



TOWN OF PAONIA
REGULAR TOWN BOARD MEETING AGENDA
THURSDAY, AUGUST 25, 2022 5:00 PM

MASKS ARE RECOMMENDED BUT ARE NOT REQUIRED

[HTTPS://US02WEB.ZOOM.US/MEETING/82028943204](https://us02web.zoom.us/join/82028943204) MEETING ID: 82028943204

CALL IN NUMBER: 1-719-359-4580

Budget Workshop #1

Roll Call

Approval of Agenda

Announcements

Consent Agenda

(Reminder, the consent agenda is a tool used to streamline meeting procedures by collecting routine, non-controversial items into a group whereby all are passed with a single motion and vote. This in no way limits any discussion of any item on the consent agenda.)

Regular Minutes:

July 14, 2022

Liquor License Renewal:

Berg Harvest, LLC dba Berg Harvest Mercantile

Disbursements:

Through 8/22/2022

Recognition of Visitors & Guests

Senior Connections Introduction - Medina Ryan

Mayor's Reports

Staff Reports

[Town](#) Administrator's Report

Public Works Report

Police Report

Finance/Treasurer Report

Public Hearings/Executive Session

[Ordinance](#) 06-2022 Amendment of Chapter 18 of the Municipal Code Concerning i-Codes - Public Hearing

Unfinished Business

[Communication](#) Process for Upcoming Town Events

[Tier](#) II Grants and State Revolving Fund Loans

New Business

[Scheduling](#) of Work Session Regarding Updates to Resolution 2017-06 - Board Sanctioned Code of Conduct & Use of Moderator

[Community](#) Member Suzanne Watson – Land Use Code Modifications

Committee Reports

[Finance](#): Weber & Smith

Parks: Knutson & Stelter

Streets: Valentine & Markle

Water/Sewer/Trash: Weber & Markle

Personnel: Smith & Valentine

Public Safety: Knutson & Stelter

Paonia Tree Board: Trustee Valentine

Advisory Water Committee: Trustee Smith

Ad Hoc Committees:

Trustees' How Did We Do?

Adjournment

How agenda items are addressed:

- Introduction of agenda item
either community presenter, Board member, or staff member
- Trustees first opportunity for comment/discussion
- Board opportunity to make motion
- Community comment period – no more than 3 minutes, one time
- Motion amendments & Trustees second opportunity for comment/discussion
- Mayor/Mayor Pro Tem to restate motion
- Vote

Agenda Sections open for community comment:

Community Members & Guests

Public Hearings

Unfinished Business

New Business

Executive Sessions

AS ADOPTED BY:
TOWN OF PAONIA, COLORADO
RESOLUTION NO. 2017-10 – Amended May 22, 2018

I. RULES OF PROCEDURE

Section 1. Schedule of Meetings. Regular Board of Trustees meetings shall be held on the second and fourth Tuesdays of each month, except on legal holidays, or as re-scheduled or amended and posted on the agenda prior to the scheduled meeting.

Section 2. Officiating Officer. The meetings of the Board of Trustees shall be conducted by the Mayor or, in the Mayor's absence, the Mayor Pro-Tem. The Town Clerk or a designee of the Board shall record the minutes of the meetings.

Section 3. Time of Meetings. Regular meetings of the Board of Trustees shall begin at 6:30 p.m. or as scheduled and posted on the agenda. Board Members shall be called to order by the Mayor. The meetings shall open with the presiding officer leading the Board in the Pledge of Allegiance. The Town Clerk shall then proceed to call the roll, note the absences and announce whether a quorum is present. Regular Meetings are scheduled for three hours, and shall be adjourned at 9:30 p.m., unless a majority of the Board votes in the affirmative to extend the meeting, by a specific amount of time.

Section 4. Schedule of Business. If a quorum is present, the Board of Trustees shall proceed with the business before it, which shall be conducted in the following manner. Note that all provided times are estimated:

- (a) Roll Call - (5 minutes)
- (b) Approval of Agenda - (5 minutes)
- (c) Announcements (5 minutes)
- (d) Recognition of Visitors and Guests (10 minutes)
- (e) Consent Agenda including Approval of Prior Meeting Minutes (10 minutes)
- (f) Mayor's Report (10 minutes)
- (g) Staff Reports: (15 minutes)
 - (1) Town Administrator's Report
 - (2) Public Works Reports
 - (3) Police Report
 - (4) Treasurer Report
- (h) Unfinished Business (45 minutes)
- (i) New Business (45 minutes)
- (j) Disbursements (15 minutes)
- (k) Committee Reports (15 minutes)
- (l) Adjournment

* This schedule of business is subject to change and amendment.

Section 5. Priority and Order of Business. Questions relative to the priority of business and order shall be decided by the Mayor without debate, subject in all cases to an appeal to the Board of Trustees.

Section 6. Conduct of Board Members. Town Board Members shall treat other Board Members and the public in a civil and polite manner and shall comply with the Standards of Conduct for Elected Officials of the Town. Board Members shall address Town Staff and the Mayor by his/her title, other Board Members by the title of Trustee or the appropriate honorific (i.e.: Mr., Mrs. or Ms.), and members of the public by the appropriate honorific. Subject to the Mayor's discretion, Board Members shall be limited to speaking two times when debating an item on the agenda. Making a motion, asking a question or making a suggestion are not counted as speaking in a debate.

Section 7. Presentations to the Board. Items on the agenda presented by individuals, businesses or other organizations shall be given up to 5 minutes to make a presentation. On certain issues, presenters may be given more time, as determined by the Mayor and Town Staff. After the presentation, Trustees shall be given the opportunity to ask questions.

Section 8. Public Comment. After discussion of an agenda item by the Board of Trustees has concluded, the Mayor shall open the floor for comment from members of the public, who shall be allowed the opportunity to comment or ask questions on the agenda item. Each member of the public wishing to address the Town Board shall be recognized by the presiding officer before speaking. Members of the public shall speak from the podium, stating their name, the address of their residence and any group they are representing prior to making comment or asking a question. Comments shall be directed to the Mayor or presiding officer, not to an individual Trustee or Town employee. Comments or questions should be confined to the agenda item or issue(s) under discussion. The speaker should offer factual information and refrain from obscene language and personal attacks.

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

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

II. CONSENT AGENDA

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

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

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

III. EXECUTIVE SESSION

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

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

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

IV. SUBJECT TO AMENDMENT

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

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

File Attachments for Item:

Budget Workshop #1

AGENDA SUMMARY FORM

	Budget Workshop #1
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Summary: Introduction and project discussions.

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

2023 BUDGET

LETS BEGIN-INFORMATION

- REVENUE – HISTORICAL + ECONOMIC FACTORS
- - FIXED COSTS – HISTORICAL + ECONOMIC FACTORS
- - PERSONNEL COSTS (CURRENT COST vs BUDGET COST)
- - PROJECTS – GOALS (NEEDS AND WANTS)
(DEPARTMENT HEADS+COMMITTEES)
- GRANTS – *WHERE CAN WE GET FUNDS TO FILL THE GAPS*
- RESERVES – *OTHER SOURCE TO FILL THE GAPS*

BUDGET PROCESS

- GOALS
 - PROJECTS
 - STAFFING

PROJECTS

- ADMINISTRATION
 - MASTER PLAN
 - CODIFICATION OF MUNICIPAL CODE
 - COMPLETE GIS MAPPING
 - SIGNAGE PROJECT
- BUILDING
 - MERGE WITH CITY OF DELTA
- PUBLIC SAFETY
 - UNMARKED VEHICLE *(IF POSSIBLE, NEED TO DO IN 2022)*
 - LEXIPOL SOFTWARE *(IF POSSIBLE, NEED TO DO IN 2022)*
 - COMPETITIVE WAGES
 - INCREASE IN TRAINING BUDGET
- PARKS (INCLUDES C.TRUST FUNDS)
 - BATHROOM UPGRADES (\$20,000)
 - GRASS IMPROVEMENTS (\$5,000)
 - AV PARK REHABILITATION (\$25,000)
 - LEES PARK UPGRADE (\$15,000)
 - STAGE AREA REHABILITATION (\$15,000)
 - TEEN CENTER REHABILITATION (\$15,000)
 - WATER FOUNTAINS
- STREETS
 - RESURFACE BRIDGE (CARRY OVER)
 - SIDEWALK IMPROVEMENTS
 - CURB & GUTTER REPLACEMENT
 - BACK ALLEY & PARKING LOT PAVEMENT
 - STREET RECONSTRUCTION
 - OVERLAY

PROJECTS

- CAPITAL
 - ADMINISTRATION/BUILDING REPAIRS
 - CARPET
 - KITCHEN CONVERSION TO BOARD ROOM
 - ADDITIONAL STORAGE AREA
 - RELOCATION OF SECONDARY INTERIOR DOOR
 - REMODEL FRONT COUNTER FOR ADA
 - ENCLOSE UPSTAIRS OPEN OFFICE SPACE
 - STUCCO REPAIR
 - PUBLIC SAFETY
 - VEHICLE REPLACEMENT
 - ALL ELECTRIC UTV
 - RECONFIGURE/RELOCATE POLICE DEPARTMENT
 - PUBLIC WORKS
 - SHOP REPAIRS
 - VEHICLE REPLACEMENT
 - WATER TRUCK/VAC TRUCK
 - TOOLBOX + TOOLS
 - ADDITIONAL STORAGE (BUILDING)
 - FIRE SAFETY RATED STORAGE BOXES
 - MOWER
 - TREE TRIMMING

PROJECTS

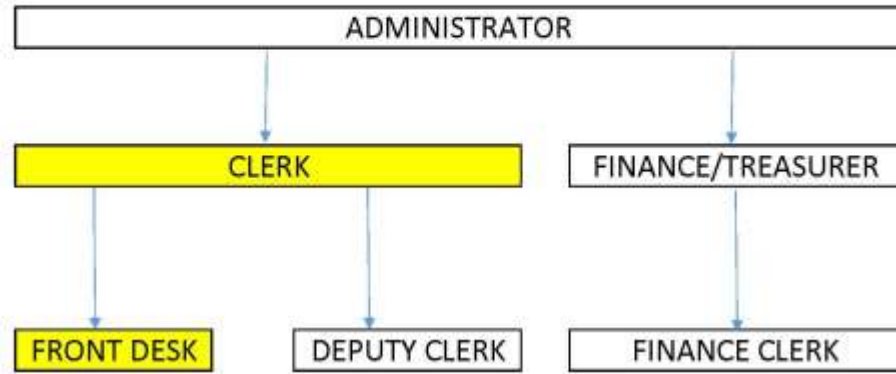
- WATER
 - NEW PRV VAULT (\$50,000)
 - ADDITIONAL PRV (\$34,440)
 - PRESURE ZONES (\$50,000)
 - 1MG CLOCK TREATMENT PLANT (\$11,000)
 - 2MG LAMBORN TREATMENT PLANT (\$1,500,000)
 - 2MG LAMBORN TREATMENT PLANT (\$3,550)
 - SPRING REHABILITATION (\$29,900)
 - REPLACE WATERLINE @ 2ND STREET
- SEWER
 - WASTEWATER PLANT (\$49,530)
 - AERATORS (1+SPARE) (\$40,000)
 - ELECTRONIC TRASH CLEANER
- TRASH
 - STAFFING = (1-DRIVER+2-LABORERS)
 - CAMERA SYSTEM
 - REPLACEMENT DUMPSTERS
 - CONVERT TO TOTE SYSTEM

STAFFING

- ADMINISTRATION
- PUBLIC SAFETY
- PUBLIC WORKS

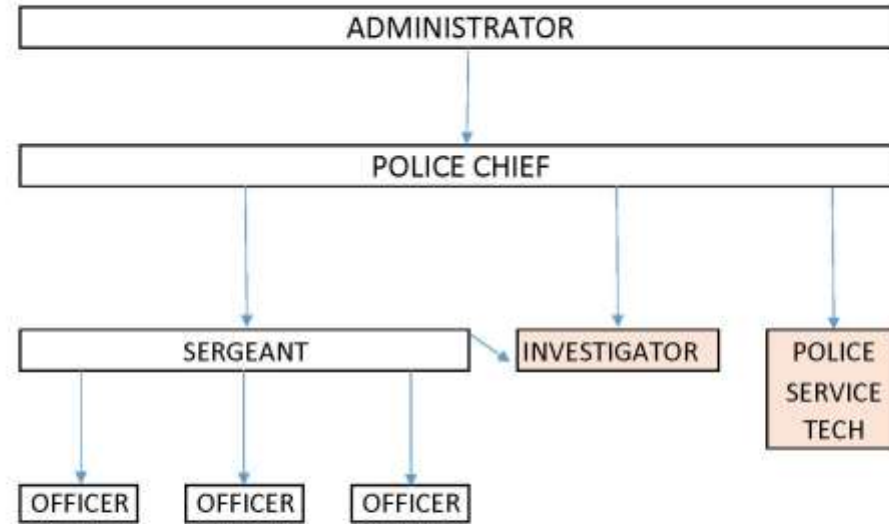
STAFFING

- ADMINISTRATION



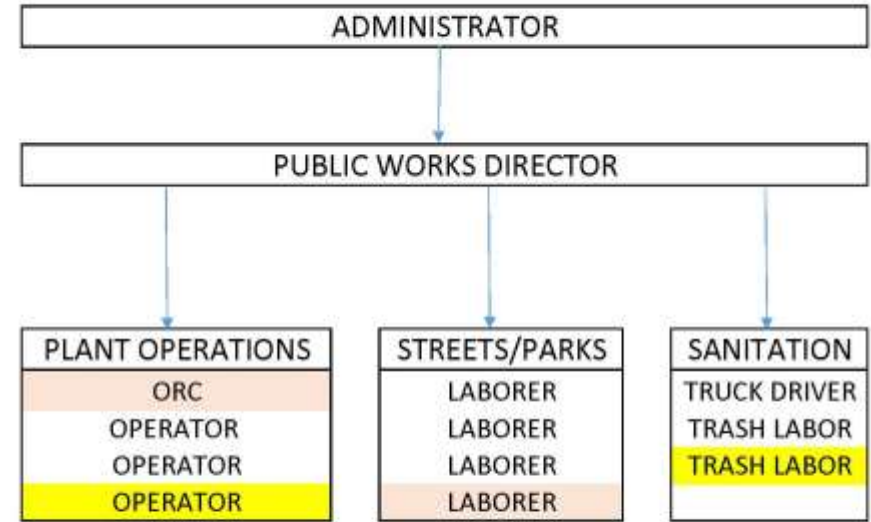
STAFFING

- PUBLIC SAFETY



STAFFING

- PUBLIC WORKS



PAYROLL BUDGET

- FULL TIME VS PART TIME
- OVER TIME REQUIREMENTS
- TOWN TAX COSTS
- TOWN BENEFIT COSTS
 - HEALTH INSURANCE (90% TOWN + 10% EMPLOYEE)
 - DENTAL (100% EMPLOYEE PAID)
 - VISION (100% EMPLOYEE PAID)
 - AFLAC (100% EMPLOYEE PAID)
 - LIFE INSURANCE (\$10,000 TOWN + ADDITIONAL EMPLOYEE PAID)
 - SHORT TERM DISABILITY (100% TOWN)
- ALLOCATIONS
 - BASED ON PREVIOUS YEARS ACTUALS

DESIRED CHANGES

- WHAT
- WHY
- HOW

File Attachments for Item:

Regular Minutes: July 14, 2022Liquor License Renewal:Berg Harvest, LLC dba Berg Harvest Mercantile

Disbursements: (Reminder, the consent agenda is a tool used to streamline meeting procedures by collecting routine, non-controversial items into a group whereby all are passed with a single motion and vote. This in no way limits any discussion of any item on the consent agenda.)

AGENDA SUMMARY FORM



Regular Minutes:
July 14, 2022

Liquor License Renewal:
Berg Harvest, LLC dba Berg Harvest Mercantile

Disbursements: (Reminder, the consent agenda is a tool used to streamline meeting procedures by collecting routine, non-controversial items into a group whereby all are passed with a single motion and vote. This in no way limits any discussion of any item on the consent agenda.)

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

Regular Town Board Meeting - Minutes

- Mayor Bachran**
- Trustee Knutson**
- Trustee Markle**
- Trustee Stelter**
- Trustee Smith**
- Trustee Valentine**
- Trustee Weber**

July 14, 2022, Regular Meeting Minutes 6:30 pm

RECORD OF PROCEEDINGS

The meeting was called to order by Mayor Bachran at 6:30 pm.

Roll Call

PRESENT

- Mayor Mary Bachran
- Trustee Paige Smith
- Trustee Thomas Markle
- Trustee Dave Weber
- Trustee John Valentine

ABSENT

- Trustee/Mayor Pro-Tem Dave Knutson – Pro-Tem Knutson arrived during the open meeting.
- Trustee Rick Stelter

Approval of Agenda

Motion made by Trustee Weber, Seconded by Trustee Markle to approve the amended agenda, removing the Mountain Harvest Festival discussion to the next regular meeting.

Motion carried with Trustee Markle voting nay.

Announcements

Trustee Smith provided descriptions of items left at Town Hall following the Saturday Strategic Planning Session.

Trustee Markle clarified a statement made at a previous meeting regarding the time it takes him to read a packet.

Mayor Bachran will provide information later to the Board regarding the Towns participation in the quick win grant.

Recognition of Visitors & Guests

Shirin Patterson questioned ownership of the bench in front of Paonia Purple. -The bench was purchased and is privately owned by the business.

Consent Agenda

Minutes:

June 22, 2022

June 23, 2022

Paonia Liquors, LLC - Retail Liquor License Renewal

Linda Little dba Linda's Bistro

Motion made by Trustee Weber, seconded by Trustee Markle to approve the consent agenda with amendments to grammatical errors in minutes. Motion carried unanimously.

Mayor’s Report

Mayor Bachran provided written summaries with detailed information on the grants summit and the information gleaned from the strategic planning event.

Trustees Markle and Knutson thanked Mayor Bachran for the written summaries.

Staff Reports

Town Administrator’s Report

Public Works Report

Police Report

Finance Report

Administrator Ferguson's written report was provided in the packet for review and discussion. Additional information was provided regarding receipt of the final disbursement of the (ARPA) American Rescue Plan Act funds (\$184,616.39), cost for Chief recruitment (\$17,692.00), and the upcoming coordinated election calendar.

The Public Surplus auction sale grossed approximately \$40,808. The payments will be allocated back to the fund where the sold item was acquisitioned from.

Discussion ensued regarding the Auditors schedule for presentation of the 2021 audit on July 21, 2022, at 5pm.

Motion made by Trustee Markle, seconded by Trustee Weber to set a special meeting 7/21/2022 at 5pm for Audit presentation and discussion of the Town Administrator Job search.

Motion to amend main motion by Trustee Weber, seconded by Trustee Smith to schedule for 7/20/2022 at 5pm. Motion carried with Trustee Knutson voting nay.

Main amended motion carried with Trustee Knutson voting nay out of respect for the auditor’s schedule.

Unfinished Business

Mountain Harvest Festival – September 23-25th - Grand Avenue Street Closure Removed from agenda until July 28, 2022.

Next Steps Regarding Enforcement of Grand Avenue Properties Special Review

Motion made by Trustee Knutson, seconded by Trustee Markle to disregard the requirement for special review of the Kennedy Building and the Masonic Lodge.

Discussion ensued regarding:

- Lawsuits
- legal advice
- building inspections
- asbestos concern

Attorney Conklin reiterated the advice given in executive session.

Discussion ensued regarding:

- conflicting ordinance interpretations
- perceived permit violations
- parking concerns

Motion made by Trustee Knutson, seconded by Trustee Markle to call the question. Motion failed for lack of a super majority. Aye: Trustees Knutson, Valentine, Markle. Nay: Trustees Smith, Weber.

Discussion continued.

The motion was re-read by Mayor Bachran as follows: Motion made by Trustee Knutson, seconded by Trustee Markle to disregard the requirement for special review of the Kennedy Building and the Masonic Lodge.

Motion carried with a tie vote with Mayor Bachran voting in favor. Aye: Trustees Knutson, Valentine Nay: Trustees Smith, Weber. Abstain: Trustee Markle. Aye: Mayor Bachran.

Motion made by Trustee Knutson, seconded by Trustee Valentine requiring an investigation of the process regarding the approval of the Kennedy and Masonic building. Motion failed. Aye: Trustee Knutson, Valentine. Nay: Trustee Markle, Smith, Weber.

Motion made by Trustee Weber, seconded by Trustee Smith to deny occupancy of the Kennedy Building dwelling units until the water moratorium is lifted.

Attorney Conklin reminded the Board that the motion is not in line with the legal advice given in executive session.

Discussion ensued regarding the water moratorium language and interpretation.

Mayor Bachran called for a vote on the motion.

Motion made by Trustee Markle, seconded by Trustee Weber to table discussion until a review of the inspectors reports regarding permits on the second floor of the Kennedy Building. Motion carried unanimously.

Motion made by Trustee Smith, seconded by Trustee Weber to review the definitive parking arrangements for the Community Collective Building (Masonic Lodge) and the Kennedy Building (Hays) as outlined in 16-6-10. Motion carried unanimously.

CDOT Safe Pathways for Paonia Grant Review

The grant application was provided in the packet at the previous meeting and linked via the MuniDocs site for public review. No discussion was held.

New Business

Review of Town Attorney Request for Proposal

A lack of an attorney for the police chief to contact was discussed. Attorney Conklin agreed to remain on regarding the police department concerns until such a time as the attorney is hired. Attorney Conklin also stated he would not leave Town without representation while active in the search for a replacement.

Discussion ensued regarding locations for publication of the request for proposals and direct solicitation of attorneys in the area via email and regular mail.

Establishment of Goals for Town Administrator for Remainder of Existing Contract

The Board discussed setting of tasks and goals for the administrator for the remaining fulfillment of the contract. Discussion included the goals and information from the last two (2) performance reviews.

Motion made by Trustee Smith, seconded by Trustee Markle to schedule tours and orientations as required by Resolution.

Motion to amend main motion by Trustee Markle, seconded by Trustee Weber to complete required items in Resolution 04-2022. Motion carried with Trustee Knutson voting nay. Trustee Knutson noted objection with making goals vicariously without a plan or review.

The main amended motion was re-stated and carried with Trustees Knutson and Valentine voting nay.

Motion made by Trustee Weber, seconded by Trustee Smith for the Town Administrator to adopt a records retention policy. Motion carried with Trustee Knutson voting nay and restating his objection.

Motion made by Trustee Markle, seconded by Trustee Weber that Administrator enforce the law in regard to the Sergeant fence issue.

Trustee Knutson objected to discussion without parties involved being noticed by setting of agenda.

Trustee Markle withdrew the motion and restates as follows:

Motion made by Trustee Markle, seconded by Trustee Weber to direct the Town Administrator to investigate and come to a resolution on the Sergeant fence. Motion carried unanimously.

Motion made by Trustee Knutson, seconded by Trustee Weber for the Board members to use the last two performance reviews and bring goals to the next meeting. Motion carried unanimously.

Disbursements

Motion made by Trustee Weber, seconded by Trustee Markle to pay the bills. Motion carried unanimously.

Motion made by Trustee Markle, seconded by Trustee Smith to waive late fees for the month. Motion carried unanimously.

Committee Reports

- Finance: Weber & Smith
- Parks: Knutson & Stelter
- Streets: Valentine & Markle
- Water/Sewer/Trash: Weber & Markle
- Personnel: Smith & Valentine
- Public Safety: Knutson & Stelter
- Paonia Tree Board: Trustee Valentine
- Advisory Water Committee: Trustee Smith

Motion made by Trustee Smith, seconded by Trustee Weber to appoint Bill Brunner as an in-Town user representative to the SWC. Motion carried unanimously.

