



TOWN OF PAONIA
TUESDAY, APRIL 13, 2021
REGULAR TOWN BOARD MEETING AGENDA
6:30 PM

IN-PERSON MEETING AT 214 GRAND AVENUE COMMUNITY ROOM

APPROPRIATE FACE COVERINGS ARE REQUIRED WHILE INSIDE THE BUILDING

Roll Call

Approval of Agenda

Announcements

2021 Arbor Day Proclamation

Recognition of Visitors & Guests

Staff Reports

1. Administrator's Report
 - Public Works & Utilities Report
 - Police Report
 - Finance Report
 - Attorney Report

Treasurer's Report

2. Treasurer's Report

Disbursements

3. Disbursements

Consent Agenda

4. Regular Minutes:
 - March 23, 2021Special Minutes:
 - April 6, 2021Liquor License Renewal:
 - Curiel, LLC dba Rio BravoSpecial Event Permits:
 - Blue Sage Center for the Arts
 - The Learning Council
 - Relocation of Approved Special Event for Friends of the Paradise Theatre

Unfinished Business

5. Retail Marijuana Ordinance 2021-01 - Second Read
6. Proposed Ordinance Language Regarding Outdoor Lighting Regulations
7. Modification of Board Meeting Schedule

New Business

8. Ordinance 2021-TBD Board of Appeals

Mayor's Report

9. Mayor's Report

Committee Reports

10. Finance & Personnel

- Personnel Liaison Appointment Confirmation
- Governmental Affairs & Public Safety
- Mobile Retail Food Establishments
- Public Works-Utilities-Facilities
- Tree Board
- Advisory Water

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.



PROCLAMATION

WHEREAS, the legislature of the State of Colorado has adopted an Act designating Arbor Day; and

WHEREAS, this holiday, called Arbor Day is now observed throughout the nation and the world; and

WHEREAS, it is the purpose of the designation of this day to encourage the planting of shade and forest trees, to encourage the harvesting of our forest crops by approved conservation methods, and to encourage the protection of our forests from the scourge of devastating fires, insects, and diseases that destroy the beauty and usefulness of our woodlands as well as their wildlife; and

WHEREAS, trees in our town increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, through the cooperation of all residents of Paonia in shade and forest tree planting and proper conservation practices in harvesting timber, we can pass on an enduring heritage of a vital natural resource to succeeding generations;

WHEREAS, Paonia has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue supporting tree-planting efforts,

NOW, THEREFORE, I, Mary Bachran, Mayor of the Town of Paonia, hereby proclaim April 30, 2021 as

ARBOR DAY

In the community of Paonia, and urge all citizens to celebrate Arbor Day and to support efforts to protect trees and woodlands, and

FURTHER, I urge everyone able to do so, to observe this day by the planting of one or more trees and by participating in one or more programs that the sponsors of Arbor Day may provide, including the planting of trees along Box Elder Avenue.

GIVEN, under my hand and seal of the Town of Paonia, this 13th day of April in the year of our Lord, Two Thousand and twenty-one.

Mary Bachran, Mayor

Attest:

Corinne Ferguson, Administrator/Clerk

AGENDA SUMMARY FORM



Administrator's Report
 Public Works & Utilities Report
 Police Report
 Finance Report
 Attorney Report

Summary:

Notes:

VW – verbal warning
 WW – written warning
 CIT - citation
 CAA – clear adult arrest
 UTL – unable to locate
 UNF - unfounded

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bear:	Trustee Budinger:	Trustee Johnson:
Trustee Knutson:	Trustee Meck: :	Trustee Pattison:	Mayor Bachran:

Administrators Report for April 13, 2021

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

Previous Meeting Follow-up:

1. The Colorado Forest Service Tree Inventory is on the website. Appendices to be added later as time permits.
2. Mapping of waterlines, sewer lines, and tree inventories are now online under Departments – Public Works tab.
3. The Tree Board ordinance revision is tentatively scheduled to go before the Board April 27th.

Updates:

1. Continue to clear outstanding reporting deficiencies with CDPHE. Final date for all is by end of April. On schedule for completion.
2. The Town is operating under a temporary ORC until completion of testing for new plant procedures.
3. Travis is scheduled for all testing for updated license requirements this month.
4. Finalizing the schedule for the community, focus group, and design workshop sessions for the Parks, Trails, and Recreation Master Plan for mid May.
5. Master Plan Update –upon receipt of part 1 & 2 trustee review and edits – will go back to the planning commission for additional feedback and beginning stages of sections 3 – 5.
6. The Planning Commission hearing review for the Riverbank Subdivision was rescheduled due to a time of hearing error on the community notifications. The hearing is scheduled for 1pm Friday, April 16th.
7. The Planning Commission has a second meeting scheduled for April 30th at 1PM for a variance request and review of the ADU draft ordinance.
8. Investigating fillable forms website upgrade through SIPA.
9. I have authorized Zenzen Organics to use a small section of Poulos Park (beside Lehman Images) for delivery of community food boxes once a month. Paonia Farm and Home has operated as the site, but due to direct sun exposure and rising temperatures another location was necessary. The food boxes are delivered and picked up usually within a two-hour period of time.
10. On consent agenda is the relocation of a previously approved special event application for Friends of the Paradise Theatre. The event is being moved to Town Park to allow for the closure of Poulos Park for the sod installation. Poulos Park will be closed to public and events until May 24th – other than two events May 7th and 14th.
11. Spring Cleanup is scheduled for May 24th to 28th.

Thank you.

Public Works Report – 4/13/2021

1. Status with JDS Hydro – underway with no additional delays anticipated.
2. Consumer Confidence Report and Final violation notice complete and out for delivery.
3. Lead and Cooper tests all clear. – No further action necessary in relation to the December positive results.
4. RFP for 2021 street improvement projects out for bid – Closes 4/30/21
5. Town Stewart Ditch park lateral piping complete.
6. Working with SGM on lead & copper exceedance requirements.
7. Boring for irrigation water connection to Lee’s Park scheduled.
8. Poulos Park sprinklers complete.
9. Sod install prep and install this week.
10. Five trees ordered for Arbor Day planting 4/30/21
11. Street sweeper begins 4/12/21

Paonia Police Department

Law Incident Table, by Date and Time

Date Occurred: 03/16/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:34:37	FRAUD	GRAND AVE, Paonia, CO	PPD	PPD	
14:09:59	VIN INSPECTION	GRAND AVE, Paonia, CO	PPD	PPD	
17:29:52	ANIMAL CONTROL	3RD ST, Paonia, CO	PPD	PPD	
18:11:35	Noise Complaint	BOX ELDER AVE, Paonia, CO	PPD	PPD	

Total Incidents for this Date: 4

Date Occurred: 03/17/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
14:27:16	VIN INSPECTION	GRAND AVE, Paonia, CO	PPD	PPD	
14:33:05	VIN INSPECTION	GRAND AVE, Paonia, CO	PPD	PPD	
17:27:20	CITIZEN ASSIST	BLOCK 5TH St, Paonia, CO	PPD	PPD	UTL

Total Incidents for this Date: 3

Date Occurred: 03/18/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
14:25:36	Certified Vin	FARMERS MINE RD, Paonia, CO	PPD	DIST3	
15:48:45	VIN INSPECTION	GRAND AVE, Paonia, CO	PPD	PPD	
16:26:55	AGENCY ASSIST	HIGHWAY 133, Hotchkiss, CO	PPD	DIST3	

Total Incidents for this Date: 3

Date Occurred: 03/19/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
12:19:19	CITIZEN ASSIST	GRAND AVE, Paonia, CO	PPD	PPD	
17:07:47	SUSPICIOUS	2ND ST, Paonia, CO	PPD	PPD	

Total Incidents for this Date: 2

Date Occurred: 03/21/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:56:48	Traffic Stop	HWY 92	PPD		VW
11:26:09	Traffic Stop	Grand AVE, Paonia, CO	PPD	PPD	CIT

Total Incidents for this Date: 2

Date Occurred: 03/22/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
09:06:59	ALARM	GRAND AVE, Paonia, CO	PPD	PPD	

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:36:22	Traffic Stop	2nd Street, Paonia, CO	PPD	PPD	CIT
11:00:56	ALARM	GRAND AVE, Paonia, CO	PPD	PPD	
19:16:18	Medical/transfe	MAIN AVE, Paonia, CO	PPD	PPD	
20:29:33	AGENCY ASSIST	PANORAMA RD, Paonia, CO	PPD	DIST3	
Total Incidents for this Date: 5					

Date Occurred: 03/23/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
11:58:07	FRAUD	GRAND AVE, Paonia, CO	PPD	PPD	
14:38:16	VIN INSPECTION	SHADY LN, Paonia, CO	PPD	DIST3	
16:13:52	TRAFFIC	HIGHWAY 133, Hotchkiss, CO	PPD		CIT
16:13:52	Traffic Stop	HWY 133, Hotchkiss, CO	PPD	DIST3	CIT
16:18:37	Information	MAIN AVE, Paonia, CO	PPD	PPD	
20:56:20	SUICIDE/ATTEMPT	3RD ST, Hotchkiss, CO	PPD	HOT	UNF
23:20:07	Parking Problem	Onarga AVE., Paonia, CO	PPD	PPD	CIT
Total Incidents for this Date: 7					

Date Occurred: 03/24/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
13:56:42	VIN INSPECTION	GRAND AVE, Paonia, CO	PPD	PPD	
16:39:51	Certified Vin	GRAND AVE, Paonia, CO	PPD	PPD	
Total Incidents for this Date: 2					

Date Occurred: 03/25/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
06:58:20	TrafficAccident	HIGHWAY 133, Paonia, CO	PPD	DIST3	
11:18:13	Information	BOX ELDER AVE, Paonia, CO	PPD	PPD	
Total Incidents for this Date: 2					

Date Occurred: 03/26/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:51:59	Information	VISTA DR, Paonia, CO	PPD	PPD	
17:35:22	ANIMAL CONTROL	RIO GRANDE AVE, Paonia, CO	PPD	PPD	UTL
20:54:25	AGENCY ASSIST	ORCHARD AVE, Paonia, CO	PPD	PPD	
21:12:52	Traffic Stop	5TH St, Paonia, CO	PPD	PPD	CIT
Total Incidents for this Date: 4					

Date Occurred: 03/27/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
09:15:23	SUSPICIOUS	GRAND AVE., Paonia, CO	PPD	PPD	
13:08:18	THEFT	GRAND AVE, Paonia, CO	PPD	PPD	
15:32:19	Traffic Stop	5th Street, Paonia, CO	PPD	PPD	CIT

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
17:03:51	SEX OFFENSE	ONARGA AVE, Paonia, CO	PPD	PPD	
20:14:20	Traffic Stop	3RD St, Paonia, CO	PPD	PPD	CIT
22:09:00	Medical/transfe	POPLAR AVE, Paonia, CO	PPD	PPD	
Total Incidents for this Date: 6					

Date Occurred: 03/28/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
00:57:57	TRESPASS	3RD ST, Paonia, CO	PPD	PPD	VW
12:49:55	Medical/transfe	VISTA DR, Paonia, CO	PPD	PPD	
16:27:34	TRESPASS	GRAND AVE, Paonia, CO	PPD	PPD	VW
17:40:16	SUSPICIOUS	5TH ST, Paonia, CO	PPD	PPD	
19:52:08	CIVIL PROBLEM	OAK AVE, Paonia, CO	PPD	PPD	
23:18:47	TRESPASS	GRAND AVE, Paonia, CO	PPD	PPD	VW
Total Incidents for this Date: 6					

Date Occurred: 03/29/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
11:43:30	CITIZEN ASSIST	GRAND AVE, Paonia, CO	PPD	PPD	
15:06:45	AGENCY ASSIST	COBURN RD, Paonia, CO	PPD	DIST3	
18:40:31	SUSPICIOUS	4th St., Paonia, CO	PPD	PPD	
18:45:45	Medical/transfe	ORCHARD AVE, Paonia, CO	PPD	PPD	
Total Incidents for this Date: 4					

Date Occurred: 03/30/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
12:57:42	TrafficAccident	GRAND AVE, Paonia, CO	PPD	PPD	
Total Incidents for this Date: 1					

Total reported: 51

Report Includes:

All dates between `00:00:01 03/16/21` and `00:00:01 03/31/21`, All agencies matching `PPD`, All disposition's, All natures, All location codes, All cities

VW 4, UTL 2, CIT 8, UNF 1

Finance Report as of 04/09/21 presented at the 04/13/21 meeting:

COMPLETED:

Monthly:

Payroll for 3/26/21 and 4/09/21 was completed, reviewed, and released. Gross payroll for 3/26/21 totaled \$25,825.61. This included 16 employees + 1 Judge + 1 treasurer+7 trustees. Gross payroll for 4/9/21 totaled \$22,749.44. This included 16 employees.

Our month payment to Norris Retirement was completed and was released on 4/06/21 effective 4/26/21.

Bank accounts through 2/28/2021 have been reconciled and were reviewed 3/24/21.

Chase credit card bill for 2/24/21 – 3/23/21 is included in the packet.

Month End Budget to Actual DRAFT for January and February are attached. Correction still pending.

Year-End:

Year-end entries are substantially complete. Minor adjustment will continue through the audit.

Banking:

Nothing new to report.

Audit:

Audit has begun. Field work begins April 12th. Pre-requested items are substantially complete.

Other (Continued):

Colorado Department of Revenue – Exempt Fuel – Account selected for review 30 days from 2/17/21. Completed and e-mailed 03/02/2021 @ 4:23pm. All methods initially rejected. All information was resubmitted via Revenue Online and was accepted 3/10/2021. No further information has been received.

Other (New):

Nothing new to report.

TO DO:

The Fund Balance and Financial Policy discussed by the Finance Committee on 2/24/21. It was discussed at the Finance/HR Committee meeting on 3/10/21. There was further discussion at the 3/24/21 meeting. Still remains with the Finance/HR Committee.

PTO still needs reviewed regarding the new requirements. Finance Committee started discussion at the 3/10/21. There was further discussion at the 3/24/21 meeting. Dave Knutson will be providing a spreadsheet of changes and required timeline that are expected by the new regulations.

Since RMHMO will no longer be providing Group Health Insurance I have received quotes from Home Loan, CEBT and County Health Pool. It was discussed at the Finance/HR Committee meeting on 3/10/21. Other options are being explored with Home Loan and CML and Connect for Health. Spoke with CML Connect for Health will require a policy change by the board if it is determined to be a viable option.

The conversion from Mutual of Omaha to Empower for the employee retirement plan has been complete and all funds held have been transmitted to Empower.

ClearGov – The requested changes have been made and are waiting for a second review.

Highway users report still to do. Waiting for report format from CDOT.

Conservation Trust Fund 2022 Certification of eligibility due after 3/1/2021.

GRANT UPDATES:

Current Grants:

GOCO Park, Recreation, and Trails Master Plan (Completion Date = 09/26/2021) Nothing submitted to date, have only received on one (1) invoice totaling \$5,128.50. Submission pending time to submit.

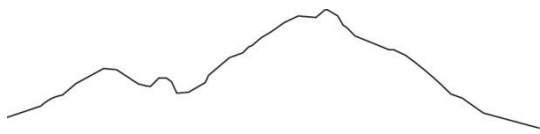
COVID Relief Fund Grant from DOLA. Total requesting is \$86,382.52. Submission pending time to submit.

CDOT Grant for Revitalizing Main Street – Revised Inv#2 for \$4,303.59, Inv#3 for \$5997.72, and Inv#4 for \$11,409.42 were submitted and accepted on 3/17/21.

Admin Grant from DOLA for System Analysis-submitted through 12/31/2020. Total request = \$2,637.13. Pending more information which was sent 2/12/21. Received 2/25/21.

Tier I Grant from DOLA for Asset Inventory and Mapping-submitted through 12/31/2020. Total request = \$10,923.95. Received 2/9/21.

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



MEMORANDUM

To: Board of Trustees, Town of Paonia
From: Bo James Nerlin, Esq.
Re: Town Attorney Report
Date: 4/9/2021
CC: Ms. Corinne Ferguson

The purpose of this memorandum is to outline several projects that I have been working on as Town Attorney. This is to serve as a brief overview and not a comprehensive list.

Paonia Ditch Company

Travis, Corinne, and I have a meeting set with representatives next week. Subsequent to this meeting, we will report to the Board of Trustees as a follow up to the meeting.

Marijuana Regulation

Enclosed with this memorandum is a revised marijuana ordinance based on the comments provided at the March 23, 2021 Board Meeting. Subsequent to this Board Meeting, the Board of Trustees received substantive comments regarding the proposed ordinance. These comments are also included in the packet. While I do not believe that it is appropriate to incorporate some of the public comments provided without feedback from the Trustees, I will provide an outline addressing the public comments prior to the Board Meeting.

Board of Adjustment/Board of Appeals

The Gaps Committee has reviewed the enclosed draft ordinance creating a Board of Appeals.

Outdoor Lighting Regulations

I have undertaken an initial review of the Outdoor Lighting Regulations included in the packet. This Ordinance was drafted by Dark Skies Paonia. Provided the Board wishes to move forward, the draft language will need to be incorporated into an Ordinance and cross-referenced with other provisions in the code. Nevertheless, I believe it is appropriate for there to be an initial review and feedback of the enclosed draft.

Board Meeting Schedule

Enclosed in the Board Packet is a proposed three-week meeting schedule. This proposed schedule is strictly for review and discussion and is subject to subsequent adoption by the Board of Trustees should they wish to proceed with a temporarily modified test schedule.


Tree Board Ordinance

Trustee Meck has provided Town Staff with a revised Tree Board Ordinance for review and subsequent consideration by the Trustees. It is anticipated that this Ordinance will be in the April 27th Board Meeting Packet.


Citizen's Ethics Complaint

The Trustees and Town Staff have received an ethic's complaint filed by a Town Citizen against a Trustee. The Mayor has directed me, as the Town Attorney to undertake an initial review of this complaint, and thus it is being evaluated and analyzed by my office as the Town Attorney. Thereafter, the Trustees will be provided with an opportunity to discuss the complaint filed, and the options available to the Trustees in further investigating the allegations contained in the Complaint.

AGENDA SUMMARY FORM

	Treasurer's Report		
Summary:			
Notes:			
Possible Motions: Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Trustee Bear:	Trustee Budinger:	Trustee Johnson:
Trustee Knutson:	Trustee Meck:	Trustee Pattison:	Mayor Bachran:

AGENDA SUMMARY FORM

	Disbursements		
Summary:			
Notes:			
Possible Motions: Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Trustee Bear:	Trustee Budinger:	Trustee Johnson:
Trustee Knutson:	Trustee Meck:	Trustee Pattison:	Mayor Bachran:

FOR: 04/13/2021

UBB OPS DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC OPS BALANCE		198,690.81
ACCOUNTS PAYABLE	03/20/2021 - 04/09/2021	(90,104.36)
LOAN PAYMENT	WPA D08F212	(11,671.70)
NORRIS RETIREMENT PAYMENT	SCHEDULED FOR 4/26/21	(1,680.00)
CHASE CREDIT CARD	3/23/2021	(6,680.97)
AMAZON	4/1/2021	(1,107.04)
TRANSFER TO SUMMIT		
TRANSFER TO PAYROLL	3/26/2021	(25,825.61)
TRANSFER TO PAYROLL	4/9/2021	(22,749.44)
PAYROLL TAXES	3/26/2021	(27,522.57)
PAYROLL TAXES	4/9/2021	(10,088.78)
BALANCE AFTER PAYMENT		1,260.34

1
2

UBB SUMMIT/PAYROLL DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC SUMMIT BALANCE		453,211.73
TRANSFER FROM OPS		
CURRENT FSBC PAYROLL BALANCE		25.00
TRANSFER FROM OPS		48,575.05
PAYROLL (DIRECT DEPOSIT)	3/26/2021	(25,825.61)
PAYROLL (DIRECT DEPOSIT)	4/9/2021	(22,749.44)
BALANCE AFTER PAYMENT		453,236.73

1+2

	BANK BALANCES			DESCRIPTION
	FSBC	COLOTRUST	TOTAL	
<u>As of: 03/18/2021</u>				
GENERAL		532,260.16		COMBINED FUNDS
SEWER RESTRICTED		530,349.93		PROPERTY SALE-RESTRICTED
DEBT RESERVE		106,863.59		AMKO BOND REQUIRED RESERVE
BRIDGE RESERVE		588,557.32		BRIDGE RESERVE
CONS.TRUST	10,395.27			RESTRICTED TO PARK USE ONLY
GRANT PASS THRU	25.00			PLACE HOLDER-COMBINED FUNDS
INT GRANT	25.00			MOVING TO CD-AMKO BOND RESERVE
OPS	105,537.00			COMBINED FUNDS
PARK CONTRIBUTIONS	11,655.11			SPECIFIC PARK PROJECTS
PAYROLL	25.00			PLACE HOLDER-COMBINED FUNDS
SPACE-TO-CREATE	13,170.12			SPACE TO CREATE ONLY
SUMMIT	453,211.73			COMBINED FUNDS
WWTP	58,372.69			OLD SEWER REHAB ONLY
CD#2-402	202,500.76			COMBINED FUNDS-LOC COLLATERAL
CD#3-2578	255,051.53			COMBINED FUNDS
	<u>1,109,969.21</u>	<u>1,758,031.00</u>	<u>2,868,000.21</u>	

	CASH POSITION			DESCRIPTION
	COMBINED	RESTRICTED	TOTAL	
<u>As of: 03/18/2021</u>				
GENERAL	532,260.16			
SEWER RESTRICTED		530,349.93		RESTRICTED TO SEWER CAPITAL PROJECT
DEBT RESERVE		106,863.59		RESTRICTED LOAN REQUIREMENT
BRIDGE RESERVE		588,557.32		RESTRICTED TO BRIDGE REPAIRS
CONS.TRUST		10,395.27		RESTRICTED TO PARK CAPTIAL PROJECT
GRANT PASS THRU	25.00			
INT GRANT		25.00		RESTRICTED LOAN REQUIREMENT
OPS	105,537.00			
PARK CONTRIBUTIONS		11,655.11		SPECIFIC PARK PROJECTS AS DONATED
PAYROLL	25.00			
SPACE-TO-CREATE		13,170.12		SPACE TO CREATE ONLY
SUMMIT	453,211.73			
WWTP		58,372.69		OLD SEWER REHAB ONLY
CD#2-402	202,500.76			
CD#3-2578	255,051.53			
	<u>1,548,611.18</u>	<u>1,319,389.03</u>	<u>2,868,000.21</u>	

(4)

GRANT FUNDS SUMMARY			
COLORADO GRAND	EHS CENTER	10,000.00	R
DOLA (TIER1)	ASSET INVENTORY-REQUEST#1	15,687.32	R
DOLA (TIER1)	ASSET INVENTORY-REQUEST#2	10,923.95	R
DOLA (ADMIN)	SYSTEM ANALYSIS-REQUEST#1	2,074.37	R
DOLA (ADMIN)	SYSTEM ANALYSIS-REQUEST#2	2,637.13	R
CDOT	REVITALIZING MAIN STREET-REQUEST#1	2,789.85	R
CDOT	REVITALIZING MAIN STREET-REQUEST#2-REVISED	4,303.59	Q
CDOT	REVITALIZING MAIN STREET-REQUEST#3	5,997.72	Q
CDOT	REVITALIZING MAIN STREET-REQUEST#4	11,409.42	Q
DOLA (CVRF)	COVID REIMBURSEMENT	36,270.94	R
DOLA (CVRF)	COVID REIMBURSEMENT	86,382.52	P
GOCO	PARK PLANNING	5,128.50	P
TOTAL OUTSTANDING		149,492.69	

