



**TOWN OF PAONIA**  
**TUESDAY, FEBRUARY 23, 2021**  
**VIRTUAL MEETING AGENDA**  
**6:30 PM**

**VIRTUAL MEETING**  
**(MEETING WILL NOT BE HELD AT THE TOWN HALL)**

**TELEPHONE:**

**DIAL (FOR HIGHER QUALITY, DIAL A NUMBER BASED ON YOUR CURRENT LOCATION):**

**US: +1 253 215 8782 OR +1 346 248 7799 OR +1 669 900 9128 OR +1 301 715 8592 OR +1 312 626 6799 OR  
+1 646 558 8656**

**MEETING ID: 859 4208 7994**

**[HTTPS://US02WEB.ZOOM.US/J/85942087994](https://us02web.zoom.us/j/85942087994)**

**EXPLANATION OF PUBLIC COMMENT**

*Trustees receive the first opportunity to discuss each agenda item. Following Trustee discussion, the Mayor will open the meeting for public comment. Each person will receive the opportunity to **speak one time on each agenda item**. The Mayor will provide the time allotted for public comment prior to the agenda item discussion. At the end of the time allotted the speaker will be muted and will not be recognized again for discussion of the same agenda item. If you wish to speak, press \*9 on your phone to let us know.*

**Roll Call**

**Approval of Agenda**

**Announcements**

**Recognition of Visitors & Guests**

**Staff Reports**

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

**Treasurer's Report**

2. Treasurer's Report

**Disbursements**

3. Finance Director Report
- Disbursements

**Regular Business**

4. Treasurer & Town Attorney Update - DMEA Franchise Fee/Sales Tax
5. 2020 Sanitary Survey Follow-Up #4
6. Public Works Capital Equipment Acquisition
7. Demolition and Removal of Decommissioned ½ million Water Storage Tank
8. \*Discussion\* Policy Regarding Signing Letters of Support or Opposition
9. Ordinance 2021-TBD Establishing Marijuana Regulations
10. Ordinance 2021-TBD Accessory Dwelling Unit Regulation
11. Resolution 2021-02 Amending 2020 Budget
12. Resolution 2021-03 Modification to Encroachment of Liquor Licensed Establishments
13. GAPS Follow-Up Short-Term Rental (STR) Survey Questions

**Consent Agenda**

14. Regular Meeting Minutes:

January 09, 2021

**Mayor's Report**

15. Mayor's Report

**Committee Reports**

16. Finance & Personnel

Governmental Affairs & Public Safety

Public Works-Utilities-Facilities

Tree Board

Advisory Water

**Adjournment**

I. RULES OF PROCEDURE

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

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

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

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

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

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

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

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

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

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

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

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

## **II. CONSENT AGENDA**

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

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

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

## **III. EXECUTIVE SESSION**

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

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

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

## **IV. SUBJECT TO AMENDMENT**

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

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



## Administrators Report for February 23, 2021

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

### Previous Meeting Follow-up:

1. Reminder – the headers and changes to the order of business on the agenda are temporary changes to facilitate a more efficient way to hold meetings while meeting virtually. Any changes suggested for a permanent basis can be discussed and agreed upon at any time – or when the Council begins meeting in person.
2. The Town will continue to monitor grant applications should one come available for wastewater COVID-19 testing – and will inform the Board, should the decision be made to pursue it.
3. The Town continues to discuss process and agreements regarding a county-wide building department. The consensus from other municipalities is to continue working out the details for Board review and approval, to take affect January 1<sup>st</sup> next year. We are currently under the interim agreement with Shum Coda (Colorado Code Consulting) and on a month-to-month beginning April 1<sup>st</sup>.

### Updates:

1. SGM – mapping – complete to date. No update.
2. SGM – Asset Inventory – Requested update.
3. JDS Hydro – infrastructure analysis – on schedule.
4. SCADA System at 1MG – update included in Public Works Report.
5. THANK YOU to Marijuana Working Group – Updated ordinance is on the agenda for first read.
6. Dark Skies Ordinance – in the hands of the Darks Skies group.
7. Meeting Wednesday with Finance & Personnel to review and discuss Town Fund Balance & Reserve Policy and potential changes to personnel handbook considering FMLA changes.
8. Continue to clear outstanding reporting deficiencies with CDPHE.
9. Front office position is advertised and open for application submittal.
10. Other Grants:

**CVRF** – No changes since last report.

**CDOT Revitalize Main Street** – No New Update - Customized accessible table and bench seating is being considered for the front of Town Hall. The installation may also include customizable planters that could be used by the community to participate in an edible garden, floral arrangements, or other options. This phase supports the COVID -19 objective to offer outdoors areas for people and reduce congregating inside shops and restaurants.

**GOCO Parks Master Plan** – Stakeholder and community meetings are ongoing.

**Paonia Youth Center** – No New Update. Project Continues.

From the desk of Corinne Ferguson  
Town Administrator/Clerk

Other items:

1. Master Plan & Building Code Update –the joint council/commission meeting was held Thursday, February 18<sup>th</sup> at 4pm.
2. Twin Lakes restricted funds: The agreement, dated March 5, 2005, between the Town and Berg Harvest, LLC has been reviewed. The agreement states the LLC can, with six months' notice, request the Town have an 8ft privacy fence installed on all shared sides between the two properties. This is approximately 1,200 ft of fence at 8ft. Using a contractor calculator and Delta County costs, the fence installation ranges between \$36,000 to \$80,000 dependent on materials used. The Town has approximately \$58,000 restricted for the Twin Lakes property. The agreement expires after 50 years.

Thank you,

Corinne Ferguson

## Public Works Report – 2/18/2021

1. Spillage overflow and plant production spreadsheet: included the packet.
2. Sanitary Survey update: included in the next packet.
3. Status with JDS Hydro – Preliminary draft expected March 23<sup>rd</sup> with final to the Board April 13<sup>th</sup>. Meeting the week of February 22<sup>nd</sup>.
4. Bulk water system – Installation took back seat to CDPHE requirements. Anticipated installed by end of month. Staff training to be scheduled.
5. Tri-weekly ammonia testing continues. Continue working with SGM to complete an enhanced capital improvement plan for wastewater system.
6. High School meter installation delayed due to inaccurate as-builts. Working to locate waterline and schedule installation. IF the line is located under pavement the school district requests installation during summer break.
7. Using cold patch mix for potholes. These are temporary fixes and are not fully remedied until road repair in the area during warm season.
8. Asbestos testing complete and clear for the de-commissioning of the ½ mg storage tank which is on the agenda for bid award.
9. Preliminary surplus inventory is complete. Final list to be provided to Administrator to input on Resolution for the Board.
10. Continuing to work on all requirements for CDPHE regarding lead exceedance.
11. Purchased new lab equipment for water and wastewater treatment facilities. This will allow PW to do additional on-site testing beyond the required testing by the State.
12. Updated data-logger purchased for wastewater treatment plant.

	Jan-21	Feb-21	Mar-21	Apr-21	May-21
<b>2MG</b>	ONLINE	ONLINE	ONLINE	ONLINE	ONLINE
<b>RAW WATER IN TO PLANT*</b>	2,762,470				
<b>WATER PRODUCED</b>	4,524,810				
<b>STORAGE TANK LEVEL</b>	29.46				
<b>SPILL AMOUNT</b>	412,410				
<b>BACK WASH WATER **</b>	163,550				
<b>WATER SOLD</b>	5,503,144				
<b>TOTAL NUMBER OF TAPS</b>	1,610				

\* TO PROVIDE ACCURATE NUMBER TWO METERS NEED UPDATED - ONCE RECEIVED AND INSTALLED WE W

\*\* BACK WASH WATER IS INCLUDED IN PRODUCED WATER BUT IS NOT INCLUDED IN SOLD WATER

**NOTE:** DATA IS APPROXIMATION ONLY AND DOES NOT ACCOUNT FOR USAGE ESTIMATION MONTHS, FIRE HY  
NON-METERED ACCOUNTS INCLUDE BUT ARE NOT LIMITED TO NFAA, SEWER PLANT, TOWN SHOP, PARK HYE  
LOCATIONS FOR TRACKING PURPOSES.

SIX RAW WATER SPRINGS CONVERGE AND FEED THE 2MG SYSTEM AT TWO POINTS, KNOW AS THE GERMAN  
SYSTEM RESET - Starts calculation count over and requires manual tracking moving forward

1.

Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	TO DATE TOTAL
ONLINE							
							4,524,810
							412,410
							163,550

**ILL PROVIDE FLOWS IN TO PLANT**

DRANT AND WATERLINE FLUSHES, NON-METERED ACCOUNTS, SPILL AT SPRINGS | |  
DRANTS, PARK RESTROOM. WE ARE IN PROCESS OF INSTALLING NO-BILL METERS AT THESE

CREEK LINE (GC) AND THE REYNOLDS CREEK LINE (RC).