Adjournment 9:25 PM

J. Corinne Ferguson, Town Clerk

Mary Bachran, Mayor

DR 8400 (03/10/22)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division

Submit to Local Licensing Authority

**BERG HARVEST MERCANTILE
40467 MATHEWS LANE
Paonia CO 81428**

Fees Due	
Renewal Fee	401.25
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$ 401.25

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 BERG HARVEST LLC		Doing Business As Name (DBA) BERG HARVEST MERCANTILE	
Liquor License # 03-13831	License Type Beer & Wine (city)		
Sales Tax License Number 01368138	Expiration Date 11/18/2022	Due Date 10/04/2022	
Business Address 73 SAMUEL WADE ROAD Paonia CO 81428			Phone Number 9705276372
Mailing Address 40467 MATHEWS LANE Paonia CO 81428		Email berg harvest llc@gmail.com	
Operating Manager Lauren Thliveris	Date of Birth [REDACTED]	Home Address 40467 Mathews lane, Paonia, CO 81428	Phone Number 608-347-7722
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* *If rented, expiration date of lease _____			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

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

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

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

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

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

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

Name (Individual/Business) <u>Lauren Thliveris, Berg Harvest Mercantile</u>		Social Security Number/Tax Identification Number [REDACTED]	
Address <u>40467 Mathews Lane</u>			
City <u>Paonia</u>	State <u>CO</u>	Zip <u>81428</u>	
Home Phone Number	Business/Work Phone Number <u>608-347-7722</u>		
Printed name of person signing on behalf of the Applicant/Licensee <u>Lauren M Thliveris</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>Lauren M Thliveris</u>			Date signed <u>8/2/2022</u>

Privacy Act Statement

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

FOR: 08/25/2022

UBB OPS DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC OPS BALANCE		250,030.93
ACCOUNTS PAYABLE	08/11/2022 - 08/22/2022	(34,328.64)
LOAN PAYMENT		
NORRIS RETIREMENT PAYMENT	8/25/2022	
CHASE CREDIT CARD	07/24/22 - 08/23/22	
PHILLIPS 66	07/24/22 - 08/23/22	
TRANSFER TO SUMMIT		(100,000.00) *
TRANSFER TO PAYROLL	8/12/2022	(23,722.48) *
PAYROLL TAXES	8/12/2022	(27,696.13) *
BALANCE AFTER PAYMENT		64,283.68

UBB SUMMIT/PAYROLL DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC SUMMIT BALANCE		2,095,208.96
TRANSFER FROM OPS		100,000.00 *
TRANSFER FROM INT. GRANTS		-
TRANSFER TO OPS		
CURRENT FSBC PAYROLL BALANCE		15.00
TRANSFER FROM OPS	8/12/2022	23,722.48 *
PAYROLL (DIRECT DEPOSIT)	8/12/2022	(23,722.48) *
BALANCE AFTER PAYMENT		2,195,223.96

UBB INTERNAL GRANT DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT INTERNAL GRANT BALANCE		40,912.00
BALANCE AFTER PAYMENT		40,912.00

*Transfer from Operations Account to Payroll Account then disbursed as Direct Deposit

BANK BALANCES				
	FSBC	COLOTRUST	TOTAL	DESCRIPTION
8/22/2022				
GENERAL		534,410.02		COMBINED FUNDS
SEWER RESTRICTED		532,492.03		PROPERTY SALE-RESTRICTED
DEBT RESERVE		107,295.06		AMKO BOND REQUIRED RESERVE
BRIDGE RESERVE		590,934.62		BRIDGE RESERVE
CONS.TRUST	10,415.18			RESTRICTED TO PARK USE ONLY
GRANT PASS THRU	25,025.00			PLACE HOLDER-COMBINED FUNDS
INT GRANT	40,912.00			PLACE HOLDER-COMBINED FUNDS
OPS	313,486.67			COMBINED FUNDS
PARK CONTRIBUTIONS	12,750.00			SPECIFIC PARK PROJECTS
PAYROLL	15.00			PLACE HOLDER-COMBINED FUNDS
SPACE-TO-CREATE	CLOSED			SPACE TO CREATE ONLY
SUMMIT	2,095,208.96			COMBINED FUNDS
WWTP	58,557.91			OLD SEWER REHAB ONLY
CD#2-402	203,592.95			COMBINED FUNDS-LOC COLLATERAL
CD#3-2578	260,852.42			COMBINED FUNDS
	3,020,816.09	1,765,131.73	4,785,947.82	

CASH POSITION

CASH POSITION

	COMBINED	RESTRICTED	TOTAL	DESCRIPTION
8/22/2022				
GENERAL	534,410.02			
SEWER RESTRICTED		532,492.03		RESTRICTED TO SEWER CAPITAL PROJECT
DEBT RESERVE		107,295.06		RESTRICTED LOAN REQUIREMENT
BRIDGE RESERVE		590,934.62		RESTRICTED TO BRIDGE REPAIRS
CONS.TRUST		10,415.18		RESTRICTED TO PARK CAPITAL PROJECT
GRANT PASS THRU	25,025.00			
INT GRANT		40,912.00		RESTRICTED LOAN REQUIREMENT
OPS	313,486.67			
PARK CONTRIBUTIONS		12,750.00		SPECIFIC PARK PROJECTS AS DONATED
PAYROLL	15.00			
SPACE-TO-CREATE		CLOSED		SPACE TO CREATE ONLY
SUMMIT	2,095,208.96			
WWTP		58,557.91		OLD SEWER REHAB ONLY
CD#2-402	203,592.95			
CD#3-2578	260,852.42			
	3,432,591.02	1,353,356.80	4,785,947.82	

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	
08/25/2022	1268	All Copy Products I	5020735053	615.59	.00	.00	615.59				COPIER CONTRACT - ALLOCATED
08/25/2022	1268	All Copy Products I	5020981537	324.69	.00	.00	324.69				COPIER CONTRACT - ALLOCATED
08/25/2022	987	Black Hills Energy	08-2022	206.69	.00	.00	206.69				UTILITIES - ALLOCATED
08/25/2022	1126	Brown Hill Enginee	23803	2,785.00	.00	.00	2,785.00				CLOCK PLANT - 605022
08/25/2022	1183	Column Software	8DFD59D8-0	61.74	.00	.00	61.74				I-CODE PH - 124130
08/25/2022	1183	Column Software	8DFD59D8-0	67.62	.00	.00	67.62				ORD 05-2022 DARK SKIES-104130
08/25/2022	1183	Column Software	8DFD59D8-0	30.73	.00	.00	30.73				DARK SKIES PH 07/28/22 - 104130
08/25/2022	43	Delta Montrose Ele	08_2022_S	2,849.56	.00	.00	2,849.56				UTILITIES - 705128
08/25/2022	43	Delta Montrose Ele	08-2022-P	2,156.25	.00	.00	2,156.25				UTILITIES - ALLOCATED
08/25/2022	986	Elevate Fiber	66210_2717	757.65	.00	.00	757.65				TELEPHONE & INTERNET - ALLOCATED
08/25/2022	1221	ENVIRO-CHEM A	14170389	68.00	.00	.00	68.00				SEWER SAMPLES-705132
08/25/2022	1221	ENVIRO-CHEM A	14170402	68.00	.00	.00	68.00				SEWER SAMPLES-705132
08/25/2022	1221	ENVIRO-CHEM A	14170462	55.00	.00	.00	55.00				SEWER SAMPLES-705132
08/25/2022	1212	Environmental Sys	94291154	700.00	.00	.00	700.00				ANNUAL SOFTWARE FEE-605033
08/25/2022	1269	Guiry's Inc	1000-081022	282.38	.00	.00	282.38				STREET PAINT-204525
08/25/2022	1124	JDS-Hydro Consul	INV-0722-97	357.50	.00	.00	357.50				WATER INFRASTRUCTURE ANALYSIS - 605020
08/25/2022	1240	Kramer, Lance	08162022-08	311.25	.00	.00	311.25				TRAINING MILEAGE-144226
08/25/2022	645	Mail Services, LLC	1849009	513.46	.00	.00	513.46				BILLING POST CARDS-ALLOCATED
08/25/2022	499	Phonz +	13673	259.80	.00	.00	259.80				WEBCAM+SPEAKERS-144233
08/25/2022	1002	Psychological Res	2208038	135.00	.00	.00	135.00				PSYCHOLOGICAL EVAL - 144242
08/25/2022	145	Robert's Enterprise	070522-30Y	540.00	.00	.00	540.00				30YRD DUMPSTER-164624
08/25/2022	931	Roop Excavating L	1372	5,886.07	.00	.00	5,886.07				2MG TANK VAULT-605022
08/25/2022	1170	Shums Coda Asso	15933	1,200.00	.00	.00	1,200.00				BUILDING INSPECTOR-PLAN REVIEWS-124302
08/25/2022	1170	Shums Coda Asso	15934	2,040.00	.00	.00	2,040.00				BUILDING INSPECTOR-INSPECTION SERVICES-124302
08/25/2022	1170	Shums Coda Asso	15935	1,500.00	.00	.00	1,500.00				BUILDING INSPECTOR-CONSULTING SERVICES-124302
08/25/2022	1267	SmartSign	MPS-724529	368.05	.00	.00	368.05				PARKING SIGNS-ALLOCATED
08/25/2022	152	Southwestern Syst	203071	9,606.96	.00	.00	9,606.96				SEWER MAINTENANCE-705122
08/25/2022	156	TDS Telecom	08-2022	231.65	.00	.00	231.65				TELEPHONE & INTERNET - ALLOCATED
08/25/2022	163	US Bank	64984630	350.00	.00	.00	350.00				ANNUAL FEE-705131
Grand Totals:			29	34,328.64	.00	.00	34,328.64				

Cash Requirements Summary

Date	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Net Cumulative Amount
08/25/2022	34,328.64	.00	.00	34,328.64	34,328.64
Grand Totals:		34,328.64	.00	.00	34,328.64

PS DBW

Employee Number	Name	85-00 Net Pay Emp Amt
1055	Byrge, Rodney A	1,279.75
1053	Cecil, Raymond Cole	979.35
1024	Connett, Bryce	1,176.51
1052	Edwards, Roger	1,085.09
1002	Ferguson, J. Corinne	2,244.54
1061	Garcia, Jeremiah	1,359.04
1050	Heiniger, Cory	2,042.03
1025	Henderson, Garrett W	1,428.28
1022	Hinyard, Patrick	2,106.54
1001	Jones, Cynthia	1,913.02
1010	Katzer, JoAnn	1,014.14
1023	Kramer, Lance W	1,260.91
1021	Laiminger, Matt	1,848.71
1003	Mojarro-Lopez, Amanda	6.33
1060	Redden, Jordan	1,619.48
1051	Reich, Dennis	1,187.18
1005	Vetter, Samira	1,171.58

Grand Totals:

17	23,722.48
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DBW PS

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		07/22/2022	74-00	Federal Tax Deposit Social Security	10-0216	1,261.02
2	IRS Tax Deposit		07/22/2022	74-00	Federal Tax Deposit Social Security	10-0216	1,261.02
2	IRS Tax Deposit		07/22/2022	75-00	Federal Tax Deposit Medicare Pay P	10-0216	444.46
2	IRS Tax Deposit		07/22/2022	75-00	Federal Tax Deposit Medicare Pay P	10-0216	444.46
2	IRS Tax Deposit		07/22/2022	76-00	Federal Tax Deposit Federal Withhold	10-0216	2,323.49
Total 2:							5,734.45
4							
4	Aflac		06/24/2022	63-01	Aflac Pre-Tax Pay Period: 6/24/2022	10-0225	87.66
4	Aflac		06/24/2022	63-02	Aflac After Tax Pay Period: 6/24/2022	10-0225	24.90
4	Aflac		07/08/2022	63-01	Aflac Pre-Tax Pay Period: 7/8/2022	10-0225	71.34
4	Aflac		07/08/2022	63-02	Aflac After Tax Pay Period: 7/8/2022	10-0225	24.90
4	Aflac		07/22/2022	63-01	Aflac Pre-Tax Pay Period: 7/22/2022	10-0225	71.34
4	Aflac		07/22/2022	63-02	Aflac After Tax Pay Period: 7/22/2022	10-0225	24.90
4	Aflac		07/22/2022	63-01	Adjustment-C.Wuollet	10-0225	16.32
Total 4:							288.72
6							
6	Colorado Dept of Labor		06/24/2022	98-00	SUTA State Unemployment Tax Pay	10-0218	67.77
6	Colorado Dept of Labor		07/08/2022	98-00	SUTA State Unemployment Tax Pay	10-0218	72.70
6	Colorado Dept of Labor		07/22/2022	98-00	SUTA State Unemployment Tax Pay	10-0218	61.46
Total 6:							201.93
9							
9	Colorado Dept of Revenue		06/24/2022	77-00	State Withholding Tax Pay Period: 6/2	10-0217	1,114.00
9	Colorado Dept of Revenue		07/08/2022	77-00	State Withholding Tax Pay Period: 7/8	10-0217	1,179.00
9	Colorado Dept of Revenue		07/22/2022	77-00	State Withholding Tax Pay Period: 7/2	10-0217	1,055.00
Total 9:							3,348.00
30							
30	Empower Retirement		07/22/2022	51-01	Retirement Plan Retirement Plan Pa	10-0220	457.60
30	Empower Retirement		07/22/2022	51-01	Retirement Plan Retirement Plan Pa	10-0220	722.53
30	Empower Retirement		07/22/2022	51-02	Retirement Plan Retirement Loan Pa	10-0220	180.01
Total 30:							1,360.14
33							
33	FPPA - Fire & Police Pensi		07/22/2022	60-00	FPPA Pay Period: 7/22/2022	10-0219	1,132.80
33	FPPA - Fire & Police Pensi		07/22/2022	60-00	FPPA Pay Period: 7/22/2022	10-0219	849.60
33	FPPA - Fire & Police Pensi		07/22/2022	90-00	Death & Disability Pay Period: 7/22/2	10-0219	302.08
Total 33:							2,284.48
70							
70	Rocky Mountain HMO		06/24/2022	60-01	RMHMO - Employee Only Pay Period	10-0223	461.07
70	Rocky Mountain HMO		06/24/2022	60-01	RMHMO - Employee Only Pay Period	10-0223	5,700.59
70	Rocky Mountain HMO		06/24/2022	60-03	RMHMO - Employee + Family Pay Pe	10-0223	439.66

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1180.13

DBW PS

Transmittal Number	Name	Invoice Number	Pay Per Date	Pay Code	Description	GL Account	Amount
70	Rocky Mountain HMO		06/24/2022	60-03	RMHMO - Employee + Family Pay Pe	10-0223	2,624.02
70	Rocky Mountain HMO		06/24/2022	60-07	RMHMO - Employee + Spouse Pay P	10-0223	93.98
70	Rocky Mountain HMO		06/24/2022	60-07	RMHMO - Employee + Spouse Pay P	10-0223	874.38
70	Rocky Mountain HMO		07/08/2022	60-01	RMHMO - Employee Only Pay Period	10-0223	356.87
70	Rocky Mountain HMO		07/08/2022	60-02	RMHMO - Employee + 1 Pay Period:	10-0223	281.96
70	Rocky Mountain HMO		07/08/2022	60-03	RMHMO - Employee + Family Pay Pe	10-0223	713.29
70	Rocky Mountain HMO		07/08/2022	60-07	RMHMO - Employee + Spouse Pay P	10-0223	90.29
70	Rocky Mountain HMO		07/22/2022	60-01	Adjustment-New Employees	10-0223	2,401.69
Total 70:							14,037.80
71							
71	The Harford		06/24/2022	65-01	Group#013307460001 Hartford Basic	10-0226	19.08
71	The Harford		06/24/2022	65-02	Group#013307460001 Hartford Suppl	10-0226	26.38
71	The Harford		06/24/2022	65-03	Group#013307460001 Hartford Disab	10-0226	69.82
71	The Harford		07/08/2022	65-02	Group#013307460001 Hartford Suppl	10-0226	26.37
71	The Harford		07/22/2022	65-01	Adjustment Employee Changes	10-0226	.69-
Total 71:							140.96
73							
73	Delta Dental of Colorado		06/24/2022	60-05	Dental RMHMO - Dental Pay Period:	10-0223	210.03
73	Delta Dental of Colorado		07/08/2022	60-05	Dental RMHMO - Dental Pay Period:	10-0223	245.76
73	Delta Dental of Colorado		07/22/2022	60-05	Adjustment-New Employees	01-0223	35.88
Total 73:							491.47
75							
75	VSP Insurance CO (CT)		06/24/2022	60-04	RMHMO - Vision Pay Period: 6/24/20	10-0223	73.69
75	VSP Insurance CO (CT)		07/08/2022	60-04	RMHMO - Vision Pay Period: 7/8/202	10-0223	95.07
75	VSP Insurance CO (CT)		07/22/2022	60-04	Adjustment-New Employees	10-0223	21.36
Total 75:							190.12
Grand Totals:							28,078.07

Report Criteria:

Unpaid transmittals included
Begin Date: ALL
End Date: ALL

5,734.45+
 288.72+
 3,348.00+
 1,180.13+
 2,284.48+
 14,037.80+
 140.96+
 491.47+
 190.12+

009

27,696.13*

File Attachments for Item:

Town Administrator's Report Public Works Report Police Report Finance/Treasurer Report

AGENDA SUMMARY FORM



Town Administrator's Report
Public Works Report
Police Report
Finance/Treasurer Report

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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



Town of Paonia Administrator Report

August 11 & 25, 2022

No matter how small the step, forward is forward.
- Mel Robbins

- Following passage of the updated I-Code (2018 IRC/IBC) review of final IGA with City of Delta for building official will be on the agenda.
- Katie Sawyer with RCAC continues working on the cost of analysis for the sewer fund, which is near completion.
- A cross walk is being implemented to help with school traffic along Grand Avenue. Additional temporary options such as a pedestrian crossing arm and speed bumps are being discussed. The section of road is County, but we are highly involved in discussion of the best options to keep our children safe.
- A citizens initiative petition has been received and approved as to form. The petition is for the repeal of the water tap moratorium ordinance enacted in February 2020. Subsequently, I received a request to be on the agenda to discuss a Board initiated moratorium ordinance. The item will be on the September 8th agenda.
- The auditor is unavailable to present the final audit until September.
- The energy tech building is for sale by the school district. The district has approached and stated they are open to options with the Town, should the Town have any desire or use for the location.
- Deputy Clerk Mojarro returns Monday the 29th. We are excited to have her back and congratulate her again on her new son Airam.

REMINDER:

- Department Head reports are the first meeting of each month and as needed.

Request for Board action:

- None at this time.

1



Town of Paonia - Public Records Policy

It is the policy of the Board of Trustees of the Town of Paonia that all public records shall be open for inspection by any person at reasonable times, except as provided by the [Colorado Open Public Records Act](#) or by other laws. This policy is intended to provide a guideline for employees handling public records requests and will be deemed modified by additional or new language added to the Colorado [Open Public Records Act](#) C.R.S. 24-72-201 et seq.

Though "all public records are to be open for inspection by any person at reasonable times," procedures for such disclosure can be subject to rules and regulations made by the official custodian or the custodian.

Now henceforth it shall be the policy of the Paonia Town Clerk as follows:

These rules and regulations are authorized, if they are reasonably necessary for the protection of such records and for the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his/her office/department. Such rules and regulations cannot change the Act; for example, such rules and regulations cannot limit who is entitled to records or limit what records are open for inspection. This Policy is intended as a general guideline to assist employees in handling public records requests. However, depending upon the circumstances of a request, the Town reserves the right to allow a custodian to establish specific rules and regulations necessary for the protection of such records and for the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his/her office/department. This Policy is subject to interpretation by the Town Attorney's Office and exceptions may be made in individual cases at the discretion of the Town Attorney's Office.

A. Definitions

The definitions found in 24-72-202. C.R.S., as amended from time to time, shall apply unless the context clearly requires a different meaning. Two definitions of particular importance are listed below:

- 1) Public Records: All writings made, maintained, or kept by . . . any political subdivision... for use in the exercise of functions required or authorized by law... or involving receipt or expenditure of public funds (C.R.S. 24-72-202(6)). Criminal justice records are not included by the provisions of Part 2, but rather are covered by Part 3 of the Act.
- 2) Writings: All books, papers, maps, photographs, cards, tapes, recordings, or other

Public Records Policy – [Established 11-15-2018](#)[Second Redline 4/4/2022](#)

documentary materials, regardless of physical form or characteristics. Writing includes digitally stored data, including without limitation e-mail messages, but does not include computer software (C.R.S. 24-72-202(7)).

B. Procedure

- 1) The Town has determined that the use of an official Request Form to be used by citizens is necessary for the efficient handling of such public records requests. The Public Records Request Form (Attachment A) should be given to any individual who makes a request that is not on the form, or the individual should be directed to www.townofpaonia.colorado.com or to the Paonia Town Clerk to receive a Public Records Request Form. The citizen should be told that Town Policy requires that requests be made on this form and the employee should make every effort to ensure that the citizen is given enough information so that they can access the form without delay. **Once a request is received on the official Town Public Records Request Form, a copy should be transmitted to the Town Attorney’s Office immediately.** The Town has a limited amount of time within which to respond to Public Records requests and employees receiving such requests should be familiar with these statutory deadlines. See Time for Accessing Public Records in this Policy for more information.
- 2) The Town Clerk is the official custodian of all records centrally maintained by the Town. Department Heads are the official custodians of all records maintained within their departments. The Town Clerk is the official custodian of e-mails. It is the responsibility of each Department Head to become familiar with and to educate his/her affected employees about the standards and requirements of this policy.

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Elected Officials may develop their own policies and procedure regarding public records in their custody; however, to the extent that the Town has custody of any public records of an Elected Official the Town shall, in consultation with the Elected Official, meet any requirement of the Open Records Act as it may apply to documents in the Town’s possession.

If the public records requested are not in the custody or control of the person to whom application is made, such person shall “forthwith” notify the applicant of this fact, in writing if requested by the applicant. In such notification, the person shall state in detail to the best of the person’s knowledge and belief the reason for the absence of the records from the person’s custody or control, the location of the records, and what person then has custody or control of the records. C.R.S. 24-72-203(2)(a).

C. Fees

- 1) Request(s) for records ~~which that~~ fit the following criteria may, in the judgment of the official custodian, be provided free of charge:
 - a) Documents ~~which that~~ do not exceed ~~ten twenty~~ pages, and which are retrievable within a one-hour period of the request(s).

- b) Agenda materials ~~which that~~ have been prepared in advance and which are in support of items scheduled for consideration by the Board of Trustees at a future date, unless the request(s) exceeds twenty-five pages of material.
 - c) Record(s) which are normally produced for public information, such as the current year budget document, brochures on Town services, ~~or~~ procedures, etc.
- 2) In all cases where a person has the right to inspect any public record, s/he may request electronic copies, printouts, or photographs of such record.
- a) The fee shall be established by the Board of Trustees within their official fees schedule which may be amended from ~~time to time~~ time to time. Fees shall be within the criteria set forth by the State of Colorado. The current maximum hourly charge for a CORA request as set by the State is \$33.58. Actual costs shall include staff time not to exceed fees set by CORA. The current hourly rate fee is \$25 but can be changed with updates to the Town fee schedule. Any fees charged in this policy shall include the cost of redacting documents, not to exceed fees set by CORA, to excise privileged material and legal review within the limits provided by law. Fees may be waived or reduced with prior approval of the Board of Trustees.
 - b) Each department may also charge a reasonable hourly fee for the manipulation of data in order to generate a record in a form not used by Town, if the Town elects to provide information in this manner.
 - c) An initial deposit of up to 50% of the reasonable estimated costs may be required in advance of fulfillment of the request.
 - d) All payments for copies and staff time etc. must be received in advance of releasing the requested records.
 - e) Departments may charge for time spent responding to large requests, and/or multiple requests (which shall include, but not be limited to requests on multiple request forms or on multiple pages), including without limitation, compiling information, request(s) that require the searching of voluminous files for specific information, manipulation of data (including manipulating data in order to generate a record in a form not used by the Town, although such manipulation is not required by CORA), or redacting documents to excise confidential information. The charge shall be established by the Board of Trustees within their official fees schedule which may be amended from ~~time to time~~ time to time. Fees shall be within the criteria set forth by the State of Colorado. All time spent on such tasks shall be charged to the requesting party.

Commented [JR1]: Please see my comment on the previous version.

Commented [JR2]: Any amendment to the hourly rate should be reflected in the online policy so that requesters can find it easily.

Commented [JR3]: Please see my comment on the previous version.

Commented [JR4]: This charge can be no more than the town's posted hourly rate.

D. Time for accessing Public Records

- 1) Time for inspection of records – Three Working Days

If the requested records are in active use or are in storage and, therefore, are not available right away, this fact shall be communicated to the applicant "forthwith" in writing if requested. The custodian shall set a date and hour within three working days when the records will be available for inspection.

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2) Extension of time to 10 working days

The period of providing requested documents for review may be extended up to ten

- a) A broadly stated request is made that encompasses all or substantially all of a large category of records and the request is without sufficient specificity to allow the custodian reasonably to prepare or gather the records within the three-day period; or
- b) A broadly stated request is made that encompasses all or substantially all of a large category of records and the agency is unable to prepare or gather the records within the three-day period because:
 - i) The agency needs to devote all or substantially all of its resources to meeting an impending deadline or period of peak demand that is either unique or not predicted to recur more frequently than once a month; or
 - ii) A request involves such a large volume of records that the custodian cannot reasonably prepare or gather records within the three-day period without substantially interfering with the custodian’s obligation to perform his or her other public service responsibilities.
- c) In no event can extenuating circumstances apply to a request that relates to a single, specifically identified document.
- d) If the request is too broad, speculative or voluminous to prepare in ten days the Town may request relief from the court, ~~including attorney’s fees, as provided by law.~~

Commented [JR5]: Please see my comment on the previous version.

3) When Time Period for Response Begins:

The time period for response does not begin to run until the Town Clerk receives the request on the Town’s official Public Records Request form. If the form is sent by:

- a) E-mail, it is deemed received when it is viewed-verified by the recipient.
- b) U.S. Mail, it is deemed received when its seal is broken.
- c) Fax, it is deemed received on the following business day.
- d) In-person, received by the Town Clerk, it is deemed received on the following business day.

