



TOWN OF PAONIA
TUESDAY, JANUARY 25, 2022
REGULAR TOWN BOARD MEETING AGENDA
6:30 PM

APPROPRIATE AND CORRECTLY WORN FACE MASKS ARE REQUIRED WHILE ATTENDING BOARD MEETINGS. SHOULD YOU BE UNABLE TO WEAR A FACE MASK YOU CAN VIEW THE MEETING VIA THE TOWN OF PAONIA YOUTUBE CHANNEL.

Roll Call

Approval of Agenda

Announcements

Recognition of Visitors & Guests

- [1.](#) Visitors & Guests

Staff Reports

- [2.](#) Administrator's Report

Disbursements

- [3.](#) Disbursements

Consent Agenda

- [4.](#) Consent Agenda

Regular Minutes:

12/14/2021

01/11/2022

Unfinished Business

- [5.](#) Ordinance 2021-09 Dark Skies Ordinance - Second Read
- [6.](#) Ordinance 01-2022 – Modification of Ordinance 2020-09 Advisory Water Committee
- [7.](#) Discussion Regarding Water Project Priorities

New Business

- [8.](#) Roger Baril - Water Tap Moratorium/Building Permit
- [9.](#) Ordinance 02-2022 Modification of Municipal Code - Board Meeting Dates
- [10.](#) Resolution 02-2022 Modification of Board Rules of Procedure

Mayor's Report

- [11.](#) Mayor's Report

Ad Hoc/Committee Reports

- [12.](#) Ad Hoc/Committee Reports

Adjournment

- [13.](#) Adjournment

I. RULES OF PROCEDURE

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

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

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

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

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

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

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

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

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

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

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

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

II. CONSENT AGENDA

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

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

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

III. EXECUTIVE SESSION

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

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


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

IV. SUBJECT TO AMENDMENT


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

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

AGENDA SUMMARY FORM

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

AGENDA SUMMARY FORM

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

AGENDA SUMMARY FORM



Announcements

Summary:


Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

AGENDA SUMMARY FORM

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

AGENDA SUMMARY FORM

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

January 21, 2022

***“For last year’s words belong to last year’s language and this year’s words await another voice.”
T.S. Eliot***

Administrators Report for January 25, 2022

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

Last meeting follow-up:

- 1a.** Continued conversations with CDPHE to clarify the online/offline status for the end of 2021 are taking place. Updates will follow until resolved.
- 2.** The draft intergovernmental agreement with the City of Delta regarding the shared building depart will be back on the agenda in the next few meetings.
- 3 a.** The updates for the CVRF, CDOT Revitalizing Main St., and Asset Inventory grants are underway and should be included in the packet and on the website for the next meeting. The police blotters will return to regular packet publication at the first meeting of each month beginning in February.


Updates:

- 1b.** The Planning Commission is scheduled to meet on January 27, 2022, at 4 PM to review the Mason alley easement application and a minor subdivision variance request application. Upon their final review, this will come before the Board.
- 2b.** The Town Attorney continues to work on the amending ordinance for the 2018 building code.
- 3b.** The Public Surplus training is complete, and the surplus item list is being inputted to the Town’s account. Once available for publication I will provide the information and link to the Board. Public Surplus is scheduled to follow up to go live in mid-February.
- 4b.** National Meter Company, in conjunction with AT&T is conducting a study to confirm the towns meter locations have adequate bandwidth to update to an office-driven on-demand reading system. The Town is in the process of switching over to the Beacon system, as the older badger read center is no longer functional or supported.

From the desk of Corinne Ferguson
Town Administrator/Clerk

5b. The Delta County School District would like to know if the Board has any thoughts or ideas on a joint endeavor, use for, or other ideas for the old vocational-technical building near 4th Street and Grand Avenue.

AGENDA SUMMARY FORM

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

FOR: 01/25/2022

UBB OPS DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC OPS BALANCE		217,012.75
ACCOUNTS PAYABLE	01/08/22-01/21/22	(27,733.34)
LOAN PAYMENT	WPA D14A212 - APPROVED 1/11/2022	(86,909.45)
NORRIS RETIREMENT PAYMENT	1/26/2022	(1,680.00)
CHASE CREDIT CARD		
AMAZON	12/1/21-12/31/21-APPROVED 1/11/2022	(838.19)
TRANSFER TO SUMMIT		
TRANSFER TO PAYROLL	1/14/2022	(18,708.83)
PAYROLL TAXES	1/14/2022	(8,040.94)
BALANCE AFTER PAYMENT		73,102.00

1

UBB SUMMIT/PAYROLL DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC SUMMIT BALANCE		1,392,857.03
TRANSFER FROM OPS		-
TRANSFER FROM INT. GRANTS		-
TRANSFER TO OPS		
CURRENT FSBC PAYROLL BALANCE		25.00
TRANSFER FROM OPS	1/14/2022	18,708.83
PAYROLL (DIRECT DEPOSIT)	1/14/2022	(18,708.83)
BALANCE AFTER PAYMENT		1,411,590.86

1

1

UBB INTERNAL GRANT DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT INTERNAL GRANT BALANCE		25.00
BALANCE AFTER PAYMENT		25.00

BANK BALANCES				
	FSBC	COLOTRUST	TOTAL	DESCRIPTION
As of: 01/21/2022				
GENERAL		532,404.17		COMBINED FUNDS
SEWER RESTRICTED		530,493.32		PROPERTY SALE-RESTRICTED
DEBT RESERVE		106,892.29		AMKO BOND REQUIRED RESERVE
BRIDGE RESERVE		588,716.54		BRIDGE RESERVE
CONS.TRUST	10,406.97			RESTRICTED TO PARK USE ONLY
GRANT PASS THRU	25.00			PLACE HOLDER-COMBINED FUNDS
INT GRANT	25.00			MOVING TO CD-AMKO BOND RESERVE
OPS	232,021.54			COMBINED FUNDS
PARK CONTRIBUTIONS	12,563.11			SPECIFIC PARK PROJECTS
PAYROLL	25.00			PLACE HOLDER-COMBINED FUNDS
SPACE-TO-CREATE	0.81			SPACE TO CREATE ONLY
SUMMIT	1,392,857.03			COMBINED FUNDS
WWTP	58,482.72			OLD SEWER REHAB ONLY
CD#2-402	203,237.95			COMBINED FUNDS-LOC COLLATERAL
CD#3-2578	260,335.52			COMBINED FUNDS
	2,169,980.65	1,758,506.32	3,928,486.97	

CASH POSITION				
	COMBINED	RESTRICTED	TOTAL	DESCRIPTION
As of: 01/21/2022				
GENERAL	532,404.17			
SEWER RESTRICTED		530,493.32		RESTRICTED TO SEWER CAPITAL PROJECT
DEBT RESERVE		106,892.29		RESTRICTED LOAN REQUIREMENT
BRIDGE RESERVE		588,716.54		RESTRICTED TO BRIDGE REPAIRS
CONS.TRUST		10,406.97		RESTRICTED TO PARK CAPITAL PROJECT
GRANT PASS THRU	25.00			
INT GRANT		25.00		RESTRICTED LOAN REQUIREMENT
OPS	232,021.54			
PARK CONTRIBUTIONS		12,563.11		SPECIFIC PARK PROJECTS AS DONATED
PAYROLL	25.00			
SPACE-TO-CREATE		0.81		SPACE TO CREATE ONLY
SUMMIT	1,392,857.03			
WWTP		58,482.72		OLD SEWER REHAB ONLY
CD#2-402	203,237.95			
CD#3-2578	260,335.52			
	2,620,906.21	1,307,580.76	3,928,486.97	

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	
01/25/2022	1072	ArchiveSocial, Inc.	20340	2,988.00	.00	.00	2,988.00				2022 SUBSCRIPTION
01/25/2022	1021	AXON Enterprise I	INUS047814	3,654.00	.00	.00	3,654.00				ANNUAL FEE
01/25/2022	987	Black Hills Energy	JAN.22	3,086.37	.00	.00	3,086.37				UTILITIES
01/25/2022	14	Bolinger & Queen I	99946/1	135.00	.00	.00	135.00				WATER PARTS
01/25/2022	1222	Colorado Analytica	220103007	620.00	.00	.00	620.00				WATER SAMPLES
01/25/2022	43	Delta Montrose Ele	01/18/2022-S	2,769.08	.00	.00	2,769.08				UTILITIES
01/25/2022	43	Delta Montrose Ele	JAN2022	1,405.48	.00	.00	1,405.48				UTILITIES
01/25/2022	368	Double J Disposal	48199	96.00	.00	.00	96.00				1MG PORTA POTTY
01/25/2022	368	Double J Disposal	48200	241.00	.00	.00	241.00				PARK PORTA POTTIES
01/25/2022	49	Doughty Steel & M	533770	135.00	.00	.00	135.00				PARTS FOR SANDER
01/25/2022	986	Elevate Fiber	66210_2717	802.15	.00	.00	802.15				TELEPHONE & INTERNET
01/25/2022	80	Hellman Motor Co	639994/1/2/3	1,647.89	.00	.00	1,647.89				CROWN VIC REPAIR
01/25/2022	1066	JP Cooke Co.	709745	67.50	.00	.00	67.50				2022 DOG TAGS
01/25/2022	470	Leon, Susan	1/1/22-1/31/2	750.00	.00	.00	750.00				CLEANING CONTRACT
01/25/2022	645	Mail Services, LLC	1821066	454.11	.00	.00	454.11				BILLING POST CARDS
01/25/2022	1168	One Delta County:	1149	2,422.19	.00	.00	2,422.19				ANNUAL SHARE
01/25/2022	1002	Psychological Res	2201036	135.00	.00	.00	135.00				PD NEW HIRE
01/25/2022	145	Robert's Enterprise	0101-0228	100.00	.00	.00	100.00				TRASH SERVICE
01/25/2022	1170	Shums Coda Asso	15097	180.00	.00	.00	180.00				BUILDING INSPECTOR-PLAN REVIEWS
01/25/2022	1170	Shums Coda Asso	15098	530.00	.00	.00	530.00				BUILDING INSPECTOR-INSPECTION SERVICES
01/25/2022	1170	Shums Coda Asso	15099	840.00	.00	.00	840.00				BUILDING INSPECTOR-CONSULTING SERVICES
01/25/2022	156	TDS Telecom	1-2022	274.67	.00	.00	274.67				TELEPHONE & INTERNET
01/25/2022	588	Wilbur-Ellis Compa	14759919	500.00	.00	.00	500.00				SEWER CHEMICALS
01/25/2022	491	Winwater Corp	062500 01	712.20	.00	.00	712.20				WATER LEAK
01/25/2022	491	Winwater Corp	062501 01	656.08	.00	.00	656.08				WATER REPAIR
01/25/2022	491	Winwater Corp	062508 01	465.46	.00	.00	465.46				WATER PLANT REPAIR
01/25/2022	491	Winwater Corp	062509 01	1,341.16	.00	.00	1,341.16				WATER PARTS
Grand Totals:				27	27,008.34	.00	.00	27,008.34			

Cash Requirements Summary

Date	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Net Cumulative Amount
01/25/2022	27,008.34	.00	.00	27,008.34	27,008.34
Grand Totals:		27,008.34	.00	.00	27,008.34

Employee Number	Name	85-00 Net Pay Emp Amt
1006	Cassidy, Susan L	523.64
1056	Cecil, Raymond Cole	1,365.93
1052	Edwards, Roger	990.19
1002	Ferguson, J. Corinne	2,257.57
1026	Heiniger, Kaden D	1,189.24
1022	Hinyard, Patrick	1,440.31
1001	Jones, Cynthia	1,761.15
1027	Kramer, Lance W	1,427.50
1050	Loberg, Travis	2,056.74
1003	Mojarro-Lopez, Amanda	1,019.03
1051	Reich, Dennis	983.55
1058	Rose, James M	1,409.17
1021	Winnett, Lorin E	1,225.96
1004	Wuollet, Candice C	1,058.85
Grand Totals:		
	14	18,708.83