R=RECEIVED Q=REQUESTED P=IN PROCESS

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	
04/13/2021	987	Black Hills Energy	032021	1,377.85	.00	.00	1,377.85	✓			UTILITIES
04/13/2021	1141	BO JAMES NERLI	33346-33348	4,816.66	.00	.00	4,816.66	✓			ATTORNEY
04/13/2021	14	Bolinger & Queen I	84971.1	2,310.00	.00	.00	2,310.00	✓			PARK DITCH
04/13/2021	14	Bolinger & Queen I	85162.1	81.60	.00	.00	81.60	✓			PARK REPAIR
04/13/2021	14	Bolinger & Queen I	85525.1	174.59	.00	.00	174.59	✓			PARK SPRINKLERS
04/13/2021	1126	Brown Hill Enginee	315	8,690.00	.00	.00	8,690.00	✓			WATER SCADA SYSTEM
04/13/2021	21	Caselle, Inc	108758	1,064.00	.00	.00	1,064.00	✓			MONTHLY SOFTWARE FEE
04/13/2021	1183	Column Software	6DE8F7E1-0	56.49	.00	.00	56.49	✓			02/2020 DISBURSEMENTS
04/13/2021	1183	Column Software	8B855B44-0	16.51	.00	.00	16.51	✓			RIVERBANK REVIEW & HEARING NOTICE
04/13/2021	1183	Column Software	E3F5DC29-0	22.25	.00	.00	22.25	✓			CLARK END VARIANCE REQUEST
04/13/2021	1091	Dairy Specialists, L	RT117086	1,072.50	.00	.00	1,072.50	✓			WATER/SEWER CHEMICALS
04/13/2021	39	Delta County Inde	383514+4/7+	24.00	.00	.00	24.00	✓			CLASSIFIED AD
04/13/2021	56	Delta County Land	345598-3477	3,469.25	.00	.00	3,469.25	✓			LANDFILL FEES
04/13/2021	43	Delta Montrose Ele	4-2021-W	2,575.40	.00	.00	2,575.40	✓			UTILITIES-WATER
04/13/2021	46	Dependable Lumb	2103-164340	1,554.32	.00	.00	1,554.32	✓			VARIOUS
04/08/2021	48	Don's Market	01-1144421	15.89	.00	.00	15.89	✓			SHOP SUPPLIES
04/13/2021	48	Don's Market	01-1134285	22.16	.00	.00	22.16	✓			SHIPPING SUPPLIES
04/13/2021	48	Don's Market	01-1135778	53.61	.00	.00	53.61	✓			MEETING SUPPLIES
04/13/2021	368	Double J Disposal	44843	81.00	.00	.00	81.00	✓			1MG PORTA POTTY
04/13/2021	50	Duckworks Auto P	11044-35598	31.66	.00	.00	31.66	✓			2014 FORD REPAIR
04/13/2021	986	Elevate Fiber	66210_2717	723.67	.00	.00	723.67	✓			TELEPHONE & INTERNET
04/13/2021	62	Feather Petroleum	5270841-557	1,509.33	.00	.00	1,509.33	✓			FUEL
04/13/2021	620	Kevin Cooper	032221	1,145.39	.00	.00	1,145.39	✓			2008 FORD +1996 KODIAK DUMP
04/13/2021	482	Larry D Gillenwat	423077	203.93	.00	.00	203.93	✓			CAR WASH
04/13/2021	98	Lasting Impression	26071	255.00	.00	.00	255.00	✓			SHOULDER PATCHES
04/13/2021	470	Leon, Susan	040121-0430	725.00	.00	.00	725.00	✓			CLEANING CONTRACT
04/13/2021	103	Master Petroleum	CL55825-IN	2,010.15	.00	.00	2,010.15	✓			FUEL
04/13/2021	279	Mesa Rental & Su	C-009861	123.00	.00	.00	123.00	✓			TRENCHER (PARK SPRINKLERS)
04/13/2021	751	Montrose Ford Lin	5055822	135.46	.00	.00	135.46	✓			F150 FORD LAMP ASSY
04/13/2021	995	Municipal Code Co	00355934	1,078.28	.00	.00	1,078.28	✓			CODE UPDATE
04/13/2021	233	North Fork Pool, P	2021	2,000.00	.00	.00	2,000.00	✓			YEARLY MAINTENANCE FEES
04/13/2021	141	North Fork Service	920472-9204	938.20	.00	.00	938.20	✓			FUEL
04/13/2021	122	Paonia Auto Parts	374670-3754	1,464.02	.00	.00	1,464.02	✓			VARIOUS
04/13/2021	125	Paonia Farm & Ho	77997-80468	860.92	.00	.00	860.92	✓			VARIOUS
04/13/2021	1119	Peak Alarm Co., In	1098389	75.00	.00	.00	75.00	✓			MONITORING FEE
04/13/2021	1191	Peter Marshall	021221CDO	5,975.00	.00	.00	5,975.00	✓			CDOT DESIGN
04/13/2021	1191	Peter Marshall	021221CDO	800.00	.00	.00	800.00	✓			CDOT PLANNING
04/13/2021	499	Phonz +	11328	1,533.91	.00	.00	1,533.91	✓			MONTHLY IT FEES
04/13/2021	737	Ricoh USA Inc	5061664619	199.20	.00	.00	199.20	✓			COPIER COPIES
04/13/2021	931	Roop Excavating L	1077	1,250.00	.00	.00	1,250.00	✓			HARDING RD WATER LEAK
04/13/2021	931	Roop Excavating L	1082	3,500.00	.00	.00	3,500.00	✓			PURCHASE PINTEL HITCH
04/13/2021	656	Schmueser Gordo	2013-471.00	10,403.00	.00	.00	10,403.00	✓			GIS MAPPING/ASSET INV
04/08/2021	956	SGS North Americ	5216012578	127.03	.00	.00	127.03	✓			SEWER SAMPLES
04/13/2021	956	SGS North Americ	5216012589	240.08	.00	.00	240.08	✓			WATER SAMPLES
04/13/2021	956	SGS North Americ	5216012601	795.30	.00	.00	795.30	✓			WATER SAMPLES
04/13/2021	956	SGS North Americ	5216012606	1,598.76	.00	.00	1,598.76	✓			WATER SAMPLES
04/13/2021	152	Southwestern Syst	202838	633.00	.00	.00	633.00	✓			SEWER PLUG
04/13/2021	156	TDS Telecom	04-2021	320.79	.00	.00	320.79	✓			TELEPHONE & INTERNET
04/13/2021	861	The Paper-Clip LL	2039901	270.31	.00	.00	270.31	✓			OFFICE SUPPLIES
04/13/2021	161	UNCC	221031079	128.04	.00	.00	128.04	✓			LOCATES
04/13/2021	162	United Companies	1392032	225.44	.00	.00	225.44	✓			ALLEY REPAIR
04/13/2021	165	Valley Machine LL	5346	66.59	.00	.00	66.59	✓			STATUE INSTALL
04/13/2021	372	Western Slope Co	1628	13,850.59	.00	.00	13,850.59	✓			PARK MASTER PLAN
04/08/2021	491	Winwater Corp	058178-02	1,849.98	.00	.00	1,849.98	✓			SEWER PLANT REPAIR
04/13/2021	491	Winwater Corp	057691-02	3,118.21	.00	.00	3,118.21	✓			SEWER PLANT REPAIR
04/13/2021	491	Winwater Corp	058212-01	2,462.04	.00	.00	2,462.04	✓			WATER METERS

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
Grand Totals:			56	90,104.36	.00	.00	90,104.36			

Cash Requirements Summary

Date	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Net Cumulative Amount
04/08/2021	1,992.90	.00	.00	1,992.90	1,992.90
04/13/2021	88,111.46	.00	.00	88,111.46	90,104.36
Grand Totals:	90,104.36	.00	.00	90,104.36	



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, 2021

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: 5/1/2021

Table with 4 columns: Loan Number, Principal, Interest, Total. Row 1: D08F212, \$10,065.00, \$1,606.70, \$11,671.70. Row 2: Total Amount Due, \$10,065.00, \$1,606.70, \$11,671.70.

Wire and ACH (Automatic Clearing House) 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

Per the loan agreement, this loan is not payable by check.

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 1018. Additionally, please notify me of any address changes by e-mail at accounting@cwrpda.com or by phone at the number listed above.

Sincerely,
Rachel Renteria

Rachel Renteria
Senior Accountant

Cc: Jennifer Petrino, Jennifer.Petrino@usbank.com
Lucy Vang, lucy.vang@usbank.com
Yia Vue, yia.vue@usbank.com

Thank you for banking with United Business Bank. If you need assistance, contact customer service.

Create an ACH Batch Confirmation



The following ACH was successfully scheduled and will appear on your Scheduled ACH page until it is processed.

4/26/2021

Header information

▶ Reference number: **443207**
 Status: Approved
 Portfolio: Town of Paonia
 ACH template: Norris Retirement1
 Batch type: PPD

Transactions (credit / destination accounts)

Pre-note transactions do not appear in batch totals, and will be transmitted as zero dollar amounts regardless of amount entered.

Individual Name	Individual ID	ABA	Account Number	Amount	Transaction Type
Norris, John H		██████████	██████████	\$1,680.00	Checking - Automated Deposit
Addenda record: Monthly Retirement Payment					

Grand total credits (quantity): \$1,680.00 (1)

Grand total debits (quantity): \$1,680.00 (1)

[Signature]
4/6/2021

Audit information

Created: 2/12/2021
 By: townofpaoniapr
 Last modified:
 By:
 Last approved: 2/12/2021
 By: townofpaoniapr
 Last released:
 By:
 Canceled:
 By:
 Processed on:
 Last Security Challenge:
 By:



Manage your account online at : www.chase.com/cardhelp

Customer Service: 1-800-945-2028

Mobile: Download the Chase Mobile® app today

April 2021						
S	M	T	W	T	F	S
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	8

New Balance
\$6,680.97
 Minimum Payment Due
\$66.00
 Payment Due Date
04/17/21

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	\$5,389.41
Payment, Credits	-\$5,389.41
Purchases	+\$6,680.97
Cash Advances	\$0.00
Balance Transfers	\$0.00
Fees Charged	\$0.00
Interest Charged	<u>\$0.00</u>
New Balance	\$6,680.97
Opening/Closing Date	02/24/21 - 03/23/21
Credit Limit	\$45,000
Available Credit	\$38,319
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 \$6,680.97 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.

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.

[REDACTED]



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Customer Service: 1-800-945-2028

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ACCOUNT ACTIVITY

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
03/17	AUTOMATIC PAYMENT - THANK YOU CINDY JONES TRANSACTIONS THIS CYCLE (CARD 8901) \$5378.55- INCLUDING PAYMENTS RECEIVED	-5,378.55
02/24	TRACTOR SUPPLY CO #5509 615-440-4600 TN	652.19
03/02	COLORADO CWP 719-5456748 CO	50.00
03/03	SENSAPHONE 610-5582700 PA	71.40
03/03	4933 CED 970-2492281 CO	3,750.00
03/10	COLORADO CWP 719-5456748 CO TRAVIS LOBERG TRANSACTIONS THIS CYCLE (CARD 2935) \$4573.59	50.00
03/04	Prime Video 888-802-3080 WA	-10.86
03/01	CAMSTREAMER S.R.O. PRAHA	299.00
03/01	WM SUPERCENTER #5458 DELTA CO	44.03
03/15	CONOCO - STOP N SAVE 9 PAONIA CO	30.00
03/16	ZOOM.US 888-799-9666 WWW.ZOOM.US CA CORINNE FERGUSON TRANSACTIONS THIS CYCLE (CARD 3742) \$402.17	40.00
03/05	CO MOTOR VEH SERV EMV DENVER CO NEIL FERGUSON TRANSACTIONS THIS CYCLE (CARD 3775) \$12.59	12.59
02/25	USPS PO 0769660541 PAONIA CO	61.75
03/02	CEDAR POINT HEALTH LLC - CEDAREDGE CO	160.00
03/03	USPS PO 0769660541 PAONIA CO	1.40
03/22	USPS.COM POSTAL STORE 800-782-6724 MO TOWNOF PAONIA TRANSACTIONS THIS CYCLE (CARD 8181) \$1216.55	993.40
02/23	THE HOME DEPOT 1537 MONTROSE CO	445.51
03/08	CO DRIVER SERVI EMV DENVER CO TOWNOF PAONIA TRANSACTIONS THIS CYCLE (CARD 8158) \$465.21	19.70

2021 Totals Year-to-Date	
Total fees charged in 2021	\$0.00
Total interest charged in 2021	\$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	13.24%(v)(d)	- 0 -	- 0 -
ADVANCES			

For customer support, visit www.amazon.com/contact-us.

Invoice summary *Due 45 days from receipt of invoice*

Item subtotal before tax	\$ 1,018.42
Shipping & handling	\$ 0.00
Promos & discounts	\$ 0.00
Total before tax	\$ 1,018.42
Tax	\$ 88.62
Amount due	\$ 1,107.04 USD

Billing period 3/1/21 to 3/31/21

Account # [REDACTED]

Payment terms Net 45

Registered business name

Town of Paonia

Bill to

Town of Paonia
 Corinne Ferguson
 214 Grand Avenue
 PO Box 460
 PAONIA, CO 81428

Group Name

Town of Paonia

Pay by

Electronic funds transfer (EFT/ACH/Wire)

Account name Amazon Capital Services, Inc.
Bank name Wells Fargo Bank
Bank routing # (ABA) 121000248
Bank account # (DDA) 41630410406736077
SWIFT code (wire transfer) WFBIUS6S

Check

Amazon Capital Services
 PO Box 035184
 Seattle, WA 98124-5184

Include Amazon invoice number(s) in the descriptive field of your electronic funds transfer payment, or
 Email ar-businessinvoicing@amazon.com to submit your remittance detail.

Invoice details

#	Ship date	PO #	Description	Qty	Unit price	Item subtotal before tax	Tax
1	3/1/21		Ninja Specialty Coffee Maker, with 50 Oz Glass Carafe, Black and Stainless Steel Finish	1	\$159.00	\$159.00	8.700%

ASIN: B07PFLM2LK Sold by: PandaVida Inc
 Order # 113-9071484-7434658
 Order date: February 23, 2021

#	Ship date	PO #	Description	Qty	Unit price	Item subtotal before tax	Tax
2	3/1/21		LIFT Safety Dax Carbon Fiber Hard Hat by Lift, black, carbon fiber, LIFT - HDC-15KG - SHINY BLACK CARBON FIB ASIN: B076KJC84H Sold by: Ram Tool and Supply Co. Inc. Order # 113-1882348-9629022 Order date: February 26, 2021	2	\$133.65	\$267.30	8.700%
3	3/2/21		Simple Houseware Drawer Organizer Tray with 9 Adjustable Compartments, White ASIN: B08PDSFLWT Sold by: EP FAMILY CORP Order # 113-3058961-6862663 Order date: February 26, 2021	3	\$9.87	\$29.61	8.700%
4	3/10/21		Yingdelai Dog Poop Bag, 540 Counts Biodegradable Dog Waste Bags with 1 Dispenser, Eco-Friendly Leak-Proof Pet Poop Bags for Doggy Scented ASIN: B07RJ28SK9 Sold by: DE JUN CHE Order # 113-1470382-5266612 Order date: March 10, 2021	2	\$16.99	\$33.98	8.700%
5	3/10/21		J Channel Desk Cable Organizers by SimpleCord - 10 White Raceway Channels - Cord Cover Management Kit for Desks, Offices, and Kitchens ASIN: B078NR5PNQ Sold by: Amazon.com Services LLC Order # 113-1470382-5266612 Order date: March 10, 2021	1	\$30.95	\$30.95	8.700%

#	Ship date	PO #	Description	Qty	Unit price	Item subtotal before tax	Tax
6	3/10/21		Alex Tech 25ft - 1/2 inch Cord Protector Wire Loom Tubing Cable Sleeve Split Sleeving for USB Cable Power Cord Audio Video Cable - Protect Cat from Ch ASIN: B08PFB7334 Sold by: Wenzhou Mingde International Co.,Ltd. Order # 113-1470382-5266612 Order date: March 10, 2021	1	\$19.99	\$19.99	8.700%
7	3/11/21		DOGIPOT 1402-20 20 Roll Case, Litter Pick up Bag Rolls, 200 Bags per Roll (4000 Bags) ASIN: B010VBMLUO Sold by: Amazon.com Services LLC Order # 113-1470382-5266612 Order date: March 10, 2021	2	\$139.24	\$278.48	8.700%
8	3/31/21	460	Smead File Pocket, Straight-Cut Tab, 5-1/4" Expansion, Letter Size, Redrope, 10 per Box (73234) ASIN: B001L1RFOG Sold by: Amazon.com Services LLC Order # 113-4952886-2349824 Order date: March 29, 2021	1	\$12.89	\$12.89	8.700%
9	3/31/21	460	Amazon Basics 1/3-Cut Tab, Assorted Positions File Folders, Letter Size, Manila - Pack of 100 ASIN: B01LYHE49W Sold by: Amazon.com Services LLC Order # 113-4952886-2349824 Order date: March 29, 2021	1	\$9.99	\$9.99	8.700%

#	Ship date	PO #	Description	Qty	Unit price	Item subtotal before tax	Tax
10	3/31/21	460	HP 951XL Ink Cartridge Works with HP Officejet Pro 251dw, 276dw, 8600 Series, 8100 Yellow CN048AN ASIN: B005BZNDIU Sold by: Amazon.com Services LLC Order # 113-4952886-2349824 Order date: March 29, 2021	1	\$34.89	\$34.89	8.700%
11	3/31/21	460	HP 932XL Ink Cartridge Black CN053AN ASIN: B006M1MH5O Sold by: Amazon.com Services LLC Order # 113-4952886-2349824 Order date: March 29, 2021	2	\$36.39	\$72.78	8.700%
12	3/31/21	460	BETCKEY - Compatible DYMO 30277 (9/16" x 3-7/16") File Folder(2-UP) Labels - Compatible with Rollo, DYMO Labelwriter 450, 4XL & Zebra Desktop Printers ASIN: B01M6XVV7M Sold by: Beijing Beixi Technology Co., Ltd Order # 113-4952886-2349824 Order date: March 29, 2021	1	\$20.58	\$20.58	8.700%
13	3/31/21	460	Amazon Basics Multipurpose Copy Printer Paper - White, 8.5 x 11 Inches, 8 Ream Case (4,000 Sheets) ASIN: B07K8WHH5J Sold by: Amazon.com Services LLC Order # 113-4952886-2349824 Order date: March 29, 2021	2	\$23.99	\$47.98	8.700%

Total before tax	\$1,018.42
Tax	\$88.62
Amount due	\$1,107.04

FAQs

How is tax calculated?

Visit https://www.amazon.com/gp/help/customer/display.html/ref=hp_leftv4_sib?ie=UTF8&nodeId=202036190

How are digital products and services taxed?

Visit https://www.amazon.com/gp/help/customer/display.html/ref=hp_leftv4_sib?ie=UTF8&nodeId=202074670

Transfer Confirmation



This transfer was successfully completed.

Reference number: **456082**

Type: Internal transfer

Transfer from: OPs

Transfer to: Payroll

Amount: \$25,825.61

*OK
3/23/2021*

Description: 3/26/2021 Payroll

*OK
3/24/2021*

Transfer on: 03/23/2021



Status: Processed

*KB
3/24/21*

Transfer Confirmation



This transfer was successfully completed.

Reference number: **460751**

Type: Internal transfer

Transfer from: OPs

Transfer to: Payroll

Amount: \$22,749.44

Description: 4/9/2021 Payroll

Transfer on: 04/06/2021

Status: Processed

*Done
4/6/2021*

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		03/19/2021	74-00	Federal Tax Deposit Social Security	10-0216	1,348.48
2	IRS Tax Deposit		03/19/2021	74-00	Federal Tax Deposit Social Security	10-0216	1,348.48
2	IRS Tax Deposit		03/19/2021	75-00	Federal Tax Deposit Medicare Pay P	10-0216	477.85
2	IRS Tax Deposit		03/19/2021	75-00	Federal Tax Deposit Medicare Pay P	10-0216	477.85
2	IRS Tax Deposit		03/19/2021	76-00	Federal Tax Deposit Federal Withhold	10-0216	2,225.80
Total 2:							5,878.46
4							
4	Aflac		03/05/2021	63-01	Aflac Pre-Tax Pay Period: 3/5/2021	10-0225	120.18
4	Aflac		03/05/2021	63-02	Aflac After Tax Pay Period: 3/5/2021	10-0225	24.90
4	Aflac		03/19/2021	63-01	Aflac Pre-Tax Pay Period: 3/19/2021	10-0225	120.18
4	Aflac		03/19/2021	63-02	Aflac After Tax Pay Period: 3/19/2021	10-0225	24.90
Total 4:							290.16
6							
6	Colorado Dept of Labor		12/25/2020	98-00	SUTA State Unemployment Tax Pay	10-0218	88.69
6	Colorado Dept of Labor		01/08/2021	98-00	SUTA State Unemployment Tax Pay	10-0218	90.15
6	Colorado Dept of Labor		01/22/2021	98-00	SUTA State Unemployment Tax Pay	10-0218	84.96
6	Colorado Dept of Labor		02/05/2021	98-00	SUTA State Unemployment Tax Pay	10-0218	87.29
6	Colorado Dept of Labor		02/19/2021	98-00	SUTA State Unemployment Tax Pay	10-0218	90.70
6	Colorado Dept of Labor		03/05/2021	98-00	SUTA State Unemployment Tax Pay	10-0218	91.04
6	Colorado Dept of Labor		03/19/2021	98-00	SUTA State Unemployment Tax Pay	10-0218	95.91
6	Colorado Dept of Labor		03/19/2021	98-00	SUTA	10-0218	.05-
Total 6:							628.69
9							
9	Colorado Dept of Revenue		03/05/2021	77-00	State Withholding Tax Pay Period: 3/5	10-0217	930.00
9	Colorado Dept of Revenue		03/19/2021	77-00	State Withholding Tax Pay Period: 3/1	10-0217	972.00
Total 9:							1,902.00
31							
31	Mutual of Omaha		03/19/2021	51-01	Group# MOORetirement Plan Pay P	10-0220	502.60
31	Mutual of Omaha		03/19/2021	51-01	Group# MOORetirement Plan Pay P	10-0220	1,080.30
31	Mutual of Omaha		03/19/2021	51-02	Group# MOO Loan Payment Pay Pe	10-0220	336.56
Total 31:							1,919.46
33							
33	FPPA - Fire & Police Pensi		03/19/2021	50-00	FPPA Pay Period: 3/19/2021	10-0219	1,156.70
33	FPPA - Fire & Police Pensi		03/19/2021	50-00	FPPA Pay Period: 3/19/2021	10-0219	854.96
33	FPPA - Fire & Police Pensi		03/19/2021	90-00	Death & Disability Pay Period: 3/19/2	10-0219	301.75
Total 33:							2,313.41
70							
70	Rocky Mountain HMO		03/05/2021	60-01	RMHMO - Employee Only Pay Period	10-0223	277.06
70	Rocky Mountain HMO		03/05/2021	60-01	RMHMO - Employee Only Pay Period	10-0223	4,594.60

