were met.

Board Comment:

Trustee Brunner questioned who can request the amendment and the validity of the process utilized for the change.

Trustee Watson questioned why C-1 and C-2 are included in the amendment.

Trustee Bookout questioned if the dwelling unit can be used as a rental or if it is only a dwelling unit for the business owner.

Public Comment:

Mike Jackson – owner of Western Colorado Realty.com – believes there are positive elements to allowing secondary dwelling units within the commercial area, but questions the safety, especially in the downtown area.

Steve Cassard – stated as a retired general contractor who has completed work on Grand Avenue, he is surprised we have not had a fire due to insufficient fire walls and other fire deterrents. Fires are more likely in residential than commercial, and Mr. Cassard believes the risk for a serious fire increases with mixed use.

Mayor Stewart closed the public hearing at 8:02pm.

Unfinished Business

Employment of Interim Town Manager

Mayor Stewart provided a brief history regarding Town Manager Berry's resignation and the Special Meeting for interviews held Monday, August 15, 2016. Dan Dean, former Town Manager for Mead, Colorado was selected as the top candidate for the Paonia Interim Town Manager position.

Motion by Trustee Budinger, supported by Trustee Bookout to go in to executive session following disbursements for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); and for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. Motion carried with six (6) ayes, and zero (0) nays.

New Business

Consideration to Adopt Ordinance 2016-04 – Thliveris Addition Zoning

Proposed Ordinance 2016-04 was provided in the Board packet. Mayor Stewart read the title heading for the audience.

2016-04 - AN ORDINANCE OF THE TOWN OF PAONIA, COLORADO PROVIDING FOR THE ZONING OF ANNEXED TERRITORY TO THE TOWN OF PAONIA, COLORADO, KNOWN AS THE THLIVERIS ADDITION AND DESCRIBING THE PROPERTY TO BE ZONED PURSUANT TO THE CODIFIED ORDINANCES OF THE TOWN OF PAONIA, CHAPTER 16 ARTICLE 1 ZONING OF ANNEXED TERRITORY AND CRS 31-12-115 ZONING OF NEWLY ANNEXED LAND.

Motion by Trustee Budinger, Supported by Trustee Watson to adopt Ordinance 2016-04. Motion carried with six (6) ayes and zero (0) nays.

Consideration to Adopt Ordinance 2016-05 – Rowell Parcels Zoning Adjustment

Proposed Ordinance 2016-05 was provided in the Board packet. Mayor Stewart read the title heading for the audience.

2016-05 AN ORDINANCE OF THE TOWN OF PAONIA, COLORADO PROVIDING FOR THE AMENDMENT OF ZONING OF THE TOWN OF PAONIA, COLORADO, KNOWN AS THE ROWELL ZONING AMENDMENT AND DESCRIBING THE PROPERTY FOR THE AMENDED ZONING PURSUANT TO THE CODIFIED ORDINANCES OF THE TOWN OF PAONIA, CHAPTER 16 ARTICLE 14 AMENDMENT PROCEDURES.

Motion by Trustee Budinger, Supported by Trustee Watson to adopt Ordinance 2016-05. Motion carried with six (6) ayes and zero (0) nays.

Consideration to Adopt Ordinance 2016-06 – Chapter 16 Town Code – Amendment to Schedule of Uses

Proposed Ordinance 2016-06 was provided in the Board packet. Mayor Stewart read the title heading for the audience.

2016-06 AN ORDINANCE OF THE TOWN OF PAONIA, COLORADO PROVIDING FOR THE AMENDMENT OF ZONING OF THE TOWN OF PAONIA, COLORADO, FOR SECTION 16-3-70 SCHEDULE OF USES COMMERCIAL DISTRICTS, DWELLING UNITS AS A SECONDARY USE TO THE BUSINESS USE AS A PERMITTED BY RIGHT USE PURSUANT TO THE CODIFIED ORDINANCES OF THE TOWN OF PAONIA, CHAPTER 16 ARTICLE 14 AMENDMENT PROCEDURES.

Discussion ensued regarding the implementation of restrictions with the residential permitted use in C-1 and C-2, the benefit of utilizing the special review process to investigate the proposed change in use, and the existing non-conforming uses within the Town.

Trustee Bradford stated that a commercial building that already has a living space would not require any review, while a property that requires alteration will require a building permit and multiple inspections.

Trustee Brunner believes allowing the mixed use in the core commercial area will result in parking congestion and property taxing issues and requires further study.

Mayor Stewart believes this change is an opportunity for the Town to support business. The risk of crime and vandalism drops with a residential presence in the commercial area as well.

Motion by Trustee Brunner, Supported by Trustee Watson to return Ordinance 2016-06 to the Planning Commission for further study. Motion failed with two (2) ayes and four (4) nays from Trustees Bear, Bradford, Bookout, and Budinger.

Motion by Trustee Watson to allow zoning permitted use change in C-2 while C-1 requires a special review.

Mayor Stewart stated he will not accept the motion made by Trustee Watson, but will accept a motion to accept Ordinance 2016-06, which Trustee Watson can move to amend.

Motion by Trustee Bradford, Supported by Trustee Budinger to adopt Ordinance 2016-06 as presented. Motion carried with four (4) ayes and two (2) nays from Trustees Brunner and Watson.

Motion by Trustee Watson, Supported by Trustee Brunner to allow zoning permitted use change in C-2 while C-1 requires a special review. Motion failed with two (2) ayes and four (4) nays from Trustees Bear, Bradford, Bookout, and Budinger.

Consideration to Approve Purchase of Road Grader from the Town of Ophir

Public Works Director requests the Board approve the purchase of a road grader for the cost of \$15,000.00, \$700.00 for transport, and up to \$1,000.00 for minor repairs.

Motion by Trustee Bookout, Supported by Trustee Budinger to approve the purchase of a road grader from the town of Ophir for the cost of \$15,000.00, \$700.00 for transport, and up to \$1,000.00 for minor repairs. Motion carried with six (6) ayes and zero (0) nays.

Consideration to Approve Amended Contract with C&N Construction for Additional Concrete Work

A handicap ramp will be installed at Town Hall and extra concrete is necessary at the Niagara intersection. The total addition is \$4,300.00.

Motion by Trustee Bradford, Supported by Trustee Budinger to approve the amended contract with C&N Construction in the amount of \$4,300.00. Motion carried with six (6) ayes and zero (0) nays.

Consideration to Award Contract for Real Estate Services for Sale of Town Owned Properties

Request for Proposals were sent to multiple real estate brokers. The deadline for submittals was August 19, 2016. Two (2) proposals were submitted from Re/Max Mountain West Realty and Western Colorado Realty.com.

Town Manager Berry stated both firms have a successful track record and are very professional. Either firm will perform well for the Town.

Bob Lario on behalf of Re/Max and Mike Jackson on behalf of Western Realty thanked the Town for the opportunity and answered questions presented by the Board.

Motion by Trustee Bookout, Supported by Trustee Brunner to award contract for real estate to Western Colorado Realty.com. Motion carried with six (6) ayes and zero (0) nays.

Consideration to Approve Large Group Park/Event Application for the Ute Trail Car Club

Evelyn Roseberry and Car Club President Len Krebbs were present on behalf of the Ute Trails Car Club. The club requests permission to use the drive area surrounding Paonia Town Park for the annual car show. No issues noted.

Motion by Trustee Bradford, Supported by Trustee Bookout to approve the Large Group Park/Event Application for the Ute Trail Car Club. Motion carried with six (6) ayes and zero (0) nays.

Regular Business

Mayor's Report: Mayor Charles Stewart had nothing to report.

Town Manager Report: Town Manager Jane Berry reported:

1. Recommended Treasurer Ross King coordinate the listing process with Mike Jackson and Western Colorado Realty.com.
2. Recommended the removal of the farm house from the Devaney property. The fire department has been contacted to see if they will burn it down as a training exercise.

Motion by Trustee Bradford, Supported by Trustee Budinger to approve Treasurer Ross King to coordinate with Western Colorado Realty.com regarding the sale of the two (2) Town properties. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Bradford, Supported by Trustee Bookout to market the Croussen property as 15.47 acres with all Farmers Ditch shares owned by the Town. Motion carried with six (6) ayes and zero (0) nays.

3. Public Works Director Loberg is on leave through September 30, 2016.
4. Suggested the Town update the Town Zoning Map.

Town Manager Berry provided an overview of the current budget to actuals and possible upcoming areas of concern. Town Manager Berry has withdrawn interest in being a Town consultant.

Public Works Department Report: Public Works Director Travis Loberg was absent. Town Manager Berry reported:

1. Multiple projects continue.

Police Department Report: Sergeant Neil Ferguson reported:

1. Report provided in packets.
2. An Off Highway Vehicle (OHV) ordinance is being drafted.
3. Marijuana issues, including odor complaints are being addressed. Written complaints and a willingness to testify in court are necessary.
4. Positive feedback was received regarding police availability and presence during Pickin in the Park.

Treasurers Report: Town Treasurer Ross King reported:

1. Disbursements have been reviewed.
2. Proposed DMEA Franchise Agreement regarding Elevate Fiber is with Town Attorney.
3. Recommended Town consider joining Colorado Communications and Utility Association (CCUA).

Motion by Trustee Bradford, Supported by Trustee Budinger to appoint Treasurer Ross King to fill interim position to review disbursements and payroll prior to submittal to the Finance

Committee. Motion carried with six (6) ayes and zero (0) nays.

Committee Reports

1. Finance and Personnel: Nothing to report.
2. Public Works: Met on Monday with engineers from WestWater and SGM to discuss upcoming and ongoing projects.
3. Public Safety: Met with Jeff Wright and Sergeant Ferguson. A Disaster Procedure Ordinance needs to be drafted and adopted.
4. Governmental Affairs: Requested the names of interested tree board members be provided.
5. Services & Recreation: Parks Contractor Mike Altenhoffen stated the tree side of Town Park needs aerated.
6. Facilities & Development: Nothing to report.