# Paonia Police Department

## Law Incident Table, by Date and Time

**Date Occurred:** 02/01/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
20:05:24	Disturbance	OAK AVE, Paonia, CO	PPD	PPD	
<b>Total Incidents for this Date: 1</b>					

**Date Occurred:** 02/02/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:09:57	Certified Vin	GRAND AVE, Paonia, CO	PPD	PPD	
11:57:21	CRIM MISCHIEF	NIAGARA AVE, Paonia, CO	PPD	PPD	
14:07:08	CITIZEN ASSIST	3RD ST, Paonia, CO	PPD	PPD	
14:11:55	CRIM MISCHIEF	2ND ST, Paonia, CO	PPD	PPD	
14:23:23	VIN INSPECTION	STUCKER MESA RD, Hotchkiss, CO	PPD	DIST3	
21:33:00	Medical/transfe	PAONIA AVE, Paonia, CO	PPD	PPD	
<b>Total Incidents for this Date: 6</b>					

**Date Occurred:** 02/03/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
12:18:10	Traffic Stop	GRAND AVE, Paonia, CO	PPD	PPD	CIT
22:20:15	ALARM	2ND ST, Paonia, CO	PPD	PPD	
<b>Total Incidents for this Date: 2</b>					

**Date Occurred:** 02/04/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
11:25:45	ALCOHOL OFFENSE	3RD ST, Paonia, CO	PPD	PPD	CIT
11:48:36	SUSPICIOUS	GRAND AVE; PHS, Paonia, CO	PPD	PPD	
11:50:01	Disturbance	BOX ELDER AVE, Paonia, CO	PPD	PPD	
15:13:47	Traffic Stop	5TH St, Paonia, CO	PPD	PPD	CIT
15:39:11	AGENCY ASSIST	HIGHWAY 133, Paonia, CO	PPD	DIST3	
15:49:58	Traffic Stop	BLOCK 5TH St, Paonia, CO	PPD	PPD	CIT
19:23:32	FRAUD	OAK AVE, Paonia, CO	PPD	PPD	
<b>Total Incidents for this Date: 7</b>					

**Date Occurred:** 02/05/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
13:05:22	CRIM MISCHIEF	GRAND AVE, Paonia, CO	PPD	PPD	VW
15:15:09	ANIMAL CONTROL	ONARGA AVE, Paonia, CO	PPD	PPD	UTL
17:26:26	SUSPICIOUS	NORTH FORK AVE, Paonia, CO	PPD	PPD	UNF
<b>Total Incidents for this Date: 3</b>					

**Date Occurred:** 02/06/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
08:23:10	AGENCY ASSIST	HIGHWAY 133, Paonia, CO	PPD	DIST3	
10:55:11	Parking Problem	5TH ST, Paonia, CO	PPD	PPD	CIT
16:05:55	Traffic Stop	SAMUEL WADE RD, Paonia, CO	PPD	DIST3	VW
17:26:45	Traffic Stop	SAMUEL WADE RD., Paonia, CO	PPD	PPD	CIT
17:36:39	Traffic Stop	2ND ST, Paonia, CO	PPD	PPD	CIT
20:42:39	Traffic Stop	2ND St, Paonia, CO	PPD	PPD	VW

**Total Incidents for this Date: 6****Date Occurred:** 02/07/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
07:57:57	ALARM	GRAND AVE, Paonia, CO	PPD	PPD	
14:06:41	Traffic Stop	SAMUEL WADE RD, Paonia, CO	PPD	PPD	CIT

**Total Incidents for this Date: 2****Date Occurred:** 02/08/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
11:54:21	VIN INSPECTION	POPLAR AVE, Paonia, CO	PPD	PPD	
14:18:00	CIVIL PROBLEM	BOX ELDER AVE, Paonia, CO	PPD	PPD	
15:58:45	Medical/transfe	GRAND AVE, Paonia, CO	PPD	PPD	

**Total Incidents for this Date: 3****Date Occurred:** 02/09/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
09:01:51	CITIZEN ASSIST	GRAND AVE, Paonia, CO	PPD	PPD	
09:53:29	ALARM	GRAND AVE, Paonia, CO	PPD	PPD	
16:54:32	AGENCY ASSIST	Price RD., Paonia, CO	PPD	DIST3	
18:03:11	ALARM	GRAND AVE, Paonia, CO	PPD	PPD	

**Total Incidents for this Date: 4****Date Occurred:** 02/10/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:34:01	FRAUD	DELTA AVE, Paonia, CO	PPD	PPD	
12:35:31	Traffic Stop	ONARGA AVE, Paonia, CO	PPD	DIST3	CIT
13:31:02	WELFARE CHECK	OAK AVE, Paonia, CO	PPD	PPD	

**Total Incidents for this Date: 3****Date Occurred:** 02/11/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
14:56:57	Traffic Stop	5TH St, Paonia, CO	PPD	PPD	CIT
15:47:51	Traffic Stop	5TH St, Paonia, CO	PPD	PPD	CIT
16:26:06	Traffic Stop	SAMUEL WADE RD, Paonia, CO	PPD	PPD	VW
19:20:52	Traffic Stop	2ND St, Paonia, CO	PPD	DIST3	VW
20:24:43	FRAUD	DELTA AVE, Paonia, CO	PPD	PPD	UNF

**Total Incidents for this Date: 5**

**Date Occurred:** 02/12/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
17:05:25	Information	MEADOWBROOK BLVD, Paonia, CO	PPD	PPD	
17:29:44	Information	MEADOWBROOK BLVD, Paonia, CO	PPD	PPD	

**Total Incidents for this Date: 2**

**Date Occurred:** 02/13/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
03:46:29	Information	GRAND AVE, Paonia, CO	PPD	PPD	
14:36:08	Resisting	4TH ST, Paonia, CO	PPD	PPD	CIT

**Total Incidents for this Date: 2**

**Date Occurred:** 02/14/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
15:50:43	Medical/transfe	4TH ST, Paonia, CO	PPD	PPD	

**Total Incidents for this Date: 1**

Total reported: 47

CIT-12, UNF-2, UTL-1, VW-5

**Report Includes:**

All dates between `00:00:01 02/01/21` and `00:00:01 02/15/21`, All agencies matching `PPD`, All disposition's, All natures, All location codes, All cities

**DEVOR & PLUMHOFF, LLC**  
Attorneys and Counselors at Law

Bo James Nerlin  
[bo@coloradowestlaw.com](mailto:bo@coloradowestlaw.com)

MEMORANDUM

To: Board of Trustees, Town of Paonia  
From: Bo James Nerlin, Esq. *Bo James Nerlin*  
Re: Town Attorney Report  
Date: 2/22/2021  
CC: Ms. Corinne Ferguson

This memo is an outline of the recent projects that I have been working on as the Town Attorney. This memo is to serve as an outline and not a comprehensive list.

Riverbank

The Town and the Developer have determined that the Subdivision Application for the Riverbank Subdivision is complete. The following is the proposed timeframe for review of this application:

- Application to Development Review (fire dept, utilities, county) by February 25<sup>th</sup> – comment period open until March
- Publication to newspaper February 26<sup>th</sup> to run in March 3<sup>rd</sup> publication – MUST run for minimum of 15 days prior to P&Z hearing
- Notices to neighbors within 200 ft mailed by March 10<sup>th</sup>
- Posting on-site – no later than March 10<sup>th</sup>
- Planning Commission Hearing – March 25<sup>th</sup>
- Town Council Hearing – April 13<sup>th</sup>

Accessory Dwelling Units

Included in the Packet is a draft ordinance for Board Review that allows for accessory dwelling units or ADU's in the single-family residential zone district. With this ordinance, the Town may wish to consider the following:

- Which zone districts within the Town are appropriate (if any) for ADUs
- In the event the Town elects to license short term rentals, should there be additional restrictions on accessory dwelling units?
  - ADU's to not be used for short term rentals?
  - Cap number of ADUs for short term rentals
  - Owner occupancy requirement?

- Separate or additional water and sewer tap fees

#### Marijuana Ordinance

At the Clerk's Direction, I have reviewed the marijuana licensing ordinance from the committee. In my opinion, the committee did a great job in putting this together. One omission from the proposed ordinance is the implementation of the occupational tax that the voters approved. I believe that there needs to be a separate ordinance, adding an Article to Chapter 4, Revenue and Finance of the Municipal Code, and a cross reference in the marijuana licensing addition.

#### Trustee Signatures on Letters

Following up on the discussion from the January Board Meeting, I have researched a Trustee's ability to execute a letter as "Trustee", without having taken the letter to the full Board. In examining this issue, I have spoken with several other municipal attorneys and a representative of CIRSA. Upon review and consultation, it is my opinion that a Trustee can sign a letter as "Trustee" in their individual capacity, so long as it is clear from the letter, that the Trustee is not speaking on behalf of the Town, but simply using their title.

This issue originally presented itself with a letter from the *Mountain Pact* to the Biden administration. In this letter the following language was included: "The below listed local elected officials urge the Biden administration...". With this language, the implication is that a Trustee would be executing the letter using their title as Trustee, and not signing the letter as Trustee on behalf of the Town of Paonia. It is important to pay attention to both the tone of the letter and the distinction between use of title and representation of the entire Town.

Coupled with the foregoing is a balance of a Trustee's 1<sup>st</sup> Amendment rights and the responsibilities that a Trustee shall adhere to under both the Town Code and the Trustee Board Standards of Conduct which hold in part: "No member shall purport to speak on behalf of the Board on any matter on which the Board has not taken a position or represent a Board position inaccurately." Accordingly, if a Trustee is asked to provide a signature on a letter that is scheduled to go before the Trustees, I would recommend that they wait until the Board has acted on the matter.

#### Board of Adjustment/Board of Appeals

It was anticipated that a draft of this ordinance would be provided at the February Board Meeting. Unfortunately, I did not complete this ordinance in time for the packet. I will provide a draft to Ms. Ferguson for her review, and if appropriate, we will get this on the Agenda for April, or provided to the appropriate committee for review.