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		01/07/2022	74-00	Federal Tax Deposit Social Security	10-0216	1,076.15
2	IRS Tax Deposit		01/07/2022	74-00	Federal Tax Deposit Social Security	10-0216	1,076.15
2	IRS Tax Deposit		01/07/2022	75-00	Federal Tax Deposit Medicare Pay P	10-0216	358.11
2	IRS Tax Deposit		01/07/2022	75-00	Federal Tax Deposit Medicare Pay P	10-0216	358.11
2	IRS Tax Deposit		01/07/2022	76-00	Federal Tax Deposit Federal Withhold	10-0216	1,979.63
Total 2:							4,848.15
4							
4	Aflac		01/07/2022	63-01	Aflac Pre-Tax Pay Period: 1/7/2022	10-0225	136.50
4	Aflac		01/07/2022	63-02	Aflac After Tax Pay Period: 1/7/2022	10-0225	24.90
Total 4:							161.40
6							
6	Colorado Dept of Labor		01/07/2022	98-00	SUTA State Unemployment Tax Pay	10-0218	51.16
Total 6:							51.16
9							
9	Colorado Dept of Revenue		01/07/2022	77-00	State Withholding Tax Pay Period: 1/7	10-0217	804.00
Total 9:							804.00
30							
30	Empower Retirement		01/07/2022	51-01	Retirement Plan Retirement		1,565.27+
30	Empower Retirement		01/07/2022	51-01	Retirement Plan Retirement		95.52-
30	Empower Retirement		01/07/2022	51-02	Retirement Plan Retirement		
Total 30:							1,469.75*
33							
33	FPPA - Fire & Police Pensi		01/07/2022	50-00	FPPA Pay Period: 1/7/2022	10-0219	854.40
33	FPPA - Fire & Police Pensi		01/07/2022	50-00	FPPA Pay Period: 1/7/2022	10-0219	640.80
33	FPPA - Fire & Police Pensi		01/07/2022	90-00	Death & Disability Pay Period: 1/7/20	10-0219	227.84
Total 33:							1,723.04
70							
70	Rocky Mountain HMO		01/07/2022	60-01	RMHMO - Employee Only Pay Period	10-0223	230.44
70	Rocky Mountain HMO		01/07/2022	60-01	RMHMO - Employee Only Pay Period	10-0223	3,769.93
70	Rocky Mountain HMO		01/07/2022	60-03	RMHMO - Employee + Family Pay Pe	10-0223	133.80
70	Rocky Mountain HMO		01/07/2022	60-03	RMHMO - Employee + Family Pay Pe	10-0223	3,356.38
70	Rocky Mountain HMO		01/07/2022	60-07	RMHMO - Employee + Spouse Pay P	10-0223	93.98
70	Rocky Mountain HMO		01/07/2022	60-07	RMHMO - Employee + Spouse Pay P	10-0223	874.38
Total 70:							8,458.91
71							
71	The Harford		01/07/2022	65-01	Group#013307460001 Hartford Basic	10-0226	16.96
71	The Harford		01/07/2022	65-02	Group#013307460001 Hartford Suppl	10-0226	29.51

1,565.27+

95.52-

002

1,469.75*

mo.

072

mo.

mo.

Transmittal Number	Name	Invoice Number	Pay Per Date	Pay Code	Description	GL Account	Amount
71	The Harford		01/07/2022	65-03	Group#013307460001 Hartford Disab	10-0226	77.73
Total 71:							124.20
73							
73	Delta Dental of Colorado		01/07/2022	60-05	Dental RMHMO - Dental Pay Period:	10-0223	193.53
Total 73:							193.53
75							
75	VSP Insurance CO (CT)		01/07/2022	60-04	RMHMO - Vision Pay Period: 1/7/202	10-0223	75.21
Total 75:							75.21
Grand Totals:							18,004.87

mo.
mo.
mo.

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

BANK BALANCES 2021

BANK	ACCOUNT	JAN	JULY	AUG	SEP	OCT	NOV	DEC	X
OPERATING ACCOUNTS									
UBB (FSBC)	PREV BAL	113,781.20	157,400.68	209,269.45	183,060.61	250,780.75	295,013.38	154,589.45	
OPS - 0733	CKS/DR	389,227.23	296,420.99	310,920.59	253,528.98	240,466.18	418,044.74	189,274.07	
	DEP/CR	269,648.17	348,289.76	284,711.75	321,249.12	284,698.81	277,620.81	259,714.30	
	END BAL	(5,797.86)	209,269.45	183,060.61	250,780.75	295,013.38	154,589.45	225,029.68	X
	RATE	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
UBB (FSBC)	PREV BAL	25.00	22,085.80	25.00	25.00	25.00	25.00	17,583.71	
PAYROLL - 3629	CKS/DR	44,780.38	69,121.53	46,511.14	52,994.30	40,428.68	43,980.05	56,521.72	
	DEP/CR	44,780.38	47,060.73	46,511.14	52,994.30	40,428.68	61,538.76	38,963.01	
	END BAL	25.00	25.00	25.00	25.00	25.00	17,583.71	25.00	X
	RATE	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
RESETRICTED FUND ACCOUNTS									
UBB (FSBC)-3858	PREV BAL	25.00	25.00	25.00	25.00	25.00	25.00	25.00	
GRANT	CKS/DR	-	-	-	-	-	-	-	
PASS-THRU	DEP/CR	-	-	-	-	-	-	-	
	END BAL	25.00	25.00	25.00	25.00	25.00	25.00	25.00	X
	RATE	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
UBB (FSBC) (FCNB)	PREV BAL	69,792.78	25.00	72,961.95	25.00	25.00	25.00	25.00	
INTERNAL - 0571	CKS/DR	36,270.94	-	72,936.95	-	-	-	-	
GRANTS	DEP/CR	-	72,936.95	-	-	-	-	-	
	END BAL	33,521.84	72,961.95	25.00	25.00	25.00	25.00	25.00	X
	RATE	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
UBB (FSBC) - 0911	PREV BAL	37,490.27	12,255.11	12,255.11	12,255.11	12,505.11	12,505.11	12,563.11	
PARK	CKS/DR	-	-	-	-	-	-	-	
CONTRIBUTION	DEP/CR	-	-	-	250.00	-	58.00	-	
	INT/CR	-	-	-	-	-	-	-	
	END BAL	37,490.27	12,255.11	12,255.11	12,505.11	12,505.11	12,563.11	12,563.11	X
	RATE	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
UBB (FSBC) - 2318	PREV BAL	58,336.72	58,409.08	58,421.48	58,433.88	58,445.89	58,458.30	58,470.31	
WWTP	CKS/DR	-	-	-	-	-	-	-	
	DEP/CR	-	-	-	-	-	-	-	
	INT/CR	12.39	12.40	12.40	12.01	12.41	12.01	12.41	
	END BAL	58,349.11	58,421.48	58,433.88	58,445.89	58,458.30	58,470.31	58,482.72	X
	RATE	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	
UBB (FSBC) (FCNB)	PREV BAL	8,311.23	10,399.11	10,400.43	10,401.75	10,403.03	10,404.36	10,405.64	
CONSERV	CKS/DR	-	-	-	-	-	-	-	
TRUST 0857	DEP/CR	-	-	-	-	-	-	-	
	INT/CR	1.06	1.32	1.32	1.28	1.33	1.28	1.33	
	END BAL	8,312.29	10,400.43	10,401.75	10,403.03	10,404.36	10,405.64	10,406.97	X
	RATE	0.15%	0.14%	0.15%	0.15%	0.15%	0.15%	0.15%	
UBB (FSBC) - 0563	PREV BAL	13,165.24	13,175.04	13,176.72	13,178.40	13,180.02	13,181.70	13,183.33	
SPACE TO	CKS/DR	-	-	-	-	-	-	13,193.33	
CREATE	DEP/CR	-	-	-	-	-	-	-	
	INT/CR	1.68	1.68	1.68	1.62	1.68	1.63	0.81	
	END BAL	13,166.92	13,176.72	13,178.40	13,180.02	13,181.70	13,183.33	(9.19)	X
	RATE	0.15%	0.15%	0.15%	0.15%	0.15%	0.15%	0.15%	

BANK BALANCES 2021

BANK	ACCOUNT	JAN	JULY	AUG	SEP	OCT	NOV	DEC	X
INVESTMENT ACCOUNTS									
UBB (FSBC) - 3637	PREV BAL	335,136.20	863,213.17	863,433.11	1,036,629.86	1,111,898.41	1,162,187.06	1,392,502.23	
MMKT	CKS/DR	-	-	-	-	-	-	-	
RESERVE	DEP/CR	-	-	172,936.95	75,000.00	50,000.00	230,000.00	-	
	INT/CR	85.39	219.94	259.80	268.55	288.65	315.17	354.80	
	END BAL	335,221.59	863,433.11	1,036,629.86	1,111,898.41	1,162,187.06	1,392,502.23	1,392,857.03	X
	RATE	0.30%	0.300%	0.300%	0.300%	0.300%	0.300%	0.300%	
COLO	PREV BAL	1,757,660.74	1,758,257.58	1,758,306.35	1,758,345.41	1,758,371.64	1,758,396.54	1,758,434.98	
TRUST	CKS/DR	-	-	-	-	-	-	0	
PLUS+	DEP/CR	-	-	-	-	-	-	-	
INVESTMENT	INT/CR	157.43	48.77	39.06	26.23	24.90	38.44	71.34	
	END BAL	1,757,818.17	1,758,306.35	1,758,345.41	1,758,371.64	1,758,396.54	1,758,434.98	1,758,506.32	
	AVG RATE	0.11%	0.03%	0.03%	0.02%	0.02%	0.03%	0.05%	X
UBB (14) (FSBC)	PREV BAL	202,226.89	202,780.73	202,780.73	202,780.73	203,060.69	203,060.69	203,060.69	
18MO	CKS/DR	-	-	-	-	-	-	-	
CD-2143	DEP/CR	-	-	-	-	-	-	-	
	INT/CR	-	-	-	279.96	-	-	177.26	
	END BAL	202,226.89	202,780.73	202,780.73	203,060.69	203,060.69	203,060.69	203,237.95	X
	AVG RATE	0.55%	0.55%	0.55%	0.35%	0.35%	0.35%		
UBB (31) (FSBC)	PREV BAL	255,051.53	255,051.53	259,811.11	259,811.11	259,811.11	260,073.18	260,073.18	
18MO	CKS/DR	-	-	-	-	-	-	-	
CD-2143	DEP/CR	-	-	-	-	-	-	-	
	INT/CR	-	4,759.58	-	-	262.07	-	-	
	END BAL	255,051.53	259,811.11	259,811.11	259,811.11	260,073.18	260,073.18	260,073.18	X
	AVG RATE	2.00%	2.00%	2.00%	0.40%	0.40%	0.40%		
LINE-OF-CREDIT									
UBB (FSBC)	PREV BAL	-	-	-	-	-	-	-	
LOC	CKS/DR	-	-	-	-	-	-	-	
\$200,000.00	DEP/CR	-	-	-	-	-	-	-	
	INT/CR	-	-	-	-	-	-	-	
	END BAL	-	-	-	-	-	-	-	X
	AVG RATE								
	TOTAL PREV BAL	2,851,002.80	3,353,077.83	3,460,866.44	3,534,971.86	3,678,531.65	3,773,355.32	3,880,916.63	
	TOTAL CKS/DR	470,278.55	365,542.52	430,368.68	306,523.28	280,894.86	462,024.79	258,989.12	
	TOTAL DEP/CR	314,428.55	468,287.44	504,159.84	449,493.42	375,127.49	569,217.57	298,677.31	
	TOTAL INT/CR	257.95	5,043.69	314.26	589.65	591.04	368.53	617.95	
	TOTAL 2021 ACCOUNTS	2,695,410.75	3,460,866.44	3,534,971.86	3,678,531.65	3,773,355.32	3,880,916.63	3,921,222.77	
	TOTAL 2020 ACCOUNTS	2,498,095.32	2,838,734.18	2,859,369.34	2,808,076.56	2,958,371.20	2,891,292.77	2,851,002.80	
	TOTAL 2019 ACCOUNTS	1,952,778.56	2,665,999.92	2,668,988.15	2,554,128.62	2,617,541.25	2,579,426.94	2,573,516.58	
	TOTAL 2018 ACCOUNTS	2,243,850.59	2,883,634.79	2,888,148.39	2,489,282.80	2,373,303.20	2,385,227.66	2,261,306.20	
	TOTAL 2017 ACCOUNTS	1,916,629.29	2,015,506.17	1,857,731.32	2,565,761.51	2,498,308.06	2,542,350.77	2,592,978.01	
	TOTAL 2016 ACCOUNTS	987,595.88	1,874,857.87	1,894,042.44	1,883,051.68	1,879,795.32	1,992,492.28	1,777,483.60	
	TOTAL 2015 ACCOUNTS	1,653,400.33	1,593,788.44	1,677,560.21	1,550,452.03	1,568,412.32	1,476,434.43	1,721,006.44	
	TOTAL 2014 ACCOUNTS	2,036,560.85	1,956,418.34	1,991,633.33	2,054,088.02	2,074,813.39	2,032,794.46	1,921,074.79	
	TOTAL 2013 ACCOUNTS	2,361,290.03	1,978,090.95	1,887,185.49	2,153,583.57	2,175,646.11	2,188,694.46	2,112,110.50	
	TOTAL 2012 ACCOUNTS	2,362,402.55	2,357,742.26	2,373,017.68	2,356,132.02	2,552,358.60	2,553,516.47	2,473,702.32	
	2020 VS 2021	197,315.43	622,132.26	675,602.52	870,455.09	814,984.12	989,623.86	1,070,219.97	