Minutes

Motion by Trustee Bradford, Supported by Trustee Bear to approve the Town Board Special Meeting Minutes for July 26, 2016. Motion carried with four (4) ayes and two (2) nays.

Motion by Trustee Budinger, Supported by Trustee Bradford to approve the Town Board Regular Meeting Minutes for August 9, 2016. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Bradford, Supported by Trustee Budinger to approve the Town Board Special Meeting Minutes for August 13, 2016. Motion carried with six (6) ayes and zero (0) nays.

Motion by Trustee Bradford, Supported by Trustee Budinger to approve the Town Board Special Meeting Minutes for August 15, 2016. Motion carried with six (6) ayes and zero (0) nays.

Disbursements

Motion by Trustee Bear, Supported by Trustee Budinger to authorize the disbursements as reviewed by the Finance Committee with the Town Treasurer Ross King, in the amounts of \$84,389.46 for accounts payable, \$15,083.63 for payroll taxes, and \$17,264.34 for payroll. Motion carried with six (6) ayes and zero (0) nays.

Executive Session

As voted upon during unfinished business:

The Town Board entered Executive Session at 10:05pm.

The Town Board reconvened the Meeting Session at 10:39pm.

Mayor Stewart stated the names of the participants in the Executive Session being himself Mayor Charles Stewart, Trustee Bradford, Trustee Bear, Trustee Brunner, Trustee Bookout, Trustee Budinger, and Trustee Watson. No concerns were noted from those who participated in the Executive Session.

Motion by Trustee Bradford, Supported by Trustee Bear to authorize Town Attorney to make an offer of employment to Dan Dean pursuant to proposed employment contract at rate of \$40.00 per hour. Motion carried with six (6) ayes and zero (0) nays.

Adjournment

The meeting was adjourned by Mayor Charles Stewart at 10:43 PM

J. Corinne Ferguson, Town Clerk

Charles Stewart, Mayor

**State of Colorado
Town of Paonia
Ordinance
2020-01**

AN ORDINANCE OF THE PEOPLE OF THE TOWN OF PAONIA AMENDING CHAPTER 13, ARTICLE 1, OF THE TOWN OF PAONIA MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION 13-1-131, IMPOSING A MORATORIUM ON THE SALE OF WATER TAPS AND PLACING LIMITS ON FUTURE WATER SALES.

WHEREAS, pursuant to C.R.S. § 31-11-101 et. seq., Colorado law recognizes the initiative and referendum powers granted to municipal electors; and

WHEREAS, on or about August 25, 2019, Mr. Bill Brunner, a citizen of the Town of Paonia, submitted an Affidavit of Circulator to the Paonia Municipal Clerk to receive approval of the Town of Paonia to the form of a proposed citizen’s initiative petition; and

WHEREAS, on September 4, 2019, Mr. Bill Brunner and Ms. Kathy Martinez (hereinafter the “Petitioners”), as citizens of the Town of Paonia, filed a citizen’s initiative petition seeking the adoption of an ordinance of the Town of Paonia, amending Chapter 13, Article 1, of the Paonia Municipal Code by the addition of a new Section 13-1-131, imposing a moratorium on the sale of future water sales (hereinafter the “Citizen’s Initiative Petition”).

WHEREAS, on October 3, 2019, the Town Clerk for the Town of Paonia deemed the Citizen’s Initiative Petition complete and provided written notice to the Petitioners of the same; and

WHEREAS, on October 8, 2019, the Board of Trustees undertook a review and consideration of the Citizen’s Initiative Petition and, thereafter, the Board approved submitting the Citizen’s Initiative Petition to the registered electors of the Town of Paonia; and

WHEREAS, on January 7, 2020 the Town of Paonia held a special election regarding the Citizen’s Initiative Petition; and

WHEREAS, the people of the Town of Paonia voted in favor of the Citizen’s Initiative Petition 291 to 206; and

WHEREAS, the results of the election were certified by the Town on January 16, 2020;

WHEREAS, the time in which a party may contest the results of the election has passed; and

WHEREAS, pursuant to C.R.S. § 31-16-105 all Ordinances shall be published after their adoption;

NOW THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE TOWN OF PAONIA, COLORADO, AS FOLLOWS:

Section 1. Amendment of Town Code.

Chapter 13, Article 1, of the Town Code is amended by the addition of the following:

Sec. 13-1-131 Moratorium.

(a) Definitions. As used in this Section, unless the context clearly indicates otherwise, the following terms shall have the following meanings.

Moratorium means suspension of the sale of domestic water taps that the Town of Paonia is not legally obligated to serve on the effective date of this ordinance.

Tap means a physical service connection to the municipal domestic water supply distribution system or right to water supplied by the Town of Paonia. For the purposes of this Section, tap shall also include the extension of water delivery pipes.

(b) Moratorium on the Sale of Water Taps.

A moratorium is hereby imposed on the sale of water taps by the Town of Paonia.

(c) Requirements for termination of the moratorium and limits on future sales.

(1) This moratorium shall be in effect until the following conditions are met:

(i) A report, bearing the seal of a licensed engineer experienced in domestic water supply systems, finds that the Town of Paonia has in operation sufficient infrastructure and associated water rights to serve all existing obligations for water into the foreseeable future, and;

(ii) A report, bearing the seal of a licensed engineer experienced in domestic water supply systems, quantifies additional obligations, enumerated in the form of water taps, that the Town of Paonia can reasonably supply without the likelihood of adversely affecting the service to existing water tap holders.

(d) The Town of Paonia shall not incur obligations for more water taps than the number quantified in the report required by subsection (c)(I)(ii) above, unless another report meeting the conditions of subsection (c)(1)(ii) establishes a new limit.

(e) This moratorium shall not apply to water delivered at a stand pipe or public tap operated by the Town of Paonia.

Section 3. Severability.

If any provision of this ordinance or the application of it to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications. The provisions of this ordinance are expressly declared to be severable.

Section 4. Effective Date.

This ordinance shall become effective upon publication, January 29, 2020.

THIS SPACE INTENTIONALLY LEFT BLANK

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:

- You must contact the Town Administrator or Town Clerk prior to coming to the Board. Quite often the issue can be resolved by staff action.
- No charges or complaints against *individual* employees should be made. Such charges or complaints should be sent to the employee's Department Head in writing with your signature.
- Remarks that discriminate against anyone or adversely reflect upon the race, color, ancestry, religious creed, national origin, political affiliation, disability, sex, or marital status of any person are *out of order* and may end the speaker's privilege to address the Board.
- Defamatory, abusive remarks or profanity are *out of order* and will not be tolerated.

Please complete the following information and return this form no later than the Monday, a week prior to the Board meeting to the above address or bring it to the Town Hall at 214 Grand Avenue.

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.

Name of person making presentation: Bill Brunner

Organization, if speaking on behalf of a group: _____

Is this a request for Board action? Yes No

Please provide a summary of your comments:

This is another request (in addition to requests from 2 trustees) for the promised public discussion on the dwelling units planned and under construction in C1 without Special Review. See attached pages for further discussion. I am requesting the Board under take the required Special Review for the planned uses in the Hays Drug and Masonic Lodge buildings.

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

Emailed with Town Administrator and reviewed CORAed documents, made repeated requests for agenda time

Contact information:

Name: Bill Brunner
Physical Address: 608 2nd st
Mailing Address: po box 172

E-mail: bill@paoniairon.com
Daytime Phone: 9702602296

Office Use Only:
Received: _____
Approved for Agenda: _____ Denied
Board Meeting Date: _____ include in packet

Sec. 16-3-70. - *Schedule of uses, commercial and industrial districts.* Table 16-3
Schedule of Uses - Commercial and Industrial Districts

Dwelling units as a part of a business use	S
--	---

Part of a business use: as in the business of renting dwelling units primarily for profit.

Dwelling units secondary to the business use	P
--	---

Secondary to the business use: as in a dwelling unit for the owner that is secondary to the primary business.

Multiple-family dwellings	S
---------------------------	---

For comparison consider:

Sec. 16-11-30. - *Renting of rooms.*

(a) Single-unit dwellings. The *renting of rooms* to one (1) or two (2) persons, not members of the family residing in the same single-unit dwelling, may be permitted as an accessory use, provided that the following conditions are met: ***note: permitted as use accessory or secondary to the primary use. Not allowed if it is part of the primary use. As in: Dwelling units part of a business use require special review.***

Definition of *accessory*

- 1 : assisting under the orders of another especially : contributing to a crime but not as the chief agent
- 2 : aiding or contributing in a secondary way : supplementary accessory materials
- 3 : present in a minor amount and not essential as a constituent an accessory mineral in a rock

Secondary:

- 1. coming after, less important than, or resulting from someone or something else that is primary

Then there is this: ***(off street parking required)***

Sec. 16-6-10. - Off-street parking spaces required.(a) The following number of off-street parking spaces ***shall be provided*** with the construction, addition or change of use, ***which requires a special review to any of*** the buildings, and uses listed in Table 16-5 below.

(c) *Table 16-5* below sets forth the parking requirements for uses.

Table 16-5

Off-Street Parking Space Requirements

Residential units:	
Efficiency or one-bedroom	1.5 spaces per unit
Two-bedroom	2.0 spaces per unit

Section 16 - ARTICLE 4. - *SPECIAL REVIEW APPLICATION REQUIREMENTS AND PROCEDURES*

Sec. 16-4-10. Intent.