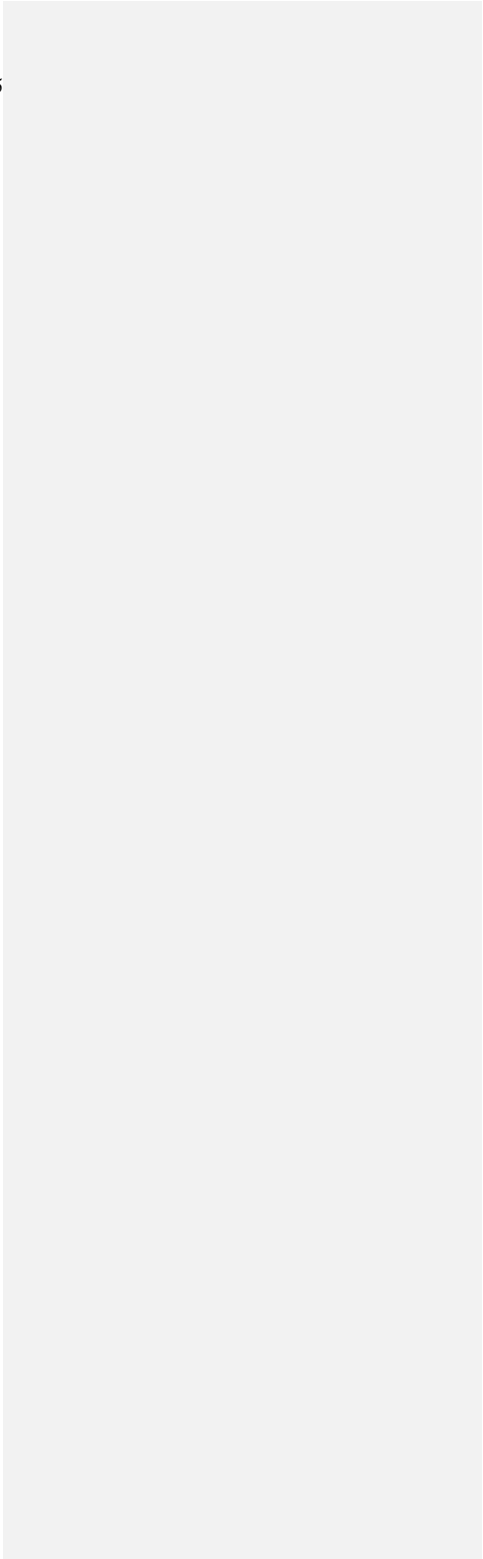
E. Reviewing Records

The custodian of the records may set the location where the records may be viewed by the requestor. In no event may a requester remove documents or add documents to those provided for review. The requestor shall not bring and shall not use photocopiers, fax machines or any other copy, scanning or reproduction device to copy or photograph Town records. Upon completion of the review, the requestor must mark the pages s/he wishes to have copied with adhesive tabs. Copies will be made at a later time, depending upon volume. The requestor will be notified when the copies are available for pick-up.

If the custodian has the capability to make a reproduction, she/he shall do so at the rates set in the section entitled FEES, above. If the custodian does not have the facilities for making copies, printouts, or photographs of the records, the custodian may make

arrangements for

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the services to be rendered at another facility. If other facilities are necessary, the person desiring a copy, printout or photograph of the record shall pay the cost of providing them. In no event shall the records leave the custody and possession of a Town employee assigned by the custodian of the record during this process (other than providing the items to the third-party facility for reproduction.) The Town is under no obligation to allow citizens access to Town computers. ~~nor is the Town obligated to provide records in electronic format.~~

F. Denial of Inspection of Records

1) Denial of inspection must be specific and can only be based on reasons provided in the Public-Colorado Open Records Act. The Act provides that documents may be withheld from disclosure:

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- a) If inspection would be contrary to any state statute.
- b) If inspection would be contrary to federal statute or regulation.
- c) If inspection is prohibited by a rule of the Supreme Court or by order of any court.

2) Denial is permitted in the following situations, if disclosure would be contrary to the public interest; but if such records are given to one news agency, they shall be available to all news agencies:

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- a) Any records of the investigation conducted by any sheriff, prosecuting attorney, or police department, any records of intelligence information or security procedures of any sheriff, prosecuting attorney, or police department or any investigatory files compiled for any other law enforcement purpose.
- b) Test related data listed in C.R.S. 24-72-204(2)(a)(II).
- c) Details of bona fide research projects of state institutions.
- d) Contents of real estate appraisals relative to acquisition (not sale) of property for public use until title passes to the Town.
- e) Market analysis data generated by the Department of Transportation’s bid analysis and management system for the confidential use of the department for awarding contracts or for the purchase of goods or services and any documents prepared for the bid analysis and management system;
- f) Records and information relating to the identification of persons filed with, maintained by or prepared by the Department of Revenue pursuant to 42-2-121 C.R.S.

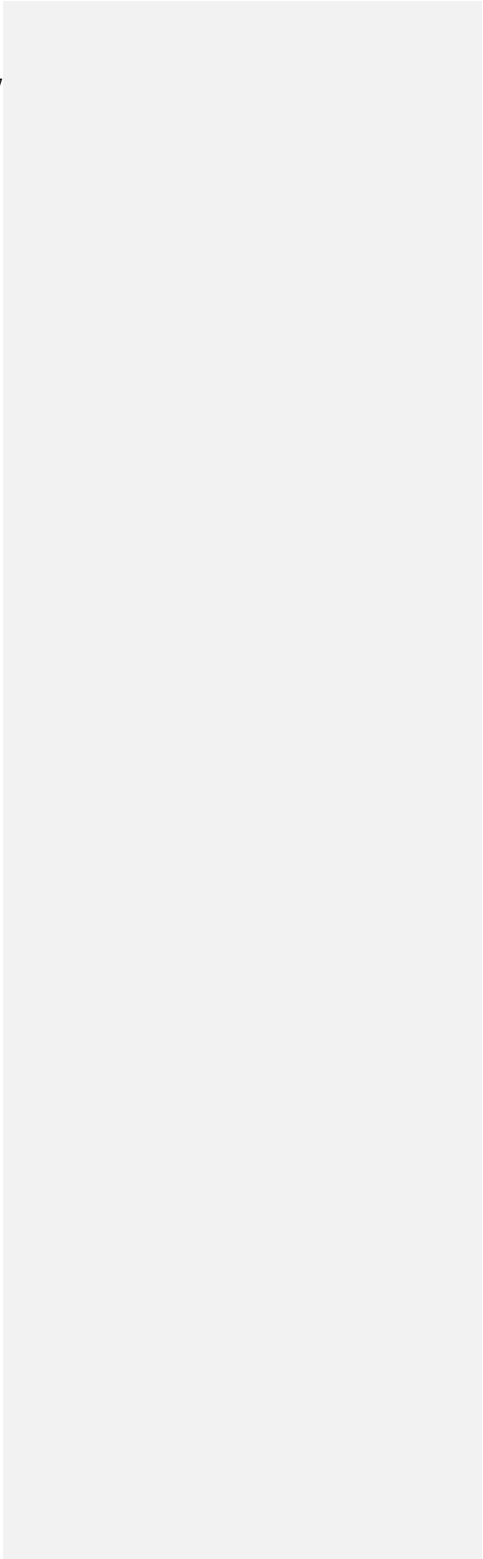
3) Inspection of the following shall be denied, unless otherwise provided by law or unless requested by the person in interest:

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- a) Medical, mental health, sociological, or scholastic achievement data on individuals.
- b) Personnel files, except ~~for application and performance ratings for personal information to include but not limited to home address and phone number, as permitted under CORA.~~
- c) Letters of reference (which are not disclosable to the person in interest, if they concern employment, licensing, or issuance of permits).
- d) Trade secrets, privileged information, and confidential commercial, geological, or

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geophysical data furnished by or obtained from any person.



- e) Certain material contributed to libraries or museums.
- f) Addresses and phone numbers of school children.
- g) Library records identifying users, as prohibited by C.R.S. 24-90-119.
- h) Home addresses, telephone numbers and financial information of Town employees.
- i) In addition to the ~~above described~~ above-described documents, the Act provides specific and detailed circumstances for the denial of, or limited release, of records related to:
 - i) sexual harassment complaints and investigations, and,
 - ii) applicants for an ~~executive Administrator~~ position at the ~~Town~~ Town prior to the recognition of finalists.
 - iii) Records protected by common law privileges such as the governmental privilege, the deliberative process privilege, work product privilege, or attorney –client privilege. If a record is withheld pursuant to the deliberative process privilege, the custodian shall provide the applicant with a sworn statement specifically describing each document withheld, explaining why each document is privileged and why disclosure would cause substantial injury to the public interest.
 - ~~iv) The constitutional right of privacy may, in very limited circumstances, be a basis for resisting disclosure, particularly for the person in interest.~~

4) Denial on Basis That Release Would do Substantial Injury to the Public Interest

- a) The official custodian may petition the District Court for an order restricting disclosure of records otherwise subject to inspection, if disclosure would do substantial injury to the public interest (C.R.S. 24-72-204(6)).
- b) If inspection is denied, the applicant may request a written statement of the grounds of denial and that statement shall cite the law or regulation which is the basis for denial (C.R.S. 24-72-204(4)).
- c) Even records which must be kept confidential are subject to subpoena, discovery requests, etc., but such requests can be resisted under the balancing tests set up in Martinelli vs. District Court 612 P.2d 1083 (1980).



Town of Paonia - Public Records Policy

It is the policy of the Board of Trustees of the Town of Paonia that all public records shall be open for inspection by any person at reasonable times, except as provided by the Colorado Open Records Act or by other laws. This policy is intended to provide a guideline for employees handling public records requests and will be deemed modified by additional or new language added to the Colorado Open Records Act C.R.S. 24-72-201 et seq.

Though "all public records are to be open for inspection by any person at reasonable times," procedures for such disclosure can be subject to rules and regulations made by the official custodian or the custodian.

Now henceforth it shall be the policy of the Paonia Town Clerk as follows:

These rules and regulations are authorized, if they are reasonably necessary for the protection of such records and for the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his/her office/department. Such rules and regulations cannot change the Act; for example, such rules and regulations cannot limit who is entitled to records or limit what records are open for inspection. This Policy is intended as a general guideline to assist employees in handling public records requests. However, depending upon the circumstances of a request, the Town reserves the right to allow a custodian to establish specific rules and regulations necessary for the protection of such records and for the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his/her office/department. This Policy is subject to interpretation by the Town Attorney’s Office and exceptions may be made in individual cases at the discretion of the Town Attorney’s Office.

A. Definitions

The definitions found in 24-72-202. C.R.S., as amended from time to time, shall apply unless the context clearly requires a different meaning. Two definitions of particular importance are listed below:

- 1) Public Records: All writings made, maintained, or kept by . . . any political subdivision... for use in the exercise of functions required or authorized by law... or involving receipt or expenditure of public funds (C.R.S. 24-72-202(6)). Criminal justice records are not included by the provisions of Part 2, but rather are covered by Part 3 of the Act.
- 2) Writings: All books, papers, maps, photographs, cards, tapes, recordings, or other

documentary materials, regardless of physical form or characteristics. Writing includes digitally stored data, including without limitation e-mail messages, but does not include computer software (C.R.S. 24-72-202(7)).

B. Procedure

- 1) The Town has determined that the use of an official Request Form to be used by citizens is necessary for the efficient handling of such public records requests. The Public Records Request Form (Attachment A) should be given to any individual who makes a request that is not on the form, or the individual should be directed to townofpaonia.colorado.com or to the Paonia Town Clerk to receive a Public Records Request Form. The citizen should be told that Town Policy requires that requests be made on this form and the employee should make every effort to ensure that the citizen is given enough information so that they can access the form without delay. Once a request is received on the official Town Public Records Request Form, a copy should be transmitted to the Town Attorney’s Office immediately. The Town has a limited amount of time within which to respond to Public Records requests and employees receiving such requests should be familiar with these statutory deadlines. See Time for Accessing Public Records in this Policy for more information.
- 2) The Town Clerk is the official custodian of all records centrally maintained by the Town. Department Heads are the official custodians of all records maintained within their departments. The Town Clerk is the official custodian of e-mails. It is the responsibility of each Department Head to become familiar with and to educate his/her affected employees about the standards and requirements of this policy.

Elected Officials may develop their own policies and procedure regarding public records in their custody; however, to the extent that the Town has custody of any public records of an Elected Official the Town shall, in consultation with the Elected Official, meet any requirement of the Open Records Act as it may apply to documents in the Town’s possession.

If the public records requested are not in the custody or control of the person to whom application is made, such person shall “forthwith” notify the applicant of this fact, in writing if requested by the applicant. In such notification, the person shall state in detail to the best of the person’s knowledge and belief the reason for the absence of the records from the person’s custody or control, the location of the records, and what person then has custody or control of the records. C.R.S. 24-72-203(2)(a).

C. Fees

- 1) Request(s) for records that fit the following criteria may, in the judgment of the official custodian, be provided free of charge:
 - a) Documents that do not exceed twenty pages, and which are retrievable within a one-hour period of the request(s).

- b) Agenda materials that have been prepared in advance and which are in support of items scheduled for consideration by the Board of Trustees at a future date, unless the request(s) exceeds twenty-five pages of material.
 - c) Record(s) which are normally produced for public information, such as the current year budget document, brochures on Town services, procedures, etc.
- 2) In all cases where a person has the right to inspect any public record, s/he may request electronic copies, printouts, or photographs of such record.
- a) The fee shall be established by the Board of Trustees within their official fees schedule which may be amended from time to time. Fees shall be within the criteria set forth by the State of Colorado. The current maximum hourly charge for a CORA request as set by the State is \$33.58. Actual costs shall include staff time not to exceed fees set by CORA. The current hourly rate is \$25 but can be changed with updates to the Town fee schedule. Any fees charged in this policy shall include the cost of redacting documents, not to exceed fees set by CORA, to excise privileged material and legal review within the limits provided by law. Fees may be waived or reduced with prior approval of the Board of Trustees.
 - b) Each department may also charge a reasonable hourly fee for the manipulation of data in order to generate a record in a form not used by Town, if the Town elects to provide information in this manner.
 - c) An initial deposit of up to 50% of the reasonable estimated costs may be required in advance of fulfillment of the request.
 - d) All payments for copies and staff time etc. must be received in advance of releasing the requested records.
 - e) Departments may charge for time spent responding to large requests, and/or multiple requests (which shall include, but not be limited to requests on multiple request forms or on multiple pages), including without limitation, compiling information, request(s) that require the searching of voluminous files for specific information, manipulation of data (including manipulating data in order to generate a record in a form not used by the Town, although such manipulation is not required by CORA), or redacting documents to excise confidential information. The charge shall be established by the Board of Trustees within their official fees schedule which may be amended from time to time. Fees shall be within the criteria set forth by the State of Colorado. All time spent on such tasks shall be charged to the requesting party.

D. Time for accessing Public Records

- 1) Time for inspection of records – Three Working Days

If the requested records are in active use or are in storage and, therefore, are not available right away, this fact shall be communicated to the applicant "forthwith" in writing if requested. The custodian shall set a date and hour within three working days when the records will be available for inspection.

2) Extension of time to 10 working days

The period of providing requested documents for review may be extended up to ten working days if the custodian determines that one of the following conditions exists, and, states such condition in writing to the requestor within the first three days that the request was received:

- a) A broadly stated request is made that encompasses all or substantially all of a large category of records and the request is without sufficient specificity to allow the custodian reasonably to prepare or gather the records within the three-day period; or
- b) A broadly stated request is made that encompasses all or substantially all of a large category of records and the agency is unable to prepare or gather the records within the three-day period because:
 - i) The agency needs to devote all or substantially all of its resources to meeting an impending deadline or period of peak demand that is either unique or not predicted to recur more frequently than once a month; or
 - ii) A request involves such a large volume of records that the custodian cannot reasonably prepare or gather records within the three-day period without substantially interfering with the custodian’s obligation to perform his or her other public service responsibilities.
- c) In no event can extenuating circumstances apply to a request that relates to a single, specifically identified document.
- d) If the request is too broad, speculative, or voluminous to prepare in ten days the Town may request relief from the court.

3) When Time Period for Response Begins:

The time period for response does not begin to run until the Town Clerk receives the request on the Town’s official Public Records Request form. If the form is sent by:

- a) E-mail, it is deemed received when it is verified by the recipient.
- b) U.S. Mail, it is deemed received when its seal is broken.
- c) Fax, it is deemed received on the following business day.
- d) In-person, received by the Town Clerk, it is deemed received on the following business day.

E. Reviewing Records

The custodian of the records may set the location where the records may be viewed by the requestor. In no event may a requester remove documents or add documents to those provided for review. The requestor shall not bring and shall not use photocopiers, fax machines or any other copy, scanning or reproduction device to copy or photograph Town records. Upon completion of the review, the requestor must mark the pages s/he wishes to have copied with adhesive tabs. Copies will be made at a later time, depending upon volume. The requestor will be notified when the copies are available for pick-up.

If the custodian has the capability to make a reproduction, she/he shall do so at the rates set in the section entitled FEES, above. If the custodian does not have the facilities for making copies, printouts, or photographs of the records, the custodian may make arrangements for the services to be rendered at another facility. If other facilities are necessary, the person desiring a copy, printout or photograph of the record shall pay the cost of providing them. In no event shall the records leave the custody and possession of a Town employee assigned by the custodian of the record during this process (other than providing the items to the third-party facility for reproduction.) The Town is under no obligation to allow citizens access to Town computers.

F. Denial of Inspection of Records

- 1) Denial of inspection must be specific and can only be based on reasons provided in the Colorado Open Records Act. The Act provides that documents may be withheld from disclosure:
 - a) If inspection would be contrary to any state statute.
 - b) If inspection would be contrary to federal statute or regulation.
 - c) If inspection is prohibited by a rule of the Supreme Court or by order of any court.

- 2) Denial is permitted in the following situations, if disclosure would be contrary to the public interest; but if such records are given to one news agency, they shall be available to all news agencies:
 - a) Any records of the investigation conducted by any sheriff, prosecuting attorney, or police department, any records of intelligence information or security procedures of any sheriff, prosecuting attorney, or police department or any investigatory files compiled for any other law enforcement purpose.
 - b) Test related data listed in C.R.S. 24-72-204(2)(a)(II).
 - c) Details of bona fide research projects of state institutions.
 - d) Contents of real estate appraisals relative to acquisition (not sale) of property for public use until title passes to the Town.
 - e) Market analysis data generated by the Department of Transportation’s bid analysis and management system for the confidential use of the department for awarding contracts or for the purchase of goods or services and any documents prepared for the bid analysis and management system;
 - f) Records and information relating to the identification of persons filed with, maintained by or prepared by the Department of Revenue pursuant to 42-2-121 C.R.S.

- 3) Inspection of the following shall be denied, unless otherwise provided by law or unless requested by the person in interest:
 - a) Medical, mental health, sociological, or scholastic achievement data on individuals.
 - b) Personnel files, except for personal information to include but not limited to home address and phone number, as permitted under CORA..

- c) Letters of reference (which are not disclosable to the person in interest, if they concern employment, licensing, or issuance of permits).
- d) Trade secrets, privileged information, and confidential commercial, geological, or geophysical data furnished by or obtained from any person.
- e) Certain material contributed to libraries or museums.
- f) Addresses and phone numbers of school children.
- g) Library records identifying users, as prohibited by C.R.S. 24-90-119.
- h) Home addresses, telephone numbers and financial information of Town employees.
- i) In addition to the above-described documents, the Act provides specific and detailed circumstances for the denial of, or limited release, of records related to:
 - i) sexual harassment complaints and investigations, and,
 - ii) applicants for an Administrator position at the Town prior to the recognition of finalists.
 - iii) Records protected by common law privileges such as the governmental privilege, the deliberative process privilege, work product privilege, or attorney –client privilege. If a record is withheld pursuant to the deliberative process privilege, the custodian shall provide the applicant with a sworn statement specifically describing each document withheld, explaining why each document is privileged and why disclosure would cause substantial injury to the public interest.

4) Denial on Basis That Release Would do Substantial Injury to the Public Interest

- a) The official custodian may petition the District Court for an order restricting disclosure of records otherwise subject to inspection, if disclosure would do substantial injury to the public interest (C.R.S. 24-72-204(6)).
- b) If inspection is denied, the applicant may request a written statement of the grounds of denial and that statement shall cite the law or regulation which is the basis for denial (C.R.S. 24-72-204(4)).
- c) Even records which must be kept confidential are subject to subpoena, discovery requests, etc., but such requests can be resisted under the balancing tests set up in Martinelli vs. District Court 612 P.2d 1083 (1980).

Front Desk: _____

Received by Clerk: _____

Deadline: _____

Extension: _____

Fee(s): _____

Fulfilled: _____

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Town of Paonia

Colorado Open Records Act

Public Records Request Form

All requested information shall be charged at 25¢ per page and will be available three (3) business days after the submitted written request is received unless otherwise notified.

Should the request be substantial in time or volume (more than 25 pages) or involve an archive search, an hourly research fee of \$25.00 per hour shall be charged in 30-minute increments.

Copies of Town Board minutes are available seven (7) business days after approval by Town Board.

To facilitate the search, please be as specific as possible in describing the requested document(s).

Number of Copies	Document Name or Detailed Description

Name: _____ Date: _____

Address: _____ Telephone: _____

In Office Hard Copy PDF – E-mail Address: _____

C.R.S. 24-72-201 to 24-72-309

Note: The request is considered received when received by the Town Clerk.

File Attachments for Item:

Ordinance 06-2022 Amendment of Chapter 18 of the Municipal Code Concerning i-Codes –
Public Hearing

AGENDA SUMMARY FORM



Ordinance 06-2022 Amendment of Chapter 18 of the Municipal Code Concerning i-Codes – Public Hearing

Summary:

Public hearing and final review of the building code ordinance – known as i-Codes, continued from August 11th to August 25th.

Notes:

NOTE: The only change to this version is 18-8-20 is line 3 – International Building Code was corrected to International Plumbing Code.

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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



OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Delta County Independent** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(970) 874-4421**.

Notice ID: 0HFwWuBqNkIs3XQNWxIL | **Proof Updated: Jul. 07, 2022 at 02:34pm MDT**
Notice Name: i-Code PH Notice | Publisher ID: 535892

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
Corinne Ferguson corinne@townofpaonia.com (970) 527-4101	Delta County Independent

Columns Wide: 1	Ad Class: Legals
------------------------	-------------------------

07/13/2022: Custom Notice	32.95
07/20/2022: Custom Notice	28.79

Subtotal	\$61.74
Tax %	0.00
Total	\$61.74

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing before the Board of Trustees of Paonia, Colorado, at 6:30 p.m. of the 28th day of July, 2022, at the Town Hall located at 214 Grand Avenue Paonia, Colorado for the purpose of considering the adoption by reference of the 2018 Editions of the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Existing Building Code, International Energy Conservation Code, with commentaries and amendments, and the Installation Handbook for Manufactured Homes and Factory Built Housing as the building codes of the Town of Paonia, Colorado.

Copies of the 2018 International Codes with commentaries and Ordinance No. 6, Series of 2022 are on file in the office of the Paonia Town Clerk and may be inspected during regular business hours. If enacted as an ordinance of the Town of Paonia, the 2018 International Codes will not be published in full, but in accordance with state law, copies will be kept on file.

The 2018 International Codes are published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, and are in wide use throughout the state and the nation. The 2018 International Codes update the Town's building code regime and comprehensively regulate new construction and existing conditions in the interest of the public health, safety, and welfare.

Immediately following the public hearing, the Paonia Board of Trustees will consider passage of the adopting Ordinance.

This notice is given and published by order of the Paonia Board of Trustees, Paonia, Colorado.

Dated this 1st day of July 2022.

TOWN OF PAONIA, COLORADO

Corinne Ferguson Town Clerk
First notice of hearing: 1.13.2022
Second notice of hearing: 1.20.2022
Published in the Delta County Independent July 13 and 20, 2022

Corinne Ferguson

From: Dan Reardon <dan.reardon@shumscoda.com>
Sent: Thursday, August 11, 2022 8:24 AM
To: Corinne Ferguson
Cc: Suzanne Watson
Subject: Re: i-code question

Good morning Corinne:

About the only thing the State Plumbing Inspector looks at through the lens of the IFGC is the gas piping itself and the water heaters. The State Boiler Inspector (for commercial work only) will look at boilers, but so will I. The State Boiler Inspector is more of a long term "partner" in that he/she inspects the boiler every two years and checks for cracked heat exchangers, flame color, general maintenance, etc., where I look at more of the basic life/safety concerns such as clearances, venting, backflow preventers, combustion air, etc.