AGENDA SUMMARY FORM



Consent Agenda
 Regular Minutes:
 12/14/2021
 01/11/2022

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

TOWN OF PAONIA



Regular Town Board Meeting, December 14, 2021

MAYOR AND CITY COUNCIL MEMBERS

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

December 14, 2021,

Regular Meeting Minutes

6:30 pm

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

ROLL CALL:

Mayor Bachran asked **Finance Clerk Candy Wuollet** to call the roll.

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

Approval of the Agenda:

Trustee Knutson moved to approve the amended agenda as presented, seconded by Trustee Budinger. Motion unanimously passed.

Trustee Meck moved to amend the motion to remove item 9 – board consideration of DOLA Housing assessment grant application & board clarification of the grant review process and include the language of “board liaison and item 18 – advisory water committee chair appointment, seconded by Trustee Knutson. Motion unanimously passed

Announcements:

Trustee Knutson discussed the strategic planning meeting days for January 2022. Stated he would like to set one half day on the 7th or 8th of January in the morning and schedule the second half day meeting upon his return.

Board of Trustees Vacancy Appointments – Affirmation of Office: Town Clerk/Administrator Corinne Ferguson swore in new Trustee Jeff Thompson and Paige Smith.

TOWN OF PAONIA



Affirmation of Office – Police Officer Kaden Heinger: Town Clerk/Administrator Corinne Ferguson swore in new PD officer Kaden Smith.

Visitors and Guest:

Suzanne Watson commented that she does not agree with Back the Badge funding requirements.

Pamela Jackson commented that she does not agree with the Town of Paonia mask mandate for board meetings.

Steven Keenan commented that the water usage could be lower by raising awareness.

Shirin Patterson commented regarding that public works is manually shoveling the leaves.

Staff Reports:

Town Administrator Corinne Ferguson report was included and answered question.

Town Attorney Nerlin no written report was provided.

Public Work & Utilities Director Travis Loberg - No report provided.

Trustee Meck moved that the Administrator's report on the status of the 1 MG tank at the first meeting in January 2022, seconded by Trustee Smith.

- On 1-19-2022 Trustee Meck requested that the 1 MG Clock water tank be included for clarification.

Finance Director Cindy Jones report was included. Town Administrator Ferguson answered questions.

Disbursements: Trustee Knutson moved to approve disbursements as presented, seconded by Trustee Budinger. Motion unanimously passed.

Disbursements Through December 2021- To Be Reviewed First Meeting In 2022: Trustee Budinger moved to approve the second part December 2021 disbursements and will look back at them January 2022, seconded by Trustee Knutson. Motion unanimously passed.

Consent Agenda

Regular Minutes – 11/23/2021

Liquor License Renewal - Blue Sage Center for the Arts – Art License

Liquor License Report of Changes – Friends of the Paradise Theatre – Officers, Directors, Managing Members.

TOWN OF PAONIA



Trustee Knutson moved to approve the consent agenda presented, seconded by Trustee Smith. Motion unanimously passed.

Public Hearing

Lodging & Entertainment Liquor License Application – Brossanova, LLC dba Bross Hotel Bed & Breakfast: Mayor Bachran opened the public hearing at 7:39 pm. Trustee Smith questioned if there was going to be entertainment. Owners Mike and Susan stated that there would be none and would only be serving local wine. Community member Suzanne Watson commented on the 350 feet from the technical school.

Public Hearing opened at 7:39 pm

Public Hearing Closed at 7:47 pm

Trustee Smith moved to approve the license, seconded by Trustee Budinger. Motion unanimously passed.

Unfinished Business

Ordinance 2021-09 Outdoor Lighting Regulation – First Read: Trustee Thompson moved to approve Ordinance 2021-09 Outdoor Lighting Regulation – First Read as written, seconded by Trustee Knutson. Motion unanimously passed.

Trustee Smith moved to amend the motion - Ordinance 2021-09 to be placed in the correct chapter of the town ordinance and definition 2.1.7, 2.1.8, 2.1.9 and 2.1.10 be revised to reflect existing definitions for these types of dwelling units currently in the existing town ordinance, seconded by Knutson. Motion unanimously passed.

Discussion Item Only: Main Avenue Fence Encroachment: Discussion ensued regarding the issue that has been ongoing for several months regarding the fence that property owner Ashley Sargent built on her property. The issues were encroachment on town property, the height of it, and regarding issues with the neighbor. Community discussion regarding moving the fence back inside the property line in order to comply and set a precedence, the town's liability, encroachment permits, Mr. McCarney also talked about the fence being too high and, on his property, making it hard for him to possibly build on the lot in the future.

Trustee Knutson moved to take five-minute recess, seconded by Trustee Budinger. Motion unanimously passed.

TOWN OF PAONIA



Town Treasurer Position – Continued: Trustee Budinger moved to send out letters requesting letter of interest from people who are interested, but not asking them for how much they want, seconded by Trustee Knuston. Motion unanimously passed.

Trustee Meck moved to amend the motion to add the Treasurer job description and be brought back to the Board, seconded by Trustee Knuston. Motion unanimously failed.

Public Hearing

Public Hearing – 2022 Proposed Budget: The Finance Director provided a quick training on ClearGov to the public and board members.

Mayor Bachran opened the budget hearing at 7:48 pm.

Finance Officer Cindy Jones went over the 2022 draft budget.

Trustee Meck made a comment regarding the 44.73% calculation and staff demonstrated how and why this is the calculation.

Trustee Meck moved to allow public comment of five (5) minutes per person, seconded by Trustee Knuston. Motion unanimously passed.

Public Comment:

- Bill Brunner in not in favor of the percentage increase and the purchasing on new vehicles.
- Thomas Markle emailed a spreadsheet he created to Town Administrator Ferguson during the meeting to present his findings on the increases from 2008 through 2022.
- Melissa Munoz made a comment regarding if the marijuana money will be projected and broken down in the budget, Mayor Bacharan stated that it has been presented in previous meeting packet.
- Kris Kendall suggested not to count on the marijuana or grant money.
- Paige Smith made comment regarding how the budget numbers have been changing consistently.
- Suzanne Watson commented regarding not having any public or strategic budget planning over the summer, reflect the language regarding pruning of trees Watson is not agreement with the 2022 percent increase and suggested having flat rate increases across the board for the water another suggestion made was to include a better description of the Back the Badge agreement and clarification of why the police department budget can not be lowered.

Trustee Meck moved to reject the 2022 draft budget. Motion failed for lack of a second.

Trustee Meck moved that no vehicles be purchased in 2022. Motion failed for lack of a second.

TOWN OF PAONIA



Trustee Knuston moved to accept the budget as submitted and amended with two- and half-day planning sessions in the month of January 2022, seconded by Trustee Budinger. Motion passed with one (1) nay by Trustee Meck and three (3) ayes.

Trustee Knuston moved to amend the motion to reflect the comments the board herd on explanations on Marijuana, Back the Badge and Water, seconded by Trustee Budinger. Motion unanimously passed.

New Business

Grand Avenue Street Closure Request: The North Fork Valley Creative Coalition representative Amy Deluca presented the board with the request to close of the 200 block of Grand Ave between second and third street for the Paonia Creative District Holiday Art Fair held December 4th. With additional request to have two (2) food trucks and the Town Hall restrooms open to the public and have the streets either plowed if there is snow or swept before the day of the event.

Trustee Meck moved to grant the request for December 4th to include the restrooms of Town Hall be open to public and allow for two (2) food trucks, seconded by Trustee Budinger. Motion passed unanimously,

Community Member Request – Permission to Place Giving Library in Poulos Park – Ms. B. Chambles: Trustee Knuston moved to table this item, seconded by Trustee Meck. Motion unanimously passed.

Community Member Request – Discussion of Multiple Items Attributed to Members of the Town Staff and Mayor Bachran – Mr. W. Brunner: Mr. W. Brunner asked the mayor to relinquish the gavel for this item. Mr. W. Brunner commented on the Town Administrator letters of interest and the process of the grant process. Mayor Bachran respond to Mr. W. Brunner comments. Mr. W. Brunner's request to the board is to direct the mayor to study the meeting minutes, town ordinance and state statutes and to report back to the board on her duties, privileges and limits of her office, and the board make a resolution clarifying what factors are admissible in performance reviews.

Trustee Meck moved to put the grant process on an agenda with in the first quarter of the new year, seconded Trustee Johnson. Motion was rescinded by Trustee Meck.

Trustee Meck moved to extend the meeting for forty-five (45) minutes, seconded by Trustee Budinger. Motion unanimously passed.

Trustee Meck moved to direct the mayor to study the meeting minutes, agendas, town ordinance, state statutes and to report to the board her duty to follow direct or directives the privileges and limits of her

TOWN OF PAONIA



office, and that the board pass a resolution clarifying what directives are admissible in staff performance and administration performance reviews. Motion failed for lack of a second.

Trustee Meck moved that the board consider a resolution clarifying what factors are admissible in the performance reviews. Motion failed for lack of a second.

Delta County School District 50J Amended Contract for Apple Valley Tennis Courts Use: Trustee Budinger moved to approve the updated agreement for the Delta County School District 50J Amended Contract for Apple Valley Tennis Courts Use, seconded by Trustee Johnson. Motion unanimously passed.

Resolution 2021-09 Water Rates and Charges: Trustee Knuston moved to approve the resolution 2021-09 water rates and charges, seconded by Trustee Johnson. Motion passed with one (1) nay by Trustee Meck and three (3) ayes.

Board Consideration of Mayor Pro-Tem Appointment: Trustee Meck moved to appoint Trustee Knuston as Mayor Pro-Tem, seconded by Trustee Budinger. Motion unanimously passed.

Trustee Knuston abstained himself from voting.

Board Consideration of Trustee Open Seats: Trustee Budinger moved to accept letters of interest until December 2nd until 4:30pm and set a special meeting for December 7th at 5:30pm, seconded by Trustee Knutson. Motion unanimously passed.

Board Consideration of CIRSA Optional Coverages: Trustee Budinger moved to approve the purchase of additional coverage for no-fault water line and excess liability crime, seconded by Trustee Johnson. Motion unanimously passed.

Bill Brunner suggested looking into a volunteer coverage. Trustee Knuston agreed. Town Administrator will be looking into it.

Board Consideration of DOLA Housing Assessment Grant Application and Board Clarification of the Grant Review Process:

Trustee Knutson motioned to deny the DOLA Housing Assessment Grant Application, seconded by Trustee Meck, motion passed.

TOWN OF PAONIA



Trustee Knuston moved to reject the DOLA housing assessment grant application, seconded by Trustee Meck. Motion failed with two (2) ayes by Trustees Knuston and Meck, and two (2) nays by Trustees Budinger and Johnson, and Mayor Bachran abstained.