Each established zoning district is intended for a specific type or category of land use (e.g., single-family dwelling in an R-1 district). However, there are certain uses, which may or may not be appropriate in a particular district, depending on the situation. For example, the location, nature of the proposed use, character of the surrounding area, traffic capacities of adjacent streets and potential environmental effects all may dictate that the circumstances of the development should be individually reviewed. The special review process is established to provide for these specific uses without establishing numerous separate zoning classifications. It is the intent of this Article to provide a review of such uses so that the community is assured that the proposed uses are compatible with the location and surrounding land uses. (Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-4-20. When allowed.

Within each zoning district, certain land uses are permitted by right or by special review or prohibited. Special review uses may be permitted in designated districts upon review by the Planning Commission and approval by the Board of Trustees.

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

Sec. 16-4-30. Site plan and supporting documents.

There shall be filed with each special review application a site plan drawn to scale and an appropriate number of copies as determined by the Town Administrator. The site plan shall be drawn in black ink on Mylar. Following approval by the Board of Trustees, the applicant shall submit a reproducible copy of the original site plan to the Town for the Town's permanent records. The special review application shall include the following:

- (1) The site plan showing the location of all buildings, structures and other improvements to be placed on the real property. A building envelope may be used in lieu of showing the exact building or structure location to allow for minor variations in the location.
- (2) A legal description of the property.
- (3) A list of the names and addresses of all property owners within two hundred (200) feet of the property.
- (4) All off-street parking and loading areas.
- (5) The location of all ways for ingress to and egress from all buildings and parking areas.
- (6) Service and refuse collection areas.
- (7) Major screening proposals.
- (8) The size, shape, height and character of all signs.
- (9) The area and location of all open space and recreation areas.
- (10) The location and type of outdoor lighting.

-
- (11) The character and type of landscaping to be provided. The landscaping shall be indicated in tabular form showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on the site plan.
 - (12) The anticipated timetable for completion. If the project is to be completed in phases, then the date for completion of each phase shall be indicated.
 - (13) The following agreement will be placed on the original special review site plan, signed by all owners and lienholders of the property: The undersigned agree that the real property described on the site plan shall be developed only in accordance with the approved special review site plan and other provisions of the zoning regulations of the Town of Paonia. The signatures of all owners and lien holders shall be notarized. The agreement shall further designate who is specifically responsible for the proposed improvements.
 - (14) In addition to the site plan, a title policy indicating that the property is free and clear of all ownership disputes, liens or encumbrances whatsoever which would impair the use of the property for the uses approved. The title policy shall provide verification that all owners and lien holders have signed the special review site plan. The title policy shall be effective within twenty-four (24) hours after the date of approval by the Board of Trustees. If the title policy is not provided to the Town Clerk within seven (7) days after action by the Board of Trustees, the action by the Board of Trustees shall be automatically voided.
 - (15) Other information as needed by the Town to analyze the feasibility and impacts of the special review use, which may include, but are not limited to, traffic analyses, soils or geological reports or drainage and engineering studies.

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

Sec. 16-4-40. Procedures for securing approval of special review application.

- (a) The applicant shall schedule a conference with the Town Administrator prior to submitting a formal application. This will serve to better acquaint the applicant with the Town's policies, requirements, procedures and the Master Plan objectives. The preapplication conference should be held before the applicant has entered into binding commitments or incurs substantial expenses in the preparation of plans, surveys and other studies.
- (b) *Filing deadline.* Applications for special review shall be filed at least thirty (30) days in advance of the meeting at which they are to be considered by the Planning Commission. The Town will provide the applicant with a list of filing deadlines and meeting dates. Applications that are incomplete at the time of filing will not be scheduled for review by the Planning Commission.
- (c) *Fees.* All persons filing a special review application shall be charged a fee to cover the cost of advertising and processing. The amount of the fee shall be established by resolution of the Board of Trustees.
- (d) *Review by the Town Administrator.* The Town Administrator shall review the application for compliance with the provisions of this Code, the site plan review criteria and performance standards of this Section and for consistency with the Master Plan. The Town Administrator shall receive comments from all other pertinent Town departments and other agencies and from the Development Review Committee. The Town Administrator may then submit his or her recommendations and comments to the Planning Commission for its consideration at its next regularly scheduled meeting. Copies of staff recommendations shall be available to the applicant prior to the Planning Commission's meeting.
- (e) At a duly noticed public hearing the Planning Commission shall consider the special review application *by the Planning Commission* and the comments and recommendations of the Town Administrator. As a part of their review of the proposed special review use, the Planning Commission shall consider the Special Review Site Plan review criteria and performance standards of Section 16-4-50 below.
- (f) *Action by the Board of Trustees.* Within thirty (30) days after the action by the Planning Commission, the Board of Trustees shall consider the special review request and the recommendations of the staff and the Planning

Commission. The Board of Trustees shall then make the final decision to approve the application, approve the application with modifications or deny the application.

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

Sec. 16-4-50. Site plan review criteria and performance standards.

- (a) The criteria for review and performance standards are as follows:
 - (1) Compliance of the application with this Code in general.
 - (2) The compatibility of the proposed use and site plan with the character of the surrounding area.
 - (3) The desirability and need for the proposed use.
 - (4) The potential for adverse environmental influences that might result from the proposed use.
 - (5) Compatibility of the proposed use and site plan with the policies and guidelines of the Comprehensive Plan.
- (b) Lights and signs shall be located in a manner that will not be distracting to adjoining properties or passing motorists.
- (c) Landscaping shall be provided in areas near the public right-of-way and located with consideration for energy conservation. An acceptable plan must be provided for the maintenance of the required landscaped areas.
- (d) Control of storm drainage shall be provided so as to not damage adjoining properties. The plan must be approved by the Town Engineer.
- (e) Site design and building plans shall include provisions for the needs of handicapped individuals as required by the Building Code or other ordinances of the Town.
- (f) Approved landscaping or solid fencing capable of screening adjacent properties shall be provided where commercial uses abut residential uses.
- (g) Commercial and industrial uses shall conform to the following performance standards:
 - (1) No dust, odor, gas, fumes, glare or vibration shall extend beyond lot lines. Glare pertains to sunlight reflected from windows or other integral portions of buildings, as well as from lighting fixtures and signs.
 - (2) Smoke shall not be emitted at a density greater than #1 on the Ringleman's scale.
 - (3) No particles of fly ash shall exceed two-tenths percent (0.2%) grains per cubic foot of the flue gas at a stack temperature of fifty (50) degrees Fahrenheit.
 - (4) Noise. No noise shall be emitted which exceeds a maximum of seventy-five (75) decibels with a maximum increase of five (5) decibels permitted for a maximum of fifteen (15) minutes in any one (1) hour. In addition, every activity shall be conducted so that no noise produced is objectionable due to intermittence, beat frequency or shrillness.
 - (5) Water pollution. No water pollution shall be emitted by the manufacturing or other processing.
 - (6) Outside storage areas that adjoin R-1, R-2 or R-3 Districts must be screened from view with screening of at least eight (8) feet high. The screening shall be constructed of board fencing, screened metal fencing or shrubs.
 - (7) Truck traffic to and from the I-1 and I-2 District facilities must be restricted to truck routes. The weight of the trucks is limited to standard highway limits unless otherwise posted.
 - (8) Industrial activity within the I-1 District will be restricted to 7:00 a.m. to 9:00 p.m.

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

ARTICLE 6. - OFF-STREET *PARKING* AND *LOADING*

-
- Sec. 16-6-10. - Off-street *parking spaces required*.
- (a)

The following number of off-street *parking spaces* shall be provided with the construction, addition or change of use, which *requires* a special review to any of the buildings, and uses listed in Table 16-5 below.

(b)

Parking spaces shall be at least nine (9) feet by nineteen (19) feet, except that up to twenty-five percent (25%) of the *required spaces* may be designated for compact cars with a minimum space of eight (8) feet by sixteen (16) feet.

(c)

Table 16-5 below sets forth the *parking requirements* for uses.

Table 16-5
Off-Street *Parking Space Requirements*

Use	<i>Parking Requirements</i>
Residential units:	
Efficiency or one-bedroom	1.5 spaces per unit
Two-bedroom	2.0 spaces per unit
Three-bedroom	2.5 spaces per unit
Four or more bedrooms	3.0 spaces per unit

ARTICLE 13. - NONCONFORMING BUILDINGS

Sec. 16-13-10. - Objectives.

Certain uses of land or buildings, sizes of lots or location or size of structures may be found to be in existence at the time of the passage of the initial ordinance codified herein, which do not meet the requirements of this Chapter. It is the intent of this Article to allow the continuance of such nonconformance but not to encourage its enlargement *or to allow its continuance should the use be discontinued for a period of one (1) year.* Such nonconformance is declared to be incompatible with other uses in the district. Each situation needs to be considered by the Planning Commission and Board of Trustees on its own merits.

Sec. 16-13-50. Abandonment.

If *any nonconforming use* of land, a building or a structure is abandoned for a period exceeding one (1) year, no nonconforming use may be reestablished upon such land or within such building or structure.

From: [Mary B](#)
To: [Corinne Ferguson](#)
Subject: Re: denial of agenda request
Date: Friday, February 4, 2022 8:26:49 AM

Thanks for sharing this. I support your decision.

We probably need to put the whole water treatment plants on the agenda. It is going to come up, probably in your report and I'd rather make this an actual discussion point rather than an aimless attack on you. Do we have any numbers from SSG we can put in the packet?

Let me know what you think.

Mary

From: Corinne Ferguson <corinne@townofpaonia.com>
Sent: Friday, February 4, 2022 8:15 AM
To: Tamie M <tamiem@townofpaonia.com>
Cc: Mary B <maryb@townofpaonia.com>
Subject: RE: denial of agenda request

Tamie,

I am not blaming you/the Board for anything. I was simply stating that the Board could have requested more information, which would have given the opportunity to appropriately put together an administrative report to present. A citizen's request 24 hours before the deadline for a thoughtful report is unfeasible. There was nothing to bring to the Board when Frederick purchased the building. He has not modified the building in a way that warranted any action. Below is the rest of the conversation I had with Paige on this topic. I apologize if you read into what I wrote in a way that was not the tone or intention of my words. It seems I have again offended you.