Transmittal Number	Name	Invoice Number	Pay Per Date	Pay Code	Description	GL Account	Amount
70	Rocky Mountain HMO		03/05/2021	60-02	RMHMO - Employee + 1 Pay Period:	10-0223	104.00
70	Rocky Mountain HMO		03/05/2021	60-02	RMHMO - Employee + 1 Pay Period:	10-0223	565.83
70	Rocky Mountain HMO		03/05/2021	60-03	RMHMO - Employee + Family Pay Pe	10-0223	405.59
70	Rocky Mountain HMO		03/05/2021	60-03	RMHMO - Employee + Family Pay Pe	10-0223	4,156.59
70	Rocky Mountain HMO		03/05/2021	60-04	RMHMO - Vision Pay Period: 3/5/202	10-0223	55.37
70	Rocky Mountain HMO		03/05/2021	60-07	RMHMO - Employee + Spouse Pay P	10-0223	163.98
70	Rocky Mountain HMO		03/05/2021	60-07	RMHMO - Employee + Spouse Pay P	10-0223	722.02
70	Rocky Mountain HMO		03/19/2021	60-01	RMHMO - Employee Only Pay Period	10-0223	252.84
70	Rocky Mountain HMO		03/19/2021	60-02	RMHMO - Employee + 1 Pay Period:	10-0223	380.68
70	Rocky Mountain HMO		03/19/2021	60-03	RMHMO - Employee + Family Pay Pe	10-0223	405.59
70	Rocky Mountain HMO		03/19/2021	60-04	RMHMO - Vision Pay Period: 3/19/20	10-0223	55.39
70	Rocky Mountain HMO		03/19/2021	60-07	RMHMO - Employee + Spouse Pay P	10-0223	163.98
70	Rocky Mountain HMO		03/19/2021	60-02	Adjustment AVassell	10-0223	1,131.08
Total 70:							13,434.60
71							
71	The Harford		03/05/2021	65-01	Group#013307460001 Hartford Basic	10-0226	31.80
71	The Harford		03/05/2021	65-02	Group#013307460001 Hartford Suppl	10-0226	34.94
71	The Harford		03/05/2021	65-03	Group#013307460001 Hartford Disab	10-0226	134.43
71	The Harford		03/19/2021	65-02	Group#013307460001 Hartford Suppl	10-0226	34.91
Total 71:							236.08
73							
73	Delta Dental of Colorado		03/05/2021	60-05	Dental RMHMO - Dental Pay Period:	10-0223	333.37
73	Delta Dental of Colorado		03/19/2021	60-05	Dental RMHMO - Dental Pay Period:	10-0223	333.43
Total 73:							666.80
75							
75	VSP Insurance CO (CT)		03/05/2021	60-04	RMHMO - Vision Pay Period: 3/5/202	10-0223	77.61
75	VSP Insurance CO (CT)		03/19/2021	60-04	RMHMO - Vision Pay Period: 3/19/20	10-0223	77.62
75	VSP Insurance CO (CT)		03/19/2021	60-04	Adjustment	10-0223	97.68
Total 75:							252.91
Grand Totals:							27,522.57

Report Criteria:

Unpaid transmittals included
 Begin Date: ALL
 End Date: ALL

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		04/02/2021	74-00	Federal Tax Deposit Social Security	10-0216	1,130.36
2	IRS Tax Deposit		04/02/2021	74-00	Federal Tax Deposit Social Security	10-0216	1,130.36
2	IRS Tax Deposit		04/02/2021	75-00	Federal Tax Deposit Medicare Pay P	10-0216	434.25
2	IRS Tax Deposit		04/02/2021	75-00	Federal Tax Deposit Medicare Pay P	10-0216	434.25
2	IRS Tax Deposit		04/02/2021	76-00	Federal Tax Deposit Federal Withhold	10-0216	2,295.80
Total 2:							✓ 5,425.02
4							
4	Aflac		04/02/2021	63-01	Aflac Pre-Tax Pay Period: 4/2/2021	10-0225	120.18
4	Aflac		04/02/2021	63-02	Aflac After Tax Pay Period: 4/2/2021	10-0225	24.90
Total 4:							145.08 <i>Mo.</i>
6							
6	Colorado Dept of Labor		04/02/2021	98-00	SUTA State Unemployment Tax Pay	10-0218	94.61
Total 6:							94.61 <i>OTK</i>
9							
9	Colorado Dept of Revenue		04/02/2021	77-00	State Withholding Tax Pay Period: 4/2	10-0217	969.00
Total 9:							969.00 <i>Mo.</i>
30							
30	Empower Retirement		04/02/2021	51-01	Retirement Plan MOORetirement Pla	10-0220	740.40
30	Empower Retirement		04/02/2021	51-01	Retirement Plan MOORetirement Pla	10-0220	1,222.40
30	Empower Retirement		04/02/2021	51-02	Retirement Plan MOO Loan Payment	10-0220	336.56
Total 30:							✓ 2,299.36
33							
33	FPPA - Fire & Police Pensi		04/02/2021	50-00	FPPA Pay Period: 4/2/2021	10-0219	1,182.20
33	FPPA - Fire & Police Pensi		04/02/2021	50-00	FPPA Pay Period: 4/2/2021	10-0219	873.80
33	FPPA - Fire & Police Pensi		04/02/2021	90-00	Death & Disability Pay Period: 4/2/20	10-0219	308.40
Total 33:							✓ 2,364.40
70							
70	Rocky Mountain HMO		04/02/2021	60-01	RMHMO - Employee Only Pay Period	10-0223	252.84
70	Rocky Mountain HMO		04/02/2021	60-01	RMHMO - Employee Only Pay Period	10-0223	4,158.60
70	Rocky Mountain HMO		04/02/2021	60-02	RMHMO - Employee + 1 Pay Period:	10-0223	254.45
70	Rocky Mountain HMO		04/02/2021	60-02	RMHMO - Employee + 1 Pay Period:	10-0223	1,254.30
70	Rocky Mountain HMO		04/02/2021	60-03	RMHMO - Employee + Family Pay Pe	10-0223	405.59
70	Rocky Mountain HMO		04/02/2021	60-03	RMHMO - Employee + Family Pay Pe	10-0223	4,156.59
70	Rocky Mountain HMO		04/02/2021	60-07	RMHMO - Employee + Spouse Pay P	10-0223	163.98
70	Rocky Mountain HMO		04/02/2021	60-07	RMHMO - Employee + Spouse Pay P	10-0223	722.02
Total 70:							11,368.37 <i>Mo.</i>

Transmittal Number	Name	Invoice Number	Pay Per Date	Pay Code	Description	GL Account	Amount
71							
71	The Harford		04/02/2021	65-01	Group#013307460001 Hartford Basic	10-0226	31.80
71	The Harford		04/02/2021	65-02	Group#013307460001 Hartford Suppl	10-0226	34.94
71	The Harford		04/02/2021	65-03	Group#013307460001 Hartford Disab	10-0226	134.43
Total 71:							201.17
73							
73	Delta Dental of Colorado		04/02/2021	60-05	Dental RMHMO - Dental Pay Period:	10-0223	333.37
Total 73:							333.37
75							
75	VSP Insurance CO (CT)		04/02/2021	60-04	RMHMO - Vision Pay Period: 4/2/202	10-0223	59.30
75	VSP Insurance CO (CT)		04/02/2021	60-04	RMHMO - Vision Pay Period: 4/2/202	10-0223	71.07
Total 75:							130.37
Grand Totals:							23,330.75

Mo.
Mo.
Mo.

(g) 4/6/2021

Report Criteria:
Unpaid transmittals included
Begin Date: ALL
End Date: ALL

075

Employee Number	Name	85-00 Net Pay Emp Amt
1300	Bachran, Mary A	554.10
1301	Bear Jr., William A	277.05
1053	Beardslee, Dominic D	1,376.66
1024	Berger, Brian J	1,355.35
1302	Budinger, Karen A	277.05
1052	Edwards, Roger	1,009.39
1002	Ferguson, J. Corinne	2,144.75
1020	Ferguson, Neil	1,954.45
1022	Hinyard, Patrick	1,599.43
1012	Huffman, Julie J	484.84
1306	Johnson, Michael A	277.05
1001	Jones, Cynthia	1,766.89
1005	Katzer, JoAnn	948.92
1100	King, Ross C	277.05
1303	Knutson, David A	277.05
1050	Loberg, Travis	2,026.93
1055	McCallister, Johnathan M	1,918.87
1305	Meck, Tamie A	277.05
1003	Mojarro-Lopez, Amanda	1,046.58
1023	Patterson, Taffine A	1,209.48
1304	Pattison, Michelle R	277.05
1054	Redden, Jordan	905.64
1051	Reich, Dennis	1,000.15
1025	Vassel, Andrew C	812.36
1021	Winnett, Lorin E	1,771.47


Grand Totals:

25 25,825.61


KB 3/24/21
PWC 3/23/2021
DK 3/24/2021



Employee Number	Name	85-00 Net Pay Emp Amt
1053	Beardslee, Dominic D	1,308.35
1024	Berger, Brian J	1,039.82
1052	Edwards, Roger	967.40
1002	Ferguson, J. Corinne	2,144.75
1020	Ferguson, Neil	1,954.44
1022	Hinyard, Patrick	1,935.11
1001	Jones, Cynthia	1,766.89
1005	Katzer, JoAnn	936.73
1050	Loberg, Travis	2,026.92
1055	McCallister, Johnathan M	1,743.64
1003	Mojarro-Lopez, Amanda	1,018.61
1023	Patterson, Taffine A	819.73
1054	Redden, Jordan	941.03
1051	Reich, Dennis	1,000.16
1025	Vassel, Andrew C	1,292.03
1021	Winnett, Lorin E	1,853.83
Grand Totals:		16 22,749.44

PK
4/6/2021


AGENDA SUMMARY FORM

	<p>Regular Minutes: March 23, 2021</p> <p>Special Minutes: April 6, 2021</p> <p>Liquor License Renewal: Curiel, LLC dba Rio Bravo</p> <p>Special Event Permits: Blue Sage Center for the Arts The Learning Council Relocation of Approved Special Event for Friends of the Paradise Theatre</p>		
Summary:			
Notes:			
<p>Rio Bravo – renewal contingent upon receipt of completed Tax Check Authorization form and updated lease renewal for location.</p> <p>Liquor Licenses – no issues noted</p> <p>Friends of the Paradise Theatre – event was scheduled at Poulos Park but needs relocated to Town Park due to sod installation schedule.</p>			
Possible Motions:			
Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Trustee Bear	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Meck	Trustee Pattison	Mayor Bachran

April 9, 2021

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
March 23, 2021

RECORD OF PROCEEDINGS

The Regular Meeting held via Zoom on Tuesday, March 23, 2021, was called to order at 6:31 p.m. by Mayor Mary Bachran, followed by the Pledge of Allegiance. Formal Video Record at <https://youtu.be/1KittgJePBk>

Roll Call

PRESENT
 Mayor Bachran
 Trustee Bear
 Trustee Budinger
 Trustee Knutson
 Trustee Johnson
 Trustee Meck
 Trustee Pattison – Absentee

Approval of Agenda

✚ Motion made by Trustee Bear, Seconded by Trustee Budinger and unanimously carried to approve agenda as presented.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison				X
Mayor Bachran				

Announcements

None.

Recognition of Visitors & Guests

Cassandra Shenk – Lambert Grange #439 presentation:

- Grange Master Cassandra Shenk spoke about what the Grange is.
 - The Grange is a fraternal organization based on the freemasons that was organized in Paonia on September 21, 1936. They are an agricultural advocacy group.
 - The Lambert Grange #439 would like to offer a class that is custom made to the Board.
 - A work session was scheduled for April 6, 2021 at 5pm.
- Public:
 - A community member requested that the Building Department’s form be in an electronic fillable format.

- A community member expressed concern about the timeline for replacement of the current building official.

Staff Reports

Administrator's Report:

- The Administrator's report was included in the packet.
 - Provided the Riverbank Subdivision hearing calendar.
 - Provided the calendar for the upcoming variance application before the planning commission.
 - Discussed the recommendation that was received from One Delta County to evaluate as individual communities' incentives for development within Town limit. A draft resolution that Delta County is reviewing will be on the Town Board agenda in the coming months.
- Board members expressed their concern about JDS Hydro's report being delayed and rescheduled.
- Board members expressed their concerns regarding the compliancy the public works director's licenses to operate the sewer and water plants.
 - The Public Works Director is scheduled for testing to update his (ORC) Operator in Responsible Charge certification license.
- Board members expressed their concern in regard to the information that was reported on the Environmental Protection Agency (EPA) website.
 - Admin/Town Clerk Ferguson stated that all violations have been reported accurately and any new violations would need to be looked in to.
- Board member was concerned with errors in the Tree Board ordinance 2020-05 document.
 - Mayor Bachran suggested that the ordinance be provided at the next meeting to discuss errors.
- Suggestion from a Board member to investigate a contract for the Town's sewer and water plants reporting to the State.

Public comments:

- A community member suggested to add the 2021 Tree inventory's appendices onto the Town's website.
 - A community member questioned how information they may deem as misinformation to media/radio is handled after the fact.

Public Works report:

- The Public Works report was included in the packet.
- Trustee Meck a member for the Public Works Committee would like to be present for the street repair bid opening.
- A Board member requested the status of the consumer annual sample cross connection control report.
 - Public Works Director Loberg stated that the report will be completed by end of April.

Police Report:

- The police blotter was included in the packet.
- Patrol car is still in the Town shop getting customized.
- Reported that there have been numerous calls from citizens about workers compensation fraud.
 - Chief Ferguson stated to not release any information out to these callers who are scammers.
- Reported on the agreement about assisting the Hotchkiss Marshals Office with coverage.
- A community member suggested that the Police Department have an outreach program regarding fraud for the community.

Attorney Report:

- The attorney’s report was included in the packet.

Treasurer’s Report:

- Reviewed disbursements and payroll.
 - Disbursements were included in the packet.

Disbursements

Disbursements Report:

- Finance Director Jones reported that the year-end entries have been completed.
- A trial balance will be supplied to the auditors on 3/24/2021.
- The funds balance and finance policy, and personal time off (PTO) will be discussed at the finance meeting held 3/24/21.
- Working on finding a new health care insurance provider.
- Empower retirement representative will be coming in on 3/25/21 to set up employees with their account.

✚ Motion by Trustee Knutson and seconded by Trustee Budinger and unanimously carried to approve the disbursements as presented.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison				X
Mayor Bachran				

Consent Agenda

Regular Minutes:

- March 9, 2021

Work session:

- March 16, 2021

Special Event Liquor License:

- Friends of the Paradise Theatre – Poulos Park concert series.

Liquor License Renewals:

- Thomas Waldo’s
- The Flying Fork

✚ Motion made by Trustee Knutson, Seconded by Trustee Meck and unanimously carried to approve the agenda as presented.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison				X
Mayor Bachran				

Unfinished Business

Retail Marijuana Ordinance 2021-01 – First Read:

- A Board member was concerned with delivery options as drafted in the ordinance.
 - Town Attorney stated that all deliveries will be only in town limits.
- A Board member stated that the request to cross reference the Business Formula was not included the ordinance.
 - Town Attorney stated that the request will be in the document for the second read.
- A Board member stated that the language on page-3 section H the language needs to be clarified and state that no more than 12 licenses and a total of 6 stores are allowed.
 - The Board member’s statement was a proposed changed.
- A Board member stated that the language on page-5 first paragraph needs to be clarified and state that only stores are allowed.
 - Town Attorney stated that only retail and medical stores are allowed, and that the marijuana license can be transferred under the commercial license under the State of Colorado regulations.
 - The Board member’s statement was a proposed change.
- Other topics that were discussed were page-9 section H first paragraph regarding the time the license needs to be put to use.
- On page 7 after section F should be G not H.

Public comments:

- A community member was concerned with the definition of the second whereas of the ordinance not being correct and stated that the definition on page-3 section D “Retail Marijuana Establishment” is incorrect.

- A community member stated that the penalty and nuisance on page 12 section 6-4-200 should be separate items.
- A community member stated it should be cannabis, not marijuana.

✚ Motion made by Trustee Budinger, Seconded by Trustee Johnson and carried with 1 nay and 4 ayes to approve the Retail Marijuana Ordinance 2021-01 – First Read with the proposed changes made.

New Business

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck		X		
Trustee Pattison				x
Mayor Bachran				

Large Park Event: The Learning Council – Town Park Farmer Market

- Discussion regarding the request by The Learning Council to hold a farmers’ market at the Town Park every Tuesday, May 18th through October 12th from 5pm to 8pm with a total of 25 expected vendors to attend. Documents were included in the packet.
- Concerns from the Board regarding the farmers market were:
 - Foot traffic on the grassy areas resulting in wear and tear of it.
 - Suggestions were to have the farmers market on the pavement areas.
 - The Learning Council stated that they prefer to have the set-up in the shaded area and that they would re-seed the whole park at the end of the farmers market session.

✚ Motion made by Trustee Knutson, Seconded by Trustee Budinger and carried with 1 nay and 4 ayes to approve the Farmers Market and direct staff to work with the Learning Council to mediate the grass issues.

Council Member	For	Against	Abstain	Absent
Trustee Bear		X		
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison				X
Mayor Bachran				

Resolution 2021-05 Local Disaster Declaration Extension:

- Discussion ensued to extend Resolution 2021-05.

✚ Motion made by Trustee Bear, Seconded by Trustee Budinger and unanimously carried to approve Resolution 2021-05 Local Disaster Declaration Extension.

Council Member	For	Against	Abstain	Absent
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Trustee Bear	X			
Trustee Budinger	X			
Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison				X
Mayor Bachran				

- Recess at 8:41 pm.
- The meeting resumed at 8:48 pm

Updating Board of Trustees Meeting Schedule:

- Discussion was requested by the Finance and Personnel Committee to modify the current Board of Trustees’ meeting schedule from 2nd and 4th Tuesday to a 3-week meeting schedule.

Board & Staff discussion points:

- Discussed the issue of requesting the packets to complete and posted for the public and Board with holding a meeting every 2nd and 4th Tuesday of the month has been difficult at times this gives 9 days to staff to gather all the required information that the Board has requested during a meeting for the following meeting while having to do their regular day to day work.
- Concerns discussed were the length of the meeting and if there would be enough time to discuss and decide on the agenda items.
- The Finance and Personnel Committee have researched other Towns who have a 3-week schedule and stated that the schedule has worked out for them.
- Concerns discussed were the approval of disbursements.
 - Finance and Personnel stated that the new and incoming disbursements would be both be approved at the same meeting.
- Town Attorney Nerlin suggested to keep April as scheduled and start the new schedule in May.
- The Board directed the Town Attorney to draft a plan regarding the 3-week schedule.

Grand Ave Closure Discussion:

- Discussion ensued by staff to request the Board to look into street closures specifically to Grand Ave. The Town Hall staff is looking for direction or recommendations from the Board on how to move forward with multiple organizations requesting consecutive days.
- Trustee Bear was not in favor of the street closures and preferred that the applicant come before the Board for approval.
 - The current process for street closures can administratively be approved if it is less than 5 hours under the current municipal code Chapter 11 Article 1 Section 11-1-80.
 - https://library.municode.com/co/paonia/codes/municipal_code?nodeId=CH11STSIPUPL_ART11STSI_S11-1-80STCLPE
 - The Board set a work session on April 06, 2021 at 5:00pm to discuss the street closures policy.

Mayor's Report

- Mayor's Report was included in the packet.
- Mayor Bachran elaborated on the America Rescue Plan and State Recovery Stimulus money that has been passed.
- Mayor Bachran is writing the AARP grant for the Town of Paonia and requested feedback as to which of these are high priority upgrading the electrical in the gazebo adding lights and resurfacing it, remodeling the bathrooms, and adding a bench in the playground area for the Board members.

Committee Reports

Finance & Personnel report:

- Nothing to report.

Governmental Affairs & Public Safety report:

- The short-term rental (STR's) survey is going out April 1st will give a recommendation in May after the survey is reviewed.
- The draft for additional dwelling units (ADU's) will be reviewed by the Planning and Zoning Commission.
- The draft ordinance for regulating Food Truck is in the works.

Public Works-Utilities-Facilities report:

- Nothing to report.

Tree Board:

- Reviewing the Forest Service Tree results.
- Two trees will be planted on Box Elder Ave in celebration of Arbor Day April 30th.
- The Paonia Elementary and NFSIS will be participating in the Arbor Day poster contest.
- Meeting April 20th.

Advisory Water report:

- Nothing to report.
- Meeting March 24th at 5pm.

Adjournment

The meeting was adjourned by Mayor Bachran at 9:45 pm

Amanda Mojarro, Deputy Clerk

Mary Bachran, Mayor

Minutes
Town Board Work Session
Town of Paonia, Colorado
April 06, 2021

RECORD OF PROCEEDINGS

The Work Session of the Town Board of Trustees held Tuesday, April 6, 2021, was called to order at 5:00 PM by Mayor Mary Bachran, followed by the Pledge of Allegiance. The official recording of the record began on the street closure polices discussion.

https://www.youtube.com/watch?v=2-tQ_Pjsyn0

Trustee's present were as follows:

Mayor Mary Bachran
Bill Bear
Dave Knutson
Karen Budinger
Tamie Meck
Mick Johnson
Michelle Pattison

Town Staff present were as follows:

Administrator/Town Clerk Corinne Ferguson
Deputy Clerk Amanda Mojarro
Finance Officer Cindy Jones

A quorum was present, and Mayor Bachran proceeded with the meeting.

Regular Business

Lambert Grange #439 – Rethinking Conflict Presentation:

Cassandra Sherk provided a presentation/training on Rethinking Conflict and discussed the value of it, and The Law of Three. Discussion ensued regarding scheduling additional sessions in the upcoming months.

Street Closure Policies Discussion:

- A list and calendar were passed out to all the Board members showing all the current street closures.
- Administrator Ferguson presented suggestions for the street closures specifically for Grand Ave.
 - The suggestions were in the packet.
- Discussed the pros and cons of the street closure and the impact of wear and tear would have on the landscape of the Poulos Park.
- Discussed the impact on the retail community on Grand Ave.
- Trustee Bear suggested looking into the fee schedule for large park event and street closures.
- Mayor Bachran asked what the cost of park maintenance and the water usage is after a large park event.
- A concerned retail store owner (not in attendance) who would be impacted by the proposed events suggested moving the street closures that are a farmers' market down to the 100 block of Grand Avenue.
- The Board will continue to discuss the street closure policy at the next Board meeting.
- Administrator Ferguson stated that she will be approving the street closures that are pending for May.

Review and Discussion Regarding the Retreat Goals:

- The goals document was included in the packet.
- Board members each identified their first priority goal from the retreat. Follow up will be provided by Mayor Bachran at a later date.

Adjournment

Mayor Bachran adjourned the meeting at 6:31pm.