Trustee Knuston moved to table this item for the December 14th meeting until there is a full board, seconded by Trustee Johnson. Motion unanimously passed.

Trustee Meck moved to extend the meeting for another twenty (20) minutes, seconded by Trustee Knutson. Motion unanimously passed.

Letter of Support Request – RCAC Federal Grant Through USDA: Trustee Meck moved to replace the wording in the last paragraph second sentence to replace “don’t have” with “lack either,” seconded by Trustee Budinger. Motion unanimously passed.

Trustee Budinger moved to approve the letter of support request – RCAC federal grant through USDA, seconded by Trustee Knutson. Motion passed with two (2) ayes and two (2) nays with Mayor Bachran voting aye.

Police Chief Recruiter Update and Recommendation Moving Forward: Trustee Meck moved to accept the proposal from Government Professional Solutions (GPS) at a cost for no more than fifteen-thousand five hundred dollars (\$15,500) for the proposal to provide professional executive search services for the chief position, seconded by Trustee Knutson. Motion unanimously passed.

Trustee Knuston stated that he would volunteer his time in the recruiting process.

Trustee Meck moved to allow Trustee Knuston to volunteer his time the recruiting process of the new chief, seconded by Trustee Budinger. Motion unanimously passed.

Trustee Knuston abstained from voting.

Board Consideration of Town Attorney Proposal: Trustee Knuston moved to extend the recruitment for the attorney, seconded by Trustee Johnson. Motion unanimously passed.

Trustee Meck moved to extend the meeting another five (5) minutes, seconded by Trustee Knutson. Motion unanimously passed.

Town Hall Holiday Closure Request: Trustee Knuston moved to approve the holiday closure request from Town Hall, seconded by Trustee Johnson. Motion unanimously passed.

TOWN OF PAONIA



Trustee Knuston moved to approve the expenditure in the police department budget in the amount for the recruiter, seconded by Trustee Budinger. Motion passed with one (1) nay by Trustee Meck and three (3) ayes.

ADJOURNMENT:

The Regular Council Meeting was adjourned at 10:39 pm.

Amanda Mojarro, Deputy Clerk

Mary Bachran, Mayor

DRAFT

TOWN OF PAONIA



Regular Board Meeting, January 11, 2022

MAYOR AND CITY COUNCILMEMBERS

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

January 11, 2022,

Executive Session Minutes

5:15 pm

Mayor Mary Bachran called the Executive Session of the Town of Paonia to order at 5:15 pm.

ROLL CALL:

Mayor Bachran asked Deputy Clerk Amanda Mojarro to call the roll.

Deputy Clerk Amanda Mojarro called the roll and those present were Mayor Bachran, Trustee Smith, Trustee Thompson, Trustee Johnson, Trustee Meck, Trustee Budinger, and Trustee Knutson.

Executive Session:

For a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); Specific to Eric Pace v. Town of Paonia and Taffine Patterson Complaint

Trustee Knutson moved to enter executive session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); Specific to Eric Pace v. Town of Paonia and Taffine Patterson Complaint, seconded by Trustee Thompson. Motion unanimously passed.

- Entered executive session at 5:16 pm
- Came out of executive session at 6:07 pm
- Executive session attendees were as follows: Mayor Bachran, Trustees Budinger, Knutson, Smith, Thompson, Johnson, and Meck. Attorney Bo Nerlin.

Trustee Knutson moved to recess for twenty minutes (20 min), seconded by Trustee Johnson. Motion unanimously passed.

January 11, 2022,

Regular Meeting Minutes

6:30 pm

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

ROLL CALL:

Mayor Bachran asked Deputy Clerk Amanda Mojarro to call the roll.

Deputy Clerk Mojarro called the roll and those present were Mayor Bachran, Trustee Smith, Trustee Thompson, Trustee Johnson, Trustee Meck, Trustee Budinger and Trustee Knutson.

Approval of the Agenda:

TOWN OF PAONIA



Trustee Knutson announced that he will need to leave the meeting at 8:45 pm and requested to have the section of visitors & guests be moved afterward.

Trustee Knutson moved to move visitors & guests to after 8:45 pm due to Trustee Knutson needing to leave, seconded by Trustee Johnson. Motion unanimously passed.

Trustee Meck moved to amend the motion to have public comment after Trustee Knutson leaves, seconded by Trustee Johnson. Motion unanimously passed.

Announcements:

Mayor Bachran announced that the meeting will not have video and only have audio uploaded to the Town's YouTube channel. She also announced that the packets for those interested in running for Town Trustees are available at Town Hall and due by January 24, 2022, at 4 pm. Requirements to run for trustees as stated by Mayor Bachran are to provide signatures from ten (10) registered voters within the Town of Paonia to be on the election ballot.

Staff Reports:

Staff reports were included in the packet.

Trustee Knutson moved that the Board approve the decision to have SSG hired as contract ORC and submit an RFP for other firms for alternative services, seconded by Trustee Johnson. Trustee Knutson withdrew the motion.

Trustee Smith moved to amend the motion to have the RFP be advertised within the next two (2) weeks, seconded by Trustee Knutson. Trustee Smith withdrew the motion.

Trustee Knutson moved that the Board approve the decision to hire SSG for a two (2) month period, seconded by Trustee Johnson. Motion passed with one (1) nay by Trustee Meck.

Trustee Smith moved that the RFP be developed and posted in all the usual places by the first week in February for the long-term ORC contract, seconded by Trustee Thompson. Motion unanimously passed.

Trustee Smith moved to amend the motion to develop an RFP for a ten (10) month ORC and be advertised in all the usual places by the first week in February 2022, seconded by Trustee Thompson. Motion unanimously passed.

Disbursements:

Trustee Budinger moved to approve disbursements as presented for 11/19/21-12-29-21 & 12/30/21-1/07/22, seconded by Trustee Budinger. Motion unanimously passed.

Consent Agenda

Regular Minutes – 12/14/21

Special Minutes – 12/08/21

Liquor License Renewal: Pizza My Heart dba Loui's Pizza

Special Event Permit: The Learning Council

Trustee Knutson moved to approve the consent agenda as presented, seconded by Trustee Thompson. Trustee Knutson withdrew motion.

Trustee Knutson amended the main motion to add correction by Trustee Meck and Johnson, seconded by Trustee Budinger. Trustee Knutson withdrew motion.

TOWN OF PAONIA



Trustee Knutson moved to approve the Liquor License Renewal for Pizza My Heart dba Loui's Pizza and Special Event Permit for The Learning Council and have the special minutes from 12/8/21 and regular minutes from 12/14/21 be resubmitted with corrections, seconded by Trustee Budinger. Motion unanimously passed.

Corrections as stated by Trustee Meck for the 12/14/21 regular minutes: 1. The motion made by her needs to reflect to state that the Administrator report on the status of the one (1) million tank at the first meeting in January 2022. 2. Minutes does not reflect approval to deny the DOLA housing assessment and needs to be included in the minutes. 3. Minutes need to reflect that there was no Public Works report.

Correction as stated by Trustee Johnson for the 12/08/21 special minutes: 1. The minutes need to reflect votes for the vacant trustee seats as follows, Jeff Thompson received majority of votes for the first trustee seat. A tie between Ben Graves and Paige Smith for the second trustee seat and Mayor Bachran voted for Ben Graves breaking the tie.

Trustee Meck suggested to review the Edesia special permits granted by the Board of Trustees in 2018 under special review. Administrator Ferguson will review and bring back the findings to the board.

Public Hearing

Public Hearing Continued: DMT Paonia, LLC Regulated Marijuana License.

Mayor Bachran opened the public hearing at 7:50 pm.

Board comments: none.

Public comments: none.

Mayor Bachran closed the public hearing at 7:53 pm.

Trustee Budinger moved to approve the application by DMT Paonia, LLC for retail and medical marijuana store, seconded by Trustee Thompson. Motion unanimously passed.

New Business

Resolution 2022-01 Public Posting: Annual update of posting place and newspaper of record:

Trustee Meck moved to approve resolution 2022-01 designating Paonia Town Hall, 214 Grand Ave, as the official notices of public meeting and the Delta County Independent (DCI), Delta Colorado as the official publication newspaper of general circulation for publishing public notices, seconded by Trustee Budinger. Motion unanimously passed.

Trustee Knutson moved to approve publication of summaries of ordinances, request for proposal (RFP), and announcements in the High Country Shopper, seconded by Trustee Meck. Motion unanimously passed.

Christmas Light Winners: Attached were pictures of the winners for December 2021 as chosen by Candy Wuollet's family.

Letter of Support – Delta County Memorial Hospital “Sole Community Hospital” Designation:

Representative Julie Hoffman presented the letter of support and answered any questions by the board.

Trustee Meck moved to approve the letter of support – Delta County Memorial Hospital “Sole Community Hospital” Designation, seconded by Trustee Budinger. Motion unanimously passed.

Follow-Up on the Town Attorney Interview Outcome and Possible Decision:

TOWN OF PAONIA



Trustee Johnson moved that the Town chooses Jeff Conklin & KNH as the Town's legal advisors, seconded by Trustee Meck. Motion unanimously passed.

Trustee Thompson moved to change the ordinance to address the change of the meeting dates from the second and fourth Tuesday of the month to the second and fourth Thursday of the month. Motion unanimously passed.

Trustee Budinger moved that the attorney may but is not necessarily required to attend agenda setting sessions, seconded by Trustee Smith. Trustee Budinger withdrew motion.

Trustee Thompson moved to change ordinance 2-2-60 regular meetings to move trustee meeting to move from the second and fourth Tuesdays of the month to the second and fourth Thursdays of the month contingent upon the acceptance of the Town Attorney position by Jeff Conklin & KNH, seconded by Trustee Knutson. Motion unanimously passed.

Building Official Intergovernmental Agreement with the City of Delta – Preliminary Draft Review: The Town Administrator spoke about the preliminary draft that was presented to the board and answered questions.

Discussion points:

- Passing the 2018 building code.
- On page 65 of the packet under The City Shall – C. The city will provide an average of ten (10) hours of building services to the Town per week, scheduled over two (2) days.
- Town Administrator will participate in the interview process with the City of Delta.
- Demolition permits.
- The Town Administrator does the zoning code.
- No additional fees will be included, and customers will be paying for the building permit.
- Under this new IGA the building permit fee will include the plan review fee.
- Discussed the cost.

Trustee Knutson left the meeting at 8:45 pm.

- Community member Suzanne Watson discussed her concern regarding subdivision plan review fees and zoning regulations.

No motion was made.

Town Administrator stated that no action is required at this meeting and that if there is any additions and feedback by the board on any modifications or inclusions that they would like to include to The Intergovernmental Agreement (IGA) document. The process after those inclusions are made will be to take back the IGA to The City of Delta and get any modifications implemented and approved by their board. The document will then be brought back to the Paonia Board of Trustees for potential approval with a caveat that it will not take effect until the open position is filled.

Unfinished Business

Board Consideration of Pedestrian Bridge Engineering Proposals: The SGM Engineering & Odisea Engineering proposals were both presented to the Board of Trustees.

Trustee Smith moved that the contract be awarded to Odisea for the pedestrian bridge engineering, seconded by Trustee Johnson. Motion unanimously passed.

Visitors and Guests

TOWN OF PAONIA



Christina Patterson was concerned with the turnover in employees the Town of Paonia has had in the past months.

Unfinished Business continued:

2022 Municipal Election Intergovernmental Agreement:

Trustee Budinger moved to accept the 2022 Municipal Election Intergovernmental Agreement, seconded by Trustee Johnson. Motion unanimously passed.

Board Consideration of Modification of Ordinance 2020-09 Advisory Water Committee: Much deliberation was made on this item's language below.

Trustee Meck moved to modify the language in ordinance 2020-09 Advisory Water Committee which coincides with each additional member of the Advisory Water Committee reads as follows: That the preference shall be given to applicants who meet the preference of the Board of Trustees that, of those members of the public encompassing Committee membership, one (1) shall be an in-Town water user, one (1) an out-of-Town water user, and one (1) an authorized representative of a local water company. Motion did not get a second.