Paige,

I understand what you are saying, and I don't disagree with a public discussion. What I am saying is that there is not enough time given at this point in the process for Tuesday to properly have this discussion as an agenda item. There are six units existing in the Kennedy Building - long before the Town even had zoning regulations - with only 5 that the current owner plans for long-term rentals. No water lines are being extended. No tap size is being changed. Jeff will not be in attendance at our meetings until March when they are moved to Thursdays.

Thank you,

J. Corinne Ferguson
Town Administrator/Clerk

“The first responsibility of a leader is to define reality. The last is to say thank you. In between, the leader is a servant.” Max DePree

Please consider the environment before printing this e-mail.

Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.
The Town of Paonia is an equal opportunity employer.

From: Paige S <paiges@townofpaonia.com>
Sent: Thursday, February 3, 2022 4:44 PM
To: Corinne Ferguson <corinne@townofpaonia.com>
Subject: RE: denial of agenda request

There are a lot of moving parts occurring here and a building permit being approved does not mean that the proper zoning regulations have been taken into consideration. I brought this up because of its importance to Trustees treating everyone the same....one contractor cannot extend a water line to create six units where six did not previously exist if we just told a citizen they could not extend their line at their residence.

Time is of the essence, and we have an attorney well acquainted with zoning laws. Let's utilize that expertise and save everyone a lot of confusion. However, all of this must be approved by the Trustees which is why I brought it up and I don't believe the Trustees have been provided adequate information on special reviews, what is allowed in the C-1 district, and exactly what is being proposed at the Kennedy building and the Masonic Temple.

Paige

From: Tamie M <tamiem@townofpaonia.com>
Sent: Thursday, February 3, 2022 8:40 PM
To: Corinne Ferguson <corinne@townofpaonia.com>
Subject: Re: denial of agenda request

Corinne, I believe this should have been brought to the board when Frederick first approached the town. That additional living units will be built downtown requires consideration for parking, additional water lines (moratorium says not) and others. We've had a lot going on and yes, shame on us for not asking the right questions. But it was YOUR responsibility to bring it to the board. How dare you blame us for this.

Tamie Meck
Trustee

From: Corinne Ferguson <corinne@townofpaonia.com>

Sent: Thursday, February 3, 2022 4:13 PM

Subject: RE: denial of agenda request

All, (Board is bcc'd)

I respectfully request that I be given at least until the next Board meeting, if not the first meeting in March to gather and present my opinion to the Board. A permit has been approved for modifications at the Kennedy Building (Hays) but no permits have been approved for what was the Masonic Lodge. It is impossible to expect that I can properly provide an opinion based on the history since the residential in C-1 became a permitted by-right use 7 years ago in less than 24 hours from when packets must be published. I would also argue that after seven years of permitted dwellings in C-1 and precedent has already been set.

At any time when this has been brought up in multiple meetings, the Board could have chosen to ask for additional information and they chose not to.

I realize that our new trustees are not privy to previous situations like this prior to taking a seat on the Board and I take that into consideration with this request, but once again I am being put in a position where one community member emails an opinion to the Board after the agenda has been set and finalized and there is an expectation that all will be modified and I can present a well-prepared review.

This is not the case and instead what the Board will get from me is a rushed opinion not well thought out, which puts not only myself but the Board in a bad position – and then that will be used as another opportunity for some to point out their opinions regarding my ability to operate professionally as the administrator. I believe this is both unfair and inappropriate.

*J. Corinne Ferguson
Town Administrator/Clerk*

“The first responsibility of a leader is to define reality. The last is to say thank you. In between, the leader is a servant.” Max DePree

Please consider the environment before printing this e-mail.

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

The Town of Paonia is an equal opportunity employer.

From: Paige S <paiges@townofpaonia.com>

Sent: Thursday, February 3, 2022 12:27 PM

To: Corinne Ferguson <corinne@townofpaonia.com>; Mary B <maryb@townofpaonia.com>

Subject: FW: denial of agenda request

I respectfully request this topic be put on the upcoming meeting agenda. There appears to be a lot of confusion surrounding this issue of downtown buildings being converted into multiple residences. As Trustees we cannot be put in a position of having to offer forgiveness after-the-fact and under duress. Could be a very bad precedent.

I was present when Suzanne Watson expressed her concerns to Corinne that these building remodels needed a special review and Corinne emphatically replied that they didn't. As we rely on Corinne for this type of decision making, I would ask that Corinne present to the Trustees why she feels this type of construction does not need a special review. If she would rather not be put in that position, the Trustees should be able to talk about this ASAP and if needed make a motion to have our new attorney, Jeff Conklin advise as to what is needed in both (and future) cases.

Thank you,

Paige

From: Bill Brunner <Bill@paoniairon.com>

Sent: Thursday, February 3, 2022 10:39 AM

To: Corinne Ferguson <corinne@townofpaonia.com>; Mary B <maryb@townofpaonia.com>; Karen Budinger <karenb@townofpaonia.com>; Mick J <mickj@townofpaonia.com>; Dave K <DaveK@townofpaonia.com>; Tamie M <tamiem@townofpaonia.com>; Paige S <paiges@townofpaonia.com>; Jeff T <JeffT@townofpaonia.com>

Subject: RE: denial of agenda request

Hello board members

The Mayor is refusing to place this matter on the agenda until I confer with a staff member. The trouble is, the projects are under construction, the administration is ignoring the Code requirements for special review by the Board and the longer this goes on the harder it is going to be to correct the situation if the Board decides special review is needed. The reason I am bringing this forward is building permits are (finally) being discussed and issued. Time is of the essence.

Here is a brief description of what I see.

Corinne

On second thought, let's do this by email so we can do it today.

The problem with new living units in C1 is:

There is no grandfather clause, dwelling use having been suspended for more than a year. Code permits living units secondary to the business use, as in a living unit for a shop keeper in C1.

Code requires Special Review for living units as part of a business use, as in renting of living

units for profit in C1.

Code requires Special Review for multi family dwellings in C1.

Moratorium prohibits extension of water service to any new use.

6 living units in the Hays Drug building and 3 in the Masonic Lodge are clearly multi family dwellings and clearly a new demand on the water system.

If there is a claim of living units in ether location at the time of sale to the present owner(s) it needs to be brought forward and examined pubicaly. Tax records show one bath in Hays and 2 in the Lodge, and no residential use.


The Town is engaging in wildly uneven enforcement of the moratorium.

I will provide detailed documentation of the above claims prior to the meeting.

Thank you

Bill Brunner

AGENDA SUMMARY FORM

	Disbursements		
Summary:			
Notes:			
Possible Motions:			
Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Vacant	Trustee Smith	Trustee Thompson

March 11, 2022

FOR: 04/14/2022

UBB OPS DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC OPS BALANCE		329,383.36
ACCOUNTS PAYABLE	03/18/2022-04/06/2022	(166,055.11)
LOAN PAYMENT	D08F212	(11,671.70)
NORRIS RETIREMENT PAYMENT	Scheduled 4/26/2022	(1,680.00)
CHASE CREDIT CARD	02/24/22-03/23/22	(1,828.10)
TRANSFER TO SUMMIT	Approved 03/24/2022	(100,000.00)
TRANSFER TO PAYROLL	3/25/2022	(23,696.82)
PAYROLL TAXES	3/25/2022	(18,909.18)
BALANCE AFTER PAYMENT		5,542.45

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*

UBB SUMMIT/PAYROLL DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC SUMMIT BALANCE		1,393,887.61
TRANSFER FROM OPS		100,000.00
TRANSFER FROM INT. GRANTS		-
TRANSFER TO OPS		
CURRENT FSBC PAYROLL BALANCE		25.00
TRANSFER FROM OPS	3/25/2022	23,696.82
PAYROLL (DIRECT DEPOSIT)	3/25/2022	(23,696.82)
BALANCE AFTER PAYMENT		1,517,609.43

A

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*

UBB INTERNAL GRANT DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT INTERNAL GRANT BALANCE		36,840.14
BALANCE AFTER PAYMENT		36,840.14

*Transfer from Operations Account to Payroll Account then disbursed as Direct Deposit

BANK BALANCES				
	FSBC	COLOTRUST	TOTAL	DESCRIPTION
As of: 04/06/2022				
GENERAL		532,591.60		COMBINED FUNDS
SEWER RESTRICTED		530,680.05		PROPERTY SALE-RESTRICTED
DEBT RESERVE		106,929.95		AMKO BOND REQUIRED RESERVE
BRIDGE RESERVE		588,923.77		BRIDGE RESERVE
CONS.TRUST	10,410.83			RESTRICTED TO PARK USE ONLY
GRANT PASS THRU	25.00			PLACE HOLDER-COMBINED FUNDS
INT GRANT	36,840.14			PLACE HOLDER-COMBINED FUNDS
OPS	235,991.65			COMBINED FUNDS
PARK CONTRIBUTIONS	8,150.00			SPECIFIC PARK PROJECTS
PAYROLL	25.00			PLACE HOLDER-COMBINED FUNDS
SPACE-TO-CREATE	CLOSED			SPACE TO CREATE ONLY
SUMMIT	1,393,887.61			COMBINED FUNDS
WWTP	58,518.78			OLD SEWER REHAB ONLY
CD#2-402	203,413.42			COMBINED FUNDS-LOC COLLATERAL
CD#3-2578	260,592.42			COMBINED FUNDS
	2,207,854.85	1,759,125.37	3,966,980.22	