Here are the appliances covered in the IFGC and the only things looked at by the State are the commercial boilers, water heaters, and the gas piping:

- ☐ CHAPTER 6 SPECIFIC APPLIANCES
 - ☑ ☐ SECTION 601 (IFGC) GENERAL
 - ☑ ☐ SECTION 602 (IFGC) DECORATIVE APPLIANCES FOR INSTALLATION IN FIREPLACES
 - ☑ ☐ SECTION 603 (IFGC) LOG LIGHTERS
 - ☑ ☐ SECTION 604 (IFGC) VENTED GAS FIREPLACES (DECORATIVE APPLIANCES)
 - ☑ ☐ SECTION 605 (IFGC) VENTED GAS FIREPLACE HEATERS
 - ☑ ☐ SECTION 606 (IFGC) INCINERATORS AND CREMATORIES
 - ☑ ☐ SECTION 607 (IFGC) COMMERCIAL-INDUSTRIAL INCINERATORS
 - ☑ ☐ SECTION 608 (IFGC) VENTED WALL FURNACES
 - ☑ ☐ SECTION 609 (IFGC) FLOOR FURNACES
 - ☑ ☐ SECTION 610 (IFGC) DUCT FURNACES
 - ☑ ☐ SECTION 611 (IFGC) NONRECIRCULATING DIRECT-FIRED INDUSTRIAL AIR HEATERS
 - ☑ ☐ SECTION 612 (IFGC) RECIRCULATING DIRECT-FIRED INDUSTRIAL AIR HEATERS
 - ☑ ☐ SECTION 613 (IFGC) CLOTHES DRYERS
 - ☑ ☐ SECTION 614 (IFGC) CLOTHES DRYER EXHAUST
 - ☑ ☐ SECTION 615 (IFGC) SAUNA HEATERS
 - ☑ ☐ SECTION 616 (IFGC) ENGINE AND GAS TURBINE-POWERED EQUIPMENT
 - ☑ ☐ SECTION 617 (IFGC) POOL AND SPA HEATERS
 - ☑ ☐ SECTION 618 (IFGC) FORCED-AIR WARM-AIR FURNACES
 - ☑ ☐ SECTION 619 (IFGC) CONVERSION BURNERS
 - ☑ ☐ SECTION 620 (IFGC) UNIT HEATERS
 - ☑ ☐ SECTION 621 (IFGC) UNVENTED ROOM HEATERS
 - ☑ ☐ SECTION 622 (IFGC) VENTED ROOM HEATERS
 - ☑ ☐ SECTION 623 (IFGC) COOKING APPLIANCES
 - ☑ ☐ SECTION 624 (IFGC) WATER HEATERS
 - ☑ ☐ SECTION 625 (IFGC) REFRIGERATORS
 - ☑ ☐ SECTION 626 (IFGC) GAS-FIRED TOILETS
 - ☑ ☐ SECTION 627 (IFGC) AIR-CONDITIONING APPLIANCES
 - ☑ ☐ SECTION 628 (IFGC) ILLUMINATING APPLIANCES
 - ☑ ☐ SECTION 629 (IFGC) SMALL CERAMIC KILNS
 - ☑ ☐ SECTION 630 (IFGC) INFRARED RADIANT HEATERS
 - ☑ ☐ SECTION 631 (IFGC) BOILERS
 - ☑ ☐ SECTION 632 (IFGC) EQUIPMENT INSTALLED IN EXISTING UNLISTED BOILERS
 - ☑ ☐ SECTION 633 (IFGC) STATIONARY FUEL-CELL POWER SYSTEMS
 - ☑ ☐ SECTION 634 (IFGS) CHIMNEY DAMPER OPENING AREA
 - ☑ ☐ SECTION 635 (IFGC) GASEOUS HYDROGEN SYSTEMS
 - ☑ ☐ SECTION 636 (IFGC) OUTDOOR DECORATIVE APPLIANCES

Daniel P. Reardon (Dan)

Plans Examiner / Building Official



SHUMS CODA
ASSOCIATES

Cell Phone: (970) 275 - 4937

dan.reardon@shumscoda.com

Denver Office (303)-400-6564

4610 S. Ulster Street, Suite 150

Denver, CO 80236

California Office (925)-463-0651

www.shumscoda.com



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From: Corinne Ferguson <corinne@townofpaonia.com>
Sent: Thursday, August 11, 2022 8:10 AM
To: Dan Reardon <dan.reardon@shumscoda.com>
Subject: FW: i-code question

Dan,

Can you help with this question?

From: sue watson <suewatson905@yahoo.com>
Sent: Tuesday, August 9, 2022 10:15 AM
To: Corinne Ferguson <corinne@townofpaonia.com>
Subject: i-code question

Hi Corinne,

Can you enumerate and clarify which parts of the International Fuel Gas Code will be under the purview of Paonia's local building inspector vs the State plumbing inspector with proposed code adoption?

Thank you.

Suzanne Watson

**TOWN OF PAONIA, COLORADO
ORDINANCE NO. 06-2022**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, AMENDING CHAPTER 18 OF THE MUNICIPAL CODE AND PROVIDING FOR THE ADOPTION OF AND AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL EXISTING BUILDING CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, AND THE INSTALLATION HANDBOOK FOR MANUFACTURED HOMES AND FACTORY BUILT HOUSING.

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

WHEREAS, the Town has adopted by reference earlier editions of building codes for the Town; and

WHEREAS, the International Code Council released updated editions of International Building Codes in 2018, and staff recommends adoption of the 2018 Editions; and

WHEREAS, pursuant to Title 31, Article 16, Part 2. C.R.S, the Board of Trustees desires to amend the Paonia Municipal Code in order to adopt by reference the 2018 Editions of the International Building Code; International Residential Code; International Mechanical Code; International Fuel Gas Code; and the Installation Handbook for Manufactured Homes and Factory Built Housing, as the building codes for the Town pursuant to the procedures set forth in C.R.S. §31-16-201, *et seq.*

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, ORDAINS THAT:

Section 1. Recitals.

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

Section 2. Repeal and Adoption.

Title 18, Articles 1, 2, 3, 4, 5, and 11 of the Paonia Municipal Code are hereby repealed in their entirety.

Title 18, Article 6 of the Paonia Municipal Code is hereby repealed in its entirety and readopted at Title 18, Article 11.

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Title 18, Article 7 of the Paonia Municipal Code is hereby repealed in its entirety and readopted at Title 18, Article 12.

Title 18, Article 8 of the Paonia Municipal Code is hereby repealed in its entirety and readopted at Title 18, Article 13

New Title 18, Articles 1 through 8, as set forth in **Exhibit A** attached, are hereby adopted.

The Town’s codifier is hereby authorized to renumber this Title to conform with these amendments.

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. 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 days from the date of publication.

INTRODUCED, READ, AND REFERRED before the Board of Trustees for the Town of Paonia, Colorado, on the 23rd day of June 2024.

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this ___ day of _____, 2022 by a vote of __ to __.

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

By: _____
Mary Bachran, Mayor

ATTEST:

Corinne Ferguson, Town Clerk

Approved As To Form:

Jeff Conklin, Town Attorney

EXHIBIT A

Chapter 18 - BUILDING REGULATIONS

ARTICLE 1. - BUILDING CODE

Sec. 18-1-10. - Adoption.

(1) Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the building code of the Town, by reference thereto, the International Building Code, 2018 edition, and together with the chapters of the appendix as set forth below, and all tables and examples thereto, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. The purpose of the adopted code is to protect the health, safety and lives of the residents of the Town. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare, and providing for the issuance of permits and collection of fees therefor.

(2) The following chapters of the appendix of the International Building Code, 2018 Edition, are adopted:

Appendix C: Group U Agricultural Buildings.

Appendix E: Supplementary Accessibility Requirements.

Appendix G: Flood-Resistant Construction.

Appendix I: Patio Covers.

Appendix J: Grading.

Sec. 18-1-20. - Copy on file.

At least one (1) copy of the International Building Code, certified to be a true copy, is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-1-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

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- (1) References to jurisdiction in Section 101.1 and elsewhere mean the Town of Paonia.
- (2) Section 101.4.1 is amended to read: The provisions of the International Fuel Gas Code as amended and adopted by the State of Colorado Plumbing Board (*see* 3 CCR 720-1 of the Code of Colorado Regulations.)
- (3) Section 101.4.3 is amended to read: The provisions of the International Plumbing Code as amended and adopted by the State of Colorado Plumbing Board (*see* 3 CCR 720-1 of the Code of Colorado Regulations).
- (4) Section 101.4.4 is hereby deleted.
- (5) Sections 104.10.1, 1612.3 and 1612.4 are amended to read: Consideration of Flood Hazard Areas shall be as adopted by Chapter 18 Article ~~9~~12 of this Municipal Code.
- (6) Section 105.2 is amended to exempt the following from permit requirements:
 1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses provided the floor area cannot exceed 200 square feet. Such structures shall be located in accordance with Section 705.3 with respect to other structures on the same lot and in accordance with Chapter 16 Zoning Regulations.
 2. Fences not over 6 feet high; however, all fence-plans must be reviewed and approved as per Municipal Code Section 18-~~9~~10
 14. Item 14 is added and reads: Window and door replacement provided no structural changes are needed or proposed.
 15. Item 15 is added and reads: Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point; however, a site-plan is required and subject to approval with regards to setback requirements.
 16. Item 16 is added and reads: Re-siding without alteration of wall structure provided, however, the proposed weather barrier is not a stucco-type

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product*. (*If the stucco-type product will be applied over an existing masonry or concrete surface it too shall be exempt from requiring a permit).

- (7) Section 109.2 is amended to read: Fees shall be assessed as established by Resolution of the Town Board.
- (8) Section 109.6 is amended to read: Refunds shall be determined as established by Resolution of the Town Board.
- (9) Section 109.4 is amended to read: Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. The amount of the fee shall be equal to the permit fee or \$100, whichever is greater. Payment of this fee does not constitute approval of work already completed and does not assure that a permit will be issued for the project under consideration.
- (10) Section 113 is amended to read: Means of Appeal shall be initiated and addressed pursuant to Article 8 of this Chapter.
- (11) Section 114 is amended to read: Violations shall be processed pursuant to Article 8 of this Chapter.
- (12) Section 310.4.1 is hereby deleted
- (13) All foundation designs submitted for habitable structures or additions to habitable structures, excluding patio covers and carports shall be site specific, stamped and signed by an engineer registered in the State of Colorado.

ARTICLE 2. – RESIDENTIAL CODE

Sec. 18-2-10. - Adoption.

- (1) Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the residential code of the Town, by reference thereto, the International Residential Code, 2018 edition, together with the chapters of the appendix as set forth below, and all tables and examples thereto, published by the International Code Council, 4051 West Flossmoor

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Road, Country Club Hills, IL 60478-5795. The purpose of the adopted code is to protect the health, safety and lives of the residents of the Town. The subject matter of the code includes the standards for the design, erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of one and two-family dwellings and townhouses, and providing for the issuance of permits and collection of fees therefore

(2) The following chapters of the appendix of the International Residential Code, 2018 Edition, are adopted:

Appendix B: Vent Sizing.

Appendix F: Radon Control.

Appendix H: Patio Covers.

Appendix J: Existing Buildings and Structures is amended to read as follows:

Section AJ501.5 Electrical repairs and upgrades are subject to the NEC as adopted by the state of Colorado Electrical Board.

Appendix K: Sound Transmission.

Appendix M: Home Day Care.

Appendix Q: Tiny Homes.

Appendix R: Light Straw-Clay Construction.

Appendix S: Strawbale Construction.

Sec. 18-2-20. - Copy on file.

At least one (1) copy of the International Residential Code, certified to be a true copy, is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-2-30. - Amendments.

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The code adopted herein is hereby modified and amended by the following:

- (1) Chapters 33-43 are hereby deleted.
- (2) References to jurisdiction in Section R101.1 and elsewhere shall mean the Town of Paonia.
- (3) R104.10.1, R105.3.1.1, R301.2.4, R309.3, and R322 are amended to read: Consideration of Flood Hazard Areas shall be as adopted by Chapter 18 Article ~~1279~~ of this Municipal Code.
- (4) Section R105.2 is amended in part and with items added to read as exempt from permit requirements:

Building:

- 2. Fences not over 6 feet high; however, all fence-plans must be reviewed and approved as per Municipal Code Section 18-~~911~~-10
- 10. Decks not exceeding 200 square feet (18.58 m2) in area, that are not more than 30 inches (762 mm) above grade at any point; however, a site-plan is required and subject to approval with regards to setback requirements.
- 11. Item 11 is added and reads: Window and door replacement provided no structural changes are needed or proposed.
- 12. Item 12 is added and reads: Re-siding without alteration of wall structure provided, however, the proposed weather barrier is not a stucco-type product*. (*If the stucco-type product will be applied over an existing masonry or concrete surface it too shall be exempt from requiring a permit).

Electrical:

All exemptions are subject to the laws established by the Colorado State Electrical Board.

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Plumbing:

All exemptions are subject to the laws established by the Colorado State Plumbing Board.

- (5) Section R105.5 is amended to read:

R105.5 Expiration:

- a. Work must commence within 180 days of issuing the permit.
- b. Unless determined otherwise by the Building Official because of the size or complexity of the project, each inspection must be completed within 180 days of the previous mandated inspection according to the following schedule:
 - i. Reinforcement in footings or structural (monolithic) slab.
 - ii. Reinforcement in stem-wall or basement-wall.
 - iii. Wall and roof sheathing.
 - iv. Framing (plumbing, electrical and mechanical must have already passed inspection or will be inspected at the time of the framing inspection).
 - v. Insulation.
 - vi. Drywall or other interior wall coverings.
 - vii. All final inspections.

- (6) Section R108.2 is amended to read: Fees shall be assessed as established by Resolution of the Town Board.

- (7) Section 108.5 is amended to read: Refunds shall be determined as established by Resolution of the Town Board.

- (8) Section R108.6 is amended to read: Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. The amount of the fee shall be equal to the permit fee or \$100, whichever is greater. Payment of this fee does not constitute approval of work already completed and does not assure that a permit will be issued for the project under consideration.
- (9) Section R112 is amended to read: Means of Appeal shall be initiated and addressed pursuant to Article 8 of this Chapter.
- (10) Section R113 is amended to read: Violations shall be processed pursuant to Article 8 of this Chapter.
- (11) All foundation designs submitted for habitable structures or additions to habitable structures, excluding patio covers and carports shall be site specific, stamped and signed by an engineer registered in the State of Colorado.
- (12) Amend Exceptions to Section R302.1 to read:
 - 2. Exception #2 is hereby deleted.
 - 3. Exception #3 is hereby deleted.
- (13) Amend Table R301.2(1) Manual J Design Criteria
 - Elevation: 5,682
 - Latitude: 38
 - Winter Heating: 3
 - Summer Cooling: 87
 - Altitude Correction Factor: .84
 - Indoor Design Temperature: 70

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Design Temperature Cooling: 75
Heating Temperature Difference: 67
Cooling Temperature Difference: 12
Wind Velocity Heating: N/A
Wind Velocity Cooling: N/A
Coincident Wet Bulb: 58
Daily Range: H
Winter Humidity: 30%
Summer Humidity: 50%
Ground Snow Load: 33 psf
Minimum Roof Snow Load: 25 psf
Wind Speed: 10+5 mph Ultimate / Exposure B or C
Topographic Effects: N/A
Special Wind Region: N/A
Windborne Debris Zone: N/A
Seismic Design Category: C
Weathering: Severe
Frost Line Depth: 24"
Termite: Moderate
Winter Design Temp.: 3 degrees F

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Ice Barrier Underlayment: No

Flood Hazards: Those set forth in FIRM Map Nos. 08029C0313D, 08029C0501D, and 08029C0502D (effective 8.19.2010), as they may be amended, and any other applicable FIRM, FBFM, or other flood hazard map, if any.

Air Freezing Index: 1500

Mean Annual Temp.: 49

(14) Section 324.4.1 is amended to read: Rooftop-mounted photovoltaic systems - Structural requirements to include: For PV systems with a total installed weight not to exceed 3-psf and with staggered fasteners attaching to an existing roof, an engineer's review of the roof structure shall not be required

(15) Section R326.1 is hereby deleted.

(16) Section R908.3.1.1 #3 is amended to read: Where the existing roof has two or more applications of any type of roof covering unless the third covering is metal panels and appropriate length fasteners are used.

(17) Add a new subsection R908.7 to read as follows:

R908.7 Attic ventilation shall be made to be in compliance with Section R806.

(18) Section G2445 is amended to read: Unvented Room heaters are prohibited.

(19) Section G2406.2 is amended to delete Exceptions #3 and #4.

(20) Section G2425.8 is amended to delete item #7.

(21) Section N1102.4.1.2 is deleted.

(22) Section N1103.3.3 is deleted.

(23) Section N1103.3.4 is deleted.

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- (24) Section N1103.5.1 is amended as follows: When these systems are installed, heated water circulation systems shall be in accordance with Section R403.5.1.1. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. Automatic controls, temperature sensors and pumps shall be accessible. Manual controls shall be readily accessible.
- (25) Section N1103.5.2 is amended as follows: When installed, demand recirculation water-systems shall have controls that comply with both of the following:
 - 1. The controls shall start the pump upon receiving a signal from the action of a user of a fixture or appliance, sensing the presence of a user of a fixture or sensing the flow of hot or tempered water to a fixture fitting or appliance.
 - 2. The controls shall limit the temperature of the water entering the cold-water piping to not greater than 104°F (40°C).
- (26) Section N1103.5.4 is amended as follows: When installed, drain water heat recovery units shall comply with CSA B55.2. Drain water heat recovery units shall be tested in accordance with CSA B55.1. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi (20.7 kPa) for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi (13.8 kPa) for individual units connected to three or more showers.

ARTICLE 3. - EXISTING BUILDING CODE

Sec. 18-3-10. - Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the existing building code of the Town, by reference thereto, the International Existing Building Code, 2018 edition, including Resource “A”, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. The purpose of the adopted code is to protect the health, safety and lives of the residents of the Town. The Existing Building Code provides the standards for the alteration, repair, addition, moving, change of occupancy and relocation of existing buildings, and providing for the issuance of permits and collection of fees therefor.

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Sec. 18-3-20. - Copy on file.

At least one (1) copy of the International Existing Building Code, certified to be a true copy is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-3-30. - Amendments.

- (1) Reference to “jurisdiction” in Section 101.1 and elsewhere shall mean the Town of Paonia.
- (2) Section 108.2 is amended to read: Fees shall be assessed as established by Resolution of the Town Board.
- (3) Section 108.6 is amended to read: Refunds shall be determined as established by Resolution of the Town Board.
- (9) Section 112 is amended to read: Means of Appeal shall be initiated and addressed pursuant to Article 8 of this Chapter.
- (10) Section 113 is amended to read: Violations shall be processed pursuant to Article 8 of this Chapter.

ARTICLE 4. - ENERGY CONSERVATION CODE

Sec. 18-4-10. - Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the energy efficiency code of the Town, by reference thereto, the International Energy Conservation Code, 2018 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. The subject matter of the adopted code includes regulations governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems, and providing for the issuance of permits and collection of fees therefor.

Sec. 18-4-20. - Copy on file.

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At least one (1) copy of the International Energy Efficiency Code, certified to be a true copy is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-4-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

Commercial

- (1) Section C101.1 is amended as follows: This code shall be known as the Energy Conservation Code of Town of Paonia, Colorado, and shall be cited as such. It is referred to herein as “this code.”

Residential

- (1) Section R101.1 is amended as follows: This code shall be known as the Energy Conservation Code of Town of Paonia, Colorado, and shall be cited as such. It is referred to herein as “this code.”
- (2) Section R402.4.1.2 is deleted.
- (3) Section R403.3.3 is deleted.
- (4) Section R403.3.4 is deleted.
- (5) Section R403.5.1 is amended as follows: When these systems are installed, heated water circulation systems shall be in accordance with Section R403.5.1.1. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. Automatic controls, temperature sensors and pumps shall be accessible. Manual controls shall be readily accessible.
- (6) Section R403.5.2 is amended as follows: When installed, demand recirculation water systems shall have controls that comply with both of the following:
 - 1. The controls shall start the pump upon receiving a signal from the action of a user of a fixture or appliance, sensing the presence of a user of a

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fixture or sensing the flow of hot or tempered water to a fixture fitting or appliance.

- 2. The controls shall limit the temperature of the water entering the cold-water piping to not greater than 104°F (40°C).
- (7) Section R403.5.4 is amended as follows: When installed, drain water heat recovery units shall comply with CSA B55.2. Drain water heat recovery units shall be tested in accordance with CSA B55.1. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi (20.7 kPa) for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi (13.8 kPa) for individual units connected to three or more showers.
- (8) R403.6 – append this Section by adding: Automatic controls for heating incoming-air shall be provided.

ARTICLE 5. - MANUFACTURED HOUSING INSTALLATION

Sec. 18-5-10. - Adoption of Handbook.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the manufactured housing code of the Town, by reference thereto, the Installation Handbook for Manufactured Homes and Factory Built Housing, January 2020 edition, published by the Colorado Department of Local Affairs. The subject matter of the adopted code includes regulations governing the installation of manufactured homes in the Town.

Sec. 18-5-20. - Copy on file.

At least one (1) copy of the International Energy Efficiency Code, certified to be a true copy is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-5-30. - Amendments.

The Installation Handbook adopted herein is hereby modified by the following amendments:
none.

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Sec. 18-5-40. - Definitions.

For purposes of this Chapter, the following definitions will apply:

Dependent mobile home means a mobile home which does not have a flush toilet and a bath or shower.

Independent mobile home means a mobile home which has a flush toilet, a bath or a shower and a sink.

Mobile home means any vehicle, trailer coach, house trailer or similar portable structure designed or constructed to permit occupancy for dwelling or sleeping purposes and designed to be transported on wheels.

Modular home means a factory-built or prefabricated structure designed for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled by a manufacturer for installation or assembly and installation on a residential building site.\

Sec. 18-5-50. - Permit for location and installation.

- (a) It shall be unlawful for any person to use or occupy a dependent mobile home for human habitation within the limits of the Town.
- (b) It shall be unlawful for any person to install, erect, use or occupy any independent mobile home or modular home that has less than six hundred (600) square feet of living space.
- (c) It shall be unlawful for any person to install, erect, use or occupy any independent mobile home or modular home for human habitation within the limits of the Town without first obtaining a permit therefor upon written application on a form to be furnished by the Town Clerk. Each such application shall describe the land on which the installation is to be made, shall be accompanied by plans and specifications of the foundation for the proposed installation showing its location on the building site, shall be signed by the applicant, shall be accompanied by evidence of application for a State Permit from the Colorado Department of Housing and shall give such other information as may be required by the Building Official. The application plans and specifications shall be checked by the Building

Official, and if he or she is satisfied that the installation therein described will conform to the requirements of Paragraphs (1) through (6) below, he or she shall issue a permit therefor to the applicant. Fees for the permit shall be a minimum of \$300.00 or otherwise in accordance with the Permit Fee Rate Schedule adopted by Resolution based on the value of the foundation, exterior stairs, landings, porches and any other added feature exterior to the Manufactured Structure. Thereafter, the Building Official shall make such inspections as reasonably necessary to determine that all requirements of Subparagraphs (1) through (6) below are complied with, and he or she shall either approve the installation at each inspection or notify the permit holder when it fails to comply with said requirements. No mobile home or modular home shall be used or occupied until the Building Official has issued a certificate of occupancy which shall be issued to the permittee after final inspection of the installation and approval of the same by the Building Official in accordance with the foregoing. The certificate of occupancy shall contain the permit number, the address of the installation, the name of the owner, a statement that the mobile home or modular home installation complies with the requirements of this Article, the date issued and the signature of the Building Official.

- (1) The proposed location shall be in compliance with Chapter 16 of this Code. No mobile home or modular home shall be located or placed on or within an area of less than five thousand (5,000) square feet.
- (2) No mobile home or modular home shall be located closer than twelve (12) feet to any building and shall also be located as to comply with all requirements as to setback lines and side and rear yards as now or hereafter provided for dwelling structures by Chapter 16 of this Code.
- (3) The plumbing and electrical connections shall be in accordance with the provisions of this Code and in accordance with State Law as set forth in paragraph (6) below.
- (4) All mobile homes or modular homes using liquefied petroleum gas, kerosene, gasoline or fuel oil for heating or cooking purposes shall have their stoves properly vented with flues of adequate size and construction; and, with the exception of a supply container for each mobile home, no

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gasoline, kerosene or fuel oil shall be stored on the premises. Said supply container must be approved by the Fire Chief. Every connection between a liquefied petroleum gas container and its appliance shall be of metal pipe. No liquefied petroleum gas container shall be permitted inside of any mobile home. All mobile homes and modular homes shall comply with the regulations of the Colorado State Department of Public Health and Environment controlling carbon monoxide poisoning.

- (5) Every mobile home and modular home shall be supported on solid masonry or concrete footings which shall be of sufficient size to safely support the loads imposed as determined from the character of the soil. The foundation walls or piers shall extend at least six (6) inches above the finished grade adjacent to the wall at all points. The foundation walls or piers shall be directly below the load-bearing beams or stringers of the mobile home or modular home. If piers are used, they shall be installed pursuant to requirements of the home manufacturer and State Laws, except that design and specifications shall be provided by a Colorado Licensed Engineer for all “permanent foundations”. Every mobile home and modular home shall be anchored in such a way as to resist wind loads established per the IRC and approved as per State Laws, except that design and specifications for anchoring shall be provided by a Colorado Licensed Engineer for all “permanent foundations”. Foundations for all mobile homes and modular homes shall be level or shall be stepped so that both top and bottom of such foundation are level. After such foundations have been constructed, each mobile home or modular home shall have a wood or metal skirt firmly attached to all exterior walls and extended to the ground along the entire outside perimeter.
- (6) Pursuant to the Laws of the State of Colorado, Department of Housing, no permanent utilities are to be released to the home prior to the affixing of the installation-insignia, and Occupancy of the structure is prohibited prior to affixing the installation-insignia.