Discussion points:

- Addressed the change to the language.
- Remove the work "Shall."

Original Language:

subsection (2) under Sec. 2-10-20 to coincide with the addition of members. This subsection currently reads as follows:

(2) It is the preference of the Board of Trustees that, of those members of the public encompassing Committee membership, one (1) shall be an in-Town water user, one (1) an out-of-Town water user, and one (1) an authorized representative of a local water company.

Language change:

subsection (2) under Sec. 2-10-20 to coincide with the addition of members. This subsection currently reads as follows:

(2) It is the preference of the Board of Trustees that, of those 5 members of the public encompassing Committee membership priorities shall be given, one (1) will be an in-Town water user, one (1) an out-of-Town water user, and one (1) an authorized representative of a local water company.

Discussion ensued regarding other discrepancies in the ordinance.

Administrator Ferguson suggested to the Board to allow staff to revise the language and bring it back for review. The Board agreed.

Advisory Water Committee Trustee Representative Appointment:

Trustee Thompson moved to appoint Trustee Paige Smith as the board liaison of the Advisory Water Committee until the April 2022 election, seconded by Trustee Meck. Motion unanimously passed.

Paonia Tree Board – Board of Trustees Liaison Appointment:

Trustee Smith moved that Trustee Thompson be the Board liaison to the Tree Board, seconded by Trustee Meck. Motion unanimously passed.

Trustee Smith amended the motion to add effective until the April 2022 election, seconded by Trustee Meck. Motion unanimously passed.

TOWN OF PAONIA



Open Planning Commission Seat – Mayoral Appointment:

Mayor Bachran appointed Steve Clisset to the Planning Commission.

Mayor’s Report

Follow up regarding the schedule for the half-day Board Planning Sessions: Mayor Bachran answered questions on the report.

Trustee Budinger moved to extend the meeting for five (5) minutes, seconded by Trustee Thompson. Motion unanimously passed.

Trustee Johnson moved to extend until 9:45 pm, seconded by Trustee Budinger. Motion unanimously passed.

Trustee Thompson moved to hold a preliminary meeting with the Town’s DOLA representative to lay the foundation and groundwork for the future strategic planning process, seconded by Trustee Budinger. Motion unanimously passed.

Mayor’s Report

Ad Hoc Committee, Commissions, and Board Report as needed.

None.

ADJOURNMENT:

The Regular Council Meeting was adjourned at 9:42 pm.

Amanda Mojarro, Deputy Clerk

Mary Bachran, Mayor

AGENDA SUMMARY FORM



Ordinance 2021-09 Dark Skies Ordinance - Second Read

Summary:

Revised version to include corrected references to appropriate zoning code sections and definitions.

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

**TOWN OF PAONIA, COLORADO
ORDINANCE NO. 2021-09**

**AN ORDINANCE OF THE TOWN OF PAONIA, COLORADO
AMENDING THE PAONIA MUNICIPAL CODE TO WITH
THE ADDITION OF CERTAIN SECTIONS TO CHAPTER 18,
ARTICLE 12 REGARDING OUTDOOR LIGHTING
REGULATIONS**

WHEREAS, glare and light pollution can result in safety concerns, diminish the ability to view the night sky, and impact community character; and

WHEREAS, the Paonia Board of Trustees desires to pursue certification through the International Dark-Sky Association to become an International Dark Sky Community; and

WHEREAS, the Town of Paonia has invested, and continues to invest, in protecting the important dark sky resource.

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

Section 1. Code Amendment. Chapter 18, Article 12, is hereby added to the Paonia Municipal Code to read as follows:

See enclosed Exhibit A.

Section 2. Severability.

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

Section 3. Repeal of Prior Ordinances.

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

Section 4. Ordinance Effect.

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

affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 5. Effective Date.

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

INTRODUCED, READ, AND REFERRED before the Board of Trustees for the Town of Paonia, Colorado, on the 27th day of July 2021.

HEARD AND FINALLY ADOPTED by the Town of Paonia Board of Trustees for the Town of Paonia, Colorado, on the 25th day of January, 2022.

TOWN OF PAONIA

By: _____
Mary Bachran, Mayor

ATTEST:

Corinne Ferguson, Town/Administrator Clerk

**TOWN OF PAONIA, COLORADO
ORDINANCE NO. 2021-09**

EXHIBIT A

Outdoor Lighting Regulations

Subsections:

- 18-12-1 Purpose
- 18-12-2 Definitions
- 18-12-3 Applicability
- 18-12-4 General Provisions and Requirements
- 18-12-5 Nonconforming Lights.
- 18-12-6 Administration and Enforcement.
- 18-12-7 Appeals and Variances.

18-12-1 Purpose

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

18-12-2 Definitions

2.1 Terms used in Outdoor Lighting Regulations

- 2.1.1 Correlated color temperature (CCT): A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees kelvin (K). (1)
- 2.1.2 Dark Sky resource: The dark sky unpolluted by artificial light sources typically as seen on moonless nights.
- 2.1.3 Fully shielded fixture: An outdoor light fixture that is designed and mounted such that all light rays are emitted by the installed fixture at angles below the horizontal plane and such that no light rays are emitted at angles which will allow the light to pass directly off the premises appurtenant to the fixture.

- 2.1.4 Lumens: A measure of brightness that is defined as a unit of luminous flux in the International System of Units, that is equal to the amount of light given out through a solid angle by a source of one candela intensity radiating in all directions. (1) 850 lumens = 60-watt equivalent (See note 4)
- 2.1.5 Light Trespass: Light falling where it is not intended to illuminate property, grounds, or buildings in an objectionable manner.
- 2.1.6 Adaptive Controls: devices such as timers, motion-sensors, light-sensitive switches, and other means used to actively regulate the emission of light from light fixtures.
- 2.1.7 Pursuant to Section 16-1-100 of the Code, Dwelling, multiple-family means a single building used by three (3) or more families living independently of each other in separate dwelling units but does not include motels, hotels, boarding houses or tourist homes. See Section 16-2-40 and 16-2-50 of the Town Code.
- 2.1.8 Pursuant to Section 16-1-100 of the Code, Dwelling, two-family means a single building containing two (2) dwelling units and occupied by two (2) families living independently of each other.
- 2.1.9 Pursuant to Section 16-1-100 of the Code, Dwelling, single-family means a detached building used as a dwelling exclusively by one (1) family as an independent living unit. A single-family dwelling does not include a mobile home. See Section 16-2-30 of the Town Code.
- 2.1.10 Non-residential an undivided or combination of undivided lots under one or more ownership or lease arrangements used for commercial, industrial, lodging, institutional, or government use. See Sections 16-2-70, 16-2-80, 16-2-90, 16-2-100 and 16-2-120 of the Town Code.
- 2.1.11 Mixed use an undivided or combination of undivided lots under one or more ownership or lease arrangements used for a mixture of commercial, industrial, institutional, government, and residential use. See Sections 16-2-70, 16-2-80, 16-2-90, 16-2-100 and 16-2-120, Chapter 16, Article 5 and of the Town Code.
- 2.1.12 Lumens per Net Acre: The amount of light specified in lumens that is allocated to the developed portion (net acre) of the gross size of a lot parcel (Note 2)

18-12-3 Applicability

3.1 All exterior outdoor lighting installed after the effective date of this ordinance shall conform to the requirements established by this Chapter 18 Section 12.

3.2 Nonconforming Lighting: All lawful nonconforming lighting prior to the effective date of this ordinance shall be regulated according to requirements defined in Section 18-12-5.

18-12-4 GENERAL PROVISIONS and REQUIREMENTS

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

(1) Shielding. Unless exempted elsewhere in this section, all luminaires whose initial lumens exceed one hundred (100) lumens shall be fully shielded. See Note 5 for examples of shielded and unshielded luminaires.

(2) All fixtures designed to illuminate signs or structures shall be fully shielded and with a CCT as specified in items A1 and A4 of General Provisions and Requirements. The lighting fixtures shall be mounted above the area of the sign or structure to be illuminated.

(3) Blinking, flashing, rotating, or moving lights are prohibited

(4) Maximum Color Temperature of all lighting fixtures: The correlated color temperature (CCT) of any outdoor lighting fixture shall not exceed three thousand degrees kelvin (3000°K) see note 4 below.

(5) The following lumen limits are established to prevent over lighting. Each site should use responsible lighting practices including using the lowest number of lumens needed for the site to provide for safety and functionality:

- a) For non-residential, and mixed-use properties the total amount of outdoor lighting shall not exceed twenty-five thousand (25,000) lumens per net acre. Each lighting fixture shall be limited to 1500 lumens.
- b) For multiple-family and two-family dwellings the total amount of outdoor lighting, shall not exceed twenty thousand (20,000) lumens per net acre. Each fixture shall be limited to 850 lumens.
- c) For single-family dwellings, the total amount of outdoor lighting, shall not exceed six thousand five hundred (6,500) lumens. Each fixture shall be limited to 850 lumens.
- d) All properties shall use adaptive controlled lighting where practical.

(6) Unshielded Lighting shall be prohibited, except for special cases meeting exemption requirements of subsection (B), and also meeting lumen limits in subsection(C).

(7) Existing overhead street lighting owned, operated, or leased by the Town of Paonia shall be compliant with the listed lighting requirements in sections 18-12-4 (A) items 1 and 4 and shall be limited to a lumens cap of 5000 lumens per lamp, unless required for safety reasons as approved by town council

(8) Lighting Curfews:

- a) Lighting used at community and athletic events (including outdoor concerts and other Town-approved events) shall be turned off one hour after the conclusion of the event.

- b) Lighting in Town buildings shall be turned off one hour after close of business or other approved activities unless authorized by appropriate Town authority for safety or maintenance reasons.
- c) Commercial lighting shall be turned off one hour after close of business, except for safety of employees or customers if operations are throughout the night.
- d) Adaptive Controls (such as motion, light sensitive detectors, etc.) shall be used in outdoor commercial and residential lighting where practical.

(9) New Public lighting, owned and operated by the Town of Paonia, either streetlights, walkway lights, or external building lighting shall be allowed as recommended by the Town Administrator in situations where a public health hazard exists which can only be mitigated by artificial light at night and shall be in compliance with Subsection (A).

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

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

- a) Luminance levels for operation between sunset and sunrise shall not exceed 100 nits (100 candelas per square meter) as measured under conditions of a full white display.
- b) Sign illumination shall be extinguished completely one hour after sunset and remain off until one hour before sunrise, or at the close of business; whichever is later.
- c) The luminous/illuminated surface area of an individual sign shall not exceed defined limits in Town Code (TBD).

(B) The following are exempt from the provisions of Subsection (A), provided the provisions in Subsection C are met.

- (1) Lights used to illuminate athletic fields, outdoor recreation areas, and areas used for concerts and other outdoor community events shall be exempt from provisions of subsection (A) provided all the following conditions are met.
 - a. Illuminating Engineering Society (IES) lighting guidelines (RP-6) are followed according to the appropriate class of play.
 - b. Field lighting is provided exclusively for illumination of the surface of play and viewing stands, and not for any other applications
 - c. Illuminance levels must be adjustable based on the task (e.g., active play vs. field maintenance)
 - d. Off-site impacts of the lighting will be limited to the greatest practical extent possible
 - e. A curfew such that lights must be extinguished by one hour after the end of activity, and no later than 10:30 PM Standard Time / 11:30 PM Daylight Savings Time. Variances can be permitted on a case-by-case review for special events that go to midnight.
 - f. Timers must be installed to prevent lights being left on accidentally overnight by automatically extinguishing them
- (2) Signs, postings which are illuminated by building interior light sources, such as neon signs or other lights, provided such signs are lit only during the property owner's business hours.
- (3) Official traffic control devices and lights owned and operated by or pursuant to proper authority of the United States of America, the State of Colorado or any of

their agencies, and such other lights as are specifically required by federal or state law.