CASH POSITION				
	COMBINED	RESTRICTED	TOTAL	DESCRIPTION
As of: 04/06/2022				
GENERAL	532,591.60			
SEWER RESTRICTED		530,680.05		RESTRICTED TO SEWER CAPITAL PROJECT
DEBT RESERVE		106,929.95		RESTRICTED LOAN REQUIREMENT
BRIDGE RESERVE		588,923.77		RESTRICTED TO BRIDGE REPAIRS
CONS.TRUST		10,410.83		RESTRICTED TO PARK CAPITAL PROJECT
GRANT PASS THRU	25.00			
INT GRANT		36,840.14		RESTRICTED LOAN REQUIREMENT
OPS	235,991.65			
PARK CONTRIBUTIONS		8,150.00		SPECIFIC PARK PROJECTS AS DONATED
PAYROLL	25.00			
SPACE-TO-CREATE		CLOSED		SPACE TO CREATE ONLY
SUMMIT	1,393,887.61			
WWTP		58,518.78		OLD SEWER REHAB ONLY
CD#2-402	203,413.42			
CD#3-2578	260,592.42			
	2,626,526.70	1,340,453.52	3,966,980.22	

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	
04/14/2022	661	All Points Transit I	4268	3,100.00	.00	.00	3,100.00				2022 FUNDING REQUEST
04/14/2022	1245	Archuleta, Benny	ARCH4-1-20	1,500.00	.00	.00	1,500.00				ORC CONTRACT AGREEMENT
04/14/2022	654	Badger Meter, Inc.	1494144	900.00	.00	.00	900.00				ANNUAL LOGIN LICENSE
04/14/2022	654	Badger Meter, Inc.	1496281	6,500.00	.00	.00	6,500.00				MOBILE HARDWARE UPGRADE
04/14/2022	654	Badger Meter, Inc.	605033	4,511.04	.00	.00	4,511.04				BEACON ENGAGEMENT/HOSTING SERV
04/14/2022	987	Black Hills Energy	3/2022	2,061.61	.00	.00	2,061.61				UTILITIES
04/14/2022	1126	Brown Hill Enginee	661	1,710.00	.00	.00	1,710.00				2022 SCADA LEASE
04/14/2022	21	Caselle, Inc	116236	1,114.00	.00	.00	1,114.00				MONTHLY SOFTWARE FEE
04/14/2022	24	City of Delta	030322+021	499.00	.00	.00	499.00				SEWER SAMPLES
04/14/2022	1103	Clisset LLC	033122	350.00	.00	.00	350.00				LEAKING ROOF REPAIR (TOWN HALL)
04/14/2022	1183	Column Software	40F95FB6-0	150.56	.00	.00	150.56				LEGAL NOTICES
04/14/2022	1183	Column Software	40F95FB6-0	15.36	.00	.00	15.36				LEGAL NOTICES
04/14/2022	39	Delta County Inde	0322519674	51.80	.00	.00	51.80				CLASSIFIED AD
04/14/2022	56	Delta County Land	372362-3741	2,867.00	.00	.00	2,867.00				LANDFILL FEES
04/14/2022	43	Delta Montrose Ele	20886100-03	1,930.72	.00	.00	1,930.72				UTILITIES
04/14/2022	46	Dependable Lumb	2203-219026	380.60	.00	.00	380.60				VARIOUS
04/14/2022	48	Don's Market	01-1457133	4.49	.00	.00	4.49				WINDOW WASHER
04/14/2022	48	Don's Market	01-1467479	8.67	.00	.00	8.67				WATER SAMPLES SUPPLIES
04/14/2022	48	Don's Market	02-1138998	3.75	.00	.00	3.75				WATER SAMPLES SUPPLIES
04/14/2022	50	Duckworks Auto P	11044-38235	24.99	.00	.00	24.99				2007 JD50D EXCAVATOR SERVICE
04/14/2022	888	Filter Tech System	9123	8,323.00	.00	.00	8,323.00				FABRICATION/INSTALLATION RAW WATER HEADER
04/14/2022	1244	GRAND VALLEY	159297	360.00	.00	.00	360.00				PIPE LASER RENTAL
04/12/2022	1190	Great-West Trust	341524	250.00	.00	.00	250.00				QUARTERLY MONITORING FEE
04/12/2022	1246	Green Analytical L	GAL2203-09	275.00	.00	.00	275.00				WATER SAMPLES
04/14/2022	81	High Country Printi	19307	203.39	.00	.00	203.39				BUSINESS CARDS
04/14/2022	82	High Country Shop	96534-96535	192.35	.00	.00	192.35				CLASSIFIED AD
04/14/2022	560	Honnen Equipmen	1362144	442.91	.00	.00	442.91				BROOM ATTACHMENT REPAIR
04/14/2022	482	Larry D Gillenwate	423092	140.77	.00	.00	140.77				CAR WASH
04/14/2022	470	Leon, Susan	04012022-04	775.00	.00	.00	775.00				CLEANING CONTRACT
04/14/2022	645	Mail Services, LLC	1831819	458.34	.00	.00	458.34				BILLING POST CARDS
04/12/2022	1247	National Trench Sa	422982	1,771.00	.00	.00	1,771.00				TRENCH BOX RENTAL
04/14/2022	552	Pan American Ho	2022	100.00	.00	.00	100.00				ANNUAL ASSESSMENT
04/14/2022	122	Paonia Auto Parts	386433-4872	1,048.17	.00	.00	1,048.17				VARIOUS
04/14/2022	125	Paonia Farm & Ho	113383-1157	153.78	.00	.00	153.78				VARIOUS
04/14/2022	1119	Peak Alarm Co., In	1189669	137.64	.00	.00	137.64				QUARTERLY MONITORING FEE
04/14/2022	499	Phonz +	12754	513.73	.00	.00	513.73				SWITCH/MONITORS/CABLES/CONNECTORS/ADAPTER
04/14/2022	499	Phonz +	12755	4,955.74	.00	.00	4,955.74				LOGITECH RALLY+ MONITORS/MOUNT/CABLES
04/14/2022	499	Phonz +	12903	115.11	.00	.00	115.11				VIDEO SWITCH (SERVER)
04/14/2022	499	Phonz +	12904	1,741.98	.00	.00	1,741.98				MIC POD/CABLE/CONNECTOR/CHROME CAST
04/14/2022	499	Phonz +	12905	1,595.93	.00	.00	1,595.93				PROJECTOR/MICROPHONE MOUNT
04/14/2022	499	Phonz +	13007	1,685.83	.00	.00	1,685.83				MONTHLY IT FEES
04/14/2022	1241	Pipestone Equipm	12530	342.97	.00	.00	342.97				BRAIDED HOSE PRV
04/14/2022	1224	Rhinehart Oil Co.,L	CP-091968-2	924.94	.00	.00	924.94				FUEL
04/14/2022	737	Ricoh USA Inc	36311975	127.42	.00	.00	127.42				COPIER CONTRACT
04/14/2022	737	Ricoh USA Inc	5064207201	274.09	.00	.00	274.09				COPIER COPIES
04/14/2022	931	Roop Excavating L	1269	52,005.00	.00	.00	52,005.00				SEWER MAIN ALLEY REPLACEMENT
04/14/2022	148	Safety-Kleen Corp	88388001	286.28	.00	.00	286.28				OIL SERVICE/RECYCLE
04/14/2022	656	Schmueser Gordo	2013-471.00	3,600.00	.00	.00	3,600.00				GIS MAPPING/ASSET INV (FINAL)
04/14/2022	1242	Solid Solution Geo	1110	28,644.21	.00	.00	28,644.21				PAONIA WATER AUDIT (FINAL)
04/14/2022	853	Surface Creek Fa	02212022	204.00	.00	.00	204.00				CDL PHYSICAL
04/14/2022	861	The Paper-Clip LL	2043428-204	1,810.29	.00	.00	1,810.29				OFFICE SUPPLIES+FILING CABINETS
04/14/2022	161	UNCC	222031071	54.60	.00	.00	54.60				LOCATES
04/14/2022	162	United Companies	1448366	3,864.89	.00	.00	3,864.89				SEWER MAIN ALLEY REPLACEMENT
04/14/2022	162	United Companies	1448560	4,926.61	.00	.00	4,926.61				SEWER MAIN ALLEY REPLACEMENT
04/14/2022	162	United Companies	1448714	1,679.23	.00	.00	1,679.23				SEWER MAIN ALLEY REPLACEMENT
04/14/2022	162	United Companies	1448868	1,527.70	.00	.00	1,527.70				SEWER MAIN ALLEY REPLACEMENT

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	
04/14/2022	162	United Companies	1449069	792.92	.00	.00	792.92				SEWER MAIN ALLEY REPLACEMENT
04/14/2022	372	Western Slope Co	1742	11,679.50	.00	.00	11,679.50				PARK MASTER PLAN (FINAL)
04/14/2022	491	Winwater Corp	063112-03	285.70	.00	.00	285.70				SEWER MAIN ALLEY REPLACEMENT
04/14/2022	1248	Yoka Design LLC	1749	101.50	.00	.00	101.50				TREE BOARD LOGO
Grand Totals:			60	166,055.11	.00	.00	166,055.11				

Cash Requirements Summary

Date	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Net Cumulative Amount
04/12/2022	2,296.00	.00	.00	2,296.00	2,296.00
04/14/2022	163,759.11	.00	.00	163,759.11	166,055.11
Grand Totals:		166,055.11	.00	.00	166,055.11



COLORADO WATER RESOURCES & POWER DEVELOPMENT AUTHORITY

Logan Tower Bldg - Suite 620, 1580 Logan Street, Denver, Colorado 80203-1942
303/830-1550 · Fax 303/832-8205 · info@cwrpda.com

(Transmitted via email)

April 1, 2022

Corinne Ferguson
Town of Paonia
P.O. Box 460
Paonia, CO 81428

RE: Colorado Water Resources and Power Development Authority
Drinking Water Revolving Fund Direct Loan Program

Dear Corinne Ferguson:

Below is a breakdown of your loan repayment due: 5/1/2022

Table with 4 columns: Loan Number, Principal, Interest, Total. Row 1: D08F212, \$10,241.91, \$1,429.79, \$11,671.70

Wire and ACH Instructions

Please note: If the ACH form requires a payment type, select "DDA"

RBK: U.S. Bank N.A.
ABA: 091000022
BNF: USBANK Trust NA
777 E. Wisconsin Avenue
Milwaukee, WI 53202-5300
ACCT NO: 104792954745
Ref No: 14878100

BILL PAYMENT AUTHORIZED
Board Rep.
Town Manager
Dept./Code

If you have other loans with the Authority in other programs, please remit separate payments for each program as specified by the Loan Agreement or loan repayment letter. You will receive separate loan repayment letters for each program.