Amanda Mojarro, Deputy Clerk

Mary Bachran, Mayor

RIO BRAVO
PO BOX 868
Paonia CO 81428

Fees Due		
Renewal Fee		Waived due to 20B-001
Storage Permit	\$100 X _____	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X _____	Waived due to 20B-001
Related Facility - Campus Liquor Complex	\$160.00 per facility	Waived due to 20B-001
Amount Due/Paid		\$

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

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name CURIEL LLC		Doing Business As Name (DBA) RIO BRAVO		
Liquor License # 03-08033	License Type Hotel & Restaurant (city)	Sales Tax License # 32138292	Expiration Date 05/10/2021	Due Date 03/26/2021
Business Address 240 GRAND AVENUE Paonia CO 81428		County Delta	Phone Number 9705273258	
Mailing Address PO BOX 868 Paonia CO 81428		Email		
Operating Manager Juan Curiel	Date of Birth	Home Address	Phone Number	
1. Do you have legal possession of the premises at the street address above? Yes <input type="radio"/> No <input checked="" type="radio"/> Are the premises owned or rented? Owned <input type="radio"/> Rented <input checked="" type="radio"/> *If rented, expiration date of lease 6/31/21				
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. Yes <input type="radio"/> No <input checked="" type="radio"/>				
3a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? Yes <input type="radio"/> No <input checked="" type="radio"/>				
3b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? Yes <input type="radio"/> No <input checked="" type="radio"/>				
4. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. Yes <input type="radio"/> No <input checked="" type="radio"/>				
5. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. Yes <input type="radio"/> No <input checked="" type="radio"/>				
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. Yes <input type="radio"/> No <input checked="" type="radio"/>				
7. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. Yes <input type="radio"/> No <input checked="" type="radio"/>				

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

Tax Check Authorization, Waiver, and Request to Release Information

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

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

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

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

Name (Individual/Business)		Social Security Number/Tax Identification Number	
Address			
City		State	Zip
Home Phone Number		Business/Work Phone Number	
Printed name of person signing on behalf of the Applicant/Licensee			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information)			Date signed

Privacy Act Statement

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

LEASE AGREEMENT between Old Cave Café, LLC, and

Curiel LLC DBA Rio Bravo

THIS LEASE AGREEMENT is made and entered into as of May 26, 2020, by and between The Old Cave Café Building, LLC, (hereinafter called "Lessor"), and Rio Bravo Paonia, Inc, hereinafter called "Lessee"; this agreement may hereinafter be referred to as the "Lease Agreement".

1. **Leased Premises.** In consideration of the payment of rents and the keeping and performance of the covenants and agreements between the parties hereinafter set forth, the Lessor, or Landlord, hereby leases to the Lessee, or Tenant, the following described premises situated in Delta County, State of Colorado (hereinafter referred to as the "Leased Premises"): Address: the upper level of the building at 240 Grand Ave., Paonia, Colorado. This is a space of approximately 3,700 square feet of interior space consisting of the following:

Back room (west):	765 sq. ft.
Kitchen:	960 sq. ft.
Dining room:	1,020 sq. ft.
Bathrooms, office, corridor:	228 sq. ft.
North room:	800 sq. ft.
Total:	3,773 sq. ft.

2. **Lease Term.** The term (hereinafter referred to as the "Primary Term") of this lease shall commence on May 1 2020, and shall terminate at 5:00 P.M. on June 31, 2021*

3. **Rent.** During the primary term of this lease, Lessee shall pay to Lessor at P.O. Box 279, Paonia, CO 81428, a monthly rent of \$1,500/month until June 31, 2021, at which point it will be renegotiated. Each month's rent shall be due and payable on the first day of each and every calendar month, without any set-off or deduction whatsoever. For the convenience of the Lessee, a ten (10)-day grace period is granted without penalty. However, after 5:00 p.m. on the tenth day after the due date, all rents will be subject to a \$25 late charge. A fee of twenty-five dollars (\$25.00) will be charged for all returned checks. **However, not with standing the foregoing, all rents must be paid by certified checks or by cash until the lessor shall give written permission to pay by regular check.** Any defect in the leased premises, including, but not limited to, mechanical equipment, shall not in any way confer the right upon Lessee to withhold at any time any rental payment due.

4. **Security Deposit.** Lessee has earlier deposited with the Lessor the sum of \$1,500 (hereinafter referred to as the "Security Deposit") as security for the faithful performance by Lessee of all the covenants and conditions contained in this lease. If Lessee shall default in the performance of any covenant or condition, Lessor may apply or retain the whole or any part of the Security Deposit for the payment of any damages or charges for which the Lessee is liable under this lease or by reason of Lessee's default hereunder without waiver of any of Lessor's rights for any other sums due for

damages for such default. Should Lessee comply with all of the covenants and conditions, the Security Deposit, less any sums expended by Lessor as herein provided, shall be returned to Lessee within sixty (60) days of the expiration of the Primary Term or any extended term hereunder; provided, however, that Lessee, during such period, shall have advised Lessor in writing of Lessee's forwarding address. Lessee shall not be entitled to any interest on the Security Deposit, and Lessor shall have the right to commingle the Security Deposit with other funds of Lessor. Any amount paid out of the deposit by the Lessor shall be reimbursed to the Lessor by the Lessee within ten (10) days of demand by the Lessor to cause a full deposit of \$1,500 to be available at all times. Lessee shall be furnished a written statement itemizing costs to which the deposit was applied, including names, addresses and names of person(s) doing repairs or cleaning and the costs of materials used.

5. Condition of the Premises. The Lessee acknowledges that it has examined the premises and knows the condition of the premises, furniture, equipment and appliances, if any; that said leased premises are entered upon in good repair.

6. Possession. The Lessee/Tenant is in possession as of the signing of this Lease.

7. Use of the Premises. The Leased Premises shall be used only for the purposes of a Mexican restaurant that also serves alcoholic drinks. Lessee, in its possession, use and occupancy of the Leased Premises, agrees to observe and comply with all restrictions, laws, rules, and ordinances affecting the Leased Premises or occupancy thereof, and Lessee further agrees that no use shall be made of the Leased Premises, nor acts done, which will increase the existing rate of insurance on the Leased Premises or will cause cancellation of insurance policies covering the Leased Premises. Lessee further agrees to maintain the present quality of food and service that it has established.

8. Duty of Care. The Lessee shall take good care of the Leased Premises and fixtures.

9. No Assignment or Subletting. The Leased Premises shall not be occupied in whole or in part by any person other than Lessee, and Lessee shall not sublet the same or any part thereof or assign this lease without the written consent of the Lessor.

10. Utility Payments. The Lessee shall pay all utilities: water, sewage, garbage collection, natural gas, and electricity.

11. Repairs and Maintenance. The Lessor is responsible for all exterior and major structural repairs, where "major" is defined as plumbing, electrical, roof and the like. The Lessee will take care of plugged toilets, plugged sewage lines due to restaurant grease in the line, faulty lighting fixtures, et al. If, however, the sewer line is blocked by tree roots, for example, that shall be the responsibility of the Landlord. In general, the Lessee will be responsible for the interior of the building and the Lessor for the exterior. The Lessee is responsible for keeping the hood up to code, for furnishing the restaurant with booths, tables and chairs, and for equipping the kitchen.

effect, and Lessee shall not be required to pay rent for any portion of such ninety (90) days during which the premises are wholly unfit for occupancy or, if not wholly, responsible then only for the reasonably usable proportionate part of the premises.

17. Holdover by Lessee. If, after expiration of any lease term hereunder, the Lessee shall remain in possession of the Leased Premises and continue to pay rent without a written agreement as to such possession, then the lease shall be regarded as month-to-month tenancy at the same monthly rental as provided for herein, payable in advance and subject to all the other terms and provisions hereof.

18. Default by Lessee. If Lessee at any time during this lease:

A. Shall default in the payment of any installment of rent or any other sums specifically to be paid by Lessee hereunder and such default shall not have been cured within ten (10) days after Lessor shall have given to Lessee written notice specifying such default; or

B. Shall default in the observance or performance of any of Lessee's other covenants hereunder other than those described in Par. 16 A. above and such default shall not have been cured within twenty (20) days after Lessor shall have given Lessee written notice specifying the same; or

C. Shall abandon or vacate the Leased Premises; or

D. Shall permit the premises to be occupied by parties other than as aforesaid; then, upon the happening of any one or more of such events of default and the expiration of the period of time described in any such notice, Lessor may, without further notice or demand to Lessee, have the option to terminate this lease, or without terminating the lease, to terminate the Lessee's right to possession and, without the necessity of additional notice, accelerate and declare immediately due the rent for the balance of the lease term and re-enter the Leased Premises and remove all persons and property therefrom, without additional notice and without court proceedings, using such force as may be necessary, Lessee hereby waiving any claim arising by reason of such re-entry, repossession or removal or by reasons of issuance of any court orders, agreeing to hold Lessor harmless from any such claims. Whether or not the premises be re-let as hereinafter provided, Lessee shall remain liable to Lessor for damages equivalent in amount to all of the rent reserved hereunder to the time when this lease would have expired but for such termination, and the same shall be due and payable by Lessee to Lessor as provided herein. If Lessee moves out without rent being paid in full for the entire lease term, or if Lessee is evicted from the Leased Premises and Lessor attempts to re-let the Leased Premises (it being understood that Lessor shall not be obligated to mitigate Lessee's damages), Lessee agrees to pay for all reasonable costs of re-letting incurred by Lessor, such as, but not limited to, locator service fees, brokerage fees and related expenses regardless of whether or not re-letting attempts are successful. This amount shall be in addition to past rentals, future rentals, charges for cleaning, repairing, repainting or other sums due under this lease. The foregoing shall not waive or diminish Lessor's right to recover such additional amounts. All subsequent rentals received shall be credited against Lessee's liability for past due or future rentals; but in no event shall Lessee be entitled to any excess of rent obtained by re-letting or selling the Leased Premises over and above the amounts herein reserved.

19. **Waiver.** The waiver, express or implied, by Lessor of any breach of any term, covenant, or condition contained herein shall not be deemed to be a waiver of any other or subsequent breach of same.

20. **Notices.** All notices to be given pursuant to this lease agreement shall be in writing and shall be deemed to have been duly given when personally delivered or placed in the United States Mail, certified or registered, postage prepaid, addressed to the respective parties as follow:

Lessor: Old Cave Café Building, LLC
c/o David Marston, Manager
41096 Lamborn Drive
P.O. Box 279
Paonia, CO 81428

Lessee: Rio Bravo

Claudi and Juan 3431 Stearman Ln Crawford CO 81415
Paonia, CO 81428

21. **No Abatement.** There shall not be any diminution or abatement of rent, nor claim allowed for loss, inconvenience or discomfort because of the making of repairs or improvement by Lessor to the premises after the date above fixed for the commencement of the term, but the same are to be done with reasonable dispatch and with as little inconvenience to Lessee as reasonably possible.

22. **Attorneys' Fees.** In the event any dispute arises between the parties concerning the terms of this lease or the non-payment of any sums due under this lease, and the matter is turned over to an attorney, the prevailing party in such dispute shall be entitled to its reasonable attorneys' fees and court costs, if any, including attorneys' fees and court costs of any appeal.

23. **Subordination.** Not applicable.

24. **Mechanic's and Other Liens.** Lessee shall have no authority, express or implied, to create or place any lien or encumbrance of any nature whatsoever upon or in any manner to bind the interest of Lessor in the Leased Premises and will hold Lessor harmless from any and all loss, cost or expense based on or arising out of any assertion of such claims or liens.

25. **Insurance.** Lessor shall maintain insurance coverage for the improvements situated on the Leased Premises for the full replacement cost thereof, insuring against fire, lightning, extended coverage, vandalism and malicious mischief. Lessee shall maintain commercial general liability insurance, naming Lessor as an additional insured against claims for bodily injury and property damage. Such insurance shall have a combined single occurrence limit of at least One Million Dollars (\$1,000,000.00) with a Two Million Dollar (\$2,000,000.00) aggregate limit. Lessee will also insure at full replacement cost the personal property located on the premises, as well as maintain Workmen's Compensation insurance. Evidence of such insurance coverage shall be furnished to the Lessor in the form of a certificate of coverage from the applicable insurers.

26. **Taxes.** Lessor shall pay the real property taxes on the Leased Premises, and the Lessee shall pay all taxes levied against the personal property and fixtures therein, as well as all sales and use taxes, either directly or through reimbursement to Lessee if such taxes are levied against the Lessor. Lessee shall provide the Lessor with the monthly Colorado sales and use tax statements and evidence that such taxes have been paid in a timely manner to avoid possible seizure and sale of Lessee's property located in the Leased Premises.

27. **Showing the Premises.** At any time during the term of this lease a "For Sale" sign, and during the last 30 days of the term of this lease a "For Rent" sign, may be displayed on the premises, and the premises may be shown by Lessor or its agents at reasonable times to prospective buyers or tenants after advance telephone notice of 24 hours.

28. **Cleanup of Premises.** The Lessee agrees that, at the expiration or termination of this lease, Lessee will return the premises to as clean a condition as when it took possession. Lessee's failure to clean the premises as so required shall cause premises to be cleaned as Lessor chooses, and such expense shall be deducted from Lessee's damage deposit.

29. **Surrender of Premises.** At the termination of this lease by lapse of time or otherwise, the Lessee shall surrender immediate possession of the Leased Premises to the Lessor and shall deliver all keys thereto at a time and place to be specified by Lessor.

30. **Lessor's Lien.** In the event that Lessee abandons the premises or Lessor repossesses the same, Lessor may remove Lessee's effects; and Lessor shall have a valid and subsisting lien upon the personal property and effects of Lessee so removed and any such property in the premises for any amount due the Lessor under any provision of this lease agreement; and Lessor shall have no responsibility for loss or damage to or destruction of any such personal property or effects so removed.

31. **Disturbances.** Lessee shall not make or commit any disturbing noises on the premises or do or permit anything that will interfere with the rights, comforts, convenience of any other tenants or neighbors. The lessee will not allow smoking or the use of illegal drugs, solvents, or other volatile substances on the premise.

32. **Rental Escalation.** (Not applicable)

33. **Renewals or Extensions of the Term.** (Not applicable)

34. **Miscellaneous.**

A. This Lease Agreement expresses the entire agreement made between the parties and may not be modified or altered other than in writing signed by the parties hereto, or their respective successors in interest.

B. Time is of the essence of this agreement.

C. The captions of the paragraphs of this lease are for reference only and shall not affect the meaning or interpretation of this lease.

D. This lease shall be governed by and interpreted under the laws of the State of Colorado.

E. If any provision of this agreement is held invalid or unenforceable, the remaining provisions shall, nevertheless, remain in full force and effect.

F. This agreement may be executed in multiple counterparts, each of which, when taken together and executed, shall have the same force and effect as an original signed by the parties and which shall constitute one and the same agreement.

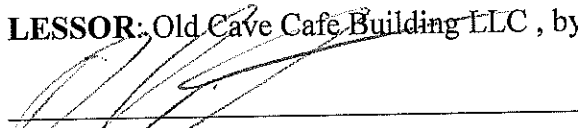
G. Words of any gender used here shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, unless the context otherwise requires.

35. Additional Provisions.

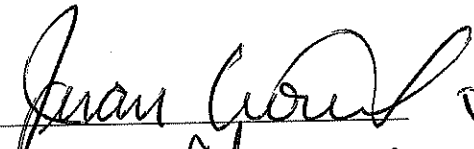
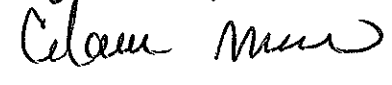
1. The lessee will use the patio for dining during spring, summer and fall.
2. The lessee will figure out how to put the now closed north room to use.
3. The lessee will find a mature person with whom he can work so as to reduce the burden of managing on him.

IN WITNESS WHEREOF, the parties hereto have executed this Lease Agreement as of the dates below, signing for their business entities.

LESSOR: Old Cave Cafe Building LLC, by David Marston, Manager


DATE: 5-26-20

LESSEE:

By Claudie and Juan, Rio Bravo  DBA Rio Bravo
DATE: 5-26-2020 

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: Debra Mezikar

Organization, if speaking on behalf of a group: Blue Sage Center for the Arts

Is this a request for Board action? Yes No

Please provide a summary of your comments:

Liquor License for Consent
May 14, June 26, Aug 7

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

Amanda summarized dates for each Park
+ liquor license + 1 Street Closure

Contact information:

Name: _____

Physical Address: _____

Mailing Address: _____

E-mail: _____

Daytime Phone: _____

Office Use Only:
Received: 3.31.21
Approved for Agenda: _____
Board Meeting Date: _____

Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following (See back for details.)

- Social
- Fraternal
- Patriotic
- Political
- Athletic
- Chartered Branch, Lodge or Chapter
- National Organization or Society
- Religious Institution
- Philanthropic Institution
- Political Candidate
- Municipality Owned Arts Facilities

LIAB Type of Special Event Applicant is Applying for:	DO NOT WRITE IN THIS SPACE
2110 <input checked="" type="checkbox"/> Malt, Vinous And Spirituous Liquor \$25.00 Per Day	Liquor Permit Number
2170 <input type="checkbox"/> Fermented Malt Beverage \$10.00 Per Day	

1. Name of Applicant Organization or Political Candidate <i>Blue Sage Center for the Arts</i>	State Sales Tax Number (Required)
2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP) <i>PO Box 700 Paonia, CO 81428</i>	3. Address of Place to Have Special Event (include street, city/town and ZIP) <i>5.14.21 @ Z17 Grand 6.26 + 8.7. 700 4th St</i>

4. Authorized Representative of Qualifying Organization or Political Candidate	Date of Birth	Phone Number
--	---------------	--------------

Authorized Representative's Mailing Address (if different than address provided in Question 2.)

5. Event Manager <i>Debra Muzikar</i>	Date of Birth	Phone Number
--	---------------	--------------

Event Manager Home Address (Street, City, State, ZIP)	Email Address of Event Manager <i>director@bluesage.org</i>
---	--

6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes How many days? _____	7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes? <input type="checkbox"/> No <input type="checkbox"/> Yes License Number _____
---	--

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? Yes No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To
<i>5/14/21</i>				<i>6/26</i>				<i>8/7</i>							
		<i>6 p.m.</i>	<i>9 p.m.</i>			<i>5 p.m.</i>	<i>9 p.m.</i>								

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 <i>Debra Muzikar</i>	Title <i>Executive Director</i>	Date <i>3/31/21</i>
-----------------------------------	------------------------------------	------------------------

Report and Approval of Local Licensing Authority (City or 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 provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)	<input type="checkbox"/> City <input type="checkbox"/> County	Telephone Number of City/County Clerk
--	--	---------------------------------------

Signature	Title	Date
-----------	-------	------

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information			
License Account Number	Liability Date	State	Total
		-750 (999)	\$

Application Information and Checklist

The following supporting documents must be attached to this application for a permit to be issued:

- Appropriate fee.
- Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions. **Note:** If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- Copy of deed, lease, or written permission of owner for use of the premises.
- Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; **or**
- If not incorporated, a NONPROFIT charter; **or**
- If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- Application must first be submitted to the Local Licensing Authority (city or county) at least thirty (30) days prior to the event.
- Public notice of the proposed event and procedure for protesting issuance of the permit shall be conspicuously posted at the proposed location for at least (10) days before approval of the permit by Local Licensing Authority. (44-5-106 C.R.S.)
- State Licensing Authority must be notified of approved applications by Local Licensing Authorities within ten (10) days of approval.
- Check payable to the Colorado Department Of Revenue

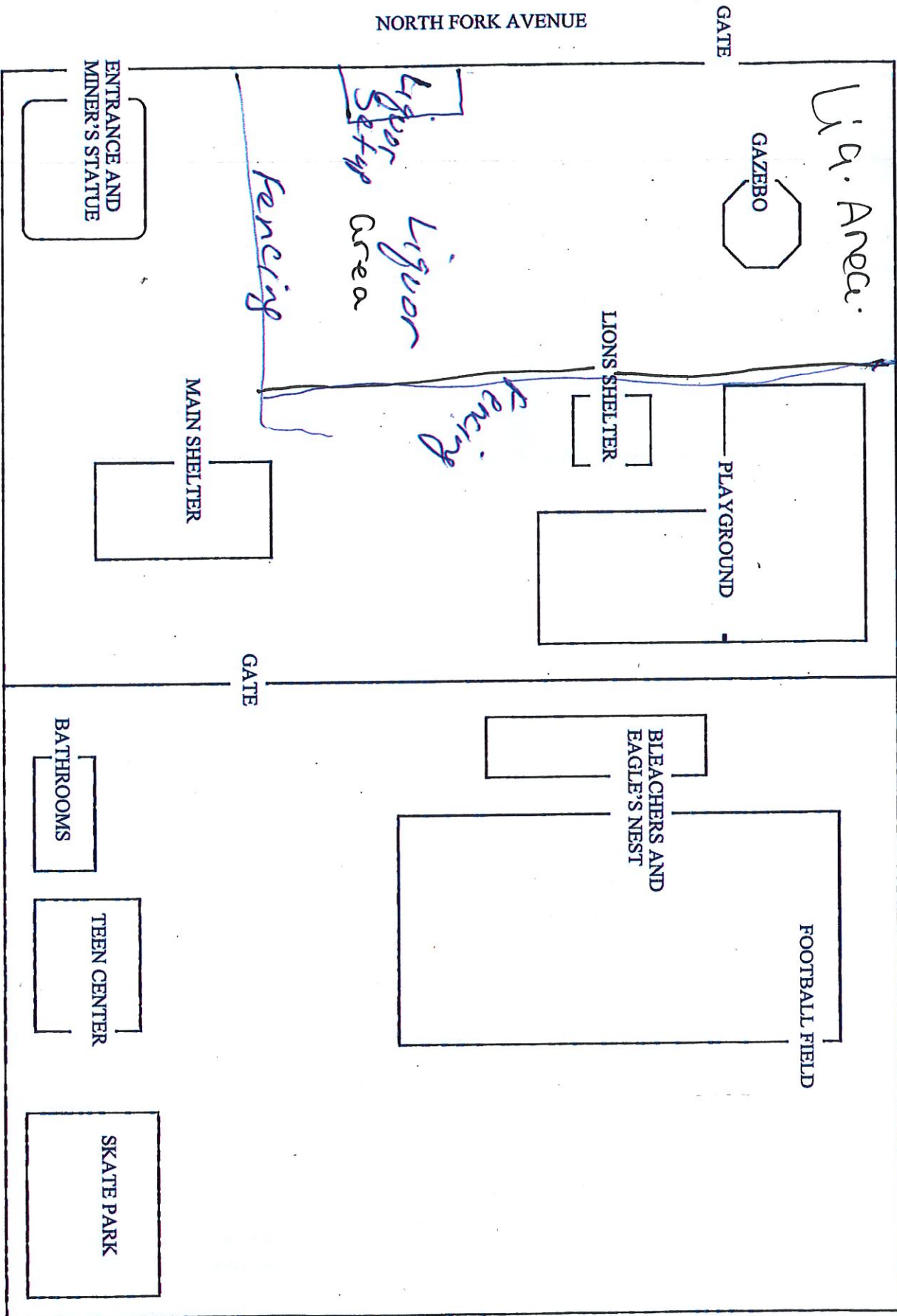
Qualifications for Special Events Permit

(44-5-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 4 and 3 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature; and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

TOWN PARK MAP

FIFTH STREET



Blue Sage

Plan on liquor containers

- We will have volunteers stationed along all sides of Park to ensure people do not leave with liquor
- We will check I.D.'s for underage people.
- We will put wrist Bands on people who can purchase liquor

Emergency plan

- We will call 911 for any medical emergency
- We will have masks available for people who do not have them

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: Kathryn Griest

Organization, if speaking on behalf of a group: The Learning Council

Is this a request for Board action? Yes No

Please provide a summary of your comments:

We are requesting a liquor license, and use of Town Park, Saturday May 1st for our NFSIS Fundraiser Wine + Watercolor. This is our third year having this popular event. We chose an outdoor venue to be safer w/CO-vid.

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

Contact information:

Name: Kathryn Griest

Mailing Address: 

E-mail: 
Daytime Phone: 

Office Use Only:

Received: 3-16-21

Approved for Agenda: _____

Board Meeting Date: _____

PARK RESERVATIONS

We wish to use: TOWN PARK X APPLE VALLEY PARK _____ POULOS PARK _____

Whole Shelter _____ Half Shelter X Gazebo _____
Lion's Shelter _____ Ball Field _____ Other _____

Day/Date May 1st/Saturday Time Used 1:00-6:00

Be sure time requested includes time for setup & cleanup

For the purpose of Fundraiser (Wine + Watercolor

Number of people expected to participate 100

If more than 100, a Park/Event Registration Application and appropriate fees are required.