- (4) Lawful vehicle lights.
- (5) Holiday lights, provided all conditions are met:
 - a. Holiday lighting shall be temporary and illuminated no more than 75 days during anyone-year period.
 - b. Holiday displays of over 1250 total lumens per parcel, and holiday luminaires exceeding 850 lumens each, are subject to a curfew, and must be turned off from 10:30 pm until 1 hour before sunrise each night.
- (6) Flagpoles. Property owners are encouraged to not illuminate flagpoles at night, but rather to hoist flags after dawn and lower flags before sunset. If flags are illuminated at night, lighting of up to a total of two (2) flags per property is permitted with the following conditions:
 - a. The flags must either be the flag of the United States of America or the flag of the State of Colorado for illumination to be permitted.
 - b. If nighttime illumination is used, flagpoles shall be illuminated only from above. This may be achieved by utilizing a luminaire attached to the top of the flagpole or a luminaire mounted above the top of the flagpole on a structure within fifteen (15) feet of the flagpole and must comply with all sections of this Chapter. The total light output from any luminaire mounted on top of or above a flagpole shall not exceed 800 initial lumens.

(C) Maximum allowed amounts of unshielded lighting. On no parcel shall the amount of allowed unshielded lighting to exceed, in the aggregate, the following values per net acre according to lighting zone:

- a) For mixed use / industrial: (1000) lumens.
- b) For multi-unit residential: (1000) lumens.
- c) For single-family units (1000) lumens.
- d) Temporary holiday lights are not counted toward these limits.

(D) Interior Lighting.

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

(E) Greenhouse lighting shall meet the following requirements:

- (1) All greenhouse lighting is subject to General Provisions and Requirements as outlined in Section 18-12-4. Additionally:
- (2) Greenhouses shall be fully covered with blackout tarps or covers so that no light spills from the premises onto adjacent lands or into the night sky.
- (3) Greenhouse lighting that is not fully covered is subject to a curfew and shall be extinguished at night between 10 pm and 6 am local time.

18-12-5 NONCONFORMING LIGHTS

(A) Lights which were lawfully existing and in use at the time they became nonconforming with the requirements of this Section 18-12-5 by virtue of the initial adoption of this Section, subsequent amendment to this Section or by annexation into the Town, may continue to be used and operated subject to the limitations of this Section.

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

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

(C) All nonconforming Public and Private Lighting either, owned or leased shall be brought into compliance with Section 18-12-4 within 10 years from the effective date of this ordinance.

18-12-6 ADMINISTRATION AND ENFORCEMENT.

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

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

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

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

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

18-12-7 APPEALS AND VARIANCES.

(A) Any person aggrieved by an interpretation of this Section or decision of the Town made in the administration of this Section, may appeal the interpretation or decision to the Town of Paonia Building Code Board of Appeals pursuant to Section 18-11-10 of the Town Code.

(1) The Building Code Board of Appeals may grant a variance only upon a determination that the following criteria are met:

- (a) The variance will be consistent with the public health, safety, and welfare.
- (b) The variance is justified by unreasonable hardship not created by the activities of the applicant or strict compliance is unfeasible.
- (c) The variance will be substantially consistent with the purposes of this Section to avoid nuisances to others, preserve the natural dark sky resource and to maintain IDA community dark sky designation, conserve energy, reduce glare, promote traffic and pedestrian safety, preserve the small-town character of Paonia and promote the Town's master plan.

Notes:

1. Since 2012, the Federal Trade Commission has required that labelling of all light bulbs include temperature (Kelvins) and light output (lumens.) Concerning color temperatures, a CCT of about 5000K approximates sunlight and a CCT of 3000K will have a slightly yellow appearance.
2. Lumens per net acre: For example, a one-acre (44000sqft) lot is developed with a 6000 sq ft multiunit condo plus a 2000sqft wrap-around deck, a 2000sqft detached garage and adjacent developed patio of 1000sqft. Additionally, landscaping improvements around the condo, deck, patio and detached garage adds another 5000sq ft bringing the total developed portion of the lot to 16000sqft or 16000/44000 – approximately 36% of that gross one-acre lot. The lumens allocation for this multiunit example is 20000/per net acre or $20000 * 0.36 = 7272$ lumens.
3. Color Temperature Comparison:




4. Lumens to Wattage Conversion:

How to Buy a Light Bulb

Lumens: The new way of looking at light.

1

You used to buy these.




INCANDESCENT

WATTS
100W
75W
60W
40W

2

You want this much light.




LUMENS


1600
1100
800
450

3


Now you can buy these.



LED
Most Efficient



CFL
More Efficient



HALOGEN

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

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

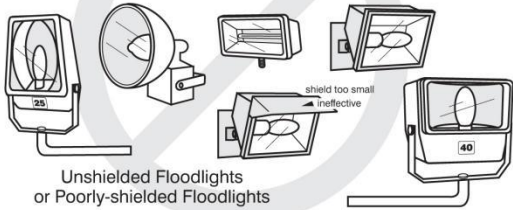
MORE LUMENS = MORE LIGHT

5. Examples of Acceptable (fully shielded) and Unacceptable Dark Sky lighting:

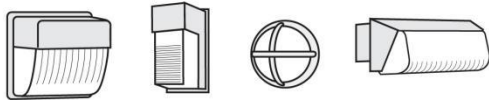
Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

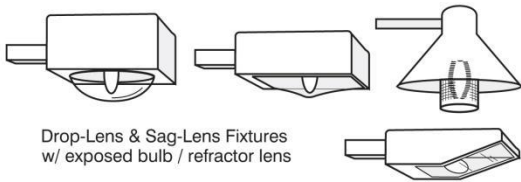
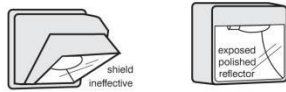
Fixtures that produce glare and light trespass



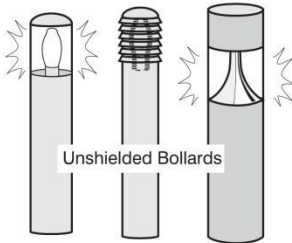
Unshielded Floodlights or Poorly-shielded Floodlights



Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures

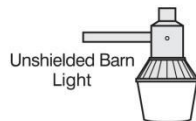


Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens

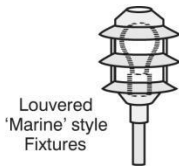


Unshielded Bollards

Unshielded Streetlight



Unshielded Barn Light



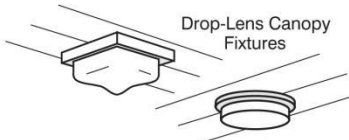
Louvered 'Marine' style Fixtures



Unshielded 'Period' Style Fixtures



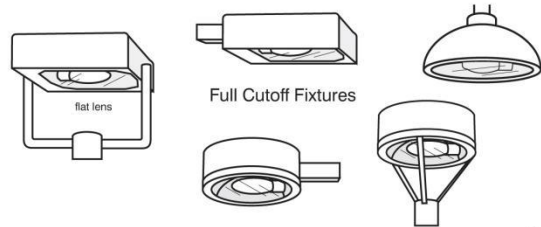
Unshielded PAR Floodlights



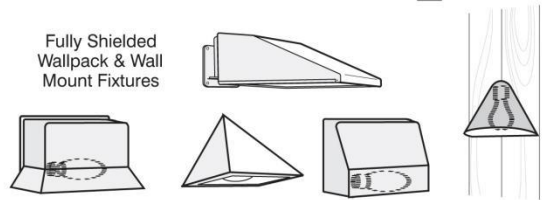
Drop-Lens Canopy Fixtures

Acceptable

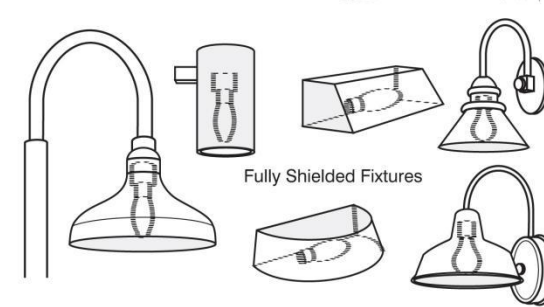
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



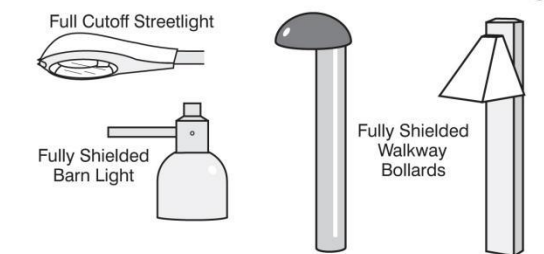
Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures



Fully Shielded Fixtures



Full Cutoff Streetlight

Fully Shielded Barn Light

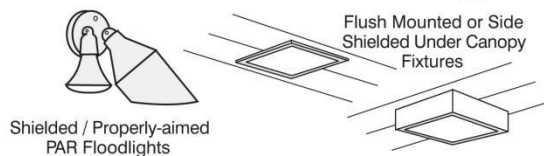
Fully Shielded Walkway Bollards



Fully Shielded Decorative Fixtures



Fully Shielded 'Period' Style Fixtures



Shielded / Properly-aimed PAR Floodlights

Flush Mounted or Side Shielded Under Canopy Fixtures

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

From: sue.watson
To: [Paige S](mailto:Paige.S); dana.hvalac@state.co.us; [Dave K](#); [Mick J](#); [Tamie M](#); [Karen Budinger](#); [Mary B](#); [Jeff T](#)
Cc: [Corinne Ferguson](#); [Thomas Wills](#)
Subject: DARK SKIES COMMENTS reformatted/easier to read?
Date: Sunday, January 23, 2022 11:50:37 AM

PLEASE INCLUDE MY COMMENTS IN THE PACKET TO BE UPLOADED. THANK YOU

Paonia Board of Trustees:

1). There are already ordinances in our Land Use Codes that pertain to lighting. How many places in our code will people have to look to get the whole picture? Ive likened the Paonia Code to a messy closet and the proposed placement of this ordinance will only make it messier and harder to understand. (See examples A. B. C, listed at the bottom)

2). Can a general ordinance in Chapter 18 preclude a Land Use Regulation in Chapter 16 ?(specifically 16-8-340 see example A .vs Dark Skies) My understanding is that since Land Use Codes are created using due process (C.R.S. 31-23 parts 2 and 3), they are protected from being repealed by a general ordinance that does not include due process.

Does the following repeller clause included in the Dark Skies ordinance have any teeth?:

> "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."

3). Since Dark Skies affects property rights, I maintain that the Dark Skies Ordinance would best be suited for Chapter 16 of The Town of Paonia Municipal Code. This ordinance was sourced from Ridgeway, CO and Dark Skies appears to have been part of Ridgeway's Comprehensive Plan (which means Land Use Regulations). However, Ridgeway is a Home Rule Municipality with a Charter while Paonia is a Statutory Town. While Dark Skies may be part of Ridgeway's Building Regulations, I suspect that their code is organized differently than ours in the context of Land Use. I've seen some awful changes made to Paonia's Land Use vs Building Regulations over the past few years to make it look more similar to Ridgeway's Regulations. My understanding is that due process and Land Use protections are only afforded to Paonia residents within Chapters 16 and 17 "Zoning and Subdivisions" of our Municipal Code.

Paonia Chapter 18 Building Regulations are not afforded due process protections. Minutes dated September 7, 2017 describe Paonia's abhorrent rationale for the mass removal of several land use ordinances from Chapter 16 "Zoning" and their subsequent placement into Chapter 18 " Building Regulations." The minutes state:

> "The proposed changes will permit the Board of Trustees to modify the Code through the standard ordinance process and remove the required special review requirements."

4). Please pause and consult your new attorney before Dark Skies its adopted. New ordinances are not free as they must be published and then sent to the Municode company for inclusion into the town code/website. Additionally, if the ordinance must be moved because of impropriety the same costs will be incurred again. Please STOP! and let the new attorney review this ordinance.

At the end of this email Ive included an explanation of due process considerations for your

Sincerely, Suzanne Watson

(I've included an explanation of due process considerations from the internet at the very end)

Examples of current issues

A.