ARTICLE 6. - INTERNATIONAL MECHANICAL CODE

Sec. 18-6-10. - Adoption.

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Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the mechanical code of the Town, by reference thereto, the International Mechanical Code, 2018 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. The subject matter of the adopted code includes regulations governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems and the issuance of permits and collection of fees therefor.

Sec. 18-6-20. - Copy on file.

At least one (1) copy of the International Mechanical Code, certified to be a true copy, is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-6-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

- (1) Reference to “jurisdiction” in Section 101.1 and elsewhere shall mean the Town of Paonia.
- (2) Section 106.5.2 is amended to read: Fees shall be assessed as established by Resolution of the Town Board.
- (3) Section 106.5.3 is amended to read: Refunds shall be determined as established by Resolution of the Town Board.
- (4) Section 108 is amended to read: Violations shall be processed pursuant to Article 8 of this Chapter.
- (5) Section 109 is amended to read: Means of Appeal shall be initiated and addressed pursuant to Article 8 of this Chapter.

ARTICLE 7. – INTERNATIONAL FUEL GAS CODE

Sec. 18-7-10. - Adoption.

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Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the fuel gas code of the Town, by reference thereto, the International Fuel Gas Code, 2018 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. The subject matter of the adopted code includes regulations governing fuel gas systems and gas-fired appliances and the issuance of permits and collection of fees therefor.

Sec. 18-7-20. - Copy on file.

At least one (1) copy of the International Fuel Gas Code, certified to be a true copy, is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-7-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

- (1) Reference to “jurisdiction” in Section 101.1 and elsewhere shall mean the Town of Paonia.
- (2) Section 106.6.2 is amended to read: Fees shall be assessed as established by Resolution of the Town Board.
- (3) Section 106.6.3 is amended to read: Refunds shall be determined as established by Resolution of the Town Board.
- (4) Section 108 is amended to read: Violations shall be processed pursuant to Article 8 of this Chapter.
- (5) Section 109 is amended to read: Means of Appeal shall be initiated and addressed pursuant to Article 8 of this Chapter.
- (6) Section 501.8 #8 is hereby deleted .
- (7) Section 621 is amended to read: Unvented Room Heaters are hereby prohibited.

ARTICLE 8. – VIOLATIONS, APPEALS

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Sec. 18-8-10. - Violations – Penalty.

- (a) Except as may otherwise be provided in this title, any person, firm, or corporation violating any of the provisions of this title shall be deemed guilty of a municipal misdemeanor and subject to the Town’s general penalty provision, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this title is committed, continued or permitted. Said offense shall be deemed to be one of “strict liability.” Only the Town of Paonia, by and through its Building Official, or his/her designee, the Town Attorney, or the Police Department, shall be permitted to initiate the filing of a complaint in the Paonia Municipal Court for violation of any of the provisions of this title and the primary codes adopted by reference herein.
- (b) In the event any building or structure is or is proposed to be erected, constructed, reconstructed, altered, remodeled, used, or maintained in violation of this title or any primary code adopted by reference herein, the Town Attorney, upon request of the Building Official or the Town Manager, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus, or abatement to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, remodeling, maintenance, or use, in any court of competent jurisdiction.

Sec. 18-8-20. – Establishment of Building Board of Appeals.

The Town of Paonia’s Zoning Board of Adjustments shall serve as the Town’s Building Board of Appeals to hear all appeals arising under the codes adopted by reference under this title, except with respect to the National Electric Code and International Plumbing Code. Such Building Board of Appeals shall have jurisdiction to decide any appeals from a decision of the Building Official, or his/her designee, if the decision of the Building Official or his/her designee concerns suitability of alternate materials, method of construction or reasonable interpretations of the codes adopted pursuant to this title. Provided, however, the Building Board of Appeals shall not be entitled to hear appeals of life safety matters or the administrative provisions of the codes adopted pursuant to this title, nor shall the Building Board of Appeals be empowered to waive requirements under said codes.

Sec. 18-8-20. – Notice of appeal.

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Any person aggrieved by a decision of the Building Official, or his/her designee, denying, issuing, or revoking a permit or in applying the provisions of this title or any code adopted by reference thereunder, to the construction, alteration, or repair of a structure may appeal such decision to the Board of Trustees, acting as the Building Board of Appeals, except as otherwise limited in this chapter. An appeal shall be commenced within ten (10) days from the date of the decision of the Building Official, or his/her designee, by filing a written notice of appeal with the Town Clerk setting forth the decision appealed from and the grounds for said appeal. Upon receipt, the Town Clerk shall transmit the notice of appeal to the Building Official and the Board of Appeals.

Sec. 18-8-30. - Scheduling of hearing.

Upon receipt of a notice of appeal, the Town Clerk shall schedule said appeal for hearing within thirty (30) days from the date of receipt of the notice of appeal. The Town Clerk shall thereupon mail written notice of the date, time, and place of the hearing to the Building Official and to the appellant.

Sec. 18-8-40. - Hearing.

The hearing on the appeal from a decision of the Building Official shall be public and shall permit the appellant and the Building Official to call witnesses, introduce evidence, examine and cross-examine witnesses, and otherwise provide each of the parties with due process of law. The Board of Appeals may adopt reasonable rules and regulations for the conduct of such hearings and thereafter such rules and regulations shall govern the conduct of such hearings.

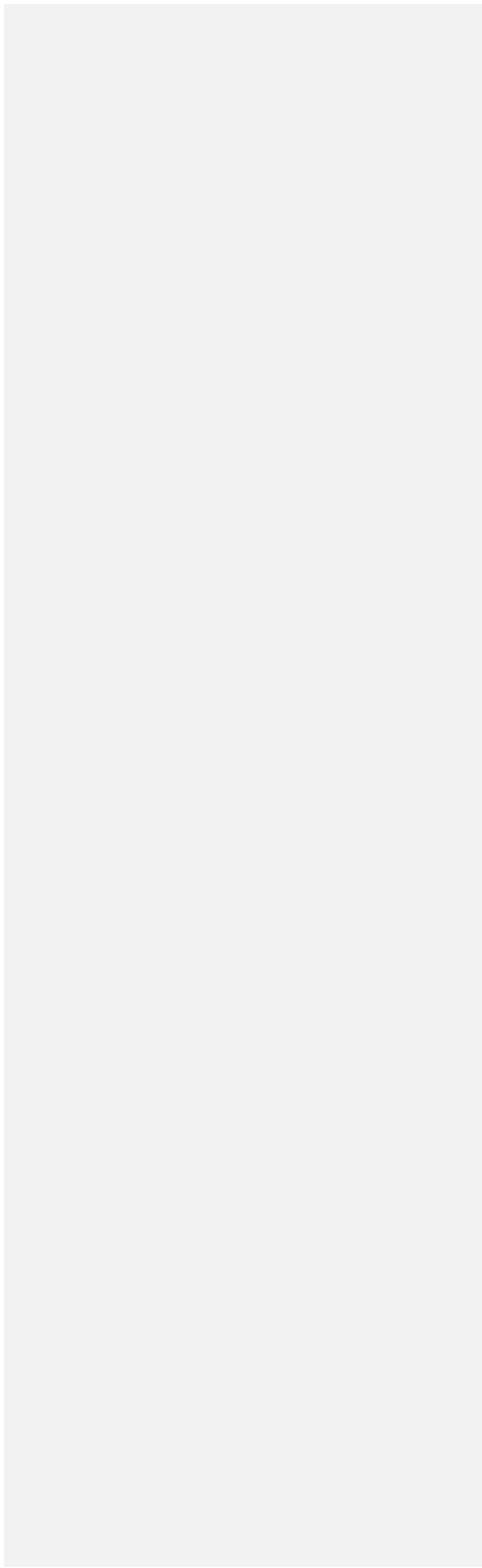
Sec. 18-8-50. - Decision.

The Board of Appeals, serving as the Building Board of Appeals, shall issue its findings and decision on an appeal in writing no later than thirty (30) days after the conclusion of the hearing. The Town Clerk shall mail copies of the findings and decision to the Building Official and the appellant.

Sec. 18-8-60. - Appeals from the board.

Any decision issued by the Board of Appeals on an appeal filed under this chapter shall be final. Any further appeal from the decision of the Board shall be made to the District Court as provided by law.

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**TOWN OF PAONIA, COLORADO
ORDINANCE NO. 06-2022**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, AMENDING CHAPTER 18 OF THE MUNICIPAL CODE AND PROVIDING FOR THE ADOPTION OF AND AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL EXISTING BUILDING CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, AND THE INSTALLATION HANDBOOK FOR MANUFACTURED HOMES AND FACTORY BUILT HOUSING.

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

WHEREAS, the Town has adopted by reference earlier editions of building codes for the Town; and

WHEREAS, the International Code Council released updated editions of International Building Codes in 2018, and staff recommends adoption of the 2018 Editions; and

WHEREAS, pursuant to Title 31, Article 16, Part 2. C.R.S, the Board of Trustees desires to amend the Paonia Municipal Code in order to adopt by reference the 2018 Editions of the International Building Code; International Residential Code; International Mechanical Code; International Fuel Gas Code; and the Installation Handbook for Manufactured Homes and Factory Built Housing, as the building codes for the Town pursuant to the procedures set forth in C.R.S. §31-16-201, *et seq.*

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, ORDAINS THAT:

Section 1. Recitals.

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

Section 2. Repeal and Adoption.

Title 18, Articles 1, 2, 3, 4, 5, and 11 of the Paonia Municipal Code are hereby repealed in their entirety.

Title 18, Article 6 of the Paonia Municipal Code is hereby repealed in its entirety and readopted at Title 18, Article 11.

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Title 18, Article 7 of the Paonia Municipal Code is hereby repealed in its entirety and readopted at Title 18, Article 12.

Title 18, Article 8 of the Paonia Municipal Code is hereby repealed in its entirety and readopted at Title 18, Article 13

New Title 18, Articles 1 through 8, as set forth in **Exhibit A** attached, are hereby adopted.

The Town’s codifier is hereby authorized to renumber this Title to conform with these amendments.

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. 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 days from the date of publication.

INTRODUCED, READ, AND REFERRED before the Board of Trustees for the Town of Paonia, Colorado, on the 23rd day of June 2024.

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this ___ day of _____, 2022 by a vote of __ to __.

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

By: _____
Mary Bachran, Mayor

ATTEST:

Corinne Ferguson, Town Clerk

Approved As To Form:

Jeff Conklin, Town Attorney

EXHIBIT A

Chapter 18 - BUILDING REGULATIONS

ARTICLE 1. - BUILDING CODE

Sec. 18-1-10. - Adoption.

(1) Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the building code of the Town, by reference thereto, the International Building Code, 2018 edition, and together with the chapters of the appendix as set forth below, and all tables and examples thereto, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. The purpose of the adopted code is to protect the health, safety and lives of the residents of the Town. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare, and providing for the issuance of permits and collection of fees therefor.

(2) The following chapters of the appendix of the International Building Code, 2018 Edition, are adopted:

Appendix C: Group U Agricultural Buildings.

Appendix E: Supplementary Accessibility Requirements.

Appendix G: Flood-Resistant Construction.

Appendix I: Patio Covers.

Appendix J: Grading.

Sec. 18-1-20. - Copy on file.

At least one (1) copy of the International Building Code, certified to be a true copy, is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-1-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

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- (1) References to jurisdiction in Section 101.1 and elsewhere mean the Town of Paonia.
- (2) Section 101.4.1 is amended to read: The provisions of the International Fuel Gas Code as amended and adopted by the State of Colorado Plumbing Board (*see* 3 CCR 720-1 of the Code of Colorado Regulations.)
- (3) Section 101.4.3 is amended to read: The provisions of the International Plumbing Code as amended and adopted by the State of Colorado Plumbing Board (*see* 3 CCR 720-1 of the Code of Colorado Regulations).
- (4) Section 101.4.4 is hereby deleted.
- (5) Sections 104.10.1, 1612.3 and 1612.4 are amended to read: Consideration of Flood Hazard Areas shall be as adopted by Chapter 18 Article 12 of this Municipal Code.
- (6) Section 105.2 is amended to exempt the following from permit requirements:
 1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses provided the floor area cannot exceed 200 square feet. Such structures shall be located in accordance with Section 705.3 with respect to other structures on the same lot and in accordance with Chapter 16 Zoning Regulations.
 2. Fences not over 6 feet high; however, all fence-plans must be reviewed and approved as per Municipal Code Section 18-9-10
 14. Item 14 is added and reads: Window and door replacement provided no structural changes are needed or proposed.
 15. Item 15 is added and reads: Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point; however, a site-plan is required and subject to approval with regards to setback requirements.
 16. Item 16 is added and reads: Re-siding without alteration of wall structure provided, however, the proposed weather barrier is not a stucco-type

product*. (*If the stucco-type product will be applied over an existing masonry or concrete surface it too shall be exempt from requiring a permit).

- (7) Section 109.2 is amended to read: Fees shall be assessed as established by Resolution of the Town Board.
- (8) Section 109.6 is amended to read: Refunds shall be determined as established by Resolution of the Town Board.
- (9) Section 109.4 is amended to read: Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. The amount of the fee shall be equal to the permit fee or \$100, whichever is greater. Payment of this fee does not constitute approval of work already completed and does not assure that a permit will be issued for the project under consideration.
- (10) Section 113 is amended to read: Means of Appeal shall be initiated and addressed pursuant to Article 8 of this Chapter.
- (11) Section 114 is amended to read: Violations shall be processed pursuant to Article 8 of this Chapter.
- (12) Section 310.4.1 is hereby deleted
- (13) All foundation designs submitted for habitable structures or additions to habitable structures, excluding patio covers and carports shall be site specific, stamped and signed by an engineer registered in the State of Colorado.

ARTICLE 2. – RESIDENTIAL CODE

Sec. 18-2-10. - Adoption.

- (1) Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the residential code of the Town, by reference thereto, the International Residential Code, 2018 edition, together with the chapters of the appendix as set forth below, and all tables and examples thereto, published by the International Code Council, 4051 West Flossmoor

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Road, Country Club Hills, IL 60478-5795. The purpose of the adopted code is to protect the health, safety and lives of the residents of the Town. The subject matter of the code includes the standards for the design, erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of one and two-family dwellings and townhouses, and providing for the issuance of permits and collection of fees therefore

- (2) The following chapters of the appendix of the International Residential Code, 2018 Edition, are adopted:

Appendix B: Vent Sizing.

Appendix F: Radon Control.

Appendix H: Patio Covers.

Appendix J: Existing Buildings and Structures is amended to read as follows:

Section AJ501.5 Electrical repairs and upgrades are subject to the NEC as adopted by the state of Colorado Electrical Board.

Appendix K: Sound Transmission.

Appendix M: Home Day Care.

Appendix Q: Tiny Homes.

Appendix R: Light Straw-Clay Construction.

Appendix S: Strawbale Construction.

Sec. 18-2-20. - Copy on file.

At least one (1) copy of the International Residential Code, certified to be a true copy, is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-2-30. - Amendments.

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The code adopted herein is hereby modified and amended by the following:

- (1) Chapters 33-43 are hereby deleted.
- (2) References to jurisdiction in Section R101.1 and elsewhere shall mean the Town of Paonia.
- (3) R104.10.1, R105.3.1.1, R301.2.4, R309.3, and R322 are amended to read: Consideration of Flood Hazard Areas shall be as adopted by Chapter 18 Article 12 of this Municipal Code.
- (4) Section R105.2 is amended in part and with items added to read as exempt from permit requirements:

Building:

- 2. Fences not over 6 feet high; however, all fence-plans must be reviewed and approved as per Municipal Code Section 18-9-10
- 10. Decks not exceeding 200 square feet (18.58 m2) in area, that are not more than 30 inches (762 mm) above grade at any point; however, a site-plan is required and subject to approval with regards to setback requirements.
- 11. Item 11 is added and reads: Window and door replacement provided no structural changes are needed or proposed.
- 12. Item 12 is added and reads: Re-siding without alteration of wall structure provided, however, the proposed weather barrier is not a stucco-type product*. (*If the stucco-type product will be applied over an existing masonry or concrete surface it too shall be exempt from requiring a permit).

Electrical:

All exemptions are subject to the laws established by the Colorado State Electrical Board.

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Plumbing:

All exemptions are subject to the laws established by the Colorado State Plumbing Board.

(5) Section R105.5 is amended to read:

R105.5 Expiration:

- a. Work must commence within 180 days of issuing the permit.
 - b. Unless determined otherwise by the Building Official because of the size or complexity of the project, each inspection must be completed within 180 days of the previous mandated inspection according to the following schedule:
 - i. Reinforcement in footings or structural (monolithic) slab.
 - ii. Reinforcement in stem-wall or basement-wall.
 - iii. Wall and roof sheathing.
 - iv. Framing (plumbing, electrical and mechanical must have already passed inspection or will be inspected at the time of the framing inspection).
 - v. Insulation.
 - vi. Drywall or other interior wall coverings.
 - vii. All final inspections.
- (6) Section R108.2 is amended to read: Fees shall be assessed as established by Resolution of the Town Board.
- (7) Section 108.5 is amended to read: Refunds shall be determined as established by Resolution of the Town Board.

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(8) Section R108.6 is amended to read: Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. The amount of the fee shall be equal to the permit fee or \$100, whichever is greater. Payment of this fee does not constitute approval of work already completed and does not assure that a permit will be issued for the project under consideration.

(9) Section R112 is amended to read: Means of Appeal shall be initiated and addressed pursuant to Article 8 of this Chapter.

(10) Section R113 is amended to read: Violations shall be processed pursuant to Article 8 of this Chapter.

(11) All foundation designs submitted for habitable structures or additions to habitable structures, excluding patio covers and carports shall be site specific, stamped and signed by an engineer registered in the State of Colorado.

(12) Amend Exceptions to Section R302.1 to read:

2. Exception #2 is hereby deleted.

3. Exception #3 is hereby deleted.

(13) Amend Table R301.2(1) Manual J Design Criteria

Elevation: 5,682

Latitude: 38

Winter Heating: 3

Summer Cooling: 87

Altitude Correction Factor: .84

Indoor Design Temperature: 70

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Design Temperature Cooling: 75

Heating Temperature Difference: 67

Cooling Temperature Difference: 12

Wind Velocity Heating: N/A

Wind Velocity Cooling: N/A

Coincident Wet Bulb: 58

Daily Range: H

Winter Humidity: 30%

Summer Humidity: 50%

Ground Snow Load: 33 psf

Minimum Roof Snow Load: 25 psf

Wind Speed: 105 mph Ultimate / Exposure B or C

Topographic Effects: N/A

Special Wind Region: N/A

Windborne Debris Zone: N/A

Seismic Design Category: C

Weathering: Severe

Frost Line Depth: 24"

Termite: Moderate

Winter Design Temp.: 3 degrees F

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Ice Barrier Underlayment: No

Flood Hazards: Those set forth in FIRM Map Nos. 08029C0313D, 08029C0501D, and 08029C0502D (effective 8.19.2010), as they may be amended, and any other applicable FIRM, FBFM, or other flood hazard map, if any.

Air Freezing Index: 1500

Mean Annual Temp.: 49

- (14) Section 324.4.1 is amended to read: Rooftop-mounted photovoltaic systems - Structural requirements to include: For PV systems with a total installed weight not to exceed 3-psf and with staggered fasteners attaching to an existing roof, an engineer's review of the roof structure shall not be required
- (15) Section R326.1 is hereby deleted.
- (16) Section R908.3.1.1 #3 is amended to read: Where the existing roof has two or more applications of any type of roof covering unless the third covering is metal panels and appropriate length fasteners are used.
- (17) Add a new subsection R908.7 to read as follows:

R908.7 Attic ventilation shall be made to be in compliance with Section R806.
- (18) Section G2445 is amended to read: Unvented Room heaters are prohibited.
- (19) Section G2406.2 is amended to delete Exceptions #3 and #4.
- (20) Section G2425.8 is amended to delete item #7.
- (21) Section N1102.4.1.2 is deleted.
- (22) Section N1103.3.3 is deleted.
- (23) Section N1103.3.4 is deleted.

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- (24) Section N1103.5.1 is amended as follows: When these systems are installed, heated water circulation systems shall be in accordance with Section R403.5.1.1. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. Automatic controls, temperature sensors and pumps shall be accessible. Manual controls shall be readily accessible.

- (25) Section N1103.5.2 is amended as follows: When installed, demand recirculation water-systems shall have controls that comply with both of the following:
 - 1. The controls shall start the pump upon receiving a signal from the action of a user of a fixture or appliance, sensing the presence of a user of a fixture or sensing the flow of hot or tempered water to a fixture fitting or appliance.

 - 2. The controls shall limit the temperature of the water entering the cold-water piping to not greater than 104°F (40°C).

- (26) Section N1103.5.4 is amended as follows: When installed, drain water heat recovery units shall comply with CSA B55.2. Drain water heat recovery units shall be tested in accordance with CSA B55.1. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi (20.7 kPa) for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi (13.8 kPa) for individual units connected to three or more showers.

ARTICLE 3. - EXISTING BUILDING CODE

Sec. 18-3-10. - Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the existing building code of the Town, by reference thereto, the International Existing Building Code, 2018 edition, including Resource “A”, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. The purpose of the adopted code is to protect the health, safety and lives of the residents of the Town. The Existing Building Code provides the standards for the alteration, repair, addition, moving, change of occupancy and relocation of existing buildings, and providing for the issuance of permits and collection of fees therefor.

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Sec. 18-3-20. - Copy on file.

At least one (1) copy of the International Existing Building Code, certified to be a true copy is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-3-30. - Amendments.

- (1) Reference to “jurisdiction” in Section 101.1 and elsewhere shall mean the Town of Paonia.
- (2) Section 108.2 is amended to read: Fees shall be assessed as established by Resolution of the Town Board.
- (3) Section 108.6 is amended to read: Refunds shall be determined as established by Resolution of the Town Board.
- (9) Section 112 is amended to read: Means of Appeal shall be initiated and addressed pursuant to Article 8 of this Chapter.
- (10) Section 113 is amended to read: Violations shall be processed pursuant to Article 8 of this Chapter.

ARTICLE 4. - ENERGY CONSERVATION CODE

Sec. 18-4-10. - Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the energy efficiency code of the Town, by reference thereto, the International Energy Conservation Code, 2018 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. The subject matter of the adopted code includes regulations governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems, and providing for the issuance of permits and collection of fees therefor.

Sec. 18-4-20. - Copy on file.

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At least one (1) copy of the International Energy Efficiency Code, certified to be a true copy is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-4-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

Commercial

- (1) Section C101.1 is amended as follows: This code shall be known as the Energy Conservation Code of Town of Paonia, Colorado, and shall be cited as such. It is referred to herein as “this code.”

Residential

- (1) Section R101.1 is amended as follows: This code shall be known as the Energy Conservation Code of Town of Paonia, Colorado, and shall be cited as such. It is referred to herein as “this code.”
- (2) Section R402.4.1.2 is deleted.
- (3) Section R403.3.3 is deleted.
- (4) Section R403.3.4 is deleted.
- (5) Section R403.5.1 is amended as follows: When these systems are installed, heated water circulation systems shall be in accordance with Section R403.5.1.1. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. Automatic controls, temperature sensors and pumps shall be accessible. Manual controls shall be readily accessible.
- (6) Section R403.5.2 is amended as follows: When installed, demand recirculation water systems shall have controls that comply with both of the following:
 - 1. The controls shall start the pump upon receiving a signal from the action of a user of a fixture or appliance, sensing the presence of a user of a

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fixture or sensing the flow of hot or tempered water to a fixture fitting or appliance.

2. The controls shall limit the temperature of the water entering the cold-water piping to not greater than 104°F (40°C).

(7) Section R403.5.4 is amended as follows: When installed, drain water heat recovery units shall comply with CSA B55.2. Drain water heat recovery units shall be tested in accordance with CSA B55.1. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi (20.7 kPa) for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi (13.8 kPa) for individual units connected to three or more showers.

(8) R403.6 – append this Section by adding: Automatic controls for heating incoming-air shall be provided.

ARTICLE 5. - MANUFACTURED HOUSING INSTALLATION

Sec. 18-5-10. - Adoption of Handbook.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the manufactured housing code of the Town, by reference thereto, the Installation Handbook for Manufactured Homes and Factory Built Housing, January 2020 edition, published by the Colorado Department of Local Affairs. The subject matter of the adopted code includes regulations governing the installation of manufactured homes in the Town.

Sec. 18-5-20. - Copy on file.

At least one (1) copy of the International Energy Efficiency Code, certified to be a true copy is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-5-30. - Amendments.

The Installation Handbook adopted herein is hereby modified by the following amendments:
none.

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Sec. 18-5-40. - Definitions.

For purposes of this Chapter, the following definitions will apply:

Dependent mobile home means a mobile home which does not have a flush toilet and a bath or shower.

Independent mobile home means a mobile home which has a flush toilet, a bath or a shower and a sink.

Mobile home means any vehicle, trailer coach, house trailer or similar portable structure designed or constructed to permit occupancy for dwelling or sleeping purposes and designed to be transported on wheels.