Name of Organization (IF APPLICABLE) The Learning Council

Applicant Alicia Phone _____

Address _____ Paonia State CO

Mailing _____ Paonia State CO

I/We agree to the following guidelines: **Initial each item**

- AM 1 The area used will be cleaned up.
- AM 2 Safety standards will be observed at all times.
- AM 3 We will have a responsible party in charge.
- AM 4 We will not bring glass into the park.
- AM 5 We will not dig or tear up the grass.
- AM 6 We will not drive/park on the grass.
- AM 7 **NO alcohol permitted in park.**

I have read, understand, and agree to the guidelines and rules stated in the "Town of Paonia Park Use" and policies regarding the park. By my signature, I agree to hold harmless and indemnify the Town of Paonia, its officers, agents, and employees for all claims, liabilities, demand and actions, of whatever form or nature, including property damage, bodily injury or death from or relating to the use of park facilities, including cost and attorney's fees incurred in defense thereof.

Signature(s) Alicia Michelsen

Date March 16, 2021

Approved by Quanda

Copies sent to:

- Original - Parks Reservation Folder
- Copy - Applicant
- Copy - Parks Department
- Copy - Police Department



Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You Must Be Nonprofit and One of the Following (See back for details.)

- | | | |
|------------------------------------|---|--|
| <input type="checkbox"/> Social | <input type="checkbox"/> Athletic | <input type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge Or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> OFA National Organization Or Society | <input type="checkbox"/> Municipality Owning Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | <input checked="" type="checkbox"/> Educational |

LIAB	Type of Special Event Applicant is Applying for:	DO NOT WRITE IN THIS SPACE
2110	<input checked="" type="checkbox"/> Malt, Vinous And Spirituous Liquor \$25.00 Per Day	Liquor Permit Number
2170	<input type="checkbox"/> Fermented Malt Beverage (3.2 Beer) \$10.00 Per Day	

1. Name of Applicant Organization or Political Candidate: The Learning Council State Sales Tax Number (Required): 30858151-0000

2. Mailing Address of Organization or Political Candidate: Paonia, CO 81428

3. Address of Place to Have Special Event (include street, city/town and ZIP): Town Park, 700 4th, 42521 R25 Rd, Paonia, CO 81428

Name	Date of Birth	Home Address (Street, City, State, ZIP)	Phone Number
4. Pres./Sec'y of Org. or Political Candidate: <u>Alicia Michelson</u>			
5. Event Manager: <u>Kathryn Griest</u>			

6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year?
 NO YES HOW MANY DAYS? 22

7. Is premises now licensed under state liquor or beer code?
 NO YES TO WHOM? _____

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? Yes No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	
<u>May 1st</u>																

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: Kathryn Griest Title: Event Manager Date: 03-15-21

Report and Approval of Local Licensing Authority (City or 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 provisions of Title 44, Article 5, C.R.S., as amended.
THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County): City County Telephone Number of City/County Clerk: _____

Signature: _____ Title: _____ Date: _____

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information

License Account Number	Liability Date	State	Total
		-750 (999)	\$

Application Information and Checklist

The following supporting documents must be attached to this application for a permit to be issued:

- Appropriate fee.
- Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions.
Note: If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- Copy of deed, lease, or written permission of owner for use of the premises.
- Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; or
- If not incorporated, a NONPROFIT charter; or
- If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- Application must first be submitted to the local licensing authority (city or county) at least thirty (30) days prior to the event.
- The premises to be licensed must be posted at least ten (10) days before a hearing can be held. (44-5-106 C.R.S.)
- An approved application must be received by the liquor enforcement division at least ten (10) days prior to the event.
- Check payable to the Colorado Department Of Revenue

(44-5-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 4 and 3 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

If an event is cancelled, the application fees and the day(s) are forfeited.

SAFETY PLAN FOR WINE AND WATERCOLOR (to be held at Paonia Park)

We anticipate around 60 attendees at our Wine and Watercolor Event based on previous years.

We will have teachers and the Principle of NFSIS present at the event, who are CPR certified. We will also work with the Paonia Police department, as well as the Paonia Firefighters if the need should arise.

As the event is outside there won't be much need for emergency exits. N We will make sure there is social distancing. Related people and "pods" will be able to sit with eachother.

ALCOHOL SAFETY PLAN

We will plan and run our event using well established alcohol management guidelines such as:

~~Plan:~~ Ban all personal alcoholic beverages. — outside
Set policy for handling people who have had too much to drink.

Set up and physical design: Posted signs of "NO OUTSIDE ALCOHOL" Around fence and entrance.

Procedures for checking ID's and Marking hands for those who have been checked and paid the entrance fee.

Limit size to 4-5oz wine pour.

Limit servings to one per person at a time.

There will be free food with wine to help slow alcohol absorption.

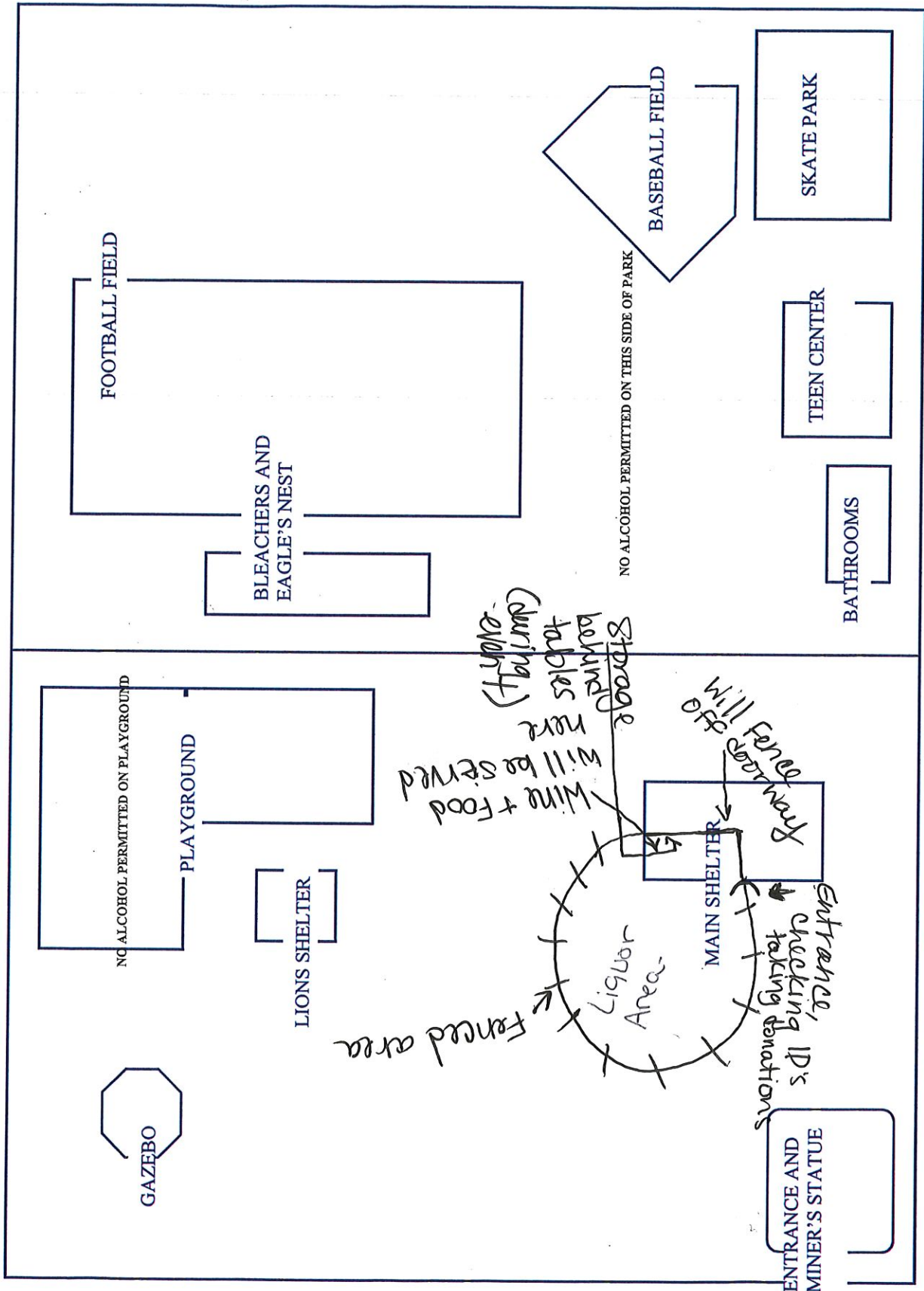
Non-alcoholic beverages and water will be available.

We will stop serving Wine at 5:00.

We will provide hand sanitizer, and have people serving the food and wine/other non-alcoholic beverages.

TOWN PARK MAP

FIFTH STREET



NORTH FORK AVENUE

FOURTH STREET

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

the learning council

is a

Nonprofit Corporation

formed or registered on 01/10/2007 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20071014530 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 03/12/2021 that have been posted, and by documents delivered to this office electronically through 03/16/2021 @ 10:28:18 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 03/16/2021 @ 10:28:18 in accordance with applicable law. This certificate is assigned Confirmation Number 13022346 .




Jena Griswold

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

AGENDA SUMMARY FORM

	Retail Marijuana Ordinance 2021-01 - Second Read		
<p>Summary: Following multiple reviews, Board meetings, community work-session, and first read is the current draft retail marijuana ordinance.</p>			
<p>Notes:</p> <p>Thank you for all who have participated and aided throughout the process. Following second read and approval, staff will finalize and prepare the fee resolution and application for Board review and approval.</p> <p>Included in the packet are community input regarding some of the language in the ordinance. All changes passed by the Board at the March 23rd meeting have been included. Please note the addition of the definition for “commercial block” and added language excluding Commercially spot zoned lots within Town.</p>			
<p>Possible Motions:</p> <p>Motion by: _____ 2nd: _____ vote: _____</p>			
Vote:	Trustee Bear	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Meck	Trustee Pattison	Mayor Bachran:

April 9, 2021

**TOWN OF PAONIA, COLORADO
ORDINANCE NO. 2021-TBD01**

**AN ORDINANCE OF THE TOWN OF PAONIA, COLORADO AMENDING THE
PAONIA MUNICIPAL CODE CHAPTER SIX ARTICLE 4 CONCERNING THE
REGULATION AND LICENSING OF MEDICAL AND RETAIL MARIJUANA STORES
AND REPEALING ARTICLE 3 CONCERNING PROHIBITING MEDICAL
MARIJUANA STORES**

WHEREAS, Section 14 of Article XVIII of the Colorado Constitution, also commonly known as Amendment 20 of 2000, authorizes the medical use of marijuana.

WHEREAS, Section 16 of Article XVIII of the Colorado Constitution, also commonly known as Amendment 64 of 2012, authorizes a system of state licensing for businesses engaging in the cultivation, testing, manufacturing and retail sale of marijuana, collectively referred to as “marijuana stores” by the Constitution.

WHEREAS, Subsection 16(5)(f) of Article XVIII allows localities within their respective jurisdictions: to prohibit state licensing of marijuana establishments; to regulate the time, place and manner in which marijuana stores may operate; and to limit the total number of marijuana stores. The authority of localities to prohibit or regulate marijuana stores within their respective jurisdictions, including the authority to engage in local licensing of marijuana stores, is also reflected in various provisions of the Colorado Retail Code, Article 43.4 of Title 12, C.R.S.; and

WHEREAS, at the Special Election held on November 3, 2020 the voters of Paonia have determined that the Town of Paonia should allow retail and/or medical marijuana stores within the Town, subject to zoning restrictions set forth in the Municipal Code and the licensing and other limitations, restrictions and regulations provided for in this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, as follows:

Section 1. Chapter 6 of the Paonia Municipal Code is hereby amended to add a new Article 4, to read as follows:

**ARTICLE 4
PAONIA MARIJUANA CODE**

Sections:

- | | |
|---------------|---|
| 6-4-10 | Purpose and legislative intent |
| 6-4-20 | Defined terms |
| 6-4-30 | Effective date; applicability |
| 6-4-40 | Local licensing authority |
| 6-4-50 | Relationship to Colorado Retail Marijuana Code; other laws |
| 6-4-60 | Unlawful acts |
| 6-4-70 | Classes of licensing authorized |

6-4-80	Screening and response to state license applications
6-4-90	Licensing requirements—provisions applicable to all licenses
6-4-100	Location restrictions and license restrictions
6-4-110	Signs and advertising
6-4-120	Denial for good cause
6-4-130	Transfer of ownership
6-4-140	Change of location; modification of premises
6-4-150	Term of licenses; renewals
6-4-160	Suspension or revocation of license
6-4-170	Operating fees
6-4-180	Public nuisance
6-4-190	Occupational Tax on the sale of Marijuana
6-4-200	Penalty

6-4-10 Purpose and legislative intent. The purpose of this Chapter 6, Article 4 is to exercise the authority of the Town of Paonia to allow state-licensed retail and/or medical marijuana stores to exist in Paonia in accordance with the applicable state laws and regulations as well as the additional local licensing requirements and other restrictions set forth herein. This Chapter is adopted pursuant to the aforesaid constitutional and statutory authority, as well as the Town’s plenary authority as a statutory town to adopt and enforce ordinances under its police power in order to preserve the public health, safety and general welfare and its authority to regulate businesses.

6-4-20 Defined terms.

The definitions set forth in Subsection 16 (2) of Article XVIII of the Colorado Constitution as well as the Colorado Retail Marijuana Code, § 12-43.4-103, C.R.S., as amended, shall apply equally to this Chapter 6. In addition, the following terms shall have the meanings respectively assigned to them:

A. “Applicant” is an agent under written authority, who applies on behalf of a domestic entity as defined under C.R.S. § 7-90-102(13) to operate a retail and/or medical marijuana store, so long as the written authority is signed by all controlling owners with more than twenty-five percent ownership interest in the domestic entity or its sub entities or an individual, if applying prior to forming a domestic entity.

B. “Commercial Block” -is the distance from one street to another in a town that is built (approximately) to a grid pattern.

"Childcare center" means a facility maintained for the care of children under the age of sixteen (16), including, but not limited to, day camps, nursery schools, day care, preschools and play schools. Such facility shall be licensed by the Colorado Department of Human Services.

C. "Colorado Retail Marijuana Code" means Article 43.4 of Title 12 of the Colorado Revised Statutes, as amended, including all Rules promulgated pursuant to the Colorado Retail

Marijuana Code as set forth in the Colorado Code of Regulations Department of Revenue Marijuana Enforcement Division 1 CCR 212.2.

D. "Retail marijuana establishment" means a retail marijuana cultivation facility, a retail marijuana products manufacturing facility, or a retail marijuana testing facility.

E. "Retail Marijuana Store" is an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers, as set forth in Section 16 of XVIII of the Colorado Constitution.

F. "School" means a public or private elementary, middle, junior high, or high school. (Note: "preschools" are included in the Town's definition of "childcare center").

G. "Land Development Regulations (LDR)" means the land development regulations as adopted and updated periodically by the Town of Paonia.

H. "Marijuana License Cap" is the maximum licenses issued by the Town at any one time being no more than one (1) retail and/or medical marijuana store per commercial block, and no more than twelve (12) total licenses, and not ~~more than six (6) total locations.~~

I. "Medical Marijuana Store" is a person licensed to operate a business under C.R.S. § 44-10-104, as amended, that sells medical marijuana to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the Colorado Constitution, but is not a primary caregiver.

6-4-30 Effective date; applicability.

This Article 4 shall be effective thirty (30) days after final adoption and publication in the newspaper of public record; and shall govern all applications submitted to the state licensing authority for licensing of any retail and/or medical marijuana store in the Town under the Colorado Retail Marijuana Code on and after that date.

6-4-40 Local licensing authority.

A. The Board of Trustees is hereby designated to act as the local licensing authority for the Town regarding retail and/or medical marijuana stores. Under any and all circumstances in which state law requires communication to the Town by the state licensing authority or any other state agency in regard to the licensing of retail and/or medical marijuana stores by the state, or in which state law requires any review or approval by the Town of any action taken by the state licensing authority, the exclusive authority for receiving such communications and granting such approvals shall be exercised by the Board.

B. Under no circumstances shall the Board of Trustees receive or act upon any application for local licensing of a retail and/or medical marijuana store in circumstances where the state has failed to act in accordance with Section 16 of Article XVIII of the Colorado

Constitution, it being the intent of this Article that no retail and/or medical marijuana store may lawfully exist in the Town of Paonia absent the issuance of a state license and full regulatory oversight of the retail and/or medical marijuana store by the state, as well as the Town. Accordingly, the Board shall not receive or act upon any application for licensing submitted independently and in lieu of state licensing if the state fails to act within ninety (90) days on any specific application for licensing of a retail and/or medical marijuana store in accordance with paragraph 16(5)(g)(III) of Article XVIII of the Colorado Constitution.

C. Any decision made by the local licensing authority to grant or deny a license, to revoke or suspend a license, or to renew or not renew a license shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

6-4-50 Relationship to Colorado Retail Marijuana Code; other laws.

Except as otherwise specifically provided herein, this Article 4 incorporates the requirements and procedures set forth in the Colorado Retail Marijuana Code. In the event of any conflict between the provisions of this Article 4 and the provisions of the Colorado Retail Marijuana Code or any other applicable state or local law, the more restrictive provision shall control, except that the location requirements and restrictions set forth in Section 6-4-100 shall apply in all situations of conflict between such provisions and the provisions of state law or regulation regarding matters where the exercise of discretion by local jurisdictions is granted by the constitution or laws of the State of Colorado.

6-4-60 Unlawful acts.

A. It shall be unlawful for any person to operate any retail and/or medical marijuana store in the Town without a license duly issued therefor by the state licensing authority under the Colorado Retail Marijuana Code and compliance with any and all applicable state laws.

B. It shall be unlawful for any person to operate any retail and/or medical marijuana store in the Town without a license duly issued therefor by the Board of Trustees under this Article 4 and compliance with any and all applicable Town laws.

C. It shall be unlawful for any person to engage in any form of business or commerce involving the cultivation, processing, manufacturing, storage, sale, distribution or consumption of marijuana other than those forms of businesses and commerce that are expressly contemplated by Sections 14 and 16 of Article XVIII of the Colorado Constitution and/or the Colorado Retail Marijuana Code.

D. It shall be unlawful for any licensed retail and/or medical marijuana store to sell, serve, distribute, or initiate the transport of retail and/or medical marijuana or retail and/or medical marijuana products at any time other than between the hours of 8:00 a.m. and 12:00 a.m. daily.

6-4-70 Classes of licensing authorized.

~~For the purpose of regulating the cultivation, manufacturing, testing, distribution, offering for sale, and sale of retail and/or medical marijuana, the Board of Trustees, at the Board's discretion, upon application in the prescribed form made to T~~he Board, may issue and grant to the applicant a local license from any of the following classes, and the Town hereby authorizes the issuance of the licenses of the following classes by the state licensing authority within the Town, subject to the provisions, limitations and restrictions set forth in this Article 4:

- A. Retail marijuana store.
- B. Medical marijuana store.

(Note: A Retail Marijuana Store may be located on the same licensed premises as a Medical Marijuana Store and may be operated by the same licensee, subject to compliance with all state requirements and the requirements of this Town Marijuana Code, and the issuance of a state license allowing for such co-location.)

6-4-80 Screening and response to state license applications.

A. Upon receipt of notice from the state licensing authority of any application for a license under the Colorado Retail Marijuana Code, the Town Clerk shall:

1. Determine, in consultation with the Town Administrator, or his/her designee, whether the location proposed for licensing complies with any and all applicable zoning and land use laws of the Town, and any and all restrictions on location of retail and/or medical marijuana stores set forth in this Article 4. If the Town makes an initial determination that the proposed license would be in violation of any zoning law or other restriction on location set forth in the Town's laws, the Town shall, no later than forty-five (45) days from the date the application was originally received by the state licensing authority, notify the state licensing authority and the applicant for state licensing in writing that the application is disapproved by the Town. The failure of the Town to make such a determination upon the initial review of a state license application shall not preclude the Town from later determining that ~~the~~ proposed license is in violation of Town's zoning laws or any other restriction on location set forth in Town laws and disapprove the issuance of a state or Town license on this basis.

2. For any application that is not disapproved as provided in paragraph 1 of this Subsection A, the Town shall notify the state licensing authority and the applicant for state licensing in writing that the Town's further consideration of the application is subject to a local licensing process, and that the Town's ultimate decision to approve or disapprove the issuance of the state license for a retail and/or medical marijuana store proposed to be located in the Town of Paonia will be subject to the completion of the local licensing process, as set forth in this Article 4, after which the Town will notify the state licensing authority in writing of whether or not the retail and/or medical marijuana store proposed in the application has or has not been approved by the Town.

6-4-90 Licensing requirements—provisions applicable to all licenses.

A. Criteria for licensing. The Board of Trustees shall consider and act upon all local license applications in accordance with the standards and procedures set forth in this Article 4. The Board may deny any application for a license that is not in full compliance with the Colorado Retail Marijuana Code, this Article 4, and any other applicable state or Town law or regulation. The Board also shall deny any application that contains any false or incomplete information.

B. Application forms and supplemental materials. All applications for local licensing shall be made upon forms provided by the Town and shall include such supplemental materials as required by the Colorado Retail Marijuana Code and rules adopted pursuant thereto, including by way of example: proof of possession of the licensed premises, disclosures related to ownership of the proposed business, fingerprints of the applicants, building plans, and security plans. To the extent any of the foregoing supplemental materials have been included with the applicant's state license application and forwarded to the Town by the state licensing authority, the Town Clerk may rely upon the information forwarded from the state without requiring re-submittal of the same materials in conjunction with the local license application. The Town may, at the Town's discretion, require additional documentation associated with the application as may be necessary to enforce the requirements of the Colorado Retail Marijuana Code and this Article 4.

C. Tax bond. Before the Board of Trustees issues a Town license to an applicant for a retail and/or medical marijuana store license, the applicant shall procure and file with the Town evidence of good and sufficient bond in the amount of twenty-five thousand dollars (\$25,000) with corporate surety thereon duly licensed to do business with the State of Colorado, approved as to form by the Town's Attorney, and conditioned that the applicant shall report and pay all Town sales and use taxes as provided by law. A corporate surety shall not be required to make payments to the Town claiming under such bond until a final determination of failure to pay taxes due to the Town has been made by the Finance Officer or a court of competent jurisdiction. All bonds required pursuant to this subsection shall be renewed at such times as the bondholder's license is renewed. The renewal may be accomplished through a continuation certificate issued by the surety.

D. Area maps. All applications for retail and/or medical marijuana store licensing submitted pursuant to this Article 4 shall include an area map drawn to scale indicating land uses of other properties within five hundred (500) feet of each boundary of the lot or parcel upon which the applicant proposes a licensed premise. The map shall depict the proximity of the property to be used as the licensed premises to any school or childcare facility of the type referenced in Section 6-4-100.

E. Notice of applications to departments and agencies. Upon receipt of an application for any class of local marijuana store license, the Town Clerk shall give notice of the application to the Town Administrator, the Finance Officer, the Building Official, the Chief of the Paonia Police Department, the Chief of the Paonia Fire Protection District #2 and appropriate county or local health officials. Any applicant for a license under this Article 4 shall obtain any and all necessary permits, licenses and other regulatory approvals from the other affected Town

departments and agencies prior to the issuance of a license under this Article 4. The Town also will consider any recommendations made by the Paonia Fire Protection District #2.