If you have any further questions, or you are unable to comply with this procedure, please call me prior to the payment date at (303) 830-1550 extension 1021. Additionally, please notify me of any address changes by e-mail at accounting@cwrpda.com or by phone at the number listed above.

Sincerely,

Valerie Lovato

Valerie Lovato
Senior Accountant II

Cc: Jennifer Petrino, Jennifer.Petrino@usbank.com; Lucy Vang, Lucy.Vang@usbank.com; Yia Vue, Yia.Vue@usbank.com



Manage your account online at : www.chase.com/cardhelp

Customer Service: 1-800-945-2028

Mobile: Download the Chase Mobile® app today

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
03/17	AUTOMATIC PAYMENT - THANK YOU	-1,635.09
03/09	MESA COUNTY HEALTH 866-7566041 CO	40.00 ✓
03/20	SPRINT *WIRELESS 800-639-6111 KS CINDY JONES TRANSACTIONS THIS CYCLE (CARD 8901) \$1059.47- INCLUDING PAYMENTS RECEIVED	535.62 ✓
03/17	ZOOM.US 888-799-9666 WWW.ZOOM.US CA CORINNE FERGUSON TRANSACTIONS THIS CYCLE (CARD 3742) \$40.00	40.00 ✓
03/15	ELEVATE FIBER 970-240-1247 CO	289.84 ✓
03/17	CONOCO - STOP N SAVE 9 PAONIA CO	86.79 ✓
03/21	CONOCO - STOP N SAVE 9 PAONIA CO TOWNOF PAONIA TRANSACTIONS THIS CYCLE (CARD 8181) \$499.88	123.25 ✓
03/01	USPS PO 0769660541 PAONIA CO TOWNOF PAONIA TRANSACTIONS THIS CYCLE (CARD 4100) \$6.80	6.80 ✓
02/23	USPS.COM POSTAL STORE 800-782-6724 MO TOWNOF PAONIA TRANSACTIONS THIS CYCLE (CARD 8158) \$705.80	705.80 ✓

2022 Totals Year-to-Date

Total fees charged in 2022	\$0.00
Total interest charged in 2022	\$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
PURCHASES			
Purchases	13.49%(v)(d)	- 0 -	- 0 -
CASH ADVANCES			
Cash Advances	25.24%(v)(d)	- 0 -	- 0 -
BALANCE TRANSFERS			
Balance Transfer	13.49%(v)(d)	- 0 -	- 0 -

28 Days in Billing Period

(v) = Variable Rate



Manage your account online at : www.chase.com/cardhelp



Customer Service:
1-800-945-2028



Mobile: Download the Chase Mobile® app today

April 2022						
S	M	T	W	T	F	S
27	28	29	30	31	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
1	2	3	4	5	6	7

New Balance
\$1,828.10

Minimum Payment Due
\$40.00

Payment Due Date
04/17/22

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


ACCOUNT SUMMARY

Account Number:	[REDACTED]
Previous Balance	\$1,635.09
Payment, Credits	-\$1,635.09
Purchases	+\$1,828.10
Cash Advances	\$0.00
Balance Transfers	\$0.00
Fees Charged	\$0.00
Interest Charged	\$0.00
New Balance	\$1,828.10
Opening/Closing Date	02/24/22 - 03/23/22
Credit Limit	\$45,000
Available Credit	\$43,171
Cash Access Line	\$2,250
Available for Cash	\$2,250
Past Due Amount	\$0.00
Balance over the Credit Limit	\$0.00

YOUR ACCOUNT MESSAGES

Your next AutoPay payment for \$1,828.10 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.

Employee Number	Name	85-00 Net Pay Emp Amt
1300	Bachran, Mary A	554.10 ✓
1302	Budinger, Karen A	277.05 ✓
1055	Byrge, Rodney A	1,160.39
1006	Cassidy, Susan L	1,176.23
1053	Cecil, Raymond Cole	1,078.34
1052	Edwards, Roger	1,049.62
1002	Ferguson, J. Corinne	2,213.82
1061	Garcia, Jeremiah	1,758.93
1050	Heiniger, Cory	2,622.71
1022	Hinyard, Patrick	1,561.36
1012	Huffman, Julie J	484.84 ✓
1306	Johnson, Michael A	277.05 ✓
1001	Jones, Cynthia	1,889.98
1301	Knutson, David A	277.05 ✓
1023	Kramer, Lance W	1,195.16 ✓
1305	Meck, Tamie A	184.70 ✓
1003	Mojarro-Lopez, Amanda	403.49
1060	Redden, Jordan	1,649.49
1051	Reich, Dennis	1,161.04
1054	Rose, James M	1,025.03
1308	Smith, Paige W	277.05 ✓
1307	Thompson, Jeffrey I	277.05 ✓
1004	Wuollet, Candice C	1,142.34

Grand Totals: 23 23,696.82 

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
2							
2	IRS Tax Deposit		03/18/2022	74-00	Federal Tax Deposit Social Security	10-0216	1,624.57
2	IRS Tax Deposit		03/18/2022	74-00	Federal Tax Deposit Social Security	10-0216	1,624.57
2	IRS Tax Deposit		03/18/2022	75-00	Federal Tax Deposit Medicare Pay P	10-0216	432.83
2	IRS Tax Deposit		03/18/2022	75-00	Federal Tax Deposit Medicare Pay P	10-0216	432.83
2	IRS Tax Deposit		03/18/2022	76-00	Federal Tax Deposit Federal Withhold	10-0216	2,046.09
Total 2:							6,160.89
4							
4	Aflac		03/04/2022	63-01	Aflac Pre-Tax Pay Period: 3/4/2022	10-0225	87.66
4	Aflac		03/04/2022	63-02	Aflac After Tax Pay Period: 3/4/2022	10-0225	24.90
4	Aflac		03/18/2022	63-01	Aflac Pre-Tax Pay Period: 3/18/2022	10-0225	87.66
4	Aflac		03/18/2022	63-02	Aflac After Tax Pay Period: 3/18/2022	10-0225	24.90
Total 4:							225.12
6							
6	Colorado Dept of Labor		01/07/2022	98-00	SUTA State Unemployment Tax Pay	10-0218	51.16
6	Colorado Dept of Labor		01/21/2022	98-00	SUTA State Unemployment Tax Pay	10-0218	73.68
6	Colorado Dept of Labor		02/04/2022	98-00	SUTA State Unemployment Tax Pay	10-0218	49.12
6	Colorado Dept of Labor		02/18/2022	98-00	SUTA State Unemployment Tax Pay	10-0218	46.40
6	Colorado Dept of Labor		03/04/2022	98-00	SUTA State Unemployment Tax Pay	10-0218	55.62
6	Colorado Dept of Labor		03/18/2022	98-00	SUTA State Unemployment Tax Pay	10-0218	56.63
6	Colorado Dept of Labor		03/18/2022	98-00	Rounding Adjustment	10-0218	.14
Total 6:							332.47
9							
9	Colorado Dept of Revenue		03/04/2022	77-00	State Withholding Tax Pay Period: 3/4	10-0217	885.00
9	Colorado Dept of Revenue		03/18/2022	77-00	State Withholding Tax Pay Period: 3/1	10-0217	904.00
Total 9:							1,789.00
30							
30	Empower Retirement		03/18/2022	51-01	Retirement Plan Retirement Plan Pa	10-0220	487.60
30	Empower Retirement		03/18/2022	51-01	Retirement Plan Retirement Plan Pa	10-0220	733.20
30	Empower Retirement		03/18/2022	51-02	Retirement Plan Retirement Loan Pa	10-0220	180.01
Total 30:							1,400.81
33							
33	FPPA - Fire & Police Pensi		03/18/2022	50-00	FPPA Pay Period: 3/18/2022	10-0219	427.20
33	FPPA - Fire & Police Pensi		03/18/2022	50-00	FPPA Pay Period: 3/18/2022	10-0219	320.40
33	FPPA - Fire & Police Pensi		03/18/2022	90-00	Death & Disability Pay Period: 3/18/2	10-0219	113.92
Total 33:							861.52
70							
70	Rocky Mountain HMO		03/04/2022	60-01	RMHMO - Employee Only Pay Period	10-0223	306.15
70	Rocky Mountain HMO		03/04/2022	60-01	RMHMO - Employee Only Pay Period	10-0223	5,132.73
70	Rocky Mountain HMO		03/04/2022	60-03	RMHMO - Employee + Family Pay Pe	10-0223	4.77