Modular home means a factory-built or prefabricated structure designed for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled by a manufacturer for installation or assembly and installation on a residential building site.\

Sec. 18-5-50. - Permit for location and installation.

- (a) It shall be unlawful for any person to use or occupy a dependent mobile home for human habitation within the limits of the Town.
- (b) It shall be unlawful for any person to install, erect, use or occupy any independent mobile home or modular home that has less than six hundred (600) square feet of living space.
- (c) It shall be unlawful for any person to install, erect, use or occupy any independent mobile home or modular home for human habitation within the limits of the Town without first obtaining a permit therefor upon written application on a form to be furnished by the Town Clerk. Each such application shall describe the land on which the installation is to be made, shall be accompanied by plans and specifications of the foundation for the proposed installation showing its location on the building site, shall be signed by the applicant, shall be accompanied by evidence of application for a State Permit from the Colorado Department of Housing and shall give such other information as may be required by the Building Official. The application plans and specifications shall be checked by the Building

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Ordinance No. 06, Series of 2022
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Official, and if he or she is satisfied that the installation therein described will conform to the requirements of Paragraphs (1) through (6) below, he or she shall issue a permit therefor to the applicant. Fees for the permit shall be a minimum of \$300.00 or otherwise in accordance with the Permit Fee Rate Schedule adopted by Resolution based on the value of the foundation, exterior stairs, landings, porches and any other added feature exterior to the Manufactured Structure. Thereafter, the Building Official shall make such inspections as reasonably necessary to determine that all requirements of Subparagraphs (1) through (6) below are complied with, and he or she shall either approve the installation at each inspection or notify the permit holder when it fails to comply with said requirements. No mobile home or modular home shall be used or occupied until the Building Official has issued a certificate of occupancy which shall be issued to the permittee after final inspection of the installation and approval of the same by the Building Official in accordance with the foregoing. The certificate of occupancy shall contain the permit number, the address of the installation, the name of the owner, a statement that the mobile home or modular home installation complies with the requirements of this Article, the date issued and the signature of the Building Official.

- (1) The proposed location shall be in compliance with Chapter 16 of this Code. No mobile home or modular home shall be located or placed on or within an area of less than five thousand (5,000) square feet.
- (2) No mobile home or modular home shall be located closer than twelve (12) feet to any building and shall also be located as to comply with all requirements as to setback lines and side and rear yards as now or hereafter provided for dwelling structures by Chapter 16 of this Code.
- (3) The plumbing and electrical connections shall be in accordance with the provisions of this Code and in accordance with State Law as set forth in paragraph (6) below.
- (4) All mobile homes or modular homes using liquefied petroleum gas, kerosene, gasoline or fuel oil for heating or cooking purposes shall have their stoves properly vented with flues of adequate size and construction; and, with the exception of a supply container for each mobile home, no

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gasoline, kerosene or fuel oil shall be stored on the premises. Said supply container must be approved by the Fire Chief. Every connection between a liquefied petroleum gas container and its appliance shall be of metal pipe. No liquefied petroleum gas container shall be permitted inside of any mobile home. All mobile homes and modular homes shall comply with the regulations of the Colorado State Department of Public Health and Environment controlling carbon monoxide poisoning.

- (5) Every mobile home and modular home shall be supported on solid masonry or concrete footings which shall be of sufficient size to safely support the loads imposed as determined from the character of the soil. The foundation walls or piers shall extend at least six (6) inches above the finished grade adjacent to the wall at all points. The foundation walls or piers shall be directly below the load-bearing beams or stringers of the mobile home or modular home. If piers are used, they shall be installed pursuant to requirements of the home manufacturer and State Laws, except that design and specifications shall be provided by a Colorado Licensed Engineer for all “permanent foundations”. Every mobile home and modular home shall be anchored in such a way as to resist wind loads established per the IRC and approved as per State Laws, except that design and specifications for anchoring shall be provided by a Colorado Licensed Engineer for all “permanent foundations”. Foundations for all mobile homes and modular homes shall be level or shall be stepped so that both top and bottom of such foundation are level. After such foundations have been constructed, each mobile home or modular home shall have a wood or metal skirt firmly attached to all exterior walls and extended to the ground along the entire outside perimeter.
- (6) Pursuant to the Laws of the State of Colorado, Department of Housing, no permanent utilities are to be released to the home prior to the affixing of the installation-insignia, and Occupancy of the structure is prohibited prior to affixing the installation-insignia.

ARTICLE 6. - INTERNATIONAL MECHANICAL CODE

Sec. 18-6-10. - Adoption.

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Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the mechanical code of the Town, by reference thereto, the International Mechanical Code, 2018 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. The subject matter of the adopted code includes regulations governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems and the issuance of permits and collection of fees therefor.

Sec. 18-6-20. - Copy on file.

At least one (1) copy of the International Mechanical Code, certified to be a true copy, is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-6-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

- (1) Reference to “jurisdiction” in Section 101.1 and elsewhere shall mean the Town of Paonia.
- (2) Section 106.5.2 is amended to read: Fees shall be assessed as established by Resolution of the Town Board.
- (3) Section 106.5.3 is amended to read: Refunds shall be determined as established by Resolution of the Town Board.
- (4) Section 108 is amended to read: Violations shall be processed pursuant to Article 8 of this Chapter.
- (5) Section 109 is amended to read: Means of Appeal shall be initiated and addressed pursuant to Article 8 of this Chapter.

ARTICLE 7. – INTERNATIONAL FUEL GAS CODE

Sec. 18-7-10. - Adoption.

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Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the fuel gas code of the Town, by reference thereto, the International Fuel Gas Code, 2018 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. The subject matter of the adopted code includes regulations governing fuel gas systems and gas-fired appliances and the issuance of permits and collection of fees therefor.

Sec. 18-7-20. - Copy on file.

At least one (1) copy of the International Fuel Gas Code, certified to be a true copy, is on file in the office of the Town Clerk and may be inspected by any interested person during regular business hours.

Sec. 18-7-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

- (1) Reference to “jurisdiction” in Section 101.1 and elsewhere shall mean the Town of Paonia.
- (2) Section 106.6.2 is amended to read: Fees shall be assessed as established by Resolution of the Town Board.
- (3) Section 106.6.3 is amended to read: Refunds shall be determined as established by Resolution of the Town Board.
- (4) Section 108 is amended to read: Violations shall be processed pursuant to Article 8 of this Chapter.
- (5) Section 109 is amended to read: Means of Appeal shall be initiated and addressed pursuant to Article 8 of this Chapter.
- (6) Section 501.8 #8 is hereby deleted .
- (7) Section 621 is amended to read: Unvented Room Heaters are hereby prohibited.

ARTICLE 8. – VIOLATIONS, APPEALS

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Sec. 18-8-10. - Violations – Penalty.

- (a) Except as may otherwise be provided in this title, any person, firm, or corporation violating any of the provisions of this title shall be deemed guilty of a municipal misdemeanor and subject to the Town’s general penalty provision, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this title is committed, continued or permitted. Said offense shall be deemed to be one of “strict liability.” Only the Town of Paonia, by and through its Building Official, or his/her designee, the Town Attorney, or the Police Department, shall be permitted to initiate the filing of a complaint in the Paonia Municipal Court for violation of any of the provisions of this title and the primary codes adopted by reference herein.
- (b) In the event any building or structure is or is proposed to be erected, constructed, reconstructed, altered, remodeled, used, or maintained in violation of this title or any primary code adopted by reference herein, the Town Attorney, upon request of the Building Official or the Town Manager, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus, or abatement to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, remodeling, maintenance, or use, in any court of competent jurisdiction.

Sec. 18-8-20. – Establishment of Building Board of Appeals.

The Town of Paonia’s Zoning Board of Adjustment shall serve as the Town’s Building Board of Appeals to hear all appeals arising under the codes adopted by reference under this title, except with respect to the National Electric Code and International Plumbing Code. Such Building Board of Appeals shall have jurisdiction to decide any appeals from a decision of the Building Official, or his/her designee, if the decision of the Building Official or his/her designee concerns suitability of alternate materials, method of construction or reasonable interpretations of the codes adopted pursuant to this title. Provided, however, the Building Board of Appeals shall not be entitled to hear appeals of life safety matters, or the administrative provisions of the codes adopted pursuant to this title, nor shall the Building Board of Appeals be empowered to waive requirements under said codes.

Sec. 18-8-20. – Notice of appeal.

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Any person aggrieved by a decision of the Building Official, or his/her designee, denying, issuing, or revoking a permit or in applying the provisions of this title or any code adopted by reference thereunder, to the construction, alteration, or repair of a structure may appeal such decision to the Board of Trustees, acting as the Building Board of Appeals, except as otherwise limited in this chapter. An appeal shall be commenced within ten (10) days from the date of the decision of the Building Official, or his/her designee, by filing a written notice of appeal with the Town Clerk setting forth the decision appealed from and the grounds for said appeal. Upon receipt, the Town Clerk shall transmit the notice of appeal to the Building Official and the Board of Appeals.

Sec. 18-8-30. - Scheduling of hearing.

Upon receipt of a notice of appeal, the Town Clerk shall schedule said appeal for hearing within thirty (30) days from the date of receipt of the notice of appeal. The Town Clerk shall thereupon mail written notice of the date, time, and place of the hearing to the Building Official and to the appellant.

Sec. 18-8-40. - Hearing.

The hearing on the appeal from a decision of the Building Official shall be public and shall permit the appellant and the Building Official to call witnesses, introduce evidence, examine and cross-examine witnesses, and otherwise provide each of the parties with due process of law. The Board of Appeals may adopt reasonable rules and regulations for the conduct of such hearings and thereafter such rules and regulations shall govern the conduct of such hearings.

Sec. 18-8-50. - Decision.

The Board of Appeals, serving as the Building Board of Appeals, shall issue its findings and decision on an appeal in writing no later than thirty (30) days after the conclusion of the hearing. The Town Clerk shall mail copies of the findings and decision to the Building Official and the appellant.

Sec. 18-8-60. - Appeals from the board.

Any decision issued by the Board of Appeals on an appeal filed under this chapter shall be final. Any further appeal from the decision of the Board shall be made to the District Court as provided by law.

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File Attachments for Item:

Communication Process for Upcoming Town Events

AGENDA SUMMARY FORM

	Communication Process for Upcoming Town Events
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Summary: Discussion of the timing of events – specifically notification – as requested by Trustee Markle.

Notes:

Possible Motions:


Motion by: _____ 2nd: _____ vote: _____

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

File Attachments for Item:

Tier II Grants and State Revolving Fund Loans

AGENDA SUMMARY FORM

	Tier II Grants and State Revolving Fund Loans
---	---

Summary:
 Follow up from 8/11/22 regular meeting. Information regarding DOLA grants and State Revolving Fund Loans.

Notes:

Information:

SRF monies are federally funded. These funds can be used as matching funds for DOLA grants.

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

An estimate provided by Jeremiah was \$800,000 for another food grade lining. An epoxy lining is likely to be close to \$2,000,000 but a much better choice. At this point it looks as though we qualify for Disadvantaged Community Status which means we qualify for a planning grant to get started. If we decide to go for a State Revolving Fund Loan, we can get loan forgiveness of 80% or \$2,000,000, whichever is the lowest. Our interest rates will fall within .06% to 1.75% for a 30 year loan.

Best sources of funding include:

Colorado Water Resources and Power Development Authority Planning Grant

- Purpose: Engineering for the 2 million gallon water tank relining
- Amount: \$10,000
- Match: \$2,000
- Qualification: Disadvantaged Community Status (confirmed by Keith McLaughlin)
- Grant life: 1 year
- <https://www.cwrpda.com/planning-design-and-engineering-grants>
- Takes anywhere from 3 days to 2 months to complete

DOLA Energy and Mineral Impact Assistance Fund Program (EIAF)

- Purpose: Reline 2 million gallon water tank
- Amount: \$750,000
- Match: \$750,000
 - Can use a State Revolving Fund Loan to match
- Qualification: Disadvantaged Community Status (confirmed by Dana Hlavak)
- Staff time estimates: 338 hours (from acceptance to final report)
- Application deadline date: March 1, 2023
- Award date: July 2023
- Contract written in August 2023
- Grant life: 2 years

Colorado State Revolving Fund Loan

Amount: No limit

Match: No match

Qualification: Disadvantaged Community Status (confirmed by Keith McLaughlin)

Timeline: Applications due August 15, October 15, and November 15

Groundbreaking after approval: 4-6 weeks

This is a very long and involved process that we need to begin **now** if we are going to apply. The loan process takes around 1 year to complete.

Combined grant + loan

If we chose to go this route on a (total guestimate) \$2,750,00 project, DOLA will pay for \$750,000 leaving us \$2,000,000 to fund. If we have 80% loan forgiveness, that leaves us with \$400,000 to pay back as a loan. For a 30 year loan at 1.75% interest, our total loan amount would be \$407,000 with \$7,000 due in interest. The monthly payments would be around \$1130.50. This works out to be about 37 cents per user per month.

Project cost:	2,750,000
DOLA Grant	750,000
<hr/>	
Remainder	2,000,000
Loan total	2,000,000
80% forgiveness	1,600,000
Principal total	400,000
Interest @1.75%	7,000
	407,000
Total due	
Monthly payment	1,130
Cost to users per month	.37 per user

Addition of a 2 million gallon tank at Lamborn plant @ ~\$2,000,000 combined with the lining of the current tank.

Lining cost	2,750,000
Tank cost alone	2,000,000
Pad + installation	500,000
Project cost:	5,250,000
DOLA Grant	750,000
<hr/>	
Remainder	4,500,000
Loan total	4,500,000
Max forgiveness	2,000,000
Principal total	2,500,000
Interest @1.75%	43,750
	2,543,750
Total due	
Monthly payment	7,066
Cost to users per month	2.28 per user

Other State grant sources:

Colorado Water Plan Grants and Project Investment Grants

- Available for regional or state projects focused on development of additional storage, artificial recharge into aquifers, and dredging existing reservoirs to restore the reservoirs' full decreed storage capacity for multi-beneficial projects and projects identified in basin implementation plans to address the water supply and demand gap.
- *Not applicable to our situation*

Colorado Water Conservation Board

- Agricultural water only

CDPHE Water Quality Improvement Fund Grants

- This includes storm water management training and best practices training to prevent or reduce the pollution of state waters. The grants are an important assistance tool for communities working to improve water quality in their area.
- *Not applicable to us at this time*

CDPHE Small Communities Water and Wastewater Grants

- Very limited funding

- Variable matches
- One deadline per year in March

Colorado Rural Water Association Source Water Protection Grant

- \$5,000 to support the development and implementation of a source water protection plan.
- \$5,000 match required or equivalent in-kind time
- *Not a current priority*

DOLA Community Development Block Grant (CDBG)

- One deadline per year in February
- \$600,000 max
- Variable matches
- *For disaster scenarios only*

RE: GC Contact

Jim Viale <jviale@FisherTank.com>

Tue 8/23/2022 4:02 PM

To: Mary B <maryb@townofpaonia.com>

 1 attachments (58 KB)

2 MG COLORADO.pdf;

Mary,

Based upon the limited information that we have at this time, I would use a budgetary number of \$2,350,000.00.

This includes drafting, engineering, steel, fabrication, shop blasting of exterior, delivery, erection equipment/tools, field labor, field coatings. I have attached a sketch for you to see what we figured at this time. I didn't include any site/prep work or foundations. All exterior piping/scada/pumps is not included either.

Let me know if this works for you or if you have further questions.

Jim Viale, Area Manager - Western Region, API-653 Inspector #96332**Fisher Tank Company**

7380 Morro Road, Atascadero, CA 93422

Cell: 805.275.3611

jviale@FisherTank.com



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From: Mary B <maryb@townofpaonia.com>**Sent:** Tuesday, August 23, 2022 10:35 AM**To:** Jim Viale <jviale@FisherTank.com>**Subject:** Re: GC Contact

Jim,

Is there any chance that I could get at least a ball park quote from you by tomorrow?

Thank you,

Mary

From: Jim Viale <jviale@FisherTank.com>**Sent:** Friday, August 19, 2022 2:05 PM**To:** Mary B <maryb@townofpaonia.com>

Cc: rshort@rvemontrose.com <rshort@rvemontrose.com>; Corinne Ferguson <corinne@townofpaonia.com>; Ricardo DeLeon <rdeleon@FisherTank.com>
Subject: RE: GC Contact

Mary,

So I just reviewed the document which gives multiple scenarios of locations and sizes. Has your town settled on one yet? There are vastly different configurations suggested and depending on which one you select, there will be pricing differences.

Jim Viale, Area Manager - Western Region, API-653 Inspector #96332
Fisher Tank Company
7380 Morro Road, Atascadero, CA 93422
Cell: 805.275.3611
jviale@FisherTank.com



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From: Mary B <maryb@townofpaonia.com>
Sent: Thursday, August 18, 2022 10:24 AM
To: Jim Viale <jviale@FisherTank.com>
Cc: rshort@rvemontrose.com; Corinne Ferguson <corinne@townofpaonia.com>
Subject: Re: GC Contact

Jim,

Thank you for the contact information. Attached is the preliminary engineering report and the soils report. Please let me know if you need anything else.

Thanks,
Mary

From: Jim Viale <jviale@FisherTank.com>
Sent: Wednesday, August 17, 2022 1:48 PM
To: Mary B <maryb@townofpaonia.com>
Cc: rshort@rvemontrose.com <rshort@rvemontrose.com>
Subject: GC Contact

Mary,

Thanks for calling yesterday. I will get working on a tank budget for you as requested as soon as you send me the preliminary stuff you had already done from an engineering standpoint. I have attached the contact information for Robin with Ridgway in Montrose below. As I mentioned we did a project with them in 2020 and they were great to work with. They are certainly more local to you and they know this type of work for sure. They would handle all of the site/prep work, the foundation, SCADA, piping, anything not tank or tank paint. I encourage you to reach out to Robin and they can round out my budget with the balance of the stuff needed to complete the job so you have more of a fuller picture. Based upon what you described, the big costs are definitely the tank itself, but they can be a great asset for you.

I look forward to seeing the preliminary engineering.

Robin Short

Project Coordinator/Human Resources
 Ridgway Valley Enterprises, Inc.
 P.O. Box 1702
 Montrose, CO 81402
 970-249-9453 Ext. 11
rshort@rvemontrose.com
www.rvemontrose.com

Jim Viale, Area Manager - Western Region, API-653 Inspector #96332

Fisher Tank Company
 7380 Morro Road, Atascadero, CA 93422
 Cell: 805.275.3611
jviale@FisherTank.com



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9500 Lucas Ranch Road
 Rancho Cucamonga, CA 91730
 P. 909.912.0580 | F. 909.912.0588 | Toll Free. 800.221.TANK

DATE: AUGUST 23, 2022
QUOTE NO: RC-8597-GM
EMAIL: MARYY@TOWNOFPAONIA.COM
PHONE: 970-433-1433

TOWN OF PAONIA

ATTN: MS. MARY BACHRAN

RE: BOLTED STEEL STORAGE TANK, PAONIA, COLORADO

Superior Tank Co., Inc. is pleased to offer the following quotation for your consideration. To furnish Materials, Equipment, Labor & Insurance to Fabricate, Coat, Deliver and Assemble the following:

(Plans and specifications have not been provided)

ONE (1) 2,000,000 Gallons (Nominal), 3 – Rings, Center Pole Supported, 1 in 12 Pitched, Steel Cone Roof, Flat Steel Floor, A.W.W.A. D103-09, 48 PSF Roof Live Load, **Factory Powder Coated, throughout with **5 mil** average dry film thickness using Dupont “Tank Tan,” a Thermal Set, **NSF 61 Approved, Epoxy Powder Coating** on Tank Interior and Underside of Floor & **5 mil** average dry film thickness using Dupont “Superior Sand,” a Thermal Set **TGIC Polyester Powder Coating** on Tank Exterior, **124’- 9 5/16” Diameter x 24’ – 1 1/2” High, Bolted Steel Storage Tanks**, with the following appurtenances:**

- 1 – 24” Diameter Shell Manway
- 1 – 24” Square Roof Hatch
- 1 – 20” Screened Roof Vent
- 4 – 6” 150# Flanged Shell Nozzles
- 1 – 6” Overflow w/ External Pipe, Supports & Screen
- 1 – Galvanized Exterior Ladder w/ Fall Arrest System
- 2 – 3.5’ High x 5’ Wide, Galvanized “Wing” Handrails w/ Self Closing Gate
- 1 – Superior Model #2400, Liquid Level Indicator
- 1 – Set of Stamped Calculations & Tank Drawings

TOTAL SELLING PRICE: (F.O.B. PAONIA, COLORADO):.....\$1,867,726.00

HARDWARE: Standard Galvanized Hardware Exterior, Encapsulated Hardware Interior and EPDM gasket used throughout.

CONDITIONS: Superior Tank assumes site is compacted, level and fully accessible for the delivery of materials with forty-eight foot flatbed trucks. Work will be performed in a continuous manner without interruption. **Prevailing wages are not included.** The above erection costs do not take into consideration any restrictive work hour rules, union labor or any special provisions such as safety schooling, safety clothing or hazardous training seminars that may be required.

COMMERCIAL CLARIFICATIONS & EXCLUSIONS: Permits, Sales or Use Taxes, Fees, Insulation, Concrete or Gravel Foundation, Disinfection, Grade Band, Signage, Grout or Sealant or Mastic between Tank & Concrete, Anchor Bolt Assemblies or Fiber Expansion Board, Transducers, Special Inspections, Level Switch, Process Piping, Over-Excavation or



PAGE 2
RC-8597-GM

Recompaction of Existing Soils, Probes, Transmitters, Subgrade, Alarms, Blinds, Flex Coupling, Flap Valves, Freeze Protection, Heater, Heat Tape, Instrumentation, Float Valves or Switches, Downcomers or Supports thereof (Except Where Specified Above), Flex Tends, Valves, Meters, Grading, Gauges, Flap Gates, Water to Hydro-Test or Vacuum Test or Disposal thereof, Bact-T or V.O.C. Tests, Electrical Wiring for Heaters, or Controls thereof, Conduits, Surveying, External or Internal or Below Grade Piping, Fittings, Bonding or Internals **or items not specifically mentioned above.**

QUOTE VALIDITY: 30 DAYS (**Note:** Given the current volatility of steel prices, Superior Tank reserves the right to requote the above referenced tank in the event the price of steel has increased between the above referenced date quoted and the date the tank submittal is approved and released to fabrication.)

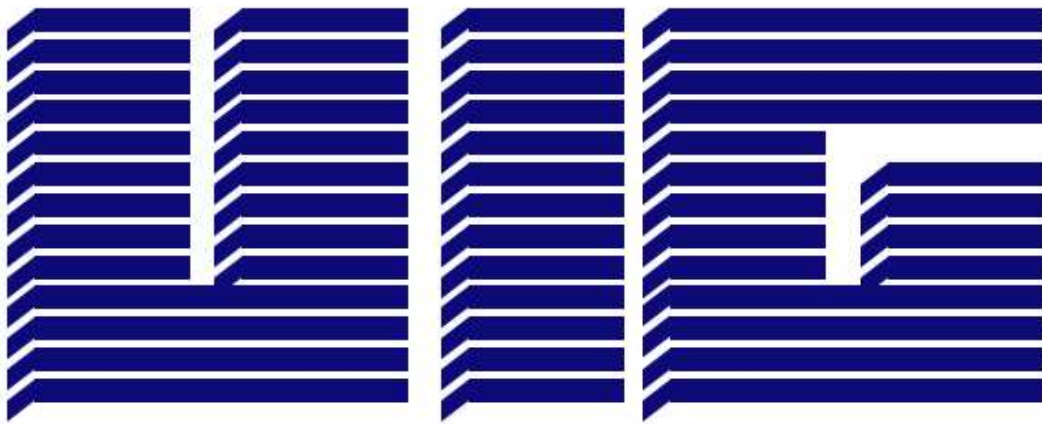
TERMS: 30% Deposit, 50% w/ Delivery of Materials & Balance Due Upon Substantial Completion

DELIVERY TIME: 10 - 12 Weeks (After Drawing Approval, If Required)

Thank you for the opportunity to be of service. If you have any questions or require additional information, please do not hesitate to contact me at your earliest convenience.

Sincerely,

George Marquez
Sales Manager



**TECHNICAL SPECIFICATIONS FOR
THERMOSET EPOXY POWDER COATED BOLTED STEEL WATER
STORAGE TANK AS MANUFACTURED BY
UNITED INDUSTRIES GROUP, INC.**

PART 0 – GENERAL

0.1 DESCRIPTION

- A. CONTRACTOR shall furnish all labor, materials, equipment, and incidentals required to design, fabricate, deliver, erect, and test tank constructed of factory prefabricated fusion bonded epoxy coated bolt-together steel panels. Each tank structure shall include a foundation and other accessory components as shown on the Contract Drawings and described herein.
- B. All required tank materials and principal appurtenances shall be supplied by the tank manufacturer.
- C. Installation shall be executed by a qualified and experienced erection crew, trained and certified by the tank manufacturer.
- D. Tank structures and appurtenances shall be new and not previously used.