ARTICLE 8. - MANUFACTURED/MOBILE HOME REQUIREMENTS AND REGULATIONS
Sec. 16-8-340. - Walkways and lighting. [SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\)](#)
OF SECTIONEMAIL SECTION

(a) Paved walkways at least four (4) feet wide shall be provided from all mobile home spaces to service buildings and other community areas and along all access roads. (b) Pedestrian circulation areas shall be lighted at night by seven thousand (7,000) lumen lighting standards (equal to 175-watt mercury vapor bulbs) spaced not more than three hundred (300) feet apart with a maximum height of twenty-five (25) feet, or by other lighting methods producing an equivalent level of light at the ground level.

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

Potential conflict in Proposed Dark Skies Ordinance Content?

• (5) The following lumen limits are established to prevent over lighting. Each parcel within the Town should use responsible lighting practices including using the lowest number of lumens needed for the site to provide for safety and functionality:

• a) For non-residential, and mixed use properties the total amount of outdoor

lighting shall not exceed twenty-five thousand (25,000) lumens per net acre.

Each lighting fixture shall be limited to 1500 lumens.

• b) For multiunit residential properties the total amount of outdoor lighting, shall not

exceed twenty thousand (20,000) lumens per net acre. Each fixture shall be

limited to 850 lumens.

• c) For single family residential properties, the total amount of outdoor lighting,

shall not exceed six thousand five hundred (6,500) lumens. Each fixture shall be

limited to 850 lumens.

• d) All properties shall use adaptive controlled lighting where practical.

B.

ARTICLE 4. - SPECIAL REVIEW APPLICATION REQUIREMENTS AND PROCEDURES [SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\)](#) OF SECTIONEMAIL SECTION

Sec. 16-4-50. - Site plan review criteria and performance standards.

(b) Lights and signs shall be located in a manner that will not be distracting to adjoining properties or passing motorists.

(g) Commercial and industrial uses shall conform to the following performance standards:

(1) No dust, odor, gas, fumes, glare or vibration shall extend beyond lot lines. Glare pertains to sunlight reflected from windows or other integral portions of buildings, as well as from lighting fixtures and signs.

C.

ARTICLE 6. - OFF-STREET PARKING AND LOADING

Sec. 16-6-60. - Design requirements for parking areas.

(e). Lighting from any parking area shall not be directed toward any adjacent residential area or public street.

Due Process Considerations in Zoning

The concept of Due Process in the United States flows from the Bill of Rights, as expressed by Amendment V to the U.S. Constitution: "...no person shall be... deprived of life, liberty or property without due process of law..." (emphasis added). This right is re-stated in many state constitutions as well.

The "due process clause" has been vigorously enforced in a long series of court decisions and legislative actions at the state and federal levels which collectively work to limit and set standards for any government actions that may affect personal liberties and private property rights.

In the practice of land use planning and zoning, due process issues are typically divided into two subsets: procedural due process and substantive due process.

Procedural Due Process

Procedural Due Process requires a minimum standard of fairness during the process of making public decisions that impact private rights. Relevant standards include proper public notice; a fair hearing presenting of all sides of an issue; reasonable and impartial standards for decision-making; accurate and accessible public records, and assurance that public decision-makers act without bias or conflict of interest including avoidance of ex parte contact.

While some aspects of procedural due process can seem overly detailed or just technicalities, the importance of assuring procedural compliance cannot be over-emphasized. Violation of procedural due process is the most common way that planning and zoning decisions have been successfully challenged.

Substantive Due Process

Substantive Due Process tends to invoke more generalized requirements for planning and zoning decisions.

Substantive due process protects private citizens against arbitrary or capricious public decisions. Substantive due process requires that regulations have a rational basis for their adoption, and are reasonably related to public health, safety and welfare concerns;

The requirement that zoning regulations be supported by a master plan that provides a sound rationale for regulation can be seen as an expression of substantive due process. For this reason an adopted plan is an important basis for zoning regulations, even in states where state law does not require zoning to be based on a plan.

Mary Ann Heidemann, Michigan State University

JULY 25, 2019 BY COMMUNITY-PLANNING-ZONING. <https://community-planning.extension.org/due-process-considerations-in-zoning/>

AGENDA SUMMARY FORM



Ordinance 01-2022 – Modification of Ordinance 2020-09 Advisory Water Committee

Summary:
Modification to sections 2-10-20 and subsections as discussed at 01/11/2022 meeting.

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

ORDINANCE NO. 01-2022

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, AMENDING THE MAKEUP OF THE TOWN OF PAONIA ADVISORY WATER COMMITTEE

RECITALS:

WHEREAS, the Town of Paonia (the “Town”), is a statutory town and municipal corporation in Delta County, Colorado, governed by and through its Board of Trustees (the “Board”); and

WHEREAS, pursuant to C.R.S. § 31-35-501, the Town has the authority to create a nonpolitical, local legislative body designated as a board of commissioners to address executive, administrative and ministerial powers regarding water and sewer facilities; and

WHEREAS, with the adoption of Ordinance 2020-09 the Town created an Advisory Water Committee in accordance with C.R.S. § 31-35-501; and

WHEREAS, pursuant to direction provided by the Board by the Advisory Water Committee, at its December 14 Regular Board Meeting, the Board of Trustees passed a motion to amend the structure of the Advisory Water Committee.

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

Section 1. Amendment to the Town Code.

Sec. 2-10-20 of the Town Code is amended as follows:

Sec. 2-10-20. – Organization.

1. The Committee shall have no less than three (3) nor more than seven (7) members; one (1) membership shall be filled by a current member of the Board of Trustees; and not less than one (1) nor more than five (5) memberships shall be members of the public. membership shall be by a member of the public.

2. It is the preference of the Board of Trustees that of the six (6) members of the public encompassing Committee membership, priority shall be given to one (1) in-Town water user, one (1) out-of-Town water user, and one (1) authorized representative of a local water company.

3. The terms of the six (6) Committee appointees shall be fixed and designated by the Board of Trustees with three (3) Committee members serving for two (2) years and three (3) Committee members serving for three (3) years from the time of appointment, with the terms of office staggered. The term for the member of the Board of Trustees shall continue until his/her successor is duly elected and qualified, at which time an elected member of the Board shall be designated to

serve on the Water Committee for a term coincident with his/her term of office as a member of the Board of Trustees. In the event there is the appointment of Town staff member, any appointed staff member shall serve at the pleasure of the Mayor, who may modify the staff member appointment or term as required to meet demands on staff time and workload.

Sec. 2-10-40 of the Town Code is amended as follows:

Sec 2-10-40 - Appointment of Officers and Voting.

1. The Committee shall elect its Chair from among its membership and create and fill such other of its offices as it may determine. The term of such office for each officer, including that of the Chair, shall be for two (2) years. The Chair shall preside over all meetings of the Committee. The Chair shall only be entitled to vote on a question in the event of a tie vote of Committee.

2. The Committee may hold at least one (1) regular meeting each quarter. It shall adopt rules for transaction of business and shall keep a record of its transactions, findings and determinations, which records shall be kept in accordance with the Colorado Open Records Act, with the Town the Custodian of Records.

Section 2. Severability.

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

Section 3. Repeal of Prior Ordinances.

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

Section 4. Ordinance Effect.

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

Section 5. Effective Date.

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

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HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia,
Colorado, this _____ day of January 2022

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

By: _____
Mary Bachran, Mayor

ATTEST:

Corinne Ferguson, Town Administrator/Clerk

AGENDA SUMMARY FORM



Discussion Regarding Water Project Priorities

Summary:

Review and discussion regarding previously provided water priority lists.

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

Enterprise Fund - Water Preliminary Priority List

Key:

Priority 1 = 1 to 3 years

Priority 2 = 3 to 5 years

Priority 3 = 5 to 10 years

1. Installation of altitude valve in 2021/2022 (\$40,000) to follow completion of engineering in 2021 (\$10,000). **Priority 1**
2. Line Lamborn Mesa Storage Tank (\$825,000) in 2022. **Priority 1**
3. Replacement/repair of Pressure Reducing Valves (PRV): There are 9 vaults with 16 PRV's. Four PRVs need repaired/replaced (\$35,000 to \$50,000). Seven have been repaired/replaced. Five are in working order. **Priority 1**
4. Contract draft master for plant SCADA plan/software analysis **Priority 2**
5. Hire attorney to shore up water springs / storage rights **Priority 1**
6. Continue budgeting for annual repair/replacement of spring line collection pipes – est. Cost \$800,000 with an annual budget allocation of \$50,000 recommended, currently budgeting \$30,000 **Priority 1**
7. Development of Water Capital Improvement / Master Plan - following Comprehensive Plan Update **Priority 2**
8. Install raw water flow meter at 2MG plant On-site – 2021. No meter replacement needed at 1MG plant.
9. Water Loss Analysis – currently estimated between 30-40%. **Priority 1**
10. Springs rehab – **Priority 1,2,3 – Need to build Reserve**
11. Replace 8-inch pipe from intersection of Stewart Mesa and Lamborn Mesa Road to Cresthaven Road – 3+ miles of pipe (5.5 million) **Priority 2,3**
12. Construct raw water line from German Creek / Lake Fork springs to Clock plant -- \$1,515,600 **Priority 3**
13. Construct raw water line from Pole Patch / Upper Reynolds / Spore springs to 1MG plant -- \$1,818,000 this raw water line currently feeds the 1MG plant.

Not included in the JDS/Trustee list

14. Line replacement on 200 block of Main Avenue and 300 block of Orchard Avenue – last locations with lead pigtail service connections. 2023 - **Priority 1**
15. Hydrant Pressure Sensors – 4 of 8 installed in 2021. **Priority 1**
16. PRV Vault Pressure Monitoring Devices – **Priority 1**
17. Full decommissioning of the ½ mg tank – **Priority 1 – Safety Risk**


Oct. 7, 2021

Submitted by Tamie Meck

As requested, a list of recommendations based on the May, 2021 JDS-Hydro Water System Evaluation for the Town of Paonia water collection, treatment and distribution system. Water storage recommendations are more long-term and not included in this list. The list also does not include staffing recommendations. Some of the projects are underway. The list is somewhat prioritized, but it will be up to the Board to determine final prioritization. Staff has not weighed in on its priorities at this time; appointed citizen AWC members were asked to weigh in on a prior version of this list, which was submitted to staff by the former Public Works, Utilities and Facilities committee (trustees Bear and Meck) as its 2022 budget recommendations, but no comments directly related to the recommendations were received.

1. Installation of altitude valve to connect upper/lower plants -- currently being engineered at an estimated cost of \$10,000. (project must be completed prior to lining of 2MG tank.)
2. Line 2MG tank -- planned for 2022, with RFP going out in January
3. Replacement/repair of Pressure Reducing Valves \$75,000-\$250,000 (some valves have been repaired or replaced, according to Public Works Director Loberg)
4. Contract draft master for plant SCADA plan/software analysis -- \$5,000 (per AWC member Ceriani)
5. Hire attorney to shore up water springs / storage rights (Pages 12-14 of study)
6. Continue budgeting for annual repair/replacement of spring line collection pipes – est. Cost \$800,000 with an annual budget allocation of \$50,000 recommended per JDS study
7. Development of Water Capital Improvement / Master Plan (The recently-released SGM Asset Inventory and Capital Improvement Plan can aid in this process.)
8. Replace raw water flow meters at both 1MG and 2MG plants (Page 56 of JDS study)
9. Water Loss Analysis -- currently estimated between 35-45%; analysis underway?
10. Springs rehab -- "Maximize ability to capture raw water from springs more efficiently": Parshall Flumes / V-notch Weirs at springs (Installation of Parshall Flumes and V-notch weirs at unmonitored springs (11 spill metering locations, 6 parshall flume locations per JDS-Hydro study. Estimated cost per flume, \$7,500 installed for a total of \$45,000; V-notch weirs est. \$500 installed for a total of \$5,500) and installation of monitoring equipment to allow for year-round monitoring (cost TBD). Ceriani recommends asking Chris Lansey of Brown's Hill to perform a site visit and advise AWC/town on best plan to allow for remote monitoring of springs 234 (estimated cost: \$1,000-\$2,500). This would also assist the District 40 water commissioner in measuring water flows.)
11. Replace 8-inch pipe from 2MG plant to western distribution area -- (Per study, "...this line experiences almost routine failure" which removes half of town distribution capacity.)
12. Construct raw water line from German Creek / Lake Fork springs to Clock plant -- \$1,515,600
13. Construct raw water line from Pole Patch / Upper Reynolds / Spore springs to 1MG plant -- \$1,818,000

AGENDA SUMMARY FORM

	Roger Baril - Water Tap Moratorium/Building Permit		
Summary: Request to discuss building on the property and the effect of the water moratorium.			
Notes: Staff requests the Board and Town Attorney review the moratorium language and clarify whether it applies to land use by right existing in the municipal code. Chapter 16 – Zoning – is the primary chapter of the Municipal Code addressing the by right uses of property based on zoning. Full Chapter 16 linked here: https://library.municode.com/ Chapter 16 Article 3 – District Regulations linked here: https://library.municode.com/co/paonia/codes/municipal_code?nodeId=CH16ZO_ART3DIRE			
Possible Motions: Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Meck	Trustee Smith	Trustee Thompson

1-3-22
@
4:27am

**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: Roger Bail

Organization, if speaking on behalf of a group: _____

Is this a request for Board action? Yes No

Please provide a summary of your comments:

To address home owners rights, co-housing, community, fair water obligations for an individual water tap, quality of life, mixed age and better support of broader community. Balanced cost of living, affordable housing.