AGENDA SUMMARY FORM

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

## ACCOUNT ANALYSIS 2020

BANK	ACCOUNT	JAN	FEB	MAR	APR	MAY	X
<b>OPERATING ACCOUNTS</b>							
UBB (FSBC)	PREV BAL	113,781.20	(5,797.86)	(5,797.86)	(5,797.86)	(5,797.86)	
OPS - 0733	CKS/DR	389,227.23					
	DEP/CR	269,648.17					
	END BAL	<u>(5,797.86)</u>	<u>(5,797.86)</u>	<u>(5,797.86)</u>	<u>(5,797.86)</u>	<u>(5,797.86)</u>	X
	RATE	<i>0.00%</i>	<i>0.00%</i>	<i>0.00%</i>	<i>0.00%</i>	<i>0.00%</i>	
UBB (FSBC)	PREV BAL	25.00	25.00	25.00	25.00	25.00	
PAYROLL - 3629	CKS/DR	44,780.38					
	DEP/CR	44,780.38					
	END BAL	<u>25.00</u>	<u>25.00</u>	<u>25.00</u>	<u>25.00</u>	<u>25.00</u>	X
	RATE	<i>0.00%</i>	<i>0.00%</i>	<i>0.00%</i>	<i>0.00%</i>	<i>0.00%</i>	
<b>RESETRICTED FUND ACCOUNTS</b>							
UBB (FSBC)-3858	PREV BAL	25.00	25.00	25.00	25.00	25.00	
GRANT	CKS/DR	-	-	-	-	-	
PASS-THRU	DEP/CR	-	-	-	-	-	
	END BAL	<u>25.00</u>	<u>25.00</u>	<u>25.00</u>	<u>25.00</u>	<u>25.00</u>	X
	RATE	<i>0.00%</i>	<i>0.00%</i>	<i>0.00%</i>	<i>0.00%</i>	<i>0.00%</i>	
UBB (FSBC) (FCNB)	PREV BAL	69,792.78	33,521.84	33,521.84	33,521.84	33,521.84	
INTERNAL - 0571	CKS/DR	36,270.94					
GRANTS	DEP/CR	-					
	END BAL	<u>33,521.84</u>	<u>33,521.84</u>	<u>33,521.84</u>	<u>33,521.84</u>	<u>33,521.84</u>	X
	RATE	<i>0.00%</i>	<i>0.00%</i>	<i>0.00%</i>	<i>0.00%</i>	<i>0.00%</i>	
UBB (FSBC) - 0911	PREV BAL	37,490.27	37,490.27	37,490.27	37,490.27	37,490.27	
PARK	CKS/DR	-					
CONTRIBUTION	DEP/CR	-					
	INT/CR	-					
	END BAL	<u>37,490.27</u>	<u>37,490.27</u>	<u>37,490.27</u>	<u>37,490.27</u>	<u>37,490.27</u>	X
	RATE	<i>0.00%</i>	<i>0.00%</i>	<i>0.00%</i>	<i>0.00%</i>	<i>0.00%</i>	
UBB (FSBC) - 2318	PREV BAL	58,336.72	58,349.11	58,349.11	58,349.11	58,349.11	
WWTP	CKS/DR	-					
	DEP/CR	-					
	INT/CR	12.39					
	END BAL	<u>58,349.11</u>	<u>58,349.11</u>	<u>58,349.11</u>	<u>58,349.11</u>	<u>58,349.11</u>	X
	RATE	<i>0.25%</i>	<i>0.25%</i>	<i>0.25%</i>	<i>0.25%</i>	<i>0.25%</i>	
UBB (FSBC) (FCNB)	PREV BAL	8,311.23	8,312.29	8,312.29	8,312.29	8,312.29	
CONSERV	CKS/DR	-					
TRUST 0857	DEP/CR	-					
	INT/CR	1.06					
	END BAL	<u>8,312.29</u>	<u>8,312.29</u>	<u>8,312.29</u>	<u>8,312.29</u>	<u>8,312.29</u>	X
	RATE	<i>0.00%</i>	<i>0.00%</i>	<i>0.01%</i>	<i>0.15%</i>	<i>0.15%</i>	
UBB (FSBC) - 0563	PREV BAL	13,165.24	13,166.92	13,166.92	13,166.92	13,166.92	
SPACE TO	CKS/DR	-					
CREATE	DEP/CR	-					
	INT/CR	1.68					
	END BAL	<u>13,166.92</u>	<u>13,166.92</u>	<u>13,166.92</u>	<u>13,166.92</u>	<u>13,166.92</u>	X
	RATE	<i>0.25%</i>	<i>0.24%</i>	<i>0.15%</i>	<i>0.15%</i>	<i>0.15%</i>	

## ACCOUNT ANALYSIS 2020

BANK	ACCOUNT	JAN	FEB	MAR	APR	MAY	X
<b>INVESTMENT ACCOUNTS</b>							
UBB (FSBC) - 3637	PREV BAL	335,136.20	335,221.59	335,221.59	335,221.59	335,221.59	
MMKT	CKS/DR	-					
RESERVE	DEP/CR	-					
	INT/CR	85.39					
	END BAL	335,221.59	335,221.59	335,221.59	335,221.59	335,221.59	X
	<b>RATE</b>	<b>0.15%</b>	<b>0.15%</b>	<b>0.27%</b>	<b>0.30%</b>	<b>0.300%</b>	
COLO	PREV BAL	1,757,660.74	1,757,818.17	1,757,818.17	1,757,818.17	1,757,818.17	
TRUST	CKS/DR	-					
PLUS+	DEP/CR	-					
INVESTMENT	INT/CR	157.43					
	END BAL	1,757,818.17	1,757,818.17	1,757,818.17	1,757,818.17	1,757,818.17	
	<b>AVG RATE</b>	<b>1.85%</b>	<b>1.76%</b>	<b>1.46%</b>	<b>1.11%</b>	<b>0.72%</b>	X
UBB (14) (FSBC)	PREV BAL	202,226.89	202,226.89	202,226.89	202,226.89	202,226.89	
18MO	CKS/DR	-					
CD-2143	DEP/CR	-					
	INT/CR	-					
	END BAL	202,226.89	202,226.89	202,226.89	202,226.89	202,226.89	X
	<b>AVG RATE</b>	<b>0.55%</b>	<b>0.55%</b>	<b>0.55%</b>	<b>0.55%</b>	<b>0.55%</b>	
UBB (31) (FSBC)	PREV BAL	255,051.53	255,051.53	255,051.53	255,051.53	255,051.53	
18MO	CKS/DR	-					
CD-2143	DEP/CR	-					
	INT/CR	-					
	END BAL	255,051.53	255,051.53	255,051.53	255,051.53	255,051.53	X
	<b>AVG RATE</b>	<b>2.00%</b>	<b>2.00%</b>	<b>2.00%</b>	<b>2.00%</b>	<b>2.00%</b>	
<b>LINE-OF-CREDIT</b>							
UBB (FSBC)	PREV BAL	-	-	-	-	-	
LOC	CKS/DR	-					
\$200,000.00	DEP/CR	-					
	INT/CR	-					
	END BAL	-	-	-	-	-	X
	<b>AVG RATE</b>						
	<b>TOTAL PREV BAL</b>	<b>2,851,002.80</b>	<b>2,695,410.75</b>	<b>2,695,410.75</b>	<b>2,695,410.75</b>	<b>2,695,410.75</b>	
	<b>TOTAL CKS/DR</b>	<b>470,278.55</b>	-	-	-	-	
	<b>TOTAL DEP/CR</b>	<b>314,428.55</b>	-	-	-	-	
	<b>TOTAL INT/CR</b>	<b>257.95</b>	-	-	-	-	
	<b>TOTAL 2021 ACCOUNTS</b>	<b>2,695,410.75</b>	<b>2,695,410.75</b>	<b>2,695,410.75</b>	<b>2,695,410.75</b>	<b>2,695,410.75</b>	
	<b>TOTAL 2020 ACCOUNTS</b>	<b>2,498,095.32</b>	<b>2,507,992.28</b>	<b>2,530,243.83</b>	<b>4,222,013.58</b>	<b>2,766,714.22</b>	
	<b>TOTAL 2019 ACCOUNTS</b>	<b>1,952,778.56</b>	<b>2,154,496.81</b>	<b>2,216,740.65</b>	<b>2,268,526.46</b>	<b>2,560,627.61</b>	
	<b>TOTAL 2018 ACCOUNTS</b>	<b>2,243,850.59</b>	<b>2,643,430.19</b>	<b>2,609,936.21</b>	<b>2,758,682.91</b>	<b>2,787,133.34</b>	
	<b>TOTAL 2017 ACCOUNTS</b>	<b>1,916,629.29</b>	<b>1,856,495.51</b>	<b>1,837,973.49</b>	<b>2,027,530.45</b>	<b>2,363,845.59</b>	
	<b>TOTAL 2016 ACCOUNTS</b>	<b>987,595.88</b>	<b>1,322,980.68</b>	<b>1,116,198.52</b>	<b>1,523,989.77</b>	<b>1,917,756.35</b>	
	<b>TOTAL 2015 ACCOUNTS</b>	<b>1,653,400.33</b>	<b>1,907,317.22</b>	<b>2,079,530.21</b>	<b>2,000,000.74</b>	<b>1,759,581.96</b>	
	<b>TOTAL 2014 ACCOUNTS</b>	<b>2,036,560.85</b>	<b>2,012,766.27</b>	<b>2,053,803.28</b>	<b>2,046,353.56</b>	<b>2,069,077.88</b>	
	<b>TOTAL 2013 ACCOUNTS</b>	<b>2,361,290.03</b>	<b>2,369,419.89</b>	<b>2,376,310.46</b>	<b>2,323,916.46</b>	<b>2,320,709.32</b>	
	<b>TOTAL 2012 ACCOUNTS</b>	<b>2,362,402.55</b>	<b>2,256,299.75</b>	<b>2,246,468.64</b>	<b>2,213,216.49</b>	<b>2,202,233.11</b>	
	<b>2020 VS 2021</b>	<b>197,315.43</b>	<b>187,418.47</b>	<b>165,166.92</b>	<b>(1,526,602.83)</b>	<b>(71,303.47)</b>	