0.2 QUALITY ASSURANCE

- A. The Supplier shall offer a Fusion Bonded Epoxy coated bolt together shop pre-fabricated sectional steel tank.
- B. The Supplier will offer a new tank structure as a manufacturer specializing in the design, fabrication and erection of factory applied Fusion Epoxy coating, bolted tank systems. Structural design per the latest AWWA D103 Standard for Bolted Steel Water Storage Tanks (AWWA D103-19).
- C. The tank manufacturer shall have completed 10 (ten) Fusion Bonded Epoxy Coated Bolted storage tanks within the last five (5) years.
- D. **API-12B bolted tanks are unacceptable and shall not be considered as equal to AWWA D103-19std. flat panel tanks.**

1. MATERIALS SPECIFICATIONS

1.1 Plates and Sheets

1.1.1 Plates and sheets used in the construction of the tank shell. Plates and sheets used in the tank shell, flanged joint panels are not acceptable. Tank floor (when supplied) and tank roof, shall comply with the minimum standards of AWWA D103 – 2019.

1.1.2 Design requirements for mild strength steel shall be ASTM A570, Grade 33, ASTM A1011 grade 33, 36, 40, 45; ASTM A36.

1.1.3 Design requirements for high strength steel shall be ASTM A607, Grade 60, ASTM A1011 Grade 50, 55, 60, 65; ASTM A572 Grade 50, 55, 60.

1.2 Rolled Structural Shapes

1.2.1 Material shall conform to minimum standards of ASTM A36 or AISI 1010.

1.3 Horizontal Wind Stiffeners

1.3.1 Intermediate horizontal wind stiffeners shall be of the “web truss” design with extended tail to create multiple layers of stiffener, permitting wind loads to distribute around tank.

1.3.2 Web truss stiffeners shall be of steel with hot dipped galvanized coating.

1.3.3 Rolled steel angle stiffeners are not permitted for intermediate stiffeners.

1.4 Bolt Fasteners

1.4.1 Bolts used in tank lap joints shall be ½” – 13 UNC-2A rolled thread and shall meet the minimum requirements of AWWA D103, Section 2.2.

1.4.2 Bolt Material

1.4.2.1 SAE Grade 2 (1” bolt length)

1.4.2.1.1 Tensile strength – 74,000 psi Min.

1.4.2.1.2 Proof Load – 55,000 psi Min.

1.4.2.1.3 Allowable shear stress – 18,163 psi (AWWA D103).

1.4.2.2 SAE grade 8/ASTM A490 (> 1” bolt length) heat treated to:

1.4.2.2.1 Tensile Strength – 150,000 psi Min.

1.4.2.2.2 Proof Load – 120,000 psi Min.

1.4.2.2.3 Allowable shear stress – 36,818 psi (AWWA D103).

1.4.3 Bolt Finish – Zinc, mechanically deposited or JS500 plating system.

1.4.4 Bolt Head Encapsulation

3.4.4.1 High impact polypropylene copolymer encapsulation of entire bolt head up to the splines on the shank.

1.4.4.2 Resin shall be stabilized with an ultraviolet light resistant material such that the color shall appear black. The bolt head encapsulation shall be certified to meet the NSI/NSF Standard 61 for indirect additives.

1.4.5 All bolts on the vertical tank wall shall be installed such that the head portion is located inside the tank, and the washer and nut are on the exterior.

1.4.6 All lap joint bolts shall be properly selected such that threaded portions of the bolts will not be exposed to the "shear plane" between tank sheets.

1.4.7 Bolt lengths shall be sized to achieve a neat and uniform appearance. Excessive threads extending beyond the nut after torquing will not be permitted.

1.4.8 All lap joint bolts shall include a minimum of four (4) splines on the underside of the bolt head at the shank in order to resist rotation during torquing.

1.5 Sealants

1.5.1 The lap joint sealant shall be a one component, moisture cured, polyurethane compound. The sealant shall be suitable for contact with potable water and shall be certified to meet ANSI/NSF Additives Standard 61 for indirect additives.

1.5.2 The sealant shall be used to seal lap joints and bolt connections and edge fillets for sheet notches and starter sheets. The sealant shall cure to a rubber-like consistency, have excellent adhesion to the thermoset epoxy powder coating, low shrinkage, and be suitable for interior and exterior use.

1.5.5 Final cure time: 10 to 12 days

1.5.6 Neoprene gaskets and tape type sealer shall not be used.

1.5.3 Sealant curing rate at 730 F and 50% RH

1.5.4 Tack-free time: 6 to 8 hours

2. THERMOSET EPOXY POWDER COATING SPECIFICATION

2.1 Cleaning

2.1.1 After fabrication and prior to application of the coating system, all sheets shall be thoroughly cleaned by a caustic wash and hot rinse process followed immediately by hot air drying.

2.2 Surface Preparation

2.2.1 Following cleaning, sheets shall be steel grit-blasted on both sides to the equivalent of SSPC-SP10. Sand blasting and chemical pickling of steel sheets is not acceptable.

2.2.2 The surface anchor pattern shall be not less than 1.0 mil.

2.3 Coating

2.3.1 No shaping, bending, punching, flanging, or grinding may be done on the steel after blasting and before coating. Field coating, except for touch-up will not be permitted.

2.3.2 Coatings shall be in accordance with AWWA D103, Section 10.6 and interior coatings shall be NSF standard 61 approved. Interior coating shall be ThermalBond 579 applied to 5-7 mils average film thickness (DFT). Exterior coating system shall be as follows:

Primer – One coat ThermalBond 579 thermoset epoxy powder primer applied to 3-5 mils DFT.

Topcoat – One coat Super Durable Polyester powder coating applied to 2-3 mils DFT.

3 ERECTION

3.1 Foundation

3.1.1 The tank foundation shall be designed by the manufacturer to safely sustain the structure and its live loads.

3.1.2 The tank foundation shall be designed by the to safely sustain the structure and its live loads.

3.1.3 Tank footing design shall be based on the soil bearing capacity given in Section 2.5.4 as determined by geotechnical analysis performed by a licensed soils engineer. The cost of this investigation and analysis is not to be included in the bid price. Copies of the soil report are to be provided to the bidder prior to bid date by the Owner or Engineer.

3.1.4 Footing designs for soil bearing strengths less than that specified, and those designs deviating from tank manufacturers standard shall be the responsibility of the Owner and his Engineer based on tank live and dead loading data provided by the tank manufacturer.

3.2 Tank Floor

3.2.1 Thermoset epoxy powder coated steel floor

3.2.1.1 The floor is to be a thermoset epoxy powder-coated bolted steel floor. Bolted steel panels shall be placed over a compacted gravel base contained by a steel or concrete ringwall, or a concrete slab, with a non-extruding and resilient bituminous type filler meeting the requirements of ASTM D1751 placed between the tank floor and gravel base to act as a cushion.

3.2.1.2 A plastic encapsulated nutcap shall be used to cover the bolt threads exposed on the inside of the floor.

3.2.1.3 Leveling of the starter ring shall be required and the maximum differential elevation within the ring shall not exceed one-eighth (1/8) inch, nor exceed one-sixteenth (1/16) inch within any ten (10) feet of length.

3.3 Sidewall Structure

3.3.1 Field erection of the thermoset epoxy powder coated, bolted steel tank shall be in strict accordance with the procedures outlined by the manufacturer and performed by an authorized erector of the tank manufacturer, regularly engaged in erection of these tanks, using factory trained and certified personnel.

3.3.2 Specialized erection jacks and building equipment developed and manufactured by the tank manufacturer shall be used to erect the tanks.

3.3.3 Particular care shall be taken in handling and bolting of the tank panels and members to avoid abrasion of the coating system. Prior to a liquid test, the Engineer shall visually inspect all surface areas.

3.3.4 The placement of sealant on each panel may be inspected prior to placement of adjacent panels. However, the Engineer’s inspection shall not relieve the bidder from his responsibility for liquid tightness.

3.3.5 No backfill shall be placed against the tank sidewall without prior written approval and design review of the tank manufacturer. Any backfill shall be placed according to the strict instructions of the tank manufacturer.

3.4 Roof

3.4.2 Clear-span aluminum dome

3.4.2.1 The roof shall be constructed on non-corrugated triangular aluminum panels, which are sealed and firmly clamped in an interlocking manner to a fully triangulated aluminum space truss system of wide flange extrusions, thus forming a dome structure.

3.4.2.2 The dome shall be clear span and designed to be self-supporting from the periphery structure with primary horizontal thrust contained by an integral tension ring. The dome dead weight shall not exceed 3 pounds per square foot of surface area.

3.4.2.3 The dome and tank shall be designed to act as an integral unit. The tank shall be designed to support an aluminum dome roof including all specified live loads.

3.4.3 Roof Vent

3.4.3.1 A properly sized vent assembly in accordance with AWWA D103 shall be furnished and installed above the maximum water level of sufficient capacity so that at maximum design rate of water fill or withdrawal, the resulting interior pressure or vacuum will not exceed 0.5” water column.

3.4.3.2 The overflow pipe shall not be considered to be a tank vent.

3.4.3.3 The vent shall be constructed of aluminum such that the hood can be unbolted and used as a secondary roof access.

3.4.3.4 The vent shall be so designed in construction as to prevent the entrance of birds and/or animals by including an expanded aluminum screen (1/2 inch) opening.

3.5 Appurtenances

3.5.1 Pipe Connections

3.5.1.1 Where pipe connections are shown to pass through tank panels, they shall be field located, saw cut, (acetylene torch cutting or welding is not permitted), and utilize an interior and exterior flange assembly and the tank shell reinforcing shall comply with AWWA D103. A single component urethane sealer shall be applied on any cut panel edges or bolt connections.

3.5.1.2 Overflow piping shall be schedule 80 PVC, seamless aluminum tubing, or FRP.

3.5.2 Outside Tank Ladder

3.5.2.1 An outside tank ladder shall be furnished and installed as shown on the contract drawings.

3.5.2.2 Ladders shall be fabricated of steel and utilize skid-resistant rungs. Finish shall be hot dipped galvanized.

3.5.2.3 Safety cage and step-off platforms shall be fabricated of galvanized steel. Ladders shall be equipped with a hinged lockable entry device.

3.5.3 Access Doors

3.5.3.1 One bottom access door shall be provided as shown on the contract drawings in accordance with AWWA D103.

3.5.3.2 The manhole opening shall be a minimum of 24 inches in diameter. The access door (shell manhole) and the tank shell reinforcing shall comply with AWWA D103, Sec. 5.1.

3.6 - FIELD INSPECTIONS & TESTING

- A. Following completion of erection and cleaning of the tank, the structure shall be tested for liquid tightness by filling to its overflow elevation.
- B. The erector in accordance with the manufacture’s recommendations shall correct any leaks disclosed by this test.
- C. The owner shall furnish water required for testing at the time of tank erection completion, and at no charge to the manufacturer or the appointed tank erector. Disposal of test water shall be the responsibility of the owner.
- D. Upon request labor, water and equipment necessary for hydrostatic tank testing shall be included in the contract price of the tank as optional.

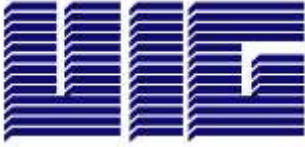
3.3 - DISINFECTION

- A. If required, the tank structure shall be disinfected at the time of testing by chlorination in accordance with AWWA Standard C652 “Disinfection of Water Storage Facilities” or as modified by the manufacturer or the appointed erector.
- B. Disinfection shall not take place until tank sealant is fully cured.
- C. Acceptable forms of chlorine for disinfection shall be:
 - 1. Liquid chlorine as specified in AWWA C652. (Section 4.2.1).
 - 2. Sodium hypochlorite as specified in AWWA C652. (Section 4.2.2).
 - 3. Calcium hypochlorite (HTH) is not acceptable.

D. Acceptable methods of chlorination per AWWA C652:

- 1.** Section 4.3.1.
- 2.** Section 4.3.1.2 – chemical feed pump only (4.3.1.2).
- 3.** Section 4.3.3.
- 4.** Section 4.3.1.3 is not acceptable

END OF SECTION



August 24, 2022

UIG Q22-TBD-CO-KW/R0

To: **Mary Bachran**
Mayor
City of Paonia, CO

RE: City of Paonia Water Potable Water Tank
Paonia, CO
2.0MG Epoxy Coated Potable Water Tank

Dear Mary,

Per your request and limited information provided, we are pleased to offer the following **Eco973 Fusion Bonded Epoxy Coated Steel Bolted Storage Tank** for your consideration:

Tank Design:

- AWWA D103-19, D108-10
- NSF-61
- ASCE 7-16/ IBC 2015
- Design Freeboard: 18"
- Wind: 114 mph
- Snow Load: 35 psf
- Frost Depth: 36"
- Seismic: $S_s=0.354$, $S_1=0.079$
- Risk Category: IV, I_e 1.50
- Specific gravity: 1.00
- Operating Pressure: ATM
- Site Class: C with a minimum soil bearing capacity of 2500 psf per geotechnical report
Client to verify that codes and loads quoted are suitable for location

ECOcoat 973 Bolted Tank:

- **Roof:** Aluminum Geodesic Dome
- **Shell:** Fusion bonded epoxy coated carbon steel
- **Floor:** Epoxy coated carbon steel flat floor

COATING: All interior / exterior powder coatings are ECOcoat 973 thermally bonded at factory. White interior/Tan exterior - Interior surfaces: 5-7 mils/Exterior primer: 4-6 mils/Exterior, UV resistant topcoat 3-4 mils. Standard 1-year warranty

TANK: Approximately **101.54' Diameter X 34.22' Height**, giving an approximate Net Working volume of 2,070,000 USG and a usable volume of **1,982,000 USG** with a freeboard of 18".

Accessories:

- 1 - 30" Square access hatch in dome - AL construction
- 1 - 20" Mushroom Vent with bird screen
- 1 - Partial perimeter handrail for maintenance access, either side of ladder
- 1 - 36" Shell manway with bolt-on hinged cover
- 1 - 8" Overflow nozzle with internal weir cone, ECCS
- 1 - 8" Inlet nozzle, ECCS
- 1 - 8" Outlet w/ vortex breaker plate
- 1 - External ladder with OSHA approved fall arrest and step-off platform, galvanized
- 2 - Grounding lugs
- UIG Standard Name Plate
- UIG Standard Liquid Level Indicator, pressure gauge type
- 1 - Lot of touch-up coating for interior / exterior
- CO PE Stamped Design

ESTIMATED PRICING:

Foundation Design, Loads, & Calcs:	\$	4,500.00
Tank-Design:	\$	25,000.00
Tank-Material & Fabrication:	\$	950,000.00
Tank-Packing, Loading, & Delivery to site:	\$	75,000.00
Cathodic Protection System – Material & Install:	\$	85,000.00
Tank Installation – <u>Open Shop rates</u> :	\$	500,000.00

Warranty: 1 year (after hydro-testing) against defects in materials and workmanship.

Ringwall and/or Mat foundation design drawings and engineering calculations based on geotechnical report supplied by others. Additional charges will apply if piers, pilings, etc. are required due to unsuitable soil conditions. Foundation design charges are subject to change once UIG reviews the geotechnical report supplied by others.

SCHEDULE:

Design: Design calculations and drawings submittal: Approximately **4-6 weeks** after acceptance of your order and settlement of all details plus receipt of the initial payment.

Approval by client: Estimated **1-2 weeks** for each set of submittals.

Fabrication: Initial fabricated material shipments will be made approximately **14-16 weeks** after approval of final drawings and notice to proceed with fabrication.

Erection: Estimated 6-8 weeks (Mon-Saturday 60 Hr Weeks)

Not included in UIG scope:

- Material unloading by others.
 - UIG can assist with unloading for additional \$ 7,500.00
- Supply and disposal of test water, pumps, hoses etc. for hydro-testing (by others).
 - UIG can provide equipment, pumps, hoses pending 50 ft max access to water source, add.....\$ 12,000.00
- Blind flanges not included.
 - UIG can design,fabricate, & install add.....\$ 12,500.00
- Any site grading by others.
- Tank pad to be marked by owner at 0, 90, 180, & 270 degrees prior to mobilization.
- Foundation Construction by others.
- Anchor Bolts procured & Installed by others.
 - UIG can provide Anchor Bolts (material) add.....\$ 10,000.00
 - Install add.....\$ 30,000.00
- Any demolition by others.
- Tideflex Mixer by others.
- Internal/External pipe and valves beyond first exterior flange by others.
- Any electrical wiring and controls by others.
- Any construction permits by others.
- Tank disinfection, if required, to be provided by others.
 - UIG can disinfect tank add.....\$ 30,000.00
- Heat Tracing and/or piping insulation by others. (Additional if Required)
- Any taxes by others.

TERMS OF PAYMENT: By Wire-Transfer– No Retention:

SUPPLY OF TANK:

- 35% of material with Order
- 35% of material Drawing Approval (Net 5-Days)
- 30% on NOA (Notice of Approval to ship) (Net 5-Days)

TANK INSTALLATION:

- 70% - 30 days prior to mobilization
- 30% - due on completion of installation and hydrotesting

NOTES AND CLARIFICATIONS:

- Addenda received: 0
- Pricing subject to UIG Terms and Conditions of Sale
- Installation based on single mobilization.
- Due to current volatility in the steel market, material pricing here within, after the quote valid until date, will be subject to Producing Mill Increase and any applicable increase of material surcharges at the time of order placement.
- This proposal represents our complete offering.
- Unless otherwise noted, UIG has quoted our standard design, fabrication, accessories (perimeter handrails, ladders, etc.) and coatings.
- If the Buyer orders extra work or makes changes by altering, adding to, or deducting from the work set forth in this quote, the price and any completion date quoted will be adjusted accordingly. The price adjustment will include but not be limited to engineering, shipping, manufacturing, materials, construction and administration expense. All changes will be due Net 15.
- Change Orders: In the event of a deviation of scope, United Industries Group, Inc. will inform the on-site representative from the client company of the deviation and submit a written deviation form with costs and/or time and material estimate. This work will not commence until written approval of scope and costs from the client company have been accepted by the UIG on-site representative or authorized management personnel of UIG. Change Orders may impact delivery date.
- Any items or specifications not specifically mentioned above are not part of our proposal.
- Orders are entered on a first-come first-serve basis.
- Every effort will be made to meet schedule requirements. UIG is not responsible for delays due to: adverse weather conditions, building permits or any other delay out of the control of UIG.
- Shipment – Promised shipping dates are approximate. Such dates are estimated from (a) date of receipt of order with complete fabrication information and settlement of all details, and (b) the date of entry of such order by UIG.
- This proposal does not include unloading, hauling, grouting, or washing, painting, welding, load lines or any other systems installation unless stated as being included.
- Our price is based on site being easily accessible by a tractor-trailer and crane with no overhead or other obstructions and adequate room (within 30 feet) directly adjacent to the tank foundations for storage of materials and equipment.
- Unloading of the material by others or additional as quoted above. Material to be staged adjacent to foundation. BUYER to provide

a suitable crane or track excavator to lift and place skids and boxes as directed by SELLER's personnel. Max skid weight = 10,000 lbs. *Lifting straps are to be used; no chains.*

- Domestic freight prices quoted are F.O.B. destination and do not include any permits, duty, sales and/or use taxes.
- If early shipment of BSR/cast-in-place anchor materials is required, additional freight charges may apply.
- International freight charges listed within this quotation are estimated C.I.F. (cost, insurance and freight) per Incoterms 2010 based on current available rates, and do not include any permits, duty, sales and/or use taxes.
- Due to circumstances beyond the control of UIG, freight will be based on actual charges incurred at time of shipment.
- All non-standard applications that do not include water or municipal wastewater require submittal of water chemistry by owner at time of bid. UIG is not responsible for undisclosed water chemistry and warranty may be voided.
- No backfill or any external force including flooding shall be placed against the tank sidewall without prior written approval and design review of UIG. Any backfill, if allowed, shall be placed according to the strict instructions of UIG.
- Customer to provide level tank site within 2' grade.
- Pricing is based on working six (6) 10-hour shifts per week with the 7th day available for a make-up in case of weather delays.
- We have NOT included for site preparation.
- Steel is US domestic per AIS requirement.
- Job site access ways, service roads, and adjacent grounds must be suitable to support continuous installation operations under all typical or expected weather conditions. Ways, roads, and grounds must be clear of obstructions, provide sufficient clear space, be paved with compacted gravel (or better material), be able to support all lifting operations (e.g. cranes, man-lifts, etc.), and ensure no standing Water or mud is retained in the work area.
- Our scope of supply stops at 1st exterior flange of the tank unless otherwise specified.
- We do not provide for the handling, removal or disposal of any hazardous materials such as lead, asbestos, PCB's, etc.
- Piping, valves, mixers, lighting, electrical wiring, control wiring, control systems, and other auxiliary equipment are supplied and installed by others unless otherwise noted in our proposal.
- Disinfection of tank interior is not included within the scope of this proposal unless noted above.
- Customer shall furnish water quality test.
- Installation price is based on weather conditions favorable to continuous tank erection operations. Increased costs apply during seasonal periods that experience weather conditions unfavorable to continuous tank erection operations. Conditions can include extreme cold or heat, excessive wind, snowfall/ice or rain. UIG will follow regulatory guidelines for safe work temperatures. Additional charges will apply based on unfavorable conditions resulting in non-productive time experienced at the time of the build. Charges will be calculated on total daily downtime due to inclement weather and charged at the UIG standard rate sheet.
- If winter erection requires heating the tank interior to cure painting and caulking, it will be furnished by buyer.
- We have not included for cost of obtaining any construction permits.
- Water resistivity is estimated to be between 4,000 and 10,000 ohm-cm.
- Maximum allowable working temperature is 140F. If higher working temperature is required please let us know. For NSF61 application UIG has a sealant option for up to 180deg.F at an additional cost.
- Upon completion of the tank erection allow sealant to cure for minimum 7-days during warm weather conditions between 60 to 110 deg. F and for up to 14 days during cold weather with ambient temperatures below 60 degrees Fahrenheit. To expedite sealant curing process the Owner or General Contractor may provide electric heaters.
- Should concealed, unusual, unexpected, and/or unrecorded conditions be encountered which interfere with normal fabrication procedures, UIG will advise the Buyer of conditions encountered and if the Buyer instructs UIG to perform the necessary work to overcome such conditions, Buyer will reimburse UIG for the extra expense.
- Any time lost due to delays with performance of scheduled payment terms for achieved milestones on behalf of the buyer will be added to the completion time.
- Approval of our drawings to be given within 2 - 3 weeks after receipt. Any delay in customer supplying complete information or approval of drawings will be added to the completion time.
- In our proposal we have not included for Performance Bond, License, Fees and/or any other such fees of any kind.
- Buyer will supply the necessary sanitary facilities and palatable drinking water as required for the performance of the contract. Buyer will ensure all tank parts are within 30 feet of tank foundation with no interfering objects. UIG will be allowed access for a truck to be placed and operated at the erection site.
- Power supply for tools require a minimum 120 volt, 20 amp circuit 3-prong grounded, within 30 foot of foundation.
- Foundation centerlines and base orientation will be established by others at 0 degrees, 90 degrees, 180 degrees, and 270 degrees and marked on the pad, prior to erector arriving at jobsite. Additional charges and/or re-mobilization charges may apply should inaccuracies or deficiencies in foundation work, performed by others, cause lost time.
- Foundation will be clean and clear of any obstruction, material, or equipment. Adequate clearance will be provided around the tank foundation area as well as overhead. Minimum clearance of eight(8) feet is required between tanks, ten feet overhead.
- Buyer responsible for Hydro-Test, if a leak is disclosed during the hydro-test, a UIG service personnel will be dispatched immediately. If UIG is to provide Hydro-Test, buyer shall have water available within 24 hours' notice and begin filling water tank. Buyer shall provide water for Hydro-test and any subsequent fillings after that. Buyer is responsible for emptying and disposing of water after testing. Disinfections if required shall be the responsibility of others. Buyer shall furnish water quality test. Buyer is to blind flange all nozzles for water testing. All water for Hydrotest is to be provided, piped, pumped in the tank and disposed of by others. No post-hydro cleaning has been included.
- Any Post hydro-cleaning required will be by T&M rates or performed by others.
- Our price is based on standards as set forth by AWWA D103 and/or NFPA 22.
- Water is to be clean, potable and LSI balanced or demin water. UIG does not include for water testing, cleaning of sedimentation or contamination caused by poor water quality.
- UIG requires water to be supplied not more than 50-feet from the tank being tested at 250 GPM unrestricted flow. Water shall be gravity drained at an unrestricted flow into a drain or other no more than 50' from the tank.
- Buyer responsible for supplying trash dumpster at job site and for disposing of contents of dumpster.
- UIG construction crews will operate within the rules and regulations of the Occupational Safety and Health Administration. If more stringent Federal, State and local safety standards apply, then UIG will follow the most stringent standard.
- The customer is required to provide all current safety standards, rules, and regulations to UIG prior to order placement. If safety standards, rules or regulations are revised after the sale, then the Buyer is required to provide UIG with a copy of the recently revised safety standards, rules, and regulations no less than 30-days prior to the expected start date. Changes or additions to safety and health requirements that are not already covered by standard UIG safety and health policy may affect cost and schedule agreements.
- Onsite safety orientation, not to exceed one hour in duration, is included. If additional safety orientation or classes are required, then additional charges are applicable.
- Buyer will obtain insurance against loss by fire, lightning, removal, and all extended coverage perils, theft, vandalism, and malicious mischief, earthquake, negligence, and any other insurance which Buyer deems necessary (generally covered in Buyer's Risk policies).