Transmittal Number	Name	Invoice Number	Pay Per Date	Pay Code	Description	GL Account	Amount
70	Rocky Mountain HMO		03/04/2022	60-03	RMHMO - Employee + Family Pay Pe	10-0223	991.00
70	Rocky Mountain HMO		03/04/2022	60-07	RMHMO - Employee + Spouse Pay P	10-0223	93.98
70	Rocky Mountain HMO		03/04/2022	60-07	RMHMO - Employee + Spouse Pay P	10-0223	874.38
70	Rocky Mountain HMO		03/18/2022	60-01	RMHMO - Employee Only Pay Period	10-0223	306.15
70	Rocky Mountain HMO		03/18/2022	60-03	RMHMO - Employee + Family Pay Pe	10-0223	26.08
70	Rocky Mountain HMO		03/18/2022	60-07	RMHMO - Employee + Spouse Pay P	10-0223	93.98
70	Rocky Mountain HMO		03/18/2022	60-01	Adjustment Employee Changes	10-0223	210.59-
Total 70:							✓ 7,618.63
71							
71	The Harford		03/04/2022	65-01	Group#013307460001 Hartford Basic	10-0226	14.84
71	The Harford		03/04/2022	65-02	Group#013307460001 Hartford Suppl	10-0226	26.38
71	The Harford		03/04/2022	65-03	Group#013307460001 Hartford Disab	10-0226	63.20
71	The Harford		03/18/2022	65-02	Group#013307460001 Hartford Suppl	10-0226	26.37
71	The Harford		03/18/2022	65-02	Adjustment for R.Cecil	10-0226	8.74
Total 71:							✓ 139.53
73							
73	Delta Dental of Colorado		03/04/2022	60-05	Dental RMHMO - Dental Pay Period:	10-0223	191.31
73	Delta Dental of Colorado		03/18/2022	60-05	Dental RMHMO - Dental Pay Period:	10-0223	175.02
73	Delta Dental of Colorado		03/18/2022	60-05	Adjustment for Employee Changes	01-0223	51.40-
Total 73:							✓ 314.93
75							
75	VSP Insurance CO (CT)		03/04/2022	60-04	RMHMO - Vision Pay Period: 3/4/202	10-0223	67.15
75	VSP Insurance CO (CT)		03/18/2022	60-04	RMHMO - Vision Pay Period: 3/18/20	10-0223	60.61
75	VSP Insurance CO (CT)		03/18/2022	60-04	Adjustment for Employee Changes	10-0223	61.48-
Total 75:							✓ 66.28
Grand Totals:							18,909.18

Report Criteria:
 Unpaid transmittals included
 Begin Date: ALL
 End Date: ALL

NORTH FORK SERVICE (REEDYS)

Invoice Date 3/31/2022
 invoice # 930566-930588

DATE	GAS GAL	INVOICE TOTAL	POLICE 144223	STREETS 204523	PARKS 164623	WATER 605023	SEWER 705123	TRASH 805223
03/01/22	- 24.60	92.35				46.17	46.18	
03/02/22	- 27.60	104.10		34.70	34.70			34.70
03/02/22	- 21.20	79.02		26.34	26.34			26.34
03/02/22	- 18.90	71.30		23.76	23.77			23.77
03/03/22	- 13.00	49.00	49.00					
03/04/22	- 10.70	40.55	40.55					
03/04/22	- 14.70	55.30		55.30				
03/08/22	- 10.70	45.50		45.50				
03/09/22	- 17.50	74.20				37.10	37.10	
03/09/22	- 8.30	35.35	35.35					
03/10/22	- 20.70	88.30		29.43	29.43			29.44
03/15/22	- 10.00	44.35	44.35					
03/16/22	- 17.40	77.00		38.50	38.50			
03/16/22	- 21.20	94.00		31.33	31.33			31.34
03/16/22	- 11.20	49.65	49.65					
03/18/22	- 27.40	121.20		121.20				
03/21/22	- 22.40	99.30		33.10	33.10			33.10
03/21/22	- 3.30	14.78		7.39	7.39			
03/23/22	- 8.10	36.32		9.08	9.08	9.08	9.08	
03/24/22	- 10.40	46.50	46.50					
03/24/22	- 31.70	142.00				71.00	71.00	
03/25/22	- 13.50	60.60	60.60					
03/31/22	- 22.80	106.25		35.42	35.42			35.41
TOTAL	- 387.30	1,626.92	326.00	491.05	269.06	163.35	163.36	214.10

I Hereby Authorize Payment

Town Administrator: _____

Council: _____

AGENDA SUMMARY FORM



Following Board discussion - Ad-Hoc committee recommendation for modified Trustee meeting policy and procedures

Summary:

As directed by the Board please find attached the recommendations.

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Vacant	Trustee Smith	Trustee Thompson

April 5, 2022

**TOWN OF PAONIA, COLORADO
RESOLUTION NO. 2017-10**

WHEREAS, the Town of Paonia, a Colorado Statutory Town (herein after the “Town”), conducts its regular business by and through its Board of Trustees meeting, regularly held on the second and fourth ~~Tuesday~~ Thursday of each month; and

WHEREAS, for a more efficient administration and management of the regular meetings of the Board of Trustees, the Board believes that it is in the best interest of the Town to implement rules of procedure for the conduct of the Board meetings; and

WHEREAS, in an effort to enact more efficient administration, the Board shall implement the use of a consent agenda for the passage of non-controversial items, where Board comment and discussion on such matters is unanticipated; and

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Paonia, Delta County, Colorado, that the following Rules of Procedure and Consent Agenda Policy are hereby adopted:

I. RULES OF PROCEDURE

Section 1. Schedule of Meetings. Regular Board of Trustees meetings shall be held on the second and fourth ~~Tuesdays~~ Thursday 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 with a hard stop 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. Due to the limited time of Trustee meetings, the order for agenda items will be determined addressed by placing agenda items requiring a board decision and items specifically requested by a citizen at the beginning of the agenda.

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:

Order of Business

(a) Roll Call - (5 minutes)

- ~~_____~~ (b) Approval of Agenda - (5 minutes)
- ~~_____~~ (c) Announcements (5 minutes)
- ~~_____~~ (d) Recognition of Friends and Neighbors (10 minutes)
- ~~_____~~ (e) Unfinished Business (45 minutes)
- ~~_____~~ (f) New Business (45 minutes)
- ~~_____~~ (g) Disbursements (15 minutes)
- ~~_____~~ (h) Consent Agenda including Approval of Prior Meeting Minutes (10 minutes)
- ~~_____~~ (i) Mayor's Report (10 minutes)
- ~~_____~~ (j) Staff Reports:
 - ~~_____~~ (1) Town Administrator's Report
 - ~~_____~~ (2) Public Works Reports
 - ~~_____~~ (3) Police Report
 - ~~_____~~ (4) Treasurers Report
 - ~~_____~~ (15 minutes)
- ~~_____~~ (k) Committee Reports (15 minutes)
- ~~_____~~ (l) Adjournment

- ~~(a) Roll Call - (5 minutes)~~
- ~~_____~~ (b) Approval of Agenda - (5 minutes)
- ~~_____~~ (c) Announcements (5 minutes)
- ~~_____~~ ~~H~~(d) Recognition of Visitors and Guests (10 minutes)
- ~~_____~~ ~~G~~(e) Consent Agenda including Approval of Prior Meeting Minutes (10 minutes)
- ~~_____~~ ~~J~~(f) Mayor's Report (10 minutes)
- ~~_____~~ ~~I~~(g) Staff Reports:
 - ~~_____~~ (1) Town Administrator's Report
 - ~~_____~~ (2) Public Works Reports
 - ~~_____~~ (3) Police Report
 - ~~_____~~ (4) Treasurer Report
 - ~~_____~~ (15 minutes)
- ~~_____~~ ~~D~~(h) Unfinished Business (45 minutes)
- ~~_____~~ ~~E~~(i) New Business (45 minutes)
- ~~_____~~ ~~F~~(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, Staff Reports and Work Sessions. 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. There is no public comment on these items as they are information items only. Staff Reports, work sessions, and presentations to the Board will be open to public comment when the issue or circumstance becomes an agenda item.

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. Public input is encouraged and welcomed for unfinished and for new business agenda items or when requested by a majority of the Board. Staff Reports, work sessions, and presentations to the Board shall not be open to public comment.~~ Each member of the public wishing to address an agenda item to the Town Board shall sign in for public comment ahead of the meeting and list the agenda items on which they wish to comment. A sign in sheet will be provided at the entrance. Speakers will be recognized by the presiding officer before speaking. Members of the public shall speak from the podium, stating their name, the address street of their residence and any group they are representing prior to making comment or asking a question. Comments shall be directed only 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. Each speaker will have 3 minutes to comment. Additional comments can be provided in writing or email. 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. Disruptive behavior includes raised voices, vulgar language, finger pointing, directly addressing trustees. All comments are made through the mayor or administrator of 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. A summary will be provided by the presiding officer at the beginning of each meeting.

Section 11. Executive Sessions. Executive sessions will be held at 6:00 p.m. by proper posting of the reason for the executive session, calling the meeting to order and proposing a formal motion including citations and purpose for the Executive Session. A majority of the Board must approve the motion prior to convening.

Section 12. Work and Study Sessions. Work and Study sessions will be held on the third Thursday of each month from 5:30 to 7:00 p.m as needed. The Mayor will determine the topic for each session. These informal meetings provide a chance for more interactive discussions on specific topics between Citizens, Board Members, subject-matter experts, and Staff. These Sessions will not be open to public comment unless a majority of the Board requests comments.

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~~-administrative 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. 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.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 11th DAY OF JULY, 2017.