AGENDA SUMMARY FORM

		Finance Director Report Disbursements	
Summary:			
Notes:			
Possible Motions:			
Motion by: _____ 2 <sup>nd</sup> : _____ vote: _____			
Vote:	Trustee Bear:	Trustee Budinger:	Trustee Johnson:
Trustee Knutson:	Trustee Meck:	Trustee Pattison:	Mayor Bachran:

Finance Report as of 02/18/21 presented at the 02/23/21 meeting:

**COMPLETED:**

Monthly:

Bank accounts through 1/31/2021 have been reconciled and will be reviewed 2/24/21.

Payroll for 2/12/21 was completed, reviewed, and released. Gross payroll totaled \$29,094.48. This included 16 employees.

Our month payment to Norris Retirement was completed, reviewed, and will be released by 2/27/21.

Chase credit card bill for 1/24/21 – 2/23/21 not yet available.

Month End Budget to Actual will be delayed due to incomplete year end processes.

Year-End:

Processing year-end entries.

Conservation Trust Fund 2020 Spending Report completed 2/17/21.

Banking:

After reviewing the current economic status, the funds transfer mentioned below has been cancelled by the Finance Committee and the Funds will remain in ColoTrust. Current Balance in ColoTrust is \$106,850.65. (The letter to set up the new CD at UBB has been complete and needs to be signed by the mayor. The money has been requested to move from ColoTrust to the UBB account. When it is received by UBB it will be moved into the new CD.)

Audit:

Audit has begun. It is tentatively scheduled for field work the week of April 12<sup>th</sup>. They have requested a final Trial Balance by 3/22/2021.

Other (Continued):

The Fund Balance and Financial Policy will be reviewed by the Finance Committee on 2/24/21.

ClearGov – Changes, comment, and final numbers have been submitted to Cleargov. The requested changes have been made and are waiting for a second review.

Since RMHMO will no longer be providing Group Health Insurance I have received quotes from Home Loan and CEBT. I have requested but have not received quotes from County Health Pool.

JoAnn has been set up with Caselle and had a very quick introduction training.

JoAnn has entered all current salary ranges and benefit information into the CML portal. Deadline of 3/7/2021.

SALES TAX INFORMATION  
ANNUAL SUMMARY TOWN & COUNTY SALES TAX

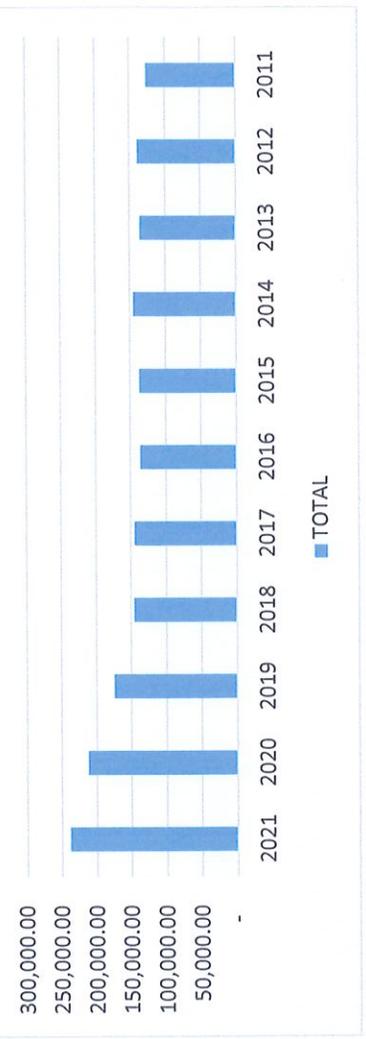
	ANNUALIZED											
	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010
TOWN OF PAONIA	714,715.62	636,562.09	524,088.82	355,304.25	289,292.83	270,728.77	274,103.44	290,302.19	270,679.94	277,647.14	253,117.58	258,999.96
	12.277%	21.461%	47.504%	22.818%	6.857%	-1.231%	-5.580%	7.249%	-2.509%	9.691%	-2.271%	-6.936%
DELTA COUNTY	152,385.18	139,190.22	116,596.84	104,535.33	101,217.13	93,919.41	97,356.96	94,229.15	92,033.43	81,624.68	95,918.53	110,482.98
	9.480%	19.377%	11.538%	3.278%	7.770%	-3.531%	3.319%	2.386%	12.752%	-14.902%	-13.183%	-1.090%
COUNTY-MV SALES TAX	1,985.88	2,213.81	1,493.59	2,270.88	1,158.03	1,078.47	1,090.59	1,188.45	1,094.70	919.46	1,095.04	1,316.90
	-10.296%	48.221%	-34.229%	96.099%	7.377%	-1.111%	-8.234%	8.564%	19.059%	-16.034%	-16.847%	-2.833%
TOWN-MV SALES TAX	-	-	-	1.90	177.65	239.42	624.48	644.16	597.34	652.89	939.13	379.90
	0.000%	0.000%	0.000%	-98.930%	-25.800%	-61.661%	-3.055%	7.838%	-8.508%	-30.479%	147.205%	-10.542%
TOTAL TOWN	714,715.62	636,562.09	524,088.82	355,306.15	289,470.48	270,968.19	274,727.92	290,946.35	271,277.28	278,300.03	254,056.71	259,379.86
TOTAL COUNTY	154,371.06	141,404.03	118,090.43	106,806.21	102,375.16	94,997.88	98,447.55	95,417.60	93,128.13	82,544.14	97,013.57	111,799.88

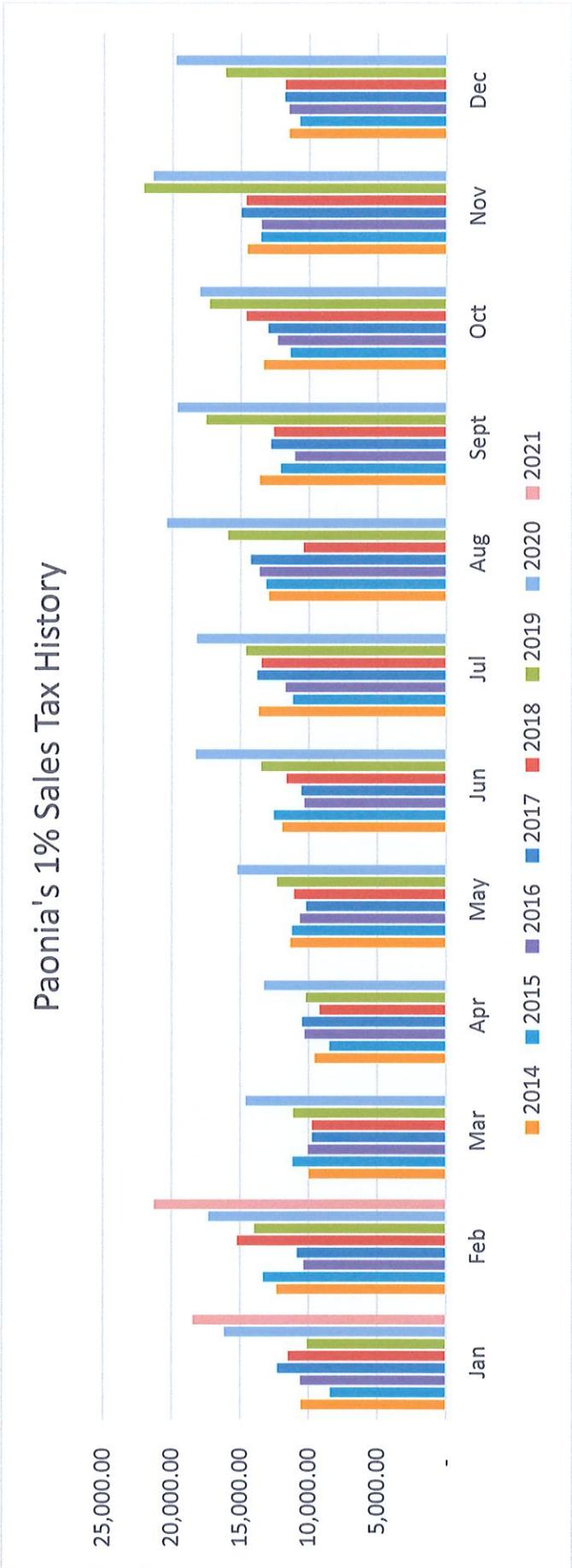
2020 ORIGINAL BUDGET = \$187,500.00  
2021 ORIGINAL BUDGET = \$210,290.00