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

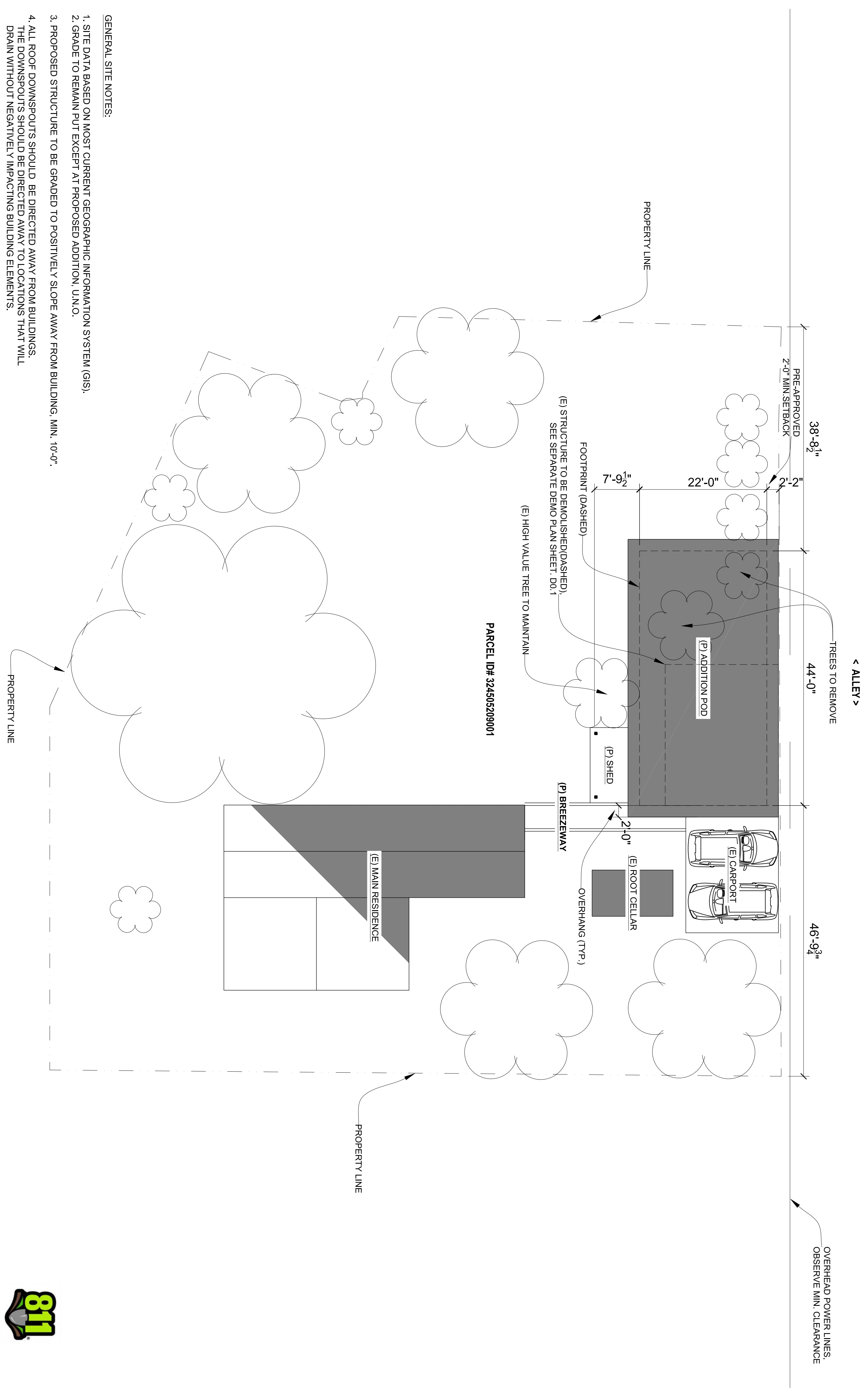
Corrine Ferguson, The consideration of adding on to our home to support my family and our community in Paonia.

Contact information:
Name: Roger Bail
Physical Address: 3300 Delta ave 81428
Mailing Address: Same
E-mail: somaticsmove@yahoo.com
Daytime Phone: 970 683 0588

Office Use Only:	
Received:	<u>1.4.22</u>
Approved for Agenda:	<u>1.10.22</u>
Board Meeting Date:	<u>1.25.22</u>



- GENERAL SITE NOTES:**
1. SITE DATA BASED ON MOST CURRENT GEOGRAPHIC INFORMATION SYSTEM (GIS).
 2. GRADE TO REMAIN PUT EXCEPT AT PROPOSED ADDITION. U.N.O.
 3. PROPOSED STRUCTURE TO BE GRADED TO POSITIVELY SLOPE AWAY FROM BUILDING. MIN. 10'-0".
 4. ALL ROOF DOWNSPOUTS SHOULD BE DIRECTED AWAY FROM BUILDINGS. THE DOWNSPOUTS SHOULD BE DIRECTED AWAY TO LOCATIONS THAT WILL DRAIN WITHOUT NEGATIVELY IMPACTING BUILDING ELEMENTS.
 5. ALL UTILITIES ARE TO REMAIN UNDISTURBED. U.N.O.
 6. ALL DISTURBED AREAS ARE TO BE REVEGETATED POST CONSTRUCTION.
 7. LOCATE ALL UTILITIES FOR PRECISE LOCATION. CALL 811.
 8. PROPOSED FINISH FLOOR TO MATCH EXISTING MAIN LEVEL FINISH FLOOR = BENCHMARK DATUM 1000'-0".



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

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

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

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

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

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

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

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

WHEREAS, the people of the Town of Paonia voted in favor of the Citizen’s Initiative Petition 286 to 203; and

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

Section 1. Amendment of Town Code.

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

Sec. 13-1-131 Moratorium.

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

Moratorium means suspension of the sale of domestic water taps that the Town of Paonia is

not legally obligated to serve on the effective date of this ordinance.

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

(b) Moratorium on the Sale of Water Taps.

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

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

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

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

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

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

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

Section 3. Severability.

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

Section 4. Effective Date.

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

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AGENDA SUMMARY FORM



Ordinance 02-2022 Modification of Municipal Code - Board Meeting Dates

Summary:
Modification of meeting dates from Tuesday to Thursday.

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

ORDINANCE NO. 02-2022

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, AMENDING CERTAIN SECTIONS OF THE TOWN OF PAONIA MUNICIPAL CODE

RECITALS:

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

WHEREAS, pursuant to Article 2, Sec. 2-2-10(b) of the of the Town of Paonia Municipal Code, the Town Board of Trustees is the legislative body for the Town and has the power and authority to adopt such laws, ordinances, and resolutions as it shall deem proper in the exercise thereof; and

WHEREAS, the regular Board of Trustee meetings for the Town are held on the second and fourth Tuesdays of each month; and

WHEREAS, at the January 11, 2022, Town Board of Trustees meeting, the Board of Trustees passed a motion to change its regular meeting date to the second and fourth Thursday s of each month; and

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

Section 1. Legislative Findings.

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

Section 2. Amendment of Town Code.

Article 2, Section 2-2-60 of the Town Code shall be amended as follows:

Sec. 2-2-60

The regular Board of Trustees meetings will be held on the second and fourth Thursday of each month, except when necessary business requires that the work session be duly posted and conducted as an official Board of Trustee meeting and except on legal holidays, when no meeting shall be held.

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.

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this _____ day of January 2022


TOWN OF PAONIA, COLORADO, A MUNICIPAL CORPORATION

By: _____
Mary Bachran, Mayor

ATTEST:

Corinne Ferguson, Town Administrator/Clerk

AGENDA SUMMARY FORM

	Resolution 02-2022 Modification of Board Rules of Procedure		
Summary: Modification of rules to ratify current order of business and move meetings to Thursday.			
Notes:			
Possible Motions:			
Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Mayor Bachran	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Meck	Trustee Smith	Trustee Thompson

January 21, 2022

TOWN OF PAONIA, COLORADO
RESOLUTION NO. 02-2022

WHEREAS, the Town of Paonia, a Colorado Statutory Town (herein after the “Town”), conducts its regular business by and through its Board of Trustees meeting, regularly held on the second and fourth Thursday of each month; and

WHEREAS, for a more efficient administration and management of the regular meetings of the Board of Trustees, the Board believes that it is in the best interest of the Town to implement rules of procedure for the conduct of the Board meetings; and

WHEREAS, in an effort to enact more efficient administration, the Board shall implement the use of a consent agenda for the passage of non-controversial items, where Board comment and discussion on such matters is unanticipated; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Paonia, Delta County, Colorado, that the following Rules of Procedure and Consent Agenda Policy are hereby adopted:

I. RULES OF PROCEDURE

Section 1. Schedule of Meetings. Regular Board of Trustees meetings shall be held on the second and fourth Thursdays 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 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) Staff Reports: (15 minutes)
- (f) Disbursements (15 minutes)

- (g) Consent Agenda including Approval of Prior Meeting Minutes (10 minutes)
- (h) Unfinished Business (45 minutes)
- (i) New Business (45 minutes)
- (j) Mayor's Report (10 minutes)
- (k) Ad Hoc/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 facts 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 that have already been discussed or explained and do not require further discussion or explanation. Such agenda items may include ministerial tasks such as but are not limited to, approval of previous meeting minutes, approval of staff reports, addressing routine correspondence, approval of liquor licenses renewals, and approval or extension of other Town licenses. Minor changes in the minutes such as non-material Scribner errors may be made without removing the minutes from the Consent Agenda. Should any Trustee feel there is a material error in the minutes, they should request the minutes be removed from the Consent Agenda for Board discussion.

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

III. SUBJECT TO AMENDMENT

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

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

INTRODUCED, READ, PASSED, AND ADOPTED THIS 25th DAY OF January 2022.

By _____

Corinne Ferguson, Town Administrator/Clerk

By _____

Mary Bachran, Mayor

AGENDA SUMMARY FORM



Mayor's Report

Summary:

Notes:

December 15, 2021

Mayor's Report

Grants Being Written/Rewritten

- CDOT
 - Revitalizing Main Streets – 5th and Grand Intersection Remodel Total Cost \$785,261.64
 - County matching funds - \$89,489.65 in-kind
 - Paonia matching funds - \$25,500
 - Staff time – unknown
 - Grant request \$695,766.49

Grant Sources Being Investigated

- CDPHE
 - Small community water grants
 - WIIN disadvantaged community water grants
 - Engineering/design planning grants
- Gunnison Basin grants
 - Water storage loans/grants
- USDA
 - Water & Wastewater Disposal Loan and Grant Program
- CO Water Conservation Board
 - Water and Storage Supply Projects
- EPA State Drinking Water Revolving Fund
 - No information up for 2022 yet
- DOLA
 - Tier 1 and Tier 2 grants for water
- Other EDA grants

AGENDA SUMMARY FORM



Ad Hoc/Committee Reports

Summary:


Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

AGENDA SUMMARY FORM

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

January 21, 2022