F. Background checks and determination of good character and state residency. Prior to the issuance of any local license, the Board of Trustees shall make a finding as to the good moral character of the applicant and compliance with state residency requirements in accordance with the standards and procedures set forth in the Colorado Retail Marijuana Code, pursuant to C.R.S. 44-10-307. In so doing, the Board may incorporate into its findings any findings as to good character and residency previously made by the state licensing authority and rely upon such findings in making its determination. The Board shall not be required to perform a criminal background check if the state licensing authority has already performed a criminal background check on the applicant.

GH. A license pursuant to this ordinance does not eliminate the need for the licensee to obtain other Town licenses and permits, including, but not limited to:

1. Any land use approval, if applicable;
2. State sales tax license; or
3. Building, mechanical, plumbing, electrical or fire permit(s).

6-4-100 Location restrictions and license restrictions

A. Permitted locations for sales. All retail and/or medical marijuana store licenses shall be issued for a specific fixed location which shall be designated the licensed premises. Except as provided in Subsection D, all sales, deliveries and other transfers of marijuana and marijuana products by a licensee shall be made at or from the licensed premises.

B. Distance from schools. No retail and/or medical marijuana store license shall be granted with respect to a proposed licensed premise that would be located within five hundred (500) feet of any school that existed at the time of the filing of a complete application for a retail and/or medical marijuana store license with the Town Clerk.

C. Distance from certain childcare facilities. No retail and/or medical marijuana store license shall be granted with respect to a proposed licensed premises that would be located within five hundred (500) feet of any licensed residential child care facility, as defined in Title 26 of the Colorado Revised Statutes, that existed at the time of the filing of a complete application for a retail and/or medical marijuana store license with the Town.

D. No mobile facilities and restrictions regarding deliveries.

1. No retail and/or medical marijuana store shall be located in a movable or mobile vehicle or structure.

2. No retail and/or medical marijuana or marijuana product shall be delivered in the Town unless under the following restrictions;

(i) such delivery is by a retail and/or medical marijuana store licensed by the state to another retail and/or medical marijuana store licensed by the state and the Town, and such delivery is specifically permitted by the Colorado Retail Marijuana Code; or

(ii) such delivery is by a retail and/or medical marijuana store licensed by the Town and also license by the state with a retail marijuana transporter license pursuant to C.R.S. 44-10-605 or a medical marijuana transporter license pursuant to C.R.S. 44-10-505.

3. All sales and distribution of marijuana and marijuana products by a licensed retail and/or medical marijuana store shall occur only upon the licensed premises, unless delivered by a licensed retail and/or medical marijuana transporter. However, in no event shall any sale or distribution of a Town licensed retail and/or medical marijuana store shall occur outside the limits of the Town.

E. Measurement of distance. Any distance specified in Subsection B or C of this section shall be computed by direct measurement from the nearest property line of the lot or parcel upon which a school or child care facility referenced in Subsection B or C is situated to the nearest property line of the land used or proposed for use as a licensed retail and/or medical marijuana store, using a route of direct pedestrian access, measured as a person would walk safely and properly, without trespassing, with right angles at crossings and with the observance of traffic regulations and lights.

F. Places where retail and/or medical marijuana stores are prohibited. No licensed retail and/or medical marijuana store shall be operated within the boundaries of any residential zone district of the Town as those boundaries exist at the time any complete application for any class of retail and/or medical marijuana store license is filed with the Town Clerk. No licensed retail and/or medical marijuana store shall be operated within a C-1 or C-2 spot zoned location. Retail and/or medical marijuana stores shall only be operated within the boundaries of a C-1 or C-2 commercial zone district of the as those boundaries exist at the time any complete application is filed with the Town Clerk.

G. Any retail and/or medical marijuana licensee

H. The number of licenses in the Town are limited as follows:

1. The total number of Retail Marijuana Store licenses combined is limited to six (6).

2. The total number of Medical Marijuana Store licenses combined is limited to six (6).

3. A licensee and a licensed facility can have both a Retail Marijuana Store license and a Medical Marijuana Store license. However, a licensee cannot hold more than one (1) Retail Marijuana Store license and not more than one (1) Medical Marijuana Store license.

4. In no event shall there be more than twelve (12) total licenses, at six (6) locations, issued by the Town.

~~I.H.~~ All licensees shall put their license(s) to use within sixty (60) days of issuance. Should a license not be put to use sixty (60) days after the issuance date, the license shall be forfeited and revert to the Town. The Town Clerk is granted the authority to effectuate the forfeiture and return of any unused licenses.

6-4-110 Signs and advertising.

A. Any person or premises licensed as a retail and/or medical marijuana store shall comply with all Town ordinances regulating signs and advertising. In addition, no licensed retail and/or medical marijuana store shall use any advertising material that is misleading, deceptive, or false, or that, as evidenced either by the content of the advertising material or by the medium or the manner in which the advertising is disseminated, is designed to appeal to minors.

B. For purposes of this section, the terms "advertise," "advertising" or "advertisement" mean the act of drawing the public's attention to a retail and/or medical marijuana store or retail and/or medical marijuana products manufacturer in order to promote the sale of retail and/or medical marijuana by the store or the manufacturer.

C. Except as otherwise provided in this Subsection C, it shall be unlawful for any person licensed under this Title or any other person to advertise any retail and/or medical marijuana or retail and/or medical marijuana product anywhere in the Town where the advertisement is visible to members of the public from any street, sidewalk, park or other public place, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the zoning code; any sign mounted on a vehicle, any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property without the consent of the property owner. The prohibition set forth in this paragraph shall not apply to:

1. Any sign located on the same zone lot as a retail and/or medical marijuana store which exists solely for the purpose of identifying the location of the retail and/or medical marijuana store and which otherwise complies with the Town's sign code, Chapter 18, Article 6 of the Town Municipal Code, and any other applicable Town laws and regulations; or

2. Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the Town; or

3. Advertising which is purely incidental to sponsorship of a charitable event by a retail and/or medical marijuana store or a retail and/or medical marijuana products manufacturer ~~;~~

6-4-120 Denial for good cause.

A. The Board of Trustees shall have authority to refuse to issue or renew any retail and/or medical marijuana store license for good cause, subject to judicial review. For purposes of this section, the term “good cause” means:

1. The applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of the Colorado Retail Marijuana Code or any rules and regulations promulgated pursuant thereto, or this Title 4 or any rules and regulations promulgated pursuant to this Title;
2. Evidence that the issuance or renewal of the license will adversely impact the health, welfare or public safety of the immediate neighborhood in which the retail and/or medical marijuana store is located or is proposed to be located; or
3. Evidence that the licensee or applicant has failed to comply with any special terms or conditions that were placed upon the license pursuant to an order of the State Licensing Authority or an order of the Local Licensing Authority.

B. Any decision of the Board of Trustees to approve or deny any license application shall be in writing, stating the reasons therefor.

6-4-130 Transfer of ownership.

Transfer of ownership of any local license issued pursuant to this Article 4 shall be governed by the standards and procedures set forth in the Colorado Retail Marijuana Code and any regulations adopted pursuant thereto, and the Board of Trustees shall administer transfers of local licenses in the same manner as the state licensing authority administers transfers of state licenses. A license must be held by the licensee for at least one year from the date of issuance by the Local Licensing Authority before it may be transferred.

6-4-140 Change of location; modification of premises.

Change of location of any license or any modification of the licensed premises shall be governed by the standards and procedures set forth in the Colorado Retail Marijuana Code and any regulations adopted pursuant thereto, and the Board of Trustees shall administer applications to change location or modify premises in the same manner as the state licensing authority administers changes of location and modification of premises for state licenses. Any proposed modification and any new location to which an existing licensed business is transferred shall fully comply with the location requirements and the requirements for conformance with current zoning as set forth in this Title 4.

6-4-150 Term of licenses; renewals.

Any local license issued pursuant to this Title shall be valid for a period of one (1) year from the date of issuance. Any renewal of the license shall be governed by the standards and procedures set forth in the Colorado Retail Marijuana Code and any regulations adopted pursuant thereto, and the Board of Trustees shall administer license renewals in the same manner as the

state licensing authority administers renewals of state licenses. An application for renewal shall be made to Staff not less than sixty (60) days prior to the date of expiration and concurrent with the application for renewal filed with the state licensing authority, as required.

6-4-160 Suspension or revocation of license.

A. A license may be suspended or revoked by the Board of Trustees for any of the following reasons:

1. Fraud, misrepresentation, or a false statement of material fact contained in the license application;
2. A violation of any Town, State or Federal law or regulation, other than federal law or regulation concerning the production, transportation, possession, sale or distribution of marijuana that conflicts with Amendment 64;
3. A violation of any of the terms and conditions of the license, including any special conditions of approval imposed upon the license;
4. A violation of any of the provisions set forth in this ordinance; or
5. Cessations of operation at the center for more than thirty (30) days.

B. The Town shall notify the licensee of the issuance of a show cause order to suspend or revoke the license. Notice shall be given by mailing a copy or served by the Paonia Police Department of the order to the licensee by registered mail to the address shown on the license. Notice is deemed to have been properly given upon mailing.

C. A hearing shall then be scheduled before the Board of Trustees within forty-five (45) days of the notice of the show cause order. Such hearing may be continued for good cause. The burden of proof at the hearing shall be on the Town.

D. If the Board of Trustees finds a preponderance of the evidence that the allegations in the show cause order are sustained, the Board of Trustees shall issue such order in writing to the licensee within ten (10) days.

E. Upon such findings, the Board of Trustees shall have the power to revoke, suspend, and/or place additional reasonable conditions on the license.

6-4-170 Operating Fees and License Term.

A. When the application is filed, the applicant shall pay to the Town the applicable application and other fees, as set forth by resolution.

B. Any renewal application filed late will be subject to a late fee and Staff has no authority to waive such late fee.

C. If an application is approved, the applicant shall pay an annual operating fee, if applicable, in such amount as may established from time to time by the Board of Trustees as adopted from time to time by Resolution.

D. Each license issued pursuant to Article 6 shall be valid for a period of one (1) year from the date of issuance and may be renewed as provided in this Section.

E. All other fees shall be set by and may be subject to amendment via resolution.

F. All fees shall be non-refundable.

6-4-180 Public nuisance.

A. The unlawful cultivation, manufacturing, sale, offer for sale, or distribution of retail and/or medical marijuana without a license is hereby declared to be a nuisance which may be abated or otherwise dealt with in accordance with the provisions of the Paonia Municipal Code.

6-4-190 Occupational Tax on the sale of marijuana.

There shall be an occupational tax of Five Dollars (\$5.00) per sales transaction on the sale of retail and medical marijuana and marijuana products within the Town as further defined in Chapter 4 of the Town Code.

6-4-200 Penalty.

Failure to comply with the provisions of this Chapter 6, Article 4, shall constitute a violation, and in addition to being grounds for denial, suspension or revocation of a license, such violation may be punished by a civil penalty of not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), per violation. Each day of noncompliance may constitute a separate violation. Prosecution of a violation of this Chapter 6, Article 4 shall be by the Town Municipal Court.

Section 2. Severability.

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

Section 3. Repeal of Prior Ordinances.

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

Section 4. Ordinance Effect.

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

Section 5. Effective Date.

This Ordinance shall take effect thirty (30) days after passage and publication.

INTRODUCED, READ AND REFERRED before the Board of Trustees for the Town of Paonia, Colorado, on the 24th day of March 2021.

HEARD AND FINALLY ADOPTED by the Town of Paonia Board of Trustees for the Town of Paonia, Colorado, on the ____ day of _____ 2021.

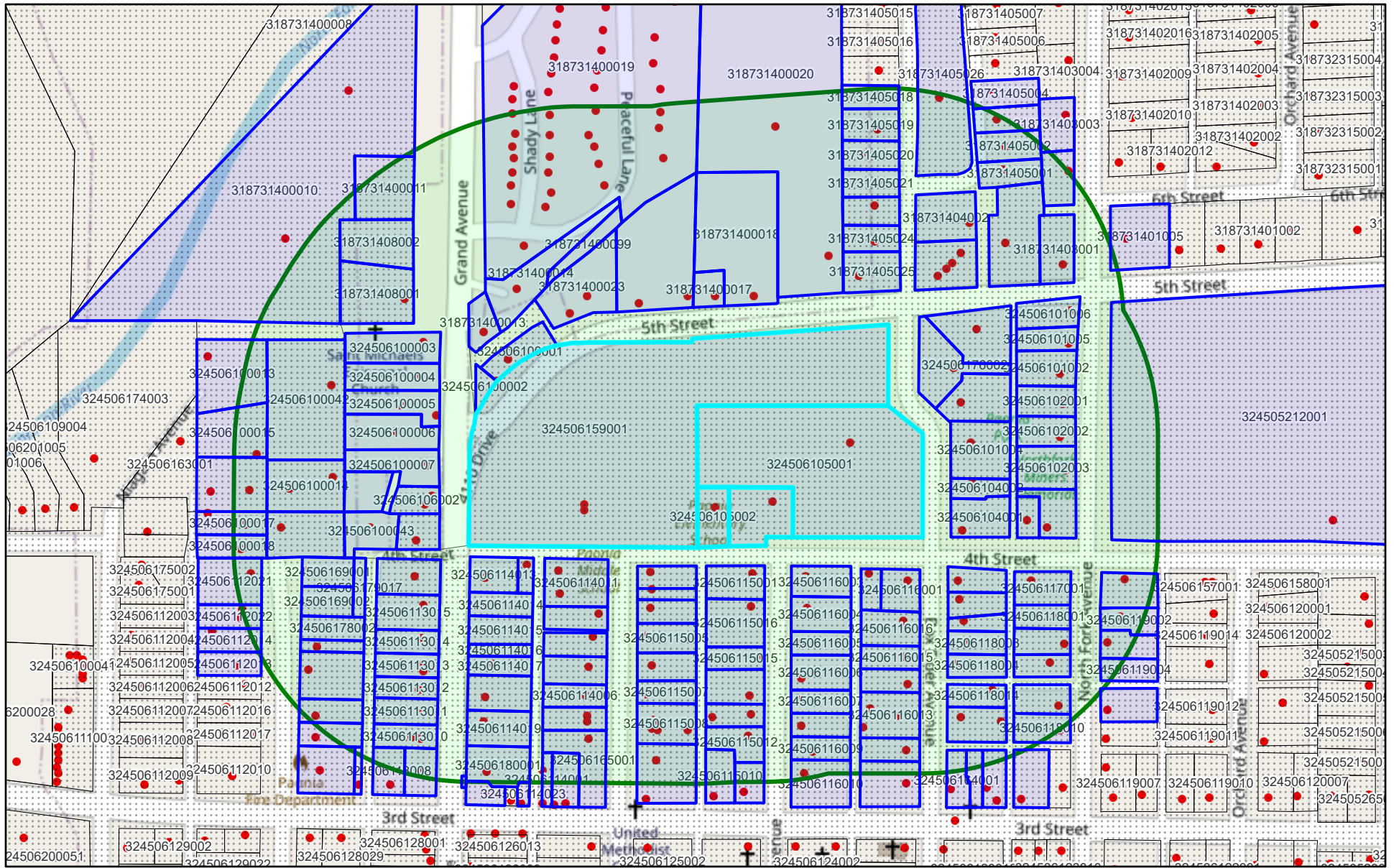
TOWN OF PAONIA

By: _____
Mary Bachran, Mayor

ATTEST:

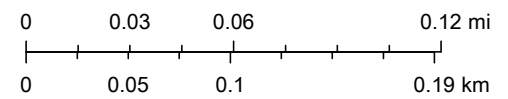
Corinne Ferguson, Town/Administrator Clerk

Property Owner Notification



12/15/2020, 1:15:58 PM

1:4,514



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Corinne Ferguson

From: Linda Freimuth [REDACTED]
Sent: Monday, April 5, 2021 4:15 PM
To: Mary B
Cc: Bill Bear; Mick J; Dave K; Tamie M; Michelle P; Corinne Ferguson
Subject: Marijuana businesses

April 5, 2021

Mary Bachran, Mayor

Town of Paonia

Dear Mary,

I am writing this letter in reaction to the draft of the rules and regulations for Marijuana Businesses in Paonia.

I did vote for the proposal in our recent election. However, no where in any of the information I read did I see a mention for 6 businesses with the various recreation/medicinal tags. At that time, we were all talking about 2 or possibly 3 stores. I would not have voted for the proposal if there had been mention of 6 stores (or 12 licenses with the combination).

I am concerned on two fronts. One is that Paonia has a great reputation as the home of orchards, arts, farms, music, wine, restaurants, and fairs. Do we want to be known instead as the Pot Town? I certainly don't. Please re-think the number of licenses. I am hearing nothing but horror from people I talk to as to how it would change our town.

My second concern is the time for the businesses to close for the day...what?! Midnight?? Are you kidding? Why in the world would we want pot businesses to be open that late? Do you walk downtown in the late evenings? We do almost every evening. It is a lovely relaxing time because it is so quiet and peaceful. Stores open until midnight will mean cars/trucks roaring down the streets (yes, in the evenings the trucks and cars that are out do indeed 'roar') and there goes the quiet and quaintness of our town. All the tourists staying in the controversial Airbnb's will write reviews of how loud the traffic is here.

On another vein, I would like to see local folks be first in line for a license (assuming they have all their permits, insurance, etc.). We want as much of the income to stay in Paonia and with folks that are invested in seeing Paonia thrive.

I will be out of town for the next couple of weeks or otherwise I would be attending the next meeting on this subject.

Thank you for all the work you do for Paonia,

Linda Freimuth



Memorandum

TO: Paonia Board of Trustees, Mayor Bachran and Corinne Ferguson

FROM: Paige Smith, 215 Delta Ave. Paonia

Date: April 5, 2021

Subject: Comments regarding Ordinance No. 2021-01, as presented at the March 23, 2021, Town Board meeting

Comment no. 1: Page 1, first “WHEREAS”

Should this statement also include a reference to the Colorado Medical Marijuana Code, Article 43.3 of Title 12, C.R.S. as an enabling counterpart to the reference to the Colorado Retail Marijuana Code, Article 43.4 of Title 12, C.R.S. provided in the third “WHEREAS”?

Comment no. 2: Page 1, second “WHEREAS”

This provision should be modified as shown below:

“**WHEREAS**, Section 16 of Article XVIII of the Colorado Constitution, also commonly known as Amendment 64 of 2012, authorizes a system of state licensing for businesses engaging in the cultivation, testing, manufacturing and retail sale of marijuana; ~~collectively referred to as “marijuana stores” by the Constitution.~~”

The language shown in strike-out must be removed from this Ordinance because it is falsely attributing a definition for “marijuana stores” to the Colorado Constitution which does not exist. However, a definition for “retail marijuana store” has been adopted into the Colorado Constitution and coincidentally it is accurately presented in Section **6-4-20 Defined Terms**. in the draft Ordinance as -

“Retail Marijuana Store” means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers as set forth in Section 16 of XVIII of the Colorado Constitution.

By including the language shown in strike-out above, the Ordinance could essentially allow for the wholesale licensing of cultivation, testing and manufacturing forms of “marijuana establishments” under the false premise that each of these is considered to be a “marijuana store.” This misrepresents what the voters approved.

Comment no. 3: Page 1, third “WHEREAS”

“**WHEREAS**, Subsection 16(5)(f) of Article XVIII allows localities within their respective jurisdictions: to prohibit state licensing of marijuana establishments; to regulate the time, place and manner in which retail marijuana stores may operate; and to limit the total number of retail marijuana stores. The authority of localities to prohibit or regulate retail marijuana stores within their respective jurisdictions, including the authority to engage in local licensing of retail marijuana stores, is also reflected in

various provisions of the Colorado Retail Marijuana Code, Article 43.4 of Title 12, C.R.S.; and”

The term “retail” must be included when referencing “marijuana store(s)” as this is the term expressly defined in the Colorado Constitution. In addition, it should be clarified that this Ordinance is reflecting the provisions provided in the properly referenced Colorado Retail “Marijuana” Code.

Comment no. 4: Page 1, fourth “WHEREAS”

“**WHEREAS**, at the Special Election held on November 3, 2020, a majority of the voters of Paonia approved the following two ballot questions: 1) “*Shall the establishment and operation of retail and medical marijuana stores be permitted in the town of Paonia, Colorado subject to the requirements of the Colorado Retail Marijuana Code and regulations set by the Board of Trustees?*” and 2) “*Shall town of Paonia taxes be increased by \$200,000.00 annually in the first fiscal year, and such amounts as are raised annually thereafter, with the levy of an occupational tax of \$5.00 per sales transaction, effective January 1, 2021, on the sale of retail and medical marijuana and marijuana products within the Town of Paonia, with the resulting tax revenue used for infrastructure repair and improvements, including but not limited to town streets, sidewalks, curb, gutter, drainage, landscaping, lighting and streetscape amenities, through 2025, and thereafter allocated annually by the Board of Trustees?*” have determined that the Town of Paonia should allow retail and/or medical marijuana stores within the Town, which now must be implemented subject to zoning restrictions set forth in the Municipal Code and the licensing and other limitations, location restrictions and regulations provided for in this ordinance.”

This statement should be reworded as presented above to accurately reflect what the voters approved and to provide a historical record of how taxes collected are to be spent.

Comment no. 5: Page 2, 6-4-170 Operating fees and License Term

The phrase “and License Term” needs to be added to the title for Section 6-4-170 on page 2 to accurately match the title provided on page 11.

Comment no. 6: Page 3, 6-4-20 Defined terms.

“D. ~~“Retail marijuana establishment” means a retail marijuana cultivation facility, a retail marijuana products manufacturing facility, or a retail marijuana testing facility.~~ “Marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.”

This definition (D.) must be removed and replaced with the underlined text provided because the definition as currently proposed in the draft Ordinance does not match the definition for “Marijuana establishment” as adopted in the Colorado Constitution as follows:

Sec 16 (2) (i) "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

Comment no. 7: Page 3, 6-4-20 Defined terms.

~~“G. Land Development Regulations (LDR)” means the land development regulations as adopted and updated periodically by the Town of Paonia.”~~

This definition (G.) must be removed because there is no longer a specific Chapter or Article regarding “Land Development Regulations” currently included in the Town Code for the town of Paonia and the terms “land development regulations” or “LDR” do not appear elsewhere in this draft Ordinance, making the inclusion of this definition unnecessary.

Comment no. 8: Page 3, 6-4-20 Defined terms.

~~“H. “Marijuana License Cap” is the maximum licenses issued by the Town at any one time being no more than one (1) retail and/or medical marijuana store per commercial block, and no more than twelve (12) total licenses.”~~

This term is not found elsewhere in this draft Ordinance and therefore should not be included in the **Defined terms** subsection.

Comment no. 9: Page 3, 6-4-20 Defined terms.

~~“I. “Medical Marijuana Store” is means a person licensed to operate a business ~~under~~ as described in C.R.S. § ~~44-10-104~~ 44-10-501, as amended, that sells medical marijuana to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the Colorado Constitution, but is not a primary caregiver.”~~

This definition (I.) requires modification in order to accurately duplicate the content of the definition (which follows) as adopted in C.R.S. § **44-10-103. Definitions.**

(40) "Medical marijuana store" means a person licensed pursuant to this article 10 to operate a business as described in section 44-10-501 that sells medical marijuana to registered patients or primary caregivers as defined in section 14 of article XVIII of the state constitution, but is not a primary caregiver.

Comment no. 10: Page 4, 6-4-60 Unlawful acts.