1% TOWN OF PAONIA SALES TAX HISTORY

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2021	18,447.86	21,258.55	-	-	-	-	-	-	-	-	-	-	238,238.46
	14.015%	22.810%	-100.000%	-100.000%	-100.000%	-100.000%	-100.000%	-100.000%	-100.000%	-100.000%	-100.000%	-100.000%	12.277%
2020	16,180.27	17,310.18	14,572.42	13,260.35	15,220.52	18,278.63	18,185.26	20,395.98	19,622.17	18,007.25	21,409.39	19,744.94	212,187.36
	60.219%	24.013%	31.210%	30.067%	23.638%	35.484%	24.754%	28.101%	12.003%	4.144%	-3.076%	22.349%	21.461%
2019	10,098.88	13,958.34	11,106.22	10,194.98	12,310.53	13,491.39	14,576.91	15,921.83	17,519.34	17,290.71	22,088.92	16,138.21	174,696.26
	-11.979%	-8.346%	14.068%	10.940%	11.277%	15.981%	8.267%	53.180%	39.223%	18.713%	51.176%	37.289%	19.903%
2018	11,473.28	15,229.39	9,736.50	9,189.63	11,062.95	11,632.44	13,463.92	10,394.22	12,583.67	14,565.19	14,611.35	11,754.93	145,697.45
	-6.497%	40.368%	0.000%	-12.305%	8.661%	10.377%	-2.207%	-27.075%	-1.680%	12.007%	-2.472%	-0.259%	0.727%
2017	12,270.51	10,849.60	9,736.50	10,479.06	10,181.13	10,538.80	13,767.79	14,253.29	12,798.70	13,003.87	14,981.76	11,785.43	144,646.42
	15.891%	4.810%	-2.966%	1.767%	-4.149%	2.161%	17.824%	4.624%	16.025%	5.638%	10.884%	2.754%	6.484%
2016	10,587.94	10,351.67	10,034.09	10,297.08	10,621.80	10,315.85	11,685.01	13,623.39	11,030.98	12,309.88	13,511.19	11,469.60	135,838.43
	25.867%	-22.283%	-10.002%	21.472%	-5.108%	-17.818%	4.826%	3.787%	-8.692%	8.414%	-0.155%	7.126%	-0.885%
2015	8,412.00	13,319.76	11,149.29	8,476.92	11,193.60	12,552.46	11,147.06	13,126.26	12,081.00	11,354.55	13,532.20	10,706.65	137,051.72
	-20.221%	7.998%	11.698%	-11.333%	-1.092%	5.186%	-18.275%	1.433%	-11.211%	-14.733%	-6.870%	-6.468%	-5.580%
2014	10,544.07	12,333.32	9,981.60	9,560.44	11,317.15	11,933.63	13,639.69	12,940.84	13,606.38	13,316.53	14,530.45	11,447.04	145,151.10
	0.814%	12.785%	2.509%	19.085%	5.647%	26.542%	19.287%	-6.400%	6.695%	5.726%	16.103%	-11.361%	7.249%
2013	10,458.93	10,935.27	9,737.34	8,028.25	10,712.25	9,430.58	11,434.34	13,825.67	12,752.64	12,595.33	12,515.10	12,914.29	135,339.97
	14.566%	-21.287%	7.987%	-24.559%	6.040%	-18.046%	-4.741%	-5.210%	1.340%	8.857%	-2.184%	17.450%	-2.509%
2012	9,129.15	13,892.58	9,017.15	10,641.76	10,102.05	11,507.22	12,003.48	14,585.60	12,583.99	11,570.50	12,794.58	10,995.55	138,823.57
	-1.113%	29.226%	2.534%	31.301%	-0.834%	22.385%	23.183%	4.310%	14.093%	-1.781%	-15.788%	31.571%	9.691%
2011	9,231.90	10,750.63	8,794.27	8,104.88	10,187.00	9,402.47	9,744.42	13,983.00	11,029.63	11,780.29	15,193.24	8,357.10	126,558.79

TOTAL





FOR: 2/23/2021

UBB OPS DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC OPS BALANCE		125,635.19
ACCOUNTS PAYABLE	02/05/2021 - 02/19/2021	(22,131.49)
US BANK	AMKO BOND PAYMENT APPROVED 020921	(74,750.00)
CHASE CREDIT CARD	2/23/2021	
NORRIS RETIREMENT PAYMENT	2/27/2021 - APPROVED 020921	(1,680.00)
TRANSFER TO PAYROLL	2/5/2021	
PAYROLL TAXES	2/5/2021	(16,492.92)
BALANCE AFTER PAYMENT		10,580.78

*g*

UBB SUMMIT/PAYROLL DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC SUMMIT BALANCE		297,454.88
CURRENT FSBC PAYROLL BALANCE		25.00
TRANSFER FROM OPS	2/5/2021	
PAYROLL (DIRECT DEPOSIT)	2/5/2021	(21,263.55)
BALANCE AFTER PAYMENT		276,216.33

*g*

UBB INTERNAL GRANT BALANCE		
BALANCE		25.00
CD TOTAL		25.00

*g*

UBB LOC BALANCE		
FSBC CD#1 @ 2.00%	GENERAL	255,051.53
FSBC CD#2 @ 0.55%	GENERAL-COLLATERAL FOR LOC	202,226.89
CD TOTAL		457,278.42
LOC(\$200,000) - 9/2020-9/2021		-
BALANCE AVAILABLE SECURING LOC		457,278.42

*g*

COLOTRUST		
TOTAL	GENERAL	532,195.74
TOTAL	SEWER PROPERTY	530,285.70
TOTAL	SEWER LOAN RESERVE	106,850.65
TOTAL	BRIDGE RESTRICTED	588,486.08

	BANK BALANCES			DESCRIPTION
	FSBC	COLOTRUST	TOTAL	
As of: 2/15/2021				
GENERAL		532,195.74		COMBINED FUNDS
SEWER RESTRICTED		530,285.70		PROPERTY SALE-RESTRICTED
DEBT RESERVE		106,850.65		AMKO BOND REQUIRED RESERVE
BRIDGE RESERVE		588,486.08		BRIDGE RESERVE
CONS.TRUST	8,312.29			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	168,886.95			COMBINED FUNDS
PARK CONTRIBUTIONS	37,490.27			SPECIFIC PARK PROJECTS
PAYROLL	25.00			PLACE HOLDER-COMBINED FUNDS
SPACE-TO-CREATE	13,166.92			SPACE TO CREATE ONLY
SUMMIT	297,454.88			COMBINED FUNDS
WWTP	58,349.11			OLD SEWER REHAB ONLY
CD#2-402	202,226.89			COMBINED FUNDS-LOC COLLATERAL
CD#3-2578	255,051.53			COMBINED FUNDS
	1,041,013.84	1,757,818.17	2,798,832.01	

	CASH POSITION			DESCRIPTION
	COMBINED	RESTRICTED	TOTAL	
As of: 2/15/2021				
GENERAL	532,195.74			
SEWER RESTRICTED		530,285.70		RESTRICED TO SEWER CAPITAL PROJECT
DEBT RESERVE		106,850.65		RESTRICTED LOAN REQUIRMENT
BRIDGE RESERVE		588,486.08		RESTRICTED TO BRIDGE REPAIRS
CONS.TRUST		8,312.29		RESTRICTED TO PARK CAPTIAL PROJECT
GRANT PASS THRU	25.00			
INT GRANT		25.00		RESTRICED LOAN REQUIREMENT
OPS	168,886.95			
PARK CONTRIBUTIONS		37,490.27		SPECIFIC PARK PROJECTS AS DONATED
PAYROLL	25.00			
SPACE-TO-CREATE		13,166.92		SPACE TO CREATE ONLY
SUMMIT	297,454.88			
WWTP		58,349.11		OLD SEWER REHAB ONLY
CD#2-402	202,226.89			
CD#3-2578	255,051.53			
	1,455,865.99	1,342,966.02	2,798,832.01	

GRANT FUNDS SUMMARY			
COLORADO GRAND	EHS CENTER	10,000.00	R
DOLA (TIER1)	ASSET INVENTORY-REQUEST#1	15,687.32	R
DOLA (TIER1)	ASSET INVENTORY-REQUEST#2	10,923.95	R
DOLA (ADMIN)	SYSTEM ANALYSIS-REQUEST#1	2,074.37	R
DOLA (ADMIN)	SYSTEM ANALYSIS-REQUEST#2	2,637.13	Q
CDOT	REVITALIZING MAIN STREET-REQUEST#1	2,789.85	R
CDOT	REVITALIZING MAIN STREET-REQUEST#2	4,141.24	Q
CDOT	REVITALIZING MAIN STREET-REQUEST#3		P
DOLA (CVRF)	COVID REIMBURSEMENT	36,270.94	R
GOCO	PARK PLANNING	5,128.50	P
TOTAL OUTSTANDING		45,540.68	