By _____
Corinne Ferguson, Town Clerk

By _____
Charles Stewart, Mayor

Definitions

- **Recognition of Friends and Neighbors** – this is a time for members of the public to speak on any topic not on the agenda. Members of the public, especially Zoom participants, will sign up beforehand via an email to town staff prior to 5 pm the day of the meeting or in person on the day of the meeting to speak. 3 minute time limit.
- **Mayor's Report** – Grants, Communications – partners, public outreach, Town Staff – communication and management; others?...
- **Staff Reports** – always summarized in writing for inclusion on the agenda. Brief presentations in the meeting are used to communicate details of some items in the report. Mayor and Trustees can ask questions. No public comment in the meetings. Public questions and comments can be made in writing and submitted to the mayor and/or town staff. Public comments will be provided to trustees as soon as possible and will be included on the next meeting's agenda if further discussion/action is warranted.
- **Unfinished Business** – these are agenda items from previous meeting(s) that continue to need attention/action by the Board and/or Town Staff.
- **New Business** – something not discussed before or something that was ended at a past meeting, but further discussion is requested.
- **Disbursements** – approval of expenditures made by the town.
- **Committee reports** – updates from official and ad hoc committees on committee business as needed.
- **Public Comment** – Public comment is welcome and encouraged on agenda items.
- **Study Session** – special meetings, discussion sessions, reports from contractors, etc. No Public comment should be expected.

AGENDA SUMMARY FORM

	Resolution 04-2022 – Board of Trustees facility inspection policy		
Summary:			
Notes:			
Possible Motions:			
Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine

April 5, 2022

TOWN OF PAONIA, COLORADO
RESOLUTION NO. 04 - 2022

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, ADOPTING A POLICY AND PROCEDURES REGARDING ACCESS TO TOWN FACILITIES

WHEREAS, the Town of Paonia (the “Town”) is a statutory town in Delta County, Colorado;

WHEREAS, in response to a proposed Initiative Petition related to Town records and the transparency issues underlying such Initiative, the Board of Trustees adopted Ordinance No. __-2022 to amend the Municipal Code to add a new Section 2-11-10 regarding access to certain records and access to Town facilities;

WHEREAS, new Section 2-11-10(b) of the Code provides, in part, that “to the extent allowed by law, the Board of Trustees shall not be denied access to ... view all facilities of the Town in accordance with any applicable Town procedure and upon coordination through the Town Administrator or the Town Administrator’s designee. Inspection of Town facilities shall not be unduly delayed.”

WHEREAS, to ensure the timely and orderly access to Town facilities, the Board of Trustees wishes to adopt a policy regarding access to Town facilities; and

WHEREAS, the Board of Trustees and finds and determines it is in the best interest of the Town to adopt the policy and procedure set forth herein.

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

1. Recitals. The foregoing recitals are incorporated herein as findings of the Board of Trustees.
2. Board of Trustees – Access to Public Facilities Policy and Procedure.
 - a. Tours of W/S Plants.
 - i. The scope of work for the Town ORC of 2MG treatment plant, 1 MG treatment plant, and the wastewater treatment plant (collectively the “W/S Plants”) shall include:
 1. a requirement to conduct tours of the W/S Plants for the Board of Trustees and Mayor upon coordination by the Town Administrator; and

- 2. a requirement to hold one public tour per year of the W/S Plants upon coordination by the Town Administrator.
 - ii. The public shall be afforded an opportunity to tour the W/S Plants once a year upon coordination by the Town Administrator.
- b. Board of Trustees and Mayor Access to Town Facilities:
- i. All current and future Board Trustees and Mayor shall, upon taking office, be provided the opportunity for an orientation that includes a tour of all facilities of the Town, including the W/S Plants, Town office building, Public Works shop, all equipment storage locations, park buildings and shops and shall also be provided a summary sheet of all town-owned vehicles and construction/park maintenance equipment.
 - ii. If a duly elected or appointed Trustee or Mayor would like to have access to a Town facility or facilities not open to the public, a notice/request shall be made in writing and delivered to the Town Administrator or the Town Administrator's designee requesting such visit with reasonable, advance notice. The Town Administrator (or designee) shall promptly arrange for and coordinate such facility access, including with any Staff or consultant required for such access. The Town shall comply with the Colorado Open Meetings Law in conducting such facility access. A facility visit notice/request shall not be denied or unduly delayed or postponed.

APPROVED AND ADOPTED this 14th day of April, 2022, by the Board of Trustees, Town of Paonia.


TOWN OF PAONIA, COLORADO

By: _____
Mary Bachran, Mayor

ATTEST:

By: _____
J. Corinne Ferguson. Town Clerk

AGENDA SUMMARY FORM

	Mayor's Report		
Summary:			
Notes:			
Possible Motions:			
Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Smith	Trustee Thompson	Trustee Valentine

April 11, 2022

Mayor's Report Template

Grant submissions

- CDPHE Quick Win grant
 - Approval of Phase 1 – purchase of 5 trees, mulch and root barriers
 - Phase 2 will go through regular grant process

Congressionally Directed Spending 4-8-22

- Submitted a request for Congressionally Directed Spending to Senators Bennett and Hickenlooper
- Asked for \$965,000 for spring repairs
- Money will be distributed in 2023

Municipal Quarterly 3-31-22

- ARPA fund uses
- Possibility of shared grant writer with Cedaredge, Crawford and Hotchkiss
 - Jay Stooksbury
- Emergency Management Update
 - Update on CodeRED – looking for a replacement system
 - Update on Community Wildfire Hazard Mitigation Plan
 - Update on radios
 - Update on Hazardous Substances Mitigation
 - Designated Emergency Response Authority
 - Paonia needs to update resolution and designation
- Delta Urban Development Update
- Delta Health Update and ballot question
- School District possible ballot question
- Technical College of the Rockies update

Other Grants

- Community Resource Center's Funders Roundtable 4-20-22
 - Will present to El Pomar foundation for funding for new bathroom in Town Park
 - Not a grant proposal – just querying the funder to see if they think a grant request would be appropriate.
- Looking for a grant to pay for a Board retreat
 - Possible Western Slope Community Foundation

AGENDA SUMMARY FORM



Town Administrator's Report
 Public Works Report
 Police Report
 Finance Report

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Vacant	Trustee Smith	Trustee Thompson

March 11, 2022

PAONIA POLICE DEPARTMENT

PROGRESS REPORT

COMPLETED

- Read department policy handbook. Identified several areas in need of updating. Suggested updates are more representative of current town policy and more in line with modern policing principals. Policy changes will emphasize a community-based approach to law enforcement.
- Created new template for the collection and reporting of contact data per Colorado Bill SB20-217. SB20-217 mandates the collection of data associated with Officer contacts. Reviewed new legal standards with current officers, emphasizing the discontinued use of chokeholds.
- Created new policy section # 5-12 making the collecting and reporting of contact data a department requirement in line with State law as required by CRS 24-31-093(2)
- Removed all live ammunition from general areas of the Police Department and consolidated said munitions in the temporary armory closet.
- Completed inventory and catalogue of department owned firearms
- In-car fire extinguishers were inspected by certified personnel, and documentation was updated.

COMPLETED

- Consolidated prescription drugs that had been turned into the department by citizens. Established a plan to dispose of said drugs in a safe and legal manner.
- Patrol key lock box was locked with all, but two sets of department patrol vehicle keys stuck inside and the combination to the lock unknown. Lock Box was opened, and patrol keys are now accessible by command staff on an as needed basis.
- PD Clerk sorted and organized multiple filing cabinets located inside the department. Many documents within the filing cabinets were outdated and no longer applicable to the department.
- Templates for the most commonly used forms were located, updated and converted to digital copies for future use by department staff and community members.
- Re-organized patrol room to accommodate up to three officers with individual workstations to include computer, phone and filing drawer.

- | | |
|--|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> All keys within the department were located and consolidated into a specific location in the Sergeant's office. No key was located for the evidence cage upstairs. Department personnel currently have no access to evidence cage or evidence residing within the cage. | <ul style="list-style-type: none"> <input type="checkbox"/> Issued a Psychological evaluation to a recruit and discussed his formal hire pending results of testing. |
| <ul style="list-style-type: none"> <input type="checkbox"/> Contacted Smartforce, a company specializing in the digital collection and submission of data. Smartforce is currently working with the IT specialist from Phonz+ to establish the Department an account. | <ul style="list-style-type: none"> <input type="checkbox"/> Reached out to a potential candidate who was interested in getting back into a career in law enforcement. Candidate has filled out an application. Background checks, and interviews are currently taking place. |
| <ul style="list-style-type: none"> <input type="checkbox"/> Spoke with an Officer regarding a complaint lodged by a citizen. Officer was advised of the need for a softer more sympathetic approach when managing medical assist calls. Reporting citizen was informed of the action taken with the officer and was pleased. | <ul style="list-style-type: none"> <input type="checkbox"/> Met with each member of the department and discussed the status of the department, as well as what they could expect from me moving forward. Each member was encouraged to speak freely about what they would like to see in the department and those responses were noted. |
| <ul style="list-style-type: none"> <input type="checkbox"/> Reviewed expired certification of Department personnel and discovered three members in need of recertifications. Established a date and time for department personal to attend CPR/First Aid certification to bring Department into compliance with POST. | |



Town of Paonia Administrative Staff Report

April 14, 2022

Finance Director

Overview of Activities/Projects/Accomplishments

- ❖ Continue Audit Preparation and Year End
(Auditors expected in-house April 18,2022 – Report expected by June 30,2022)
- ❖ Setting up ADP for payroll processing to begin April 8th Payroll (The first payroll of the 2nd Qtr)

Trainings/Meetings Attended

- ❖ ADP Payroll processing training.


MISC

- ❖ None to report.

Goals/Focus/Improvements for Next Month

- ❖ Audit Work Continues from February – June
- ❖ Continue to work with Cory on the Parts inventory processes
- ❖ Continue to work with Candy on the Ordering processes
- ❖ Continue to work with Candy on the Vehicle/Equipment tracking processes
- ❖ Work with Candy to improve the Building Permit Process.
- ❖ Start training Sam on Accounts Payable.
- ❖ Refresher training for JoAnn.

AGENDA SUMMARY FORM

	Adjournment		
Summary:			
Notes:			
Possible Motions:			
Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Vacant	Trustee Smith	Trustee Thompson

March 11, 2022