~~“C. It shall be unlawful for any person to engage in any form of business or commerce involving the ~~cultivation, processing, manufacturing,~~ storage, sale, distribution or consumption of marijuana other than those forms of businesses and commerce that are expressly contemplated by Sections 14 and 16 of Article XVIII of the Colorado Constitution and/or the Colorado Retail Marijuana Code.”~~

The town of Paonia is not allowing or regulating the “cultivation, processing, manufacturing” of marijuana, therefore, inclusion of these types of activities in this provision appears to be unnecessary and problematic if maintained.

Comment no. 11: Page 4, 6-4-60 Unlawful acts.

This Section would appear to be the location to provide for the prohibition of selling marijuana to a minor (anyone under the age of 21). This prohibition is not found in the draft Ordinance and the definition of a minor is not included in Section 6-4-20, yet is referenced in Section 6-4-110.

Comment no. 12: Page 5, 6-4-70 Classes of licenses authorized.

“For the purpose of regulating the ~~cultivation, manufacturing, testing~~, distribution, offering for sale, and sale of retail and/or medical marijuana, the Board of Trustees, at the Board’s discretion, upon application in the prescribed form made to the Board, may issue and grant to the applicant a local license from any of the following classes, and the Town hereby authorizes the issuance of the licenses of the following classes by the state licensing authority within the Town, subject to the provisions, limitations and restrictions set forth in this Article 4:”

The town of Paonia is not allowing or regulating the “cultivation, manufacturing, testing” of marijuana, therefore, inclusion of these types of activities in this provision appears to be unnecessary and problematic if maintained.

Comment no. 13: Page 8, 6-4-100 Location restrictions and license restrictions.

“D.3. All sales and distribution of marijuana and marijuana products by a licensed retail and/or medical marijuana store shall occur only upon the licensed premises, unless delivered by a licensed retail and/or medical marijuana transporter. However, in no event shall any sale or distribution ~~of~~ from a Town licensed retail and/or medical marijuana store ~~shall be delivered to a location~~ ~~occur~~ outside the limits of the Town.”

Wording changes are recommended to clarify the intent of this provision.

Comment no. 14: Page 8, 6-4-100 Location restrictions and license restrictions.

~~“F. Places where retail and/or medical marijuana stores are prohibited. No licensed retail and/or medical marijuana store shall be operated within the boundaries of any residential zone district of the Town as those boundaries exist at the time any complete application for any class of retail and/or medical marijuana store license is filed with the Town Clerk. Retail and/or medical marijuana stores shall only be operated within the boundaries of a C-1 or C-2 commercial zone district of the as those boundaries exist at the time any complete application is filed with the Town Clerk.”~~

In order to ensure that a retail and/or medical marijuana store is never located in any zoning district within the Town other than a C-1 or C-2 commercial zone district, it seems best to maintain only that single statement. Otherwise, by remaining silent in the first sentence on the other zones currently classified by the town of Paonia, the ability for locating within another

zone (i.e., industrial, mobile home, developing resource district, etc.) could be inadvertently allowed in the future.

Comment no. 15: Page 9, 6-4-110 Signs and advertising.

The regulations adopted by the Colorado Department of Revenue (R1100 and M1100 series) provide very prescriptive requirements and restrictions on signs and advertising for retail or medical marijuana stores. The provisions being proposed in **6-4-110** represent only a small portion of the requirements codified in the R1100 and M1100 series and in some instances, the text in this draft Ordinance is less stringent than the counterpart regulations. It is recommended that this section be revised to reference the state regulations and where a specific rule is considered necessary for inclusion, ensure that the wording is identical to the state regulation.

Comment no. 16: Page 10, 6-4-140 Change of Location; modification of premises

“Change of location of any license or any modification of the licensed premises shall be governed by the standards and procedures set forth in the Colorado Retail Marijuana Code and any regulations adopted pursuant thereto, and the Board of Trustees shall administer applications to change location or modify premises in the same manner as the state licensing authority administers changes of location and modification of premises for state licenses. Any proposed modification and any new location to which an existing licensed business is transferred shall fully comply with the location requirements set forth in this Article 4 and the requirements for conformance with current zoning as set forth this Title 4.”

Changes recommended to ensure clarity regarding Article 4 being adopted, not Title 4.

Comment no. 17: Page 11, 6-4-160 Suspension or revocation of license.

“B. The Town shall notify the licensee of the issuance of a show cause order to suspend or revoke the license. Notice shall be given by mailing a copy *or served by the Paonia Police Department of the order* to the licensee by registered mail to the address shown on the license. Notice is deemed to have been properly given upon mailing.”

The provision provide above is confusing (confusing text is shown in italics) and requires clarification.

Comment no. 18: Page 11 and 12, 6-4-170 Operating Fees and License Term.

“A. When the application is filed, the applicant shall pay to the Town the ~~applicable~~ application ~~and other~~ fees, as set forth by resolution adopted by the Board of Trustees.

B. Any renewal application filed late will be subject to a late fee, as set forth by resolution adopted by the Board of Trustees and Staff has no authority to waive such late fee.

C. If an application is approved, the applicant shall pay an annual operating fee, ~~if applicable~~, in such amount as set forth by resolution adopted by the Board of Trustees

~~may established from time to time by the Board of Trustees as adopted from time to time by Resolution.~~

D. Each license issued pursuant to Article 6 4 shall be valid for a period of one (1) year from the date of issuance and may be renewed as provided in ~~this~~ Section 150.

~~E. All other fees shall be set by and may be subject to amendment via resolution.”~~

It seems improper to reference “other fees” within paragraphs A. and E. This draft Ordinance should clearly prescribe what a person doing business in Paonia can expect to pay in fees and taxes. What exactly is meant by “other fees” and “All other fees”?

Paragraphs A., B. and C. are each proposed for revision to clarify that all referenced fees will be set by resolution of the Board of Trustees.

Will there be a renewal fee collected? Paragraph B. is silent about a fee being levied.

The phrase, “if applicable” in Paragraph C. is proposed for deletion. This is a very vague term and exactly when wouldn’t the Town require an “annual operating fee”?

Paragraph D. is improperly referencing Article 6 and the term of the license is provided in Section 6-4-150.

Comment no. 19: Page 12, ~~6-4-180 Public nuisance.~~

~~“A. The unlawful cultivation, manufacturing, sale, offer for sale, or distribution of retail and/or medical marijuana without a license is hereby declared to be a nuisance which may be abated or otherwise dealt with in accordance with the provisions of the Paonia Municipal Code.”~~

It’s unclear as to why this section regarding “nuisance” is needed. If a person is cultivating or manufacturing marijuana, these activities are not allowed in the Town of Paonia and such activity should be considered a violation (as explained in **6-4-200 Penalty** of the draft Ordinance), not a public nuisance. If a person is being unlawful with regards to the sale, offer of sale or distribution of retail and/or medical marijuana by conducting this type of business without a license, wouldn’t this rise to the level of a “penalty” and not simply be a “nuisance”?


Perhaps the text in this section regarding the “unlawful cultivation and manufacturing” would be more suited for inclusion into 6-4-200.

Comment no. 20: Page 12, 6-4-190 Occupational Tax on the sale of marijuana.

“There shall be an occupational tax of Five Dollars (\$5.00) per sales transaction on the sale of retail and medical marijuana and marijuana products within the Town as further defined in Chapter 4 of the Town Code.”

Chapter 4 of Town Code is silent regarding an “occupational tax,” “a per sales transaction,” “sale of retail or medical marijuana,” or “sale of marijuana products.” Please clarify what portion of Chapter 4 of Town Code is applicable to this draft Ordinance.

AGENDA SUMMARY FORM

	<p>Proposed Ordinance Language Regarding Outdoor Lighting Regulations</p>		
<p>Summary: Updated proposed language for inclusion in an ordinance updating lighting regulations in an effort to become a Dark Skies recognized community.</p>			
<p>Notes: Once substantially reviewed and consensus given, Staff will work with the Town Attorney to format and provide in an ordinance format.</p>			
<p>Possible Motions: Motion by: _____ 2nd: _____ vote: _____</p>			
Vote:	Trustee Bear	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Meck	Trustee Pattison	Mayor Bachran:

April 9, 2021

Paonia Municipal Code X.X

**CHAPTER X
SECTION X**

Outdoor Lighting Regulations

Subsections:

- 6-5-1 Purpose
- 6-5-2 Definitions
- 6-5-3 Applicability
- 6-5-4 General Provisions and Requirements
- 6-5-5 Nonconforming Lights.
- 6-5-6 Administration and Enforcement.
- 6-5-7 Appeals and Variances.

6-5-1 Purpose

- 1.1 Maintain nighttime visibility and safety while maintaining the rural atmosphere and small town character of Paonia.
- 1.2 Minimize light pollution and glare. Protect citizens from unwanted outdoor lighting that would enter homes and businesses.
- 1.3 Promote energy conservation by promoting efficient use of lighting.
- 1.4 Prevent unnecessary or inappropriate outdoor lighting that impacts the dark sky resource, qualifying Paonia as an International Dark Sky Association (IDA) designated community.
- 1.5 Help mitigate sleep and wildlife migration related issues through use of minimum necessary outdoor lighting and by using light bulbs with a warmer color.

6-5-2 Definitions

- 2.1 Terms used in Outdoor Lighting Regulations
 - 2.1.1 Correlated color temperature (CCT): A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees kelvin (K). (1)
 - 2.1.2 Dark Sky resource: The dark sky unpolluted by artificial light sources typically as seen on moonless nights.
 - 2.1.3 Fully shielded fixture: An outdoor light fixture that is designed and mounted such that the shielding directs all light downward below the horizontal plane.
 - 2.1.4 Lumens: A measure of brightness that is defined as a unit of luminous flux in the International System of Units, that is equal to the amount of light

given out through a solid angle by a source of one candela intensity radiating in all directions. (1) 850 lumens = 60 watt equivalent (See note 4)

- 2.1.5 Light Trespass: Light falling where it is not intended to illuminate property, grounds, or buildings in an objectionable manner.
- 2.1.6 Adaptive Controls: devices such as timers, motion-sensors, light-sensitive switches, and other means used to actively regulate the emission of light from light fixtures.
- 2.1.7 Multiunit residential properties an undivided or combination of undivided lots under one or more ownership or lease arrangements occupied by multiple dwelling units
- 2.1.8 Non-residential an undivided or combination of undivided lots under one or more ownership or lease arrangements used for commercial, industrial, lodging, institutional, or government use.
- 2.1.9 Single family residential properties an undivided or combination of undivided lots under one ownership occupied by a single family residential structure and any accessory dwelling structures.
- 2.1.10 Mixed use an undivided or combination of undivided lots under one or more ownership or lease arrangements used for a mixture of commercial, industrial, institutional, government, and residential use.
- 2.1.11 Lumens per Net Acre: The amount of light specified in lumens that is allocated to the developed portion (net acre) of the gross size of a lot parcel (Note 2)

6-5-3 Applicability

3.1 All exterior outdoor lighting installed after the effective date of this ordinance shall conform to the requirements established by this chapter 6 (TBR) section 5 (TBR).

3.2 Nonconforming Lighting: All lawful nonconforming lighting prior to the effective date of this ordinance shall be regulated according to requirements defined in section 6.5.5 (TBR).

6-5-4 GENERAL PROVISIONS and REQUIREMENTS

(A) All non-exempt outdoor light fixtures and illuminating devices permanently or temporarily installed outdoors, including but not limited to devices to illuminate signs, shall meet the following requirements:

- (1) Exterior lighting shall be fully shielded so no light rays are emitted at angles which will allow the light to pass directly off of the premises appurtenant to the fixture.
- (2) All Exterior lighting shall be shielded so that all light rays are emitted by the installed fixture at angles below the horizontal plane.

- (2) All fixtures designed to illuminate signs or structures shall be fully shielded and with a CCT as specified in items A1 and A4 of General Provisions and Requirements. The lighting fixtures shall be mounted above the area of the sign or structure to be illuminated.
- (3) Blinking, flashing, rotating or moving lights are prohibited
- (4) Maximum Color Temperature of all lighting fixtures: The correlated color temperature (CCT) of any outdoor lighting fixture shall not exceed three thousand degrees kelvin (3000°K) see note 4 below.
- (5) The following lumen limits are established to prevent over lighting and are not intended to be achieved. Each site should use the lowest amount of lumens needed for the site to provide for safety and functionality:
 - a. For non-residential, and mixed use properties the total amount of outdoor lighting shall not exceed twenty-five thousand (25,000) lumens per net acre. Each lighting fixture shall be limited to 1500 lumens.
 - b. For multiunit residential properties the total amount of outdoor lighting, shall not exceed twenty thousand (20,000) lumens per net acre. Each fixture shall be limited to 850 lumens.
 - c. For single family residential properties, the total amount of outdoor lighting, shall not exceed six thousand five hundred (6,500) lumens. Each fixture shall be limited to 850 lumens.
 - d. All properties shall use adaptive controlled lighting where practical.
- (6) Unshielded Lighting shall be prohibited.
- (7) Existing overhead street lighting owned, operated, or leased by the Town of Paonia shall be compliant with the listed lighting requirements in sections 6-5-4 (A) items 1 and 4 and shall be limited to a lumens cap of 5000 lumens per lamp, unless required for safety reasons as approved by town council.
- (8) Lighting Curfews:
 - a. Lighting used at community and athletic events shall be turned off one hour after the conclusion of the event.
 - b. Lighting in Town buildings shall be turned off one hour after close of business unless authorized by appropriate Town authority for safety or maintenance reasons.
 - c. Commercial lighting shall be turned off one hour after close of business, except for safety of employees or customers if operations are throughout the night.
 - d. Adaptive Controls (such as motion, light sensitive detectors, etc.) shall be used in outdoor commercial and residential lighting where practical.
- (9) New Public lighting, owned and operated by the Town of Paonia, either street lights, walkway lights, or external building lighting shall be allowed as recommended by the Town Administrator in situations where a public health hazard exists which can only be mitigated by artificial light at night and shall be in compliance with Subsection (A).

a. Adaptive controls or curfews shall be employed in all new public outdoor lighting installations.

(10) The following restrictions shall be required on the installation and operation of outside illuminated signs

a. Luminance levels for operation between sunset and sunrise shall not exceed 100 nits (100 candelas per square meter) as measured under conditions of a full white display.

b. Sign illumination shall be extinguished completely one hour after sunset and remain off until one hour before sunrise, or at the close of business; whichever is later.

c. The luminous/illuminated surface area of an individual sign shall not exceed 200sq ft.

(B) The following are exempt from the provisions of Subsection (A).

(1) Lights used to illuminate athletic fields or outdoor recreation areas shall be exempt from provisions of subsection (A) provided all of the following conditions are met.

- a. Illuminating Engineering Society (IES) lighting guidelines (RP-6) are followed according to the appropriate class of play.
- b. Field lighting is provided exclusively for illumination of the surface of play and viewing stands, and not for any other applications
- c. Illuminance levels must be adjustable based on the task (e.g., active play vs. field maintenance)
- d. Off-site impacts of the lighting will be limited to the greatest practical extent possible
- e. A curfew such that lights must be extinguished by one hour after the end of activity, and no later than 10:30 PM Standard Time / 11:30 PM Daylight Savings Time.
- f. Timers must be installed to prevent lights being left on accidentally overnight by automatically extinguishing them

(2) Signs, postings which are illuminated by building interior light sources, such as neon signs or other lights, provided such signs are lit only during the property owner's business hours.

(3) Official traffic control devices and lights owned and operated by or pursuant to proper authority of the United States of America, the State of Colorado or any of their agencies, and such other lights as are specifically required by federal or state law.

(4) Lawful vehicle lights.

(5) Holiday lights, provided all conditions are met:

- a. Holiday lighting shall be temporary, and displayed no more than 90 days during any one year period.

- (6) Flagpoles. Property owners are encouraged to not illuminate flagpoles at night, but rather to hoist flags after dawn and lower flags before sunset. If flags are illuminated at night, lighting of up to a total of two (2) flags per property is permitted with the following conditions:
- a. The flags must either be the flag of the United States of America or the flag of the State of Colorado in order for illumination to be permitted.
 - b. If nighttime illumination is used, flagpoles with a height greater than 20 feet above ground level shall be illuminated only from above. This may be achieved by utilizing a luminaire attached to the top of the flagpole or a luminaire mounted above the top of the flag pole on a structure within fifteen (15) feet of the flag pole and must comply with all sections of this Chapter. The total light output from any luminaire mounted on top of or above a flag pole shall not exceed 800 initial lumens.
 - c. Flag poles with a height equal to or less than twenty (20) feet above ground level may be illuminated from below. If ground-level illumination is used, flagpoles may be illuminated with up to two (2) spot type luminaires, utilizing shields or diffusers to reduce glare, whose maximum combined lumen output is 75 lumens per linear foot of pole height, measured from the level of the luminaire above grade to the top of the flagpole. Luminaires are to be mounted so that their lenses are perpendicular to the flag pole and the light output points directly toward the flag(s).

(C) Interior Lighting.

- (1) Interior lighting direct rays shall be blocked from trespassing (straying) beyond the property boundaries of the source.

6-5-5 NONCONFORMING LIGHTS

(A) Lights which were lawfully existing and in use at the time they became nonconforming with the requirements of this Section 6-5 by virtue of the initial adoption of this Section, subsequent amendment to this Section or by annexation into the Town, may continue to be used and operated subject to the limitations of this Section.

(B) The right to operate lawful nonconforming fixtures and or lawful nonconforming lamps shall terminate upon any of the following:

- (1) Replacement of the light fixture or lamp.
- (2) Damage to the light fixture so that the cost of repair is 50% or more of the cost to replace it with a conforming fixture.

(C) All nonconforming Public and Private Lighting either, owned or leased shall be brought into compliance with section 6.5.4 (TBR) within 10 years from the effective date of this ordinance.

6-5-6 ADMINISTRATION AND ENFORCEMENT.

(A) The provisions of this Section shall be administered by the building official or other authorized Town officer or employee.

(B) It shall be unlawful to violate any provision of this Section.

(C) Any continuing violation of this Section is hereby declared to be nuisance, which may be abated by the Town in any lawful manner, or enjoined by a court of competent jurisdiction.

(D) No building permit or occupancy permit shall be issued for work which has noncomplying light fixtures. See Town of Paonia Building Permit Checklist (TBR).

(E) Changes or upgrades to existing outdoor lighting will utilize town provided education materials on shielded fixtures and energy efficient dark sky compliant lamps - see notes 3-5 below.

6-5-7 APPEALS AND VARIANCES.

(A) Any person aggrieved by an interpretation of this Section or decision of the Town made in the administration of this Section, may appeal the interpretation or decision to the the Town Lighting Decision Group (TBR) - consisting of the Town Administrator, Chief of Police, Public Works Director, and a Trustee from Town Council appointed by the Mayor - pursuant to the review procedure of Section TBD of the Paonia Municipal Code upon payment of a \$25.00 application fee.

(B) (1) Any person may apply for a variance to the the Town Lighting Decision Group from the provisions of this Section upon payment of the \$25.00 application fee in accordance with the review procedure of Section TBD of the Paonia Municipal Code.

(2) The Town Lighting Decision Group may grant a variance only upon a determination that the following criteria are met:

(a) The variance will be consistent with the public health, safety and welfare.

(b) The variance is justified by unreasonable hardship not created by the activities of the applicant or strict compliance is unfeasible.

(c) The variance will be substantially consistent with the purposes of this Section to avoid nuisances to others, preserve the natural dark sky resource and to maintain IDA community dark sky designation, conserve energy, reduce glare, promote traffic and pedestrian safety, preserve the small town character of Paonia and promote the Town's master plan.

Notes:

1. Since 2012, the Federal Trade Commission has required that labelling of all light bulbs include temperature (Kelvins) and light output (lumens.) Concerning color temperatures,

a CCT of about 5000K approximates sunlight and a CCT of 3000K will have a slightly yellow appearance.

2. Lumens per net acre: For example a one acre (44000sqft) lot is developed with a 6000 sqft multiunit condo plus a 2000sqft wrap-around deck , a 2000sqft detached garage and adjacent developed patio of 1000sqft. Additionally, landscaping improvements around the condo, deck, patio and detached garage adds another 5000sq ft bringing the total developed portion of the lot to 16000sqft or $16000/44000$ – approximately 36% of that gross one acre lot. The lumens allocation for this multiunit example is 20000/per net acre or $20000 * 0.36 = 7272$ lumens.

3. Color Temperature Comparison:




4. Lumens to Wattage Conversion:

How to Buy a Light Bulb

Lumens: The new way of looking at light.

1

You used to buy these.




INCANDESCENT

WATTS
100W
75W
60W
40W

2

You want this much light.




LUMENS


1600
1100
800
450

3


Now you can buy these.



LED
Most Efficient



CFL
More Efficient



HALOGEN

WATTS		
coming soon	up to 23W	up to 72W
coming soon	up to 20W	up to 53W
up to 12W	up to 13W	up to 43W
up to 9W	up to 9W	up to 29W

Lumen outputs and wattages are based on the most common products available for each medium screw base light bulb. Actual lumen output and wattage may vary by product.
Revised April 20, 2012.

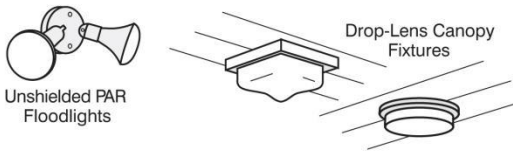
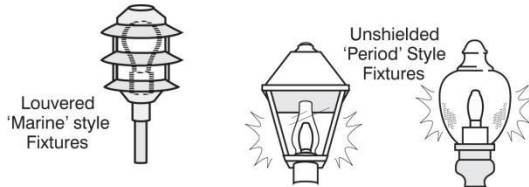
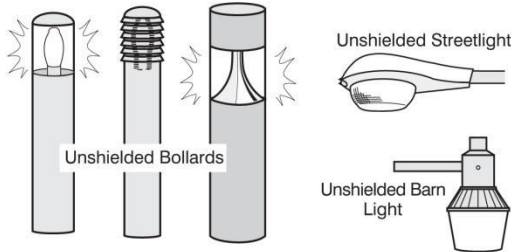
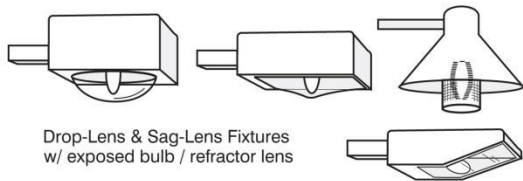
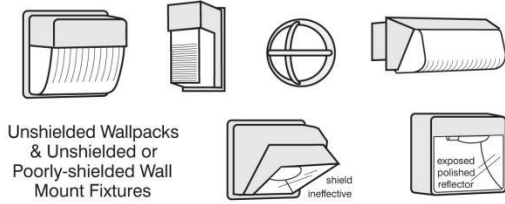
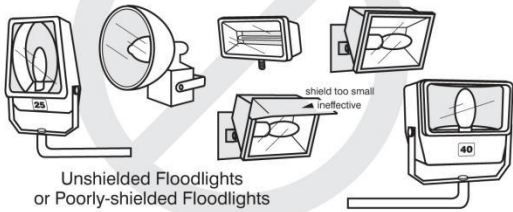
MORE LUMENS = MORE LIGHT

5. Examples of Acceptable and Unacceptable Dark Sky lighting:

Examples of Acceptable / Unacceptable Lighting Fixtures

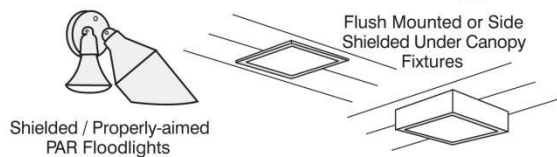
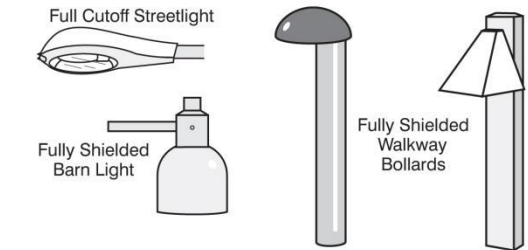
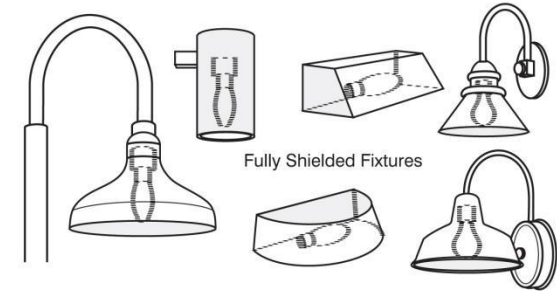
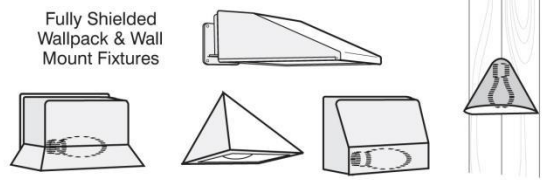
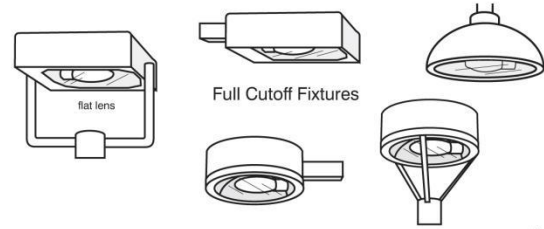
Unacceptable / Discouraged

Fixtures that produce glare and light trespass




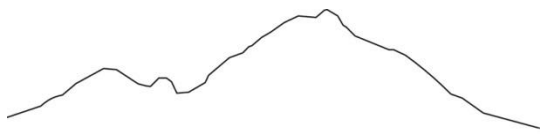
Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Illustrations by Bob Crelin© 2005. Rendered for the Town of Southampton, NY. Used with permission.