R=RECEIVED Q=REQUESTED P=IN PROCESS

Due Date	Vendor Number	Vendor Name	Invoice Number	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Pay	Partial Pmt Amt	Part Pmt Disc Amt	
02/23/2021	987	Black Hills Energy	2-2021	1,743.02 ✓	.00	.00	1,743.02	✓			UTILITIES
02/23/2021	23	CIRSA	210532	1,000.00 ✓	.00	.00	1,000.00	✓			DEDUCTABLE
02/23/2021	43	Delta Montrose Ele	02-2021-P	1,504.88 ✓	.00	.00	1,504.88	✓			UTILITIES-PARKS
02/23/2021	43	Delta Montrose Ele	2-2021-S	2,059.63 ✓	.00	.00	2,059.63	✓			UTILITIES-SEWER
02/23/2021	48	Don's Market	01-1102409	47.78 ✓	.00	.00	47.78	✓			MEETING SUPPLIES
02/23/2021	368	Double J Disposal	44256	96.00 ✓	.00	.00	96.00	✓			1MG PORTA POTTY
02/23/2021	986	Elevate Fiber	66210_2717	1,054.53 ✓	.00	.00	1,054.53	✓			TELEPHONE & INTERNET
02/23/2021	546	EmTech Inc.	M20321	847.65 ✓	.00	.00	847.65	✓			SEWER PLANT REPAIR
02/23/2021	62	Feather Petroleum	5571015-527	1,052.43 ✓	.00	.00	1,052.43	✓			FUEL
02/23/2021	803	GALLS, LLC	017621015	554.29 ✓	.00	.00	554.29	✓			BOOTS (PD)
02/23/2021	1182	Grand Valley Gara	4961	489.00 ✓	.00	.00	489.00	✓			1MG GARAGE DOOR
02/23/2021	82	High Country Shop	82649	27.90 ✓	.00	.00	27.90	✓			CLASSIFIED AD
02/23/2021	82	High Country Shop	82878	27.90 ✓	.00	.00	27.90	✓			CLASSIFIED AD
02/23/2021	560	Honnen Equipmen	1245726	214.92 ✓	.00	.00	214.92	✓			EQUIPMENT MAINTENANCE
02/23/2021	1124	JDS-Hydro Consul	33301-08	3,927.50 ✓	.00	.00	3,927.50	✓			SYSTEM ANALYSIS GRANT
02/23/2021	645	Mail Services, LLC	1773389	401.23 ✓	.00	.00	401.23	✓			BLUE POST CARDS
02/23/2021	1079	Newport Group, In	N39354205	1,499.78 ✓	.00	.00	1,499.78	✓			PLAN SERVICE FEE
02/23/2021	931	Roop Excavating L	1049	1,525.00 ✓	.00	.00	1,525.00	✓			WATER SERV MEADOWBROOK
02/23/2021	1170	Shums Coda Asso	14113	1,005.00 ✓	.00	.00	1,005.00	✓			JANUARY BUILDING INSPECTOR
02/23/2021	226	Stewart Ditch and	5717	648.45 ✓	.00	.00	648.45	✓			ANNUAL ASSESSMENT
02/23/2021	156	TDS Telecom	02/2021	321.97 ✓	.00	.00	321.97	✓			TELEPHONE & INTERNET
02/23/2021	897	The Place I Go	TPIG-3067	63.00 ✓	.00	.00	63.00	✓			CDL TESTING
02/23/2021	491	Winwater Corp	057375-03	330.22 ✓	.00	.00	330.22	✓			WATER SERV MEADOWBROOK
02/23/2021	491	Winwater Corp	057390-01	1,786.12 ✓	.00	.00	1,786.12	✓			HIGH SCHOOL METERS
02/23/2021	491	Winwater Corp	CR-TAXS	96.71- ✓	.00	.00	96.71-	✓			REIMBURSE SALES TAX
Grand Totals:			25	22,131.49	.00	.00	22,131.49				

Cash Requirements Summary

Date	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Net Cumulative Amount
02/23/2021	22,131.49	.00	.00	22,131.49	22,131.49
Grand Totals:		22,131.49	.00	.00	22,131.49

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		02/05/2021	74-00	Federal Tax Deposit Social Security	10-0216	1,133.70
2	IRS Tax Deposit		02/05/2021	74-00	Federal Tax Deposit Social Security	10-0216	1,133.70
2	IRS Tax Deposit		02/05/2021	75-00	Federal Tax Deposit Medicare Pay P	10-0216	401.43
2	IRS Tax Deposit		02/05/2021	75-00	Federal Tax Deposit Medicare Pay P	10-0216	401.43
2	IRS Tax Deposit		02/05/2021	76-00	Federal Tax Deposit Federal Withhold	10-0216	1,951.70
Total 2:							5,021.96
4							
4	Aflac		02/05/2021	63-01	Aflac Pre-Tax Pay Period: 2/5/2021	10-0225	120.18
4	Aflac		02/05/2021	63-02	Aflac After Tax Pay Period: 2/5/2021	10-0225	24.90
Total 4:							145.08
6							
6	Colorado Dept of Labor		12/25/2020	98-00	SUTA State Unemployment Tax Pay	10-0218	88.69
6	Colorado Dept of Labor		01/08/2021	98-00	SUTA State Unemployment Tax Pay	10-0218	90.15
6	Colorado Dept of Labor		01/22/2021	98-00	SUTA State Unemployment Tax Pay	10-0218	84.96
6	Colorado Dept of Labor		02/05/2021	98-00	SUTA State Unemployment Tax Pay	10-0218	87.29
Total 6:							351.09
9							
9	Colorado Dept of Revenue		02/05/2021	77-00	State Withholding Tax Pay Period: 2/5	10-0217	879.00
Total 9:							879.00
31							
31	Mutual of Omaha		02/05/2021	51-01	Group# MOORetirement Plan Pay P	10-0220	495.08
31	Mutual of Omaha		02/05/2021	51-01	Group# MOORetirement Plan Pay P	10-0220	989.76
31	Mutual of Omaha		02/05/2021	51-02	Group# MOO Loan Payment Pay Pe	10-0220	336.56
31	Mutual of Omaha		02/05/2021	51-02	Adj Loan Payoff	01-0220	7,416.72
Total 31:							9,238.12
33							
33	FPPA - Fire & Police Pensi		02/05/2021	50-00	FPPA Pay Period: 2/5/2021	10-0219	1,116.42
33	FPPA - Fire & Police Pensi		02/05/2021	50-00	FPPA Pay Period: 2/5/2021	10-0219	825.18
33	FPPA - Fire & Police Pensi		02/05/2021	90-00	Death & Disability Pay Period: 2/5/20	10-0219	291.24
Total 33:							2,232.84
70							
70	Rocky Mountain HMO		02/05/2021	60-01	RMHMO - Employee Only Pay Period	10-0223	252.84
70	Rocky Mountain HMO		02/05/2021	60-01	RMHMO - Employee Only Pay Period	10-0223	4,158.60
70	Rocky Mountain HMO		02/05/2021	60-02	RMHMO - Employee + 1 Pay Period:	10-0223	104.00
70	Rocky Mountain HMO		02/05/2021	60-02	RMHMO - Employee + 1 Pay Period:	10-0223	565.83
70	Rocky Mountain HMO		02/05/2021	60-03	RMHMO - Employee + Family Pay Pe	10-0223	405.59
70	Rocky Mountain HMO		02/05/2021	60-03	RMHMO - Employee + Family Pay Pe	10-0223	4,156.59
70	Rocky Mountain HMO		02/05/2021	60-04	RMHMO - Vision Pay Period: 2/5/202	10-0223	48.83
70	Rocky Mountain HMO		02/05/2021	60-07	RMHMO - Employee + Spouse Pay P	10-0223	163.98

*MO.*

*DRY*

*MO.*



Employee Number	Name	85-00 Net Pay Emp Amt
1053	Beardslee, Dominic D	1,474.15
1024	Berger, Brian J	958.07
1052	Edwards, Roger	1,010.13
1002	Ferguson, J. Corinne	2,149.67
1020	Ferguson, Neil	1,959.31
1022	Hinyard, Patrick	1,155.87
1001	Jones, Cynthia	1,776.02
1005	Katzer, JoAnn	949.66
1050	Loberg, Travis	2,030.46
1055	McCallister, Johnathan M	1,577.56
1003	Mojarro-Lopez, Amanda	1,046.58
1023	Patterson, Taffine A	872.60
1054	Redden, Jordan	955.46
1051	Reich, Dennis	1,000.90
1025	Vassel, Andrew C	1,228.02
1021	Winnett, Lorin E	1,119.09

Grand Totals: 16 21,263.55

*Handwritten signature and initials*

AGENDA SUMMARY FORM

	Treasurer & Town Attorney Update - DMEA Franchise Fee/Sales Tax
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Summary:  
 Treasurer King and Attorney Nerlin update regarding DMEA taxation and the Town franchise fee and agreement.

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

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

AGENDA SUMMARY FORM

	2020 Sanitary Survey Follow-Up #4
---	-----------------------------------

Summary: Monthly update on progress of addressing deficiencies and violations reported in the 2020 sanitary survey.

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

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

## 2020 Water Treatment Plants Sanitary Survey Update #4 – 02/23/2021

In order of notation, beginning on page 2 of the Sanitary Survey.

### SIGNIFICANT DEFICIENCIES:

1. **T901 - Cross Connection - Clock Water Treatment Plant COMPLETE**
  - 1” RPZ has been received and installed, waiting to have it tested
  - 12/15/2020 – testing scheduled
  - Testing complete – Submitted to CDPHE 1/22/2021
  
2. **T119 - Clock Operation COMPLETE – Additional Information Requested by CDPHE – Meeting 2/23 to discuss**
  - Working with WestWater Engineering regarding location of operation valves and ordered parts to expose block and bleed assembly
  - WestWater unable to assist. Contacted PALL (software company) submitted pictures of block and bleed valves and sent CIP process to CDPHE
  - Established daily and weekly logs to be completed and submitted to Health Department
  - Created Google folder with CDPHE to share information
  
3. **T119 - Lamborn WTP COMPLETE – Additional Information Requested by CDPHE – Meeting 2/23 to discuss**
  - ordered parts to expose block and bleed assembly
  - installed block and bleed assembly – supplied photos to CDPHE
  
4. **F310 - Lamborn 2 Million Tank COMPLETE**
  - Completed – Supplied photo evidence of the duckbill valve on overflow pipe to inspector.
  