Buyer need not cover tools owned by workers or tools and equipment owned or rented by installer. Buyer is required to provide protection to prevent theft of material from jobsite.

- We reserve the right to have all or part of the work included in this proposal covered by an order or contract placed directly with UIG Parent Company or with a subsidiary or affiliated company, or sublet or assigned by us or by any of the aforementioned companies to a subsidiary or affiliated company.
- UIG, Inc. shall not be held liable or deemed in default if prevented from performing any of the obligations of the Agreement due to causes beyond its reasonable control such as fire, drought, act of God, war, riot, strikes, differences with workmen, lockouts, epidemics, quarantines, delays in transportation, shortage of cars, fuel, labor or materials, embargo, or government orders or actions which in any way interfere with the purchase or manufacture or flow of the necessary materials, products or labor required to manufacture or fabricate the products, materials or workmanship described or referred to in the proposal/contract.
- UIG, Inc. utilizes those standards, specifications and/or interpretations and recommendations of professionally recognized agencies and groups such as AWWA D-100, AWWA D-103, API 12B, API 650, ACI, AISI, AWS, ASTM, ASCE7, IBC, ADM, NFPA, DIN, UL, ISO, FM, U.S. Government, UIG, etc. as the basis in establishing its own design, fabrications and quality criteria, practices methods and tolerances.

Regards,

Kareem Wassef

Project Manager

United Industries Group above Proposal is accepted:

This Order is accepted by United Industries Group, Inc.:

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

This proposal is the property of United Industries Group, Inc. [UIG] contains design concepts, specifications and calculations specifically prepared for your project requirements. This information is considered confidential and shall not be released to others without prior written authorization from UIG.

TERMS AND CONDITIONS OF SALE

1. United Industries Group, Inc. (Seller) hereby provides Buyer a quote containing terms, conditions, specifications, pricing, and exceptions to provide goods and/or services pursuant to Seller's understanding of Buyer's needs and expectations. Buyer represents full knowledge and understanding of all terms, specifications, and exceptions in Seller's quote known as the Proposal from this point forward.
2. Buyer's acceptance of the Proposal, whether by oral or written order, constitutes Buyer's agreement to the general terms and conditions in this Agreement and the terms, conditions, specifications, pricing, and exceptions as described in the Proposal. Buyer further agrees upon date of order the terms, conditions, specifications, pricing, and exceptions as detailed in the Proposal meet all Buyer expectations and is hereby made a part of this Agreement. The Effective Date of this Agreement is the latter date of either Buyer's order if written, or Seller's Proposal.
3. This agreement reflects the entire agreement between the parties with respect to its subject matter. Except for any nondisclosure agreements between the parties, all other oral or written agreements, contracts, understandings, conditions, or representations with respect to the subject matter of this Agreement are superseded by this Agreement. The terms and conditions of this Agreement shall only be amended if specifically changed in writing and signed by an executive officer of Seller.
4. Unless otherwise stated on the face hereof, the price and delivery of all goods, are FOB Seller's factory. Title to the goods shall pass to Buyer when the goods are duly delivered to Carrier at Seller's factory, except where Buyer requests a delay in shipment, in which case the title shall pass to the Buyer when the goods are ready for shipment.
5. The risk of loss to the goods shall pass to Buyer when the goods are duly delivered to the Carrier at Seller's factory, except where the Buyer requests a delay in shipment as described above. The processing of freight claims or loss claims is the responsibility of Buyer.
6. Seller warrants the goods against defects in workmanship and materials under normal and proper use and operating conditions for a period of 12 months from date of shipment. There are no understandings, agreements, representations, or warranties, either express or implied, including without limitation the implied warranties or merchantability and fitness for a particular purpose respecting the goods other than or different from the seller's limited warranty.

Seller's Limited Warranty is subject to the following limitations and conditions:

- a. Seller's Limited warranty shall become void and terminate if, during the warranty period, Buyer (1) transfers its ownership or use of goods to another person (other than initial transfer from Buyer to applicable original intermediaries and the final owner), or (2) puts goods to uses or operates them under conditions, including without limitation the storage of liquids or bulk material of different composition, bulk density, specific gravity,



- flow characteristics, or processes different from those represented to Seller prior to date of shipment, or (3) dismantles or moves tank from its original site, or (4) fails to complete all financial obligations of Seller's sale agreement.
 - b. Seller's Limited Warranty shall become void and terminate if Buyer makes repairs or alterations to goods without obtaining Seller's prior written approval.
 - c. Seller's Limited Warranty does not include (1) corrosion or erosion of goods caused by or resulting from elevated temperatures (above ambient), acids, chemicals, or other caustic substances, (2) the suitability of any material or part selected by Buyer for use with goods, (3) galvanic corrosion due to dissimilar metal interaction of internals, not supplied by Seller.
 - d. On all materials, parts or accessories purchased by Seller from vendors, Seller's Limited Warranty is limited to the duration and effect of the terms and conditions of any warranty given to Seller by such vendors, and then only to the extent that Seller is able to enforce such warranties in appropriate legal proceedings.
 - e. Seller's Limited Warranty excludes structural design (this is covered by the certifying engineers certification) and operating performance issued, problems or consequences attributable in whole or in part to the correctness of design and operating parameters provided by Buyer, the correctness of interfacing work, material or services to be provided by Buyer (such as foundations or attached process or control equipment), Buyer's operating practices or maintenance, or any action by Buyer resulting in the application of abnormal pressures or weight to the structure. Buyer shall also have sole responsibility for determining whether its plans or specifications meet applicable local requirements.
 - f. Seller's Limited Warranty does not cover routine maintenance. Seller's Limited Warranty shall become void and terminate if tank is misused, neglected, or damaged after delivery thereof to Buyer or if it is not properly operated and maintained. This includes, but is not limited to, proper operation, filling and emptying. Ventilation and pressure/vacuum relief devices must be maintained by Buyer to assure that design and operating pressures and vacuums are not exceeded. Grouting, if required, must be installed, and properly maintained by Buyer. Tank and lining/coating must be maintained by Buyer as necessary to protect against wear and corrosion.
 - g. No person, firm or corporation is authorized to make any representation or to incur any obligation in the name of or on behalf of Seller.
 - h. This warranty does not cover damage caused by shipping, handling, or damage caused by operating or maintenance activities.
 - i. This warranty is rendered null and void by force majeure (i.e., Acts of God, wars, violence, vandalism, civil unrest, and the like).
7. In the event of any failure of goods to perform as warranted, Seller will, at Seller's sole option, either replace or repair goods, or refund the purchase price of defective portion of goods supplied to Buyer. The liability of Seller is expressly limited to these remedial measures, and it is understood and agreed that the purchase price for goods is based upon Seller's Limited Warranty and the Limitation of Remedies set out herein. In no event shall Seller be responsible for any INCIDENTAL, PUNITIVE OR CONSEQUENTIAL damages, or damages from tort or negligence (including any negligence by Seller) arising out of or in connection with the use of goods, including without limitation the loss of contents or loss of profits, or for the condition or quality of material stored in the tank, or for any liability of Buyer or provide product or service to any customer of Buyer. This exclusive remedy shall not be deemed to have failed its essential purpose so long as the Seller is willing and able to repair or replace defective Products or issue a credit to the Buyer within a reasonable time after the Buyer shows to Seller that a defect is involved. Total Seller's liability shall be limited to the remaining prorated portion. Seller or its authorized representative will be the sole judge of whether or not any repairs are required under the terms of the warranty. Any action brought by Buyer arising out of or in connection with breach of Seller's Limited Warranty shall be commenced within 90 days after such a cause of action shall have occurred. Unless noted, this agreement does not contemplate any future performance by Seller after the tender of delivery of goods.
- Any warranty claim shall be made to United Industries Group in writing. Once a claim has been made, Seller shall have the right to perform on-site inspection of goods. Such inspection including preparation of the tank for inspection or repair (such as removing product and washing down the tank) will be the sole responsibility and expense of the Buyer. In the alternative, if so instructed by Seller, Buyer shall ship goods, or any part thereof, claimed to be defective to Seller under its shipping instructions and by freight prepaid. If Seller is required to do work on Buyer's premises, Seller shall be granted permission to perform such work with its own service personnel under non-union conditions.
- 8. Buyer shall defend, release, indemnify and hold Seller, its Affiliates and Subcontractors harmless from and against any and all losses, liabilities, costs and expenses (including, without limitation, court costs and attorney's fees) arising out of any claim or cause of action by Buyer employees or invitees, their representatives, agents, heirs, beneficiaries and assigns for injury to or death of Buyer's employees or invitees or damage to Buyer's property to the extent caused by the sole or contributory negligence of Buyer.
 - 9. Neither party shall be liable to the other for special, indirect, or consequential damages resulting from or arising out of this Agreement including, without limitation, damages claimed for loss of use of productive facilities or equipment, lost profits, lost production, or non-operation or increased expense of operation, whether claims or actions for such damages are based upon contract, tort, (including negligence), strict liability or otherwise.
 - 10. Seller's total liability arising at any time from this Agreement shall not exceed the purchase price of the Agreement. These limitations apply whether the liability is based on contract, tort, strict liability or otherwise.
 - 11. All devices, designs, (including drawings, plans and specifications), estimates, prices, notes, electronic data and other documents or information prepared or disclosed by Seller, and all related intellectual property rights shall remain Seller's property. Seller grants Buyer a non-exclusive, non-transferrable license to use any such material solely

- for Buyer's use of the Goods. Neither Seller nor Buyer shall disclose any such material to third parties without the Seller's prior written consent.
12. All copyrights, patents, trade secrets, or other intellectual property rights associated with any ideas, concepts, techniques, inventions, processes, or works of authorship arising out of this Agreement shall belong exclusively to Seller.
 13. Seller's products are supplied for export from the United States in accordance with U.S. Export Administration regulations for ultimate destination to the Buyer who shall not be located in a restricted country as defined by the U.S. Export Administration and diversion contrary to U.S. law is prohibited. Buyer further agrees and warrants that all exports will conform to this regulation.
 14. Buyer and Seller further agree that Seller's Affiliates may perform work for Buyer. In such event, the references to Seller in this Agreement shall mean Seller and such Affiliate of Seller. The Affiliate and Buyer shall be deemed to ratify and agree to be bound by the terms and conditions of this Agreement with respect to its subject matter.
 15. Proposals specifically including freight or other transportation charges are based on rates in effect on the date of Buyer's order and on the routing of shipment arranged by Seller. Seller will ship goods in accordance with Buyer's routing whenever such routing will not result in an increase in freight or other transportation charges. In the event of such increases, the payment of any additional freight or other transportation charges is guaranteed by Buyer to Seller's satisfaction. The goods shall be packaged for shipment at the lowest acceptable rate by common or other carrier, or any other method deemed necessary or advisable by Seller. Marking shall be in accordance with ordinary commercial practice at place of shipment, unless otherwise designated by Buyer and accepted by Seller.
 16. Shipping and delivery dates are approximate and are based upon Seller's ability to obtain all necessary labor, materials, and parts and, where applicable, the receipt of all necessary information, plans or specifications from Buyer. Seller shall not be liable for damages resulting from any delay or failure to deliver the goods, or otherwise perform under the Agreement, due to circumstances beyond its control and not occasioned by its fault or negligence, including but not being limited to, any act of government, inability to obtain materials, failure of vendors, strikes, labor disputes, civil commotion, acts of God, or other occurrences rendering Seller's performance commercially impracticable, regardless of whether such occurrences are foreseeable. In the event of a production shortage, Seller shall have the right to allocate its available goods among its customers in such a manner as Seller shall desire.
 17. Due to the custom nature of Seller's products and equipment, the Buyer accepts title on the later of when the units are completed or the promised ship date. Buyer will be invoiced immediately and accept responsibility for payment and any applicable storage fees.
 18. One (1) weeks "grace period" from agreed upon promised ship date – no charge. A charge of \$100/truck/week for bolted tanks will be assessed for weeks 2-7. A charge of \$250/tank/week for welded tanks will be assessed for weeks 2-7. The maximum storage period is seven (7) weeks. Arrangements must be made for shipments so that the maximum storage period is not exceeded.
 19. Payment terms will be as stated in the TERMS OF PAYMENT section of the quote above.
 20. This Agreement is subject to (a) execution by Buyer of such additional contract documents, security agreements, notes or other instruments as Seller shall deem necessary or desirable and (b) Seller's review and acceptance of the financial condition of Buyer. If the financial condition of Buyer at any time does not in the sole judgment of Seller, justify continuance of shipment under the terms of the Agreement, Seller reserves the right to ship under reservation, or to require full payment before shipment, delivery or erection. Additionally, Seller may at its discretion file such notices for financial protection under the lien or bond statutes of each state.
 21. The manufacturer reserves all drawback rights for materials it produces and sells to Buyer. If Buyer exports the product which Seller manufactures, it is agreed that evidence of exportation shall be supplied to Seller to facilitate its claim of drawback upon request and without charge to Seller.
 22. To secure payment for goods, Buyer grants to Seller a security interest in the goods and agrees that Seller shall have the rights and remedies of a secured party under the Uniform Commercial Code. Buyer designates Seller as its attorney-in-fact to execute any financing statements on behalf of Buyer necessary to perfect such security interest.
 23. Seller's prices do not include sales, excise or similar taxes levied by government authority, either foreign or domestic. Consequently, in addition to the prices specified herein, the amount of any present or future sales, use, excise, or other similar tax applicable to this transaction, shall be paid by Buyer as part of the sale, or in lieu thereof, Buyer shall provide Seller with a tax exemption certificate acceptable to taxing authorities of the Shipped- To state. On any material picked up by Buyer at the plant, the tax jurisdiction of the FOB state is applicable.
 24. No extra labor, materials or parts will be furnished under this Agreement, unless it has been ordered by Buyer or Seller's sales order form, and the prices and terms of sales are approved by Seller. Seller may at its option subcontract labor, material and parts required by this Agreement without Buyer's consent. The goods shall be, at Seller's option, subject to inspection and testing during manufacture. Any inspection by Buyer shall be made prior to shipment at Seller's factory or point of shipment. Unless otherwise agreed to, Seller shall not be responsible for unpacking, storage, field assembly of goods, or construction of foundations. Furthermore, Seller shall not be responsible for the choice of use or linings, sealants, and gasket materials not sold hereunder; or the installation, attachment, or connection of piping, conveying and ventilating equipment, or other attachment of accessories or components not sold hereunder.
 25. Seller, at its own expense, shall defend the Buyer against any claims which may be instituted against the Buyer alleging infringement of United States Patents relating to the subject matter of the accompanying sales proposal, provided the Buyer gives Seller immediate notice in writing of any such alleged patent infringement claim and permits Seller, through its own counsel, to defend such claim. In such cases, Buyer shall furnish Seller with all needed information and assistance. The obligations of Seller hereunder shall not extend to any infringement claims arising as a result of the use of the equipment as part of any combination of other devices, machinery, or parts.

26. Buyer's cancellation of any order is required to be in writing. A 10% charge of total order will apply if cancelled after order is placed; 15% of total order will be charged if order is cancelled after drawings are completed; 50% of total order will be charged if cancelled after materials are received; 75% of total order will be charged if cancellation occurs after fabrication starts and 100% of total order will be charged if cancellation occurs after 50% of fabrication.
27. The rights and obligations of the parties shall be governed by the domestic laws of the State of California without regard to its conflict of law rules or the United Nations Convention for the International Sale of Goods.
28. Any dispute, controversy or claim arising under this agreement shall be settled by arbitration in Orange County, California, pursuant to the American Arbitration Association rules.
29. This Agreement contains the entire agreement between Seller and Buyer, and no modification of this Agreement shall be binding upon Seller unless evidenced by an agreement amending this Agreement in writing signed by an executive officer of Seller after the Effective Date hereof. No oral or written statements by Seller's sales representatives, or other agents, made after the date hereof shall modify or vary the express terms hereof unless evidenced by an agreement in writing signed by an executive officer of Seller after the date hereof. To the extent any advertising or promotional material of Seller contradicts or disagrees with the terms hereof, Seller and Buyer agree that the terms hereof shall control and that such advertising and/or promotional materials are not part of the agreement between Seller and Buyer.
30. At all times hereafter, termination of this Agreement notwithstanding, Buyer shall treat as confidential and shall not, without Seller's prior written consent, divulge to any third party or, except to the extent necessary for performance hereunder, make any use of any proprietary information process or thing, owned, or supplied by Seller or representatives of Seller which is disclosed or made available to Buyer by or on behalf of Seller.
31. It is intended that if any provision of this Agreement is unenforceable for any reason, it shall be adjusted rather than voided, if possible, in order to achieve the intent of the parties. In any event, all other provisions of this Agreement shall be deemed valid, binding, and still enforceable.

GREAT PLAINS STRUCTURES, LLC
3301 LABORE ROAD
VADNAIS HEIGHTS, MN 55110



TO:

PROJECT: Water Storage Tank
Paonia, Colorado

DATE: August 23, 2022

SCOPE OF WORK

GREAT PLAINS STRUCTURES TO PROVIDE MATERIAL, LABOR, AND EQUIPMENT NECESSARY TO INSTALL A *GLASS-FUSED-TO-STEEL AQUASTORE TANKS* MANUFACTURED BY CST INDUSTRIES OF DEKALB, ILLINOIS:

- ❖ WATER STORAGE TANK:
 - ONE (1) 103.51' DIA. X 34.07' TALL GLASS-FUSED-TO-STEEL *AQUASTORE TANK®*.
 - TANK HAS *COBALT BLUE EXTERIOR AND WHITE INTERIOR*
 - TANK CAPACITY: 2,050,078 USEABLE GALLONS WITH 18" OF FREEBOARD
 - ALUMINUM OPTIDOME ROOF
 - 5 YEAR MANUFACTURER'S COATING WARRANTY

- ❖ COLORADO STRUCTURAL P.E. STAMPED TANK CALCULATIONS AND DRAWINGS COMPLETED BY THE TANK MANUFACTURER.

TANK AND ROOF DESIGN

- POTABLE WATER
- SPECIFIC GRAVITY: 1.0
- PH RANGE: 6-9
- STORED TEMPERATURE: AMBIENT
- FLOOR TYPE: *CONCRETE FLOOR – EMBEDDED STARTER*
- PRELIMINARY FOUNDATION DESIGN BASED ON 3,000 PSF SOILS.

DESIGN CONDITIONS

- TANK DESIGNED IN ACCORDANCE WITH: AWWA-2019
- **SEISMIC DESIGN: IBC 2012/2015**
- SEISMIC ZONE: SS: .354; S1: .079
- SEISMIC SITE CLASS: D
- **WIND DESIGN: ASCE 7-10**

- WIND SPEED: 120 (MPH)
- GROUND SNOW LOAD: 40 PSF

COATINGS: GLASS-FUSED- TO-STEEL

- INTERIOR: WHITE – VITRIUM (3 COAT/1 FIRE)
- EXTERIOR FINISH COLOR: **COBALT BLUE**

HARDWARE & SEALER:

- GALVANIZED BOLTS, NUTS, AND WASHERS
- HIGH IMPACT POLYPROPYLENE ENCAPSULATED HEAD BOLTS FOR INTERIOR VERTICAL & HORIZONTAL BOLT SEAMS
- SIKA TS PLUS SEALANT

TANK ACCESSORIES

1. ONE (1) 30” GALVANIZED SIDEWALL MANWAY WITH DAVIT ARM.
2. ONE (1) 10” EXTERNAL SCH 40 PVC OVERFLOW PIPE ALUMINUM INTERIOR WEIR BOX.
3. ONE (1) EXTERNAL ALUMINUM LADDER WITH SAFETY CAGE, BRACKET ASSEMBLY, AND FALL ARREST SYSTEM.
4. ONE (1) FACTORY PASSIVE CATHODIC PROTECTION SYSTEM TO PROTECT TANK INTERIOR.
5. ONE (1) 30” SQUARE ROOF ACCESS HATCH
6. ONE (1) 24” GRAVITY VENT
7. TWO (2) 7’ GUARDRAILS AT HATCH WITH EXTENSION TO LADDER
8. ONE (1) WALKWAY WITH SINGLE HANDRAIL & NON-SKID TAPE
9. TANK INSTALLED BY GREAT PLAINS STRUCTURE’S EMPLOYEES THAT ARE FACTORY CERTIFIED MASTER BUILDERS.
10. FREIGHT TO SITE INCLUDED.
11. 8.7% SALES TAX ON MATERIALS

EXCLUDED ITEMS

1. ALL COSTS ASSOCIATED WITH FILLING AND DRAINING THE TANK FOR TESTING BY GC
2. ANY PERMITS
3. ANY SOILS, COMPACTION, CONCRETE MATERIAL TESTING
4. EXCAVATION, BACKFILL, OR STRUCTURAL FILL
5. CONCRETE FOUNDATION DESIGN
6. ANY CONCRETE FOUNDATION WORK OR CONCRETE SPLASH PAD
7. ANY SITE PIPING, VALVES, AND FITTINGS
8. ANY GEOTECHNICAL WORK
9. ANY ELECTRICAL.
10. SUPPLY OF WATER, FILLING, OR DRAINING THE TANK FOR TESTING
11. ABNORMAL OR RESTRICTIVE WORK RULES
12. PREVAILING OR UNION WAGES

TANK PRICING

ITEM	SIZE	TOTAL
1	104' Diameter x 34' Tall – <i>AQUASTORE TANK (GLASS)</i>	\$ 1,735,000.00
2	Budgetary Concrete Foundation	\$ 165,000.00

TERMS & DELIVERABLES

- ❖ **TERMS:** **20% Down Payment, Progress Payments – Net 30**
- ❖ **APPROVAL DRAWINGS:** Final shop drawings on the tank and foundation are completed and stamped by CST registered structural engineer in the State of Colorado
- ❖ **QUALITY:** Tank material manufactured in the U.S.A – DeKalb, IL. Installation service offered in the Proposal will be performed by GPS employees regularly engaged in the installation of *Aquastore*® storage tanks as manufactured by CST Industries, Inc.
- ❖ **SAFETY:** *Great Plains Structures* has a comprehensive safety policy which is the standard for its employees and subcontractors
- ❖ **INSURANCE:** *Great Plains Structures* will provide a certificate of insurance covering our portion of the work.
- ❖ **VALIDITY:** **Due to extreme price volatility from steel mills and current demand for domestic steel, CST is unable to hold pricing until the storage tank is released for fabrication. If during the performance of this contract, at no fault to Great Plains Structures, steel escalations are greater than 3%, the tank price shall be adjusted by an amount reasonably necessary to cover any such material price increases.**



After you have had an opportunity to review the above proposal and should you have questions, feel free to call me at 480-665-6809.

SINCERELY,

GREAT PLAINS STRUCTURES

Guy Pence

File Attachments for Item:

Scheduling of Work Session Regarding Updates to Resolution 2017-06 - Board Sanctioned Code of Conduct & Use of Moderator

AGENDA SUMMARY FORM



Scheduling of Work Session Regarding Updates to Resolution 2017-06
Board Sanctioned Code of Conduct
Use of Moderator

Summary:

Notes:

Possible Motions:


Motion by: _____ 2nd: _____ vote: _____

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

File Attachments for Item:

Community Member Suzanne Watson – Land Use Code Modifications

AGENDA SUMMARY FORM

	Community Member Suzanne Watson – Land Use Code Modifications
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Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

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: Suzanne Watson

Organization, if speaking on behalf of a group: —

Is this a request for Board action? Yes No

Please provide a summary of your comments:

1) To explain rationale for moving #2017-11 Land Use Ordinances from Chapter 1. to Chapter 16. 2) Agenda item will provide rationale description of the process. 3) I will request Board action/motion to initiate.

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

Bo Nerlin acknowledged the need to address this before he left. This agenda item addresses parts of Chapter 18 that are not secondary codes and not part of the hearing. New business would be appropriate.

Name: Suzanne Watson
 Physical Address: 903 2nd St
 Mailing Address: PO Box 552 Somerset 81434
 E-mail: snewatson905@yahoo.com
 Daytime Phone: 970 527-2329

Office Use Only:
 Received: 8-18-2022
 Approved for Agenda: 8-19-2022
 Board Meeting Date: 8-25-2022

File Attachments for Item:

Finance: Weber & Smith

Parks: Knutson & Stelter

Streets: Valentine & Markle

Water/Sewer/Trash: Weber & Markle

Personnel: Smith & Valentine


Public Safety: Knutson & Stelter

Paonia Tree Board: Trustee Valentine

Advisory Water Committee: Trustee Smith

Ad Hoc Committees:

AGENDA SUMMARY FORM

	<p>Finance: Weber & Smith Parks: Knutson & Stelter Streets: Valentine & Markle Water/Sewer/Trash: Weber & Markle Personnel: Smith & Valentine Public Safety: Knutson & Stelter</p> <p>Paonia Tree Board: Trustee Valentine Advisory Water Committee: Trustee Smith</p> <p>Ad Hoc Committees:</p>
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Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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