	Modification of Board Meeting Schedule		
Summary: Proposed alternative to the current Board meeting schedule.			
Notes: <p style="margin-top: 10px;">While I understand the concern that the Town has many projects to continue working on and a modified schedule may slow that process, I respectfully submit to the Board a request to – as Cassandra Sherk discussed with us at the work session – to challenge the status quo. The modified schedule as presented is a minor change in number of meetings that could potentially have a positive impact on workload and work product for both the staff and Board – which can have a positive effect on the community as well.</p> <p style="margin-top: 10px;">This is not about staff inability to do the work at the current level, we have been doing it. This is about slowing down the pace to allow for a better, well thought out product and an avoidance of burn out. Our very small staff produces work product of a large volume, some of which never has to go to the Board for review. But that which does need Board review is out as quickly as we produce it, expecting the Board to review, decide, and move on to the next item at a rapid pace.</p> <p style="margin-top: 10px;">I respectfully request the Board be willing to allow us the opportunity to try the revised meeting schedule. I believe that an opportunity for a longer completion and review of items with a major impact on our community is a good thing, not a hindrance to progress.</p> <p style="margin-top: 10px;">Thank you.</p>			
Possible Motions: Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Trustee Bear	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Meck	Trustee Pattison	Mayor Bachran:



MEMORANDUM

To: Board of Trustees, Town of Paonia
From: Bo James Nerlin, Esq.
Re: Modification of the Board Meeting Schedule
Date: 4/9/2021
CC: Ms. Corinne Ferguson

At the March 23, 2021 meeting, I was tasked with providing the Trustees with a memo outlining an alternative meeting schedule.

CURRENT MEETING SCHEDULE

The Board currently meets the second and fourth Tuesday of the Month. Meetings begin at 6:30 pm and shall be adjourned by 9:30 pm, unless the majority of the Trustees vote to extend the meeting. The Cities of Olathe, Ouray and Montrose meet every two weeks.

MONTHLY MEETING SCHEDULE

Several Western Slope municipalities meet once a month, including but not limited to, the Town of Hotchkiss, Town of Ridgway, Town of Mountain Village, and the Town of Marble.

REGULAR MEETING – WORKSHOP

Orchard City and Cedaredge have a regular meeting once a month, and a workshop once a month.

MEETING EVERY THREE WEEKS

The Town of Telluride has adopted a meeting schedule every three weeks.

REVIEW OF ISSUES

One of the issues that both staff and the Trustees have presented is the time commitment that is necessary to prepare for a meeting every two weeks. Coupled with this is the fact that the Trustees frequently have special meetings, committee meetings, and workshops in addition to the regularly scheduled meetings.

In consideration of the number of pending issues before the Trustees and the Town, a regular meeting once a month would likely put a greater strain on the Trustees, staff and public to address Town business. Likewise, a regular meeting and a workshop once a month, still

requires the same level of preparation and review by the staff and the Trustees, getting ready for a meeting every two weeks.

A meeting of the Trustees every three weeks gives staff and the Trustees an extra week to prepare for the regular meeting. The Trustees could look to have an earlier start time and/or later finish time if it is believed that additional time is needed to address the business of the Town, e.g, a 5:30 pm or 6:00 pm start time, 10:00 pm finish time.

In the event the Board is willing to test out a three-week meeting schedule, the following is a proposed calendar for the remainder of the year:

Regular Meeting April 27

May 18	June 8	June 29
July 20	August 10	August 31
September 21	October 12	November 2
November 16*	December 7	December 28

* November 16 is moved up so as to not be the week of Thanksgiving.

Under this proposed schedule, the Trustees would have 12 regular meetings vs 16 regular meetings under the current schedule.

Should the Trustees wish to modify the existing schedule, the Board will need to pass a resolution reflecting the change, and in addition, the staff will need to focus on noticing and outreach, notifying the public of any change.

AGENDA SUMMARY FORM



Ordinance 2021-TBD Board of Appeals

Summary:

As directed by the Board following review by GAPS committee, please find the first read draft of the Board of Appeals ordinance for review.

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bear	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Meck	Trustee Pattison	Mayor Bachran:

April 9, 2021

ORDINANCE NO. 2021-____

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, ESTABLISHING A BUILDING CODE BOARD OF APPEALS

RECITALS:

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

WHEREAS, the Town pursuant to C.R.S. 31-4-101, the Town has certain legislative powers; and

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

WHEREAS, the Town has adopted by reference codes and standards relating to the regulation of new construction, alteration, and repair of all new and existing structures within the Town, along with all plumbing, mechanical and installations therein or in connection therewith; and

WHEREAS, each of these codes utilize an appeals board to hear and determine appeals of decisions of the building official or claims that the true intent of the code have been incorrectly interpreted; and

WHEREAS, pursuant to Sec. 2-2-90 of the Town Municipal Code, the Board of Trustees has the authority to create and appoint members to board and commissions; and

WHEREAS, pursuant to Sec. 16-15-10 of the Town Municipal Code, the Town has an established Zoning Board of Adjustment which addresses appeals of any administrative officer or agency made in enforcement of the Town Municipal Code pertinent to zoning; and

WHEREAS, the Town Board of Trustees finds and determines that it is both necessary and desirable that a Building Code Board of Appeals be created; and

WHEREAS, the Board determines that the existing Board of Adjustment shall sit and serve as the Building Code Board of Appeals whenever such board is required;

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

Section 1. Legislative Findings.

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

Section 2. Additions to the Town Code.

(A) The following Article 11 is added to Chapter 18 Town Code as follows:

Chapter 18, Article 11 – Building Code Board of Appeals:

Sec. 18-11-10. Appeal Procedures.

- (a) There is hereby created the Building Code Board of Appeals. Unless otherwise conflicted, the four (4) members of the Zoning Board of Adjustment shall serve as the members of the Building Code Board of Appeals.
- (b) The purpose of the Board of Appeals is to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of the building codes, and amendments thereto, as adopted from time to time by reference within this Chapter 18. Zoning appeals pursuant to Chapter 16 shall be heard ~~in accordance with Chapter 16 by the Zoning Board of Adjustment.~~
- (c) The Board of Appeals may adopt reasonable rules and regulations not inconsistent with this ordinance for conducting its business, meetings, and deliberations.
- (d) Appeals to the Board of Appeals may be taken by any person aggrieved by his or her inability to obtain a building permit based upon the decision of the building official. Appeals to the Board of ~~Appeals~~ Adjustment must be made in writing and filed with the Town Clerk no later than 4:30 p.m. of the seventh day following the action or decision from which the appeal is taken. In the event the seventh day falls on a Saturday, Sunday or holiday, the next regular business day of the Town shall be deemed the seventh day. The day of the action or decision shall not be included in the seven-day calculation.
- (e) An appeal to the Board of Appeals stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken, certifies to the Board of Adjustment after the notice of appeal has been filed with him or her that, by reason of facts stated in the certificate, a stay, in his or her opinion, would cause imminent peril to life and property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or a court of record on application, on notice to the officer from whom the appeal is taken and on whom due cause is shown.

Sec. 18-11-20. Hearings.

- (a) All hearings of the Board of Appeals shall be held within thirty (30) days of the filing of the appeal.
- (b) At hearings, all witnesses shall be sworn-in and the Chairperson will utilize such procedures as the Board of Appeals finds will ensure fairness and efficiency. The Board of Appeals shall not be required to observe formal rules of evidence but may consider any testimony or other evidence the Board finds reasonably reliable and calculated to aid the Board of Appeals in reaching an accurate determination of the issue involved. Rulings on questions of procedure, admissibility of evidence, and exhibits will be made by the Chairperson and will stand unless objected to by a member of the Board of Appeals, in which event the question will be decided by a majority vote of the members of the Board present.

(c) The Board of Appeals shall have the authority to review any written final decisions of the building official regarding the suitability of alternate materials, methods of construction, or regarding the technical application and interpretation of the building codes adopted by reference, and any amendments thereto, within this Chapter 18. The Board of Appeals shall also be authorized to issue advisory opinions and policies regarding such matters at the request of the building official. The Board of Appeals shall not have the authority ~~to interpret any administrative provisions of any of the Codes adopted within this Chapter 18, or to waive requirements of any such code,~~ nor shall the Board of Appeals have the authority to recommend decreasing public safety or fire-resistive standards set forth in any section of such codes. A decision of the Board shall not be considered a precedent for future decisions of the building official. The Board of Appeals shall act in each instance based upon the facts presented in the appeal.

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(e)(d) In the event of a conflict between any building codes adopted by the Town and this Chapter 18, Article 11, the Town Code shall take precedent. Notwithstanding the foregoing, for any matter which the Town Code is silent, the Board of Appeals shall take into account direction and guidance from the relevant building code(s).

Sec. 18-11-30. Fees.

For all applications for, a fee shall be charged to cover the administrative costs of conducting the hearing. The amount of the fee shall be established by resolution of the Board of Trustees.

Sec. 18-11-40. Decisions.

The decision of a majority of the members of the Board of Appeals shall be final on the date it is made and signed by the Board of Appeals. Any further appeal shall be in accordance with C.R.C.P. Rule 106(a)(4).

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Section 3. Severability.

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

Section 4. Repeal of Prior Ordinances.

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

Section 5. Ordinance Effect.

Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed, provided, however, that the repeal of any ordinance or parts of ordinances of the Town shall not revive any other section of any ordinance or ordinances hereto

before repealed or superseded and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 6. Effective Date.

This Ordinance shall take effect thirty days after adoption. .

INTRODUCED, READ, AND REFERRED to public hearing before the Board of Trustees of the Town of Paonia, Colorado, on the ___ day of March 2021.

TOWN OF PAONIA, COLORADO, A MUNICIPAL CORPORATION

By: _____
Mary Bachran, Mayor

ATTEST:

CORINNE FERGUSON, Town Clerk

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this ___ day of ___, 2021.

TOWN OF PAONIA, COLORADO, A MUNICIPAL CORPORATION

By: _____
Mary Bachran, Mayor


ATTEST:

CORINNE FERGUSON, Town Clerk

Approved as To Form:

BO JAMES NERLIN #40397, Town Attorney

AGENDA SUMMARY FORM

	Mayor's Report		
Summary:			
Notes:			
Possible Motions:			
Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Trustee Bear	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Meck	Trustee Pattison	Mayor Bachran:

April 7, 2021

Mayor's Report

March 25, 2021 Region 10 Board of Directors Meeting

- Community Celebration of lifting of restrictions in Gunnison
- Projections of increased visitation from in and out of state
- Festivals and fairs in planning all across the region
- Katharina Papenbrock – OEDIT
 - Large economic project now has funding, application opening Monday 3-29-21
 - Capacity and strategic planning +
 - Stimulus funds bill writing
 - Just Transitions ~\$15,000,000
 - Expansion of Rural Jumpstart
- Region 10
 - Increased REDI funds
 - Some tourism information about accessibility of services considering the rural nature of the area
 - Need for employees
 - Exceptional need for affordable housing

SATISFACTION WITH THE BUILDING INSPECTOR
Survey of 2019/2020 Building Permit Recipients

Over a two-week period, the Mayor attempted to call every person who had obtained a building permit in the years 2019 and 2020. A summary of those calls is included in the table below.

Table 1: Summary of All Permits

	2019	2020	Total	Percent
Total number of permits	58	46	104	
Duplicates (2 permits in a year or permits in both years)	11	3	14	13%
Total # of individuals to contact (#of permits minus duplicates)			90	87%

Table 2: Summary of Non-duplicated Permits

	2019	2020	Total	Percent
# people with no contact information	8	3	11	12%
# of wrong numbers or disconnected phones	8	6	14	16%
Incorrect permit information or no contact with building inspector	5	1	6	7%
Message left with no return call	10	6	16	18%
Busy signals	1	0	1	1%
# people emailed	3	1	4	4%
# people spoken to	12	26	38	42%

Summary statistics were done on the total number of permits (Table 1). The number of individuals who had more than one permit in a year, or a permit in both years were contacted only once and contained in the numbers in Table 2.

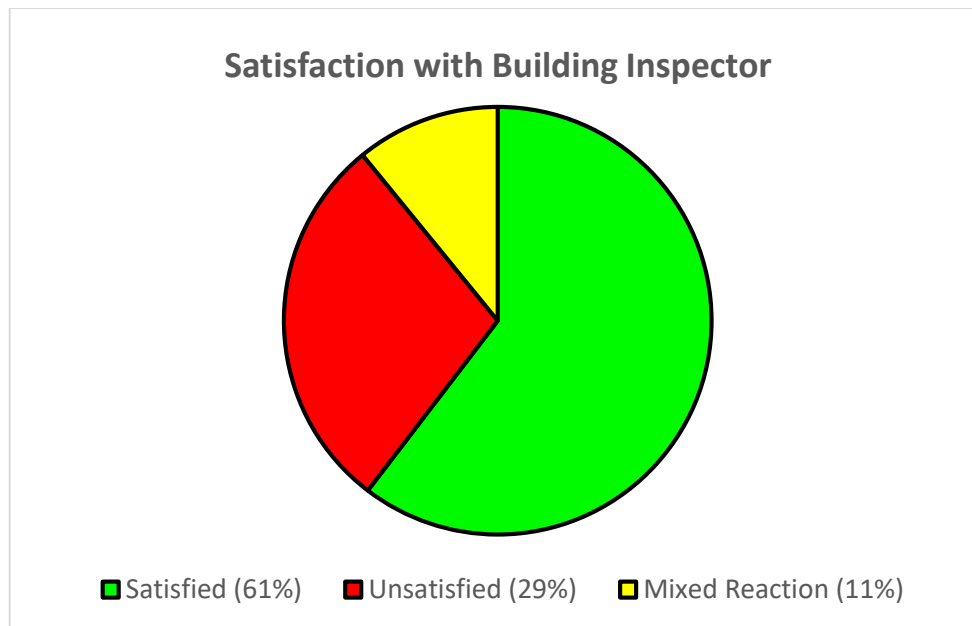
Of the total number of people who obtained building permits, 38 (42%) responded to the survey. A number of people (28%) either had no contact information or their phones had been changed or disconnected. For six people (7%), they either didn't remember having a permit or had no contact with the building inspector. Of those who had no contact with the building inspector but did remember who the contractor was, the contractor was contacted, when possible, and the information was included in the "# of people spoken to" statistics. Eighteen percent (16) of the people were left a message about the survey but did not respond. Four people were emailed but did not respond and one phone only produced a busy signal when called several times.

The people contacted (38, 42%) were informed the Mayor of Paonia and was doing a short survey about their satisfaction with the building inspector. They were encouraged to make any comments they wished. Results are in Table 3.

Table 3: Satisfaction with the Building Inspector

Rating	2019	2020	Total	Percent
Satisfied	9	14	23	61%
Unsatisfied	2	9	11	29%
Mixed reaction	1	3	4	11%

Satisfaction with Building Inspector



The majority of people (61%) who responded to the survey were satisfied with the performance of the building inspector, while 29% were dissatisfied. Mixed reactions were expressed by 11% of the respondents, primarily citing one good experience with the building inspector and one bad.

Those who were satisfied generally commented on his expertise and knowledge, his helpfulness and willingness to work together, while those who found his performance unsatisfactory generally found his way of interacting people to be the main problem.

People were encouraged to make comments about their experiences. Those comments are included below:

Positive Comments

- Terrific
- Fine, mellow, affordability, 15% of cost of project was permit
- After Dave Coleman, breath of fresh air. Sometimes disagree with his urgency but if his job is to inspect, more power to him
- Terrific, interfaced with him several times
- No problem, helpful
- Grouchy sometimes, knows his stuff, sometimes get very argumentative and nasty. Really good inspector. When he has the time, he's very helpful.
- Excellent. He did a good job, stuck by the code.
- Did a good job, was surprised to read about all the trouble since he did such a good job.
- Clear concise communication, proactive
- Inspector wasn't unhelpful. Perfectly pleasant to work with.
- Fine, never had a problem. Very expensive.
- By the book, doesn't miss anything, but will say nothing in the code, but he likes it a certain way and won't pass. Does his job but pisses people off in the process.
- No issues was good because he found problems.
- Very informative on phone, gave me enough information. Reasonably priced.
- Super thorough, very professional, consistent, a little not Paonia vibe, for the most part worked with him very well. Tricky thing was not having him in town.
- Worked together well.
- Satisfied, found a few mistakes and got them fixed.

- Good experience. Really worked with contractor on straw bale house. By the book.
- Good with us, kind and nice.
- He's great. If I make mistakes, he catches them. He is exactly what a building official should be.
- Interaction a few years ago. Very by the book, not willing to budge, as I got to know him, understood he was trying to keep things safe. Things he was concerned about, not able to give him the information he was reasonable.

Negative Comments:

- Difficult personality to deal with, had to pay for each revision
- Butted heads with him on a few things. Conflict of interest when works for an independent company and their interest is more towards making money.
- Hard time dealing with him. Good about some things, felt like he was picking on me. Replaced roof, gave pictures, then wanted to see screw pattern after told to complete. Over the top, nit picking. Grumpy, not a great team player.
- Told garage could not exceed 30', then changes to 20', then told 15', set whole project back by 2 months. Cost me time and money.
- Trespassing when showed up without making an appointment, not comfortable with him poking around, unprofessional. Looked in neighbor's garage and saw building materials and told them they may need a building permit. He knows his stuff, but don't like his style. Goes outside of his scope of work.
- Difficult for people trying to do small projects. Probably need to bring it back from Denver level to Paonia.
- Well done with work. Difficult man to work with, disrespect and condescend to people and interactions, not good interactions. Very mean.
- Amenable during email. Picky in a weird way, weird attitude in tone.
- Get along with Dan but will suggest things that don't really need to be done but may be a good idea. Not a good fit with the community, not enough compassion

Mixed Comments:

- Smart and means well, very knowledgeable, problems with him in Delta. Much better in Paonia. Fair. Answered complex questions.
- Knows me, likes me and respects what I'm doing. Money making business. Charges for resubmittals because of this. Usually part of the permit process. Costs are equivalent to Boulder. Too anal retentive, code is a guide which can allow innovative solutions. Can be pretty brusque.
- First interactions really awful, but after meeting him were really good. Consulting fees were very very high, need to know approximately how much it's going to cost. Building improvement should be encouraged, not made more difficult.
- Didn't really deal with him except on the phone since didn't need a permit. Maybe a bit snarky.

SUMMARY

Well over half of the people who responded had a positive experience with the building inspector. Negative comments focused on his demeanor, that he was hard to please and work with. With the exception of one person, everyone was in agreement that he was very knowledgeable and adhered to the code. Some people found this helpful because he identified problems and helped solve them. Some found this problematic as they felt he was too focused on details versus the whole picture. The people who had mixed reactions generally had one good interaction and one bad one, but generally found him to be knowledgeable and fair.


Six of the respondents complained about the high cost of permits and revisions.

- Not affordable, 15% of cost of project was permit.
- Very expensive.
- Had to pay for each revision.
- Conflict of interest when works for an independent company and their interest is more towards making money.
- Money making business. Charges for resubmittals because of this. Costs are equivalent to Boulder.
- Consulting fees were very, very high, need to know approximately how much it's going to cost.

- Expensive.

In conclusion, since the majority of the people dealing with the building inspector find his work to be satisfactory, the Town Board is on the right track to keep using the current building inspector while we work toward a shared position with the other communities in Delta County. In fact, several of the people spoken with thought this was a great idea.

AGENDA SUMMARY FORM

	Finance & Personnel Personnel Liaison Appointment Confirmation Governmental Affairs & Public Safety Mobile Retail Food Establishments Public Works-Utilities-Facilities Tree Board Advisory Water		
Summary:			
Notes:			
Possible Motions:			
Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Trustee Bear:	Trustee Budinger:	Trustee Johnson:
Trustee Knutson:	Trustee Meck:	Trustee Pattison:	Mayor Bachran:

April 7, 2021

Amend Chapter 6 of Paonia Municipal Code to include Sec. 6-5, Mobile Retail Food Establishments

6-5-1. - Definitions

Mobile Retail Food Establishment: A retail food establishment that is not intended to be permanent, and is a motorized wheeled vehicle, or non-motorized unit such as a trailer, which is designed and equipped to serve food and beverages. This includes “food trucks”, “food carts”, and similar.

6-5-2. - Zoning

A Mobile Retail Food Establishment may operate on private property in commercial zones (C-1, C-2) with property owners' permission.

6-5-3. - Requirements

The following must be provided to the Town prior to doing business within Paonia and updated on an annual basis:

1. A copy of the Establishment’s Colorado Retail Food License
2. A copy of the Establishment’s Colorado Sales Tax License
3. The legal address of the Establishment’s proposed location(s)
4. Written permission from the property owner for the Establishment to do business at those locations
5. A signed agreement stating that the Establishment and all employees or contractors will abide by town zoning and setback requirements, and that the operator will ensure that their vehicle, accessories, and patrons do not encroach on streets or sidewalks

6-5-4. - Special events and public property

Any use of public sidewalks is subject to Town of Paonia Municipal Code 11-1-30 (STREETS, SIDEWALKS, AND PUBLIC PLACES - Use of public sidewalks for business purposes; permit)

If the Mobile Food Vendor is operating as part of a street closure or other special event, they must adhere to Town of Paonia Municipal Code 11-1-80 (STREETS, SIDEWALKS, AND PUBLIC PLACES - Street closure; permit) and 11-3-20 (PUBLIC PARKS - Group use.) as applicable.

At the Board’s discretion, the Town of Paonia may restrict use of specific public locations for Mobile Retail Food Establishments during special events, or may designate a specific location for all Mobile Retail Food Establishments during events.