5. **F310 -.5 Million Tank COMPLETE**
  - 12-inch cap ordered from Winwater Works to fully disconnect and cap abandoned tank.
  - Part received. Locates called for. Installation to be completed no later than 12/31 – waiting for clearing in weather
  
6. **R514 – Monitoring & Recordkeeping and Data Verification COMPLETE**
  - Began process utilizing the CDPHE monitoring plan wizard
  - Continuing to upload information. In meantime CDPHE requested submit sample site map. Substantially complete. Required completion date February 5, 2021

### VIOLATIONS:

1. **R520 – Monitoring & Recordkeeping and Data Verification COMPLETE**
  - Moving to electronic shared data collection and storage via Google Docs spreadsheets

**2. R531 – Monitoring & Recordkeeping and Data Verification COMPLETE**

- Completed – the correct reagent was being used and tested at same level of inspector. Noted was the manufacturer expiration date had passed. The expired reagent has been disposed of and replaced.

**7. M613 – Management – Additional Information Requested by CDPHE – Meeting 2/23 to discuss**

- 2019 BPCCC showing new backflow will be submitted as soon as testing is completed Required completion date February 5, 2021 – (This is the testing for #1 T901)
- Annual report submitted to CDPHE for review and compliance. Following review, will be submitted for completion.
- CDPHE will approve following completion of #1 Significant Deficiencies and bullet #3 Violations.

**RECOMMENDATIONS:**

1. T995 – Treatment Clock YWTP01
  - Check with CDPHE when bringing 1MG Water Plant Back Online
2. 0997 – Operator
  - Scheduled for test – to be completed by March 31, 2021
    - Due to COVID, testing locations modified, scheduling with remote proctor for testing. Will be completed by deadline.

**Wastewater Unpermitted Discharge**

- Discharge permit – added proof of no permit required notification to water plant documents

Tier 3 notifications will be sent upon completion of M613. Required submittal deadline October, 2021.

AGENDA SUMMARY FORM

	Public Works Capital Equipment Acquisition
---	--

Summary: The Public Works Department requests permission to purchase a skid-steer attachment to assist with simple road clean-up and on-going maintenance. Four (4) estimates were received.

Notes:

- BobCat - \$8425.45 – Mesa County
- John Deere - \$8731.00 – Mesa County
- Varner Equipment - \$9665.00 – Delta County
- Honnen Equipment - \$9817.00 – Mesa County

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

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



**Quote Summary**

**Prepared For:**  
TOWN OF PAONIA  
PO BOX 416  
PAONIA, CO 81428  
Business: 970-527-5203

**Prepared By:**  
Jerett Bond  
U. S. Tractor & Harvest  
1984 Hwy 6 & 50  
Fruita, CO 81521  
Phone: 970-241-5566  
jerett@ustractor.com

**All Used Equipment Sold As Is/No Warranty**

**Quote Id:** 23632081  
**Created On:** 08 February 2021  
**Last Modified On:** 08 February 2021  
**Expiration Date:** 09 March 2021

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE BA84C 84" Angle Broom	\$ 10,115.00	\$ 8,731.00 X	1 =	\$ 8,731.00
<b>Equipment Total</b>				<b>\$ 8,731.00</b>

<b>Quote Summary</b>	
Equipment Total	\$ 8,731.00
SubTotal	\$ 8,731.00
Est. Service Agreement Tax	\$ 0.00
Total	\$ 8,731.00
Down Payment	(0.00)
Rental Applied	(0.00)
<b>Balance Due</b>	<b>\$ 8,731.00</b>

# Selling Equipment

Quote Id: 23632081

Customer: TOWN OF PAONIA

## JOHN DEERE BA84C 84" Angle Broom

<b>Hours:</b>				<b>Suggested List</b>
<b>Stock Number:</b>				\$ 10,115.00
				<b>Selling Price</b>
				\$ 8,731.00
<b>Code</b>	<b>Description</b>	<b>Qty</b>	<b>Unit</b>	<b>Extended</b>
0303KV	BA84C 84" Angle Broom	1	\$ 7,538.00	\$ 7,538.00
<b>Dealer Attachments</b>				
AT435129	Roof-Mounted Water Tank Kit	1	\$ 1,829.00	\$ 1,829.00
BYT11025	Nozzle Kit	1	\$ 248.00	\$ 248.00
<b>Dealer Attachments Total</b>				<b>\$ 2,077.00</b>
<b>Value Added Services Total</b>				<b>\$ 0.00</b>
<b>Other Charges</b>				
	Setup	1	\$ 500.00	\$ 500.00
<b>Other Charges Total</b>				<b>\$ 500.00</b>
<b>Suggested Price</b>				<b>\$ 10,115.00</b>
<b>Customer Discounts</b>				
<b>Customer Discounts Total</b>			<b>\$ -1,384.00</b>	<b>\$ -1,384.00</b>
<b>Total Selling Price</b>				<b>\$ 8,731.00</b>

Quote Id: 23632612

---

Prepared For:  
**TOWN OF PAONIA**



Prepared By: **BRAD DURAN**

Honnen Equipment Co.  
2358 I-70 Frontage Road  
Grand Jct., CO 81505

Tel: 970-243-7090  
Fax: 970-243-7092  
Email: [bradduran@honnen.com](mailto:bradduran@honnen.com)

Date: 08 February 2021

Offer Expires: 31 March 2021

---



**Quote Summary**

**Prepared For:**  
TOWN OF PAONIA  
PO BOX 460  
PAONIA, CO 81428  
tloberg@townofpaonia.com

**Prepared By:**  
BRAD DURAN  
Honnen Equipment Co.  
2358 I-70 Frontage Road  
Grand Jct., CO 81505  
Phone: 970-243-7090  
bradduran@honnen.com

**Quote Id:** 23632612  
**Created On:** 08 February 2021  
**Last Modified On:** 08 February 2021  
**Expiration Date:** 31 March 2021

**Equipment Summary**

	<b>Selling Price</b>		<b>Qty</b>		<b>Extended</b>
JOHN DEERE BA96C 96" Angle Broom	\$ 7,740.00	X	1	=	\$ 7,740.00
JOHN DEERE AT435129-30 Gallon water tank kit	\$ 1,829.00	X	1	=	\$ 1,829.00
JOHN DEERE BYT11025-Springler Nozzle Field Kit	\$ 248.00	X	1	=	\$ 248.00

**Equipment Total**

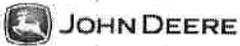
**\$ 9,817.00**

**Quote Summary**

Equipment Total	\$ 9,817.00
SubTotal	\$ 9,817.00
Total	\$ 9,817.00
<b>Balance Due</b>	<b>\$ 9,817.00</b>

Salesperson : X \_\_\_\_\_

Accepted By : X \_\_\_\_\_



# Selling Equipment

Quote Id: 23632612

Customer: TOWN OF PAONIA

## JOHN DEERE BA96C 96" Angle Broom

Hours: 0

Stock Number:

Code	Description	Qty
0304KV	96" Angle Broom for 333G	1

## JOHN DEERE AT435129-30 Gallon water tank kit

Equipment Notes:

Hours: 0

Stock Number:

Code	Description	Qty
01	AT435129-30 gallon (roof mounted) water tank kit for 333G CTL	1

## JOHN DEERE BYT11025-Springler Nozzle Field Kit

Equipment Notes:

Hours: 0

Stock Number:

Code	Description	Qty
02	BYT11025-Sprinkler nozzle field kit	1



1375 Hwy 50 Delta, CO 81416  
(970) 874-0612 www.varnerequipment.com

Date: 2/2/21  
For: Dominic from town of Paonia  
Contact Number: 361-7218, domrock402@gmail.com

Below is a price listing and description of the items you were interested in:

Item	
Edge 50504646 Hopper Broom 84"	\$5367.00
Edge 50504650 Water kit mounts on the broom	\$1,145.00
Freight	\$425.00
Total	\$6512.00
Edge 50504383 Angle Broom with no hopper	\$7,850.00
Edge 502262 Water kit mounts on top of the skid steer	\$1,390.00
Freight	\$425.00
Total	\$9,665.00

Please call me if you have any questions at (970) 874-0612.

We will honor this quote for 10 days past its date.  
This quote is only applicable for in stock items unless otherwise stated.



### Product Quotation

Quotation Number: 35616D035739  
Date: 2021-02-10 16:53:21

Ship to	Bobcat Dealer	Bill To
Paonia, Town of Attn: Derek  Paonia, CO 81504-6036 Phone: (970)314-1811 Fax: (970)527-4102	Bobcat of the Rockies, Grand Junction, CO 3184 HALL AVENUE GRAND JUNCTION CO 81504-6036 Phone: 970-434-0647 Fax: 970-434-9373 ----- Contact: Pat Kelleher Phone: 970-434-0647 Fax: 866-599-3584 Cellular: 970-275-0722 E Mail: pkelleher@bobcatoftherockies.com	Paonia, Town of Attn: Derek  Paonia, CO 81504-6036 Phone: (970)314-1811 Fax: (970)527-4102

Description	Part No	Qty	Price Ea.	Total
84" Angle Broom	7337715	1	\$6,618.00	\$6,618.00
--- Nozzle Spray Kit for Water Kit	7113709	1	\$494.00	\$494.00
--- Quick-Tach Water Kit	6813816	1	\$1,870.00	\$1,870.00
--- Quick-Tach Mounting Kit	6813757	1	\$910.00	\$910.00
--- Single Function Attachment Control Kit	6959151	1	\$516.00	\$516.00
Total of Items Quoted				<b>\$10,408.00</b>
Discount	Bobcat Municipal additional product discount			<b>(\$1,110.00)</b>
Discount	Botr Municipal Additional Product Matching discount			<b>(\$1,110.00)</b>
Sales total before Taxes				<b>\$8,188.00</b>
Taxes:	STATE			<b>\$237.45</b>
Quote Total - US dollars				<b>\$8,425.45</b>

**Notes:**

All prices subject to change without prior notice or obligation. This price quote supersedes all preceding price quotes.

<b>Customer Acceptance:</b>	Purchase Order: _____
<b>Authorized Signature:</b>	
<b>Print:</b> _____	<b>Sign:</b> _____ <b>Date:</b> _____

AGENDA SUMMARY FORM

	Demolition and Removal of Decommissioned 1/2 million Water Storage Tank
---	---

Summary: Public Works Director Loberg requests the Council award a bid for the demolition and removal of the 1/2 million water storage tank located on Cresthaven Road. Asbestos testing results were clear. Three bids received.

Notes:

This does not include the back-fill and leveling of the location. This will be completed in-house.

Roop Excavating, LLC – 35,400.00  
 Tribble & Sons, LLC - \$36,200.00  
 Dales Quality Construction - \$37,800.00

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

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

Town Of Paonia  
500,000 Gallon Water Plant Demo  
Cresthaven Road Paonia Co

Contractor Company Roop Excavating LLC

Mobilization Fee \$ 2,000.00

Roof Demo Over Concrete Tank 4,800 SF  
Remove And Dispose \$ 4,000.00

Building Demo Remove And Dispose 625 SF \$ 1,600.00

Concrete Demo 75 CY \$ 15,000.00

Owner Supplied Backfill Material 800 CY \$ 12,000.00

Concrete Thrust Block For Water Main 3 CY \$ 800.00

Total \$ 35,400.00

Town Of Paonia  
500,000 Gallon Water Plant Demo  
Cresthaven Road Paonia Co

Contractor Company Tribble & Sons LLC.

Mobilization Fee \$ 1500.00

Roof Demo Over Concrete Tank 4,800 SF  
Remove And Dispose \$ 5600.00

Building Demo Remove And Dispose 625 SF \$ 2000.00

Concrete Demo 75 CY \$ 15500.00

Owner Supplied Backfill Material 800 CY \$ 10600.00

Concrete Thrust Block For Water Main 3 CY \$ 1000.00

Total \$ 36200.00

Town Of Paonia  
500,000 Gallon Water Plant Demo  
Cresthaven Road Paonia Co

Contractor Company Dale's Quality Construction

Mobilization Fee	\$ <u>2,600.00</u>
Roof Demo Over Concrete Tank 4,800 SF Remove And Dispose	\$ <u>4,800.00</u>
Building Demo Remove And Dispose 625 SF	\$ <u>2,200.00</u>
Concrete Demo 75 CY	\$ <u>14,000.00</u>
Owner Supplied Backfill Material 800 CY	\$ <u>13,000.00</u>
Concrete Thrust Block For Water Main 3 CY	\$ <u>1,200.00</u>
Total	\$ <u>37,800.00</u>

AGENDA SUMMARY FORM

	<p>*Discussion* Policy Regarding Signing Letters of Support or Opposition</p>
---	---

Summary:  
 Discussion of use of title or position with the Town without Board approval.

Notes:  
 Formal opinion and information for a policy to be provided by the Town Attorney.


	Ordinance 2021-TBD Establishing Marijuana Regulations
---	---

Summary: The working group reviewed and provided suggested modifications included in the attached draft ordinance.

Notes:

Thank you to the working group:  
Jere Lowe, Dale Cecil, Tom Jacobs, Tom Scudder

Specific areas for discussion and decision are included in the margin.

Notes: The group discussed a multitude of topics. A few were:

- Changing marijuana to cannabis or retail marijuana to adult use – I did not suggest these changes to the Board because I feel it is important to mirror the State language and that currently is marijuana, whether retail or medicinal.
- Having a specific group to review and approve applications. While I can see this as a benefit in some areas, I don't feel it is necessary for Paonia – as it creates an additional Board – which are notoriously difficult to fill, as well as treats the businesses outside how the Town treats other businesses. I strongly believe that all businesses should operate from the same rulebook for the most part, and should the Board want to look in to adding any type of review division, it should also be fore liquor licenses. Bigger discussion for another date.

Main questions to answer:

PAGE 8:

6-4-90

g. – Do you want to impose a county residency requirement? Not recommended by Town Attorney but supported by MJ working group to support community buy-in.

6-4-100

b. Do you want to reduce the distance from 1,000 ft to 500 ft? This is my recommendation, as it mirrors the rules for liquor licenses.

D-2 – Do you want to allow delivery in Town limits? The Board allows liquor delivery.

6-4-130 Transfer of Ownership

The working group noted people selling licenses for transfer at high dollar amounts and recommended the Town not allow transfers if not selling the business in its entirety or if there are open number of licenses available in Town. The Town attorney states he is fine with language as is in the ordinance.

AGENDA SUMMARY FORM

Empty box for agenda summary content.

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

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

**ORDINANCE NO. 2021-TBD**

**AN ORDINANCE OF THE TOWN OF PAONIA, COLORADO CONCERNING THE REGULATION AND LICENSING OF MEDICINAL AND RETAIL MARIJUANA ESTABLISHMENTS**

**Formatted:** Justified

**Commented [CF1]:** Bo, Does this suffice to include medicinal and retail?

**Commented [BN2R1]:** yes

**Commented [BN3]:** recommend single space for publication costs

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

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

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

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

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

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

**ARTICLE 4**

**PAONIA RETAIL MARIJUANA CODE**

**Sections:**

- 6-4-10 Purpose and legislative intent**
- 6-4-20 Defined terms**
- 6-4-30 Effective date; applicability**
- 6-4-40 Local licensing authority**
- 6-4-50 Relationship to Colorado Retail Marijuana Code; other laws**

- 6-4-60 Unlawful acts**
- 6-4-70 Classes of licensing authorized**
- 6-4-80 Screening and response to state license applications**
- 6-4-90 Licensing requirements—provisions applicable to all licenses**
- 6-4-100 Location restrictions**
- 6-4-110 Signs and advertising**
- 6-4-120 Denial for good cause**
- 6-4-130 Transfer of ownership**
- 6-4-140 Change of location; modification of premises**
- 6-4-150 Term of licenses; renewals**
- 6-4-160 Suspension or revocation of license**
- 6-4-170 Operating fees**
- 6-4-180 Public nuisance**
- 6-4-190 Occupational Tax on the sale of Marijuana**

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

**6-4-20 Defined terms.**

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

A. "Alcohol or drug treatment facility" means any facility located within a medical office or hospital that has as its primary purpose the counseling of and/or the providing of medical services to patients who suffer from addictions to alcohol or drugs.

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

C. "Colorado Retail Marijuana Code" means Article 43.4 of Title 12 of the Colorado Revised Statutes, as amended, including all Rules promulgated pursuant to the Colorado Retail Marijuana Code as set forth in the Colorado Code of Regulations Department of Revenue Marijuana Enforcement Division 1 CCR 212.2.

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

E. "Retail marijuana store" means an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana product from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana product to consumers.

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

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

**6-4-30 Effective date; applicability.**

This Article 4 shall be effective after midnight on December 31, 2020 and shall govern all applications submitted to the state licensing authority for licensing of any retail marijuana establishment in the Town under the Colorado Retail Marijuana Code on and after that date.

**6-4-40 Local licensing authority.**

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

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

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

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

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

**6-4-60 Unlawful acts.**

- A. It shall be unlawful for any person to operate any retail marijuana establishment in the Town without a license duly issued therefor by the state licensing authority under the Colorado Retail Marijuana Code and compliance with any and all applicable state laws.
- B. It shall be unlawful for any person to operate any retail marijuana establishment in the Town without a license duly issued therefor by the Board of Trustees under this Article 4 and compliance with any and all applicable Town laws.
- C. It shall be unlawful for any person to engage in any form of business or commerce involving the cultivation, processing, manufacturing, storage, sale, distribution or consumption of marijuana other than those forms of businesses and commerce that are expressly contemplated by Sections 14 and 16 of Article XVIII of the Colorado Constitution and/or the Colorado Retail Marijuana Code.
- D. It shall be unlawful for any licensed retail marijuana establishment to sell, serve, distribute, or initiate the transport of retail marijuana or retail marijuana products at any time other than between the hours of 8:00 a.m. and 12:00 a.m. daily.

**6-4-70 Classes of licensing authorized.**

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

- A. Retail marijuana store.

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

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

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

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

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

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

B. Application forms and supplemental materials. All applications for local licensing shall be made upon forms provided by the Town and shall include such supplemental materials as required by the Colorado Retail Marijuana Code and rules adopted pursuant thereto, including by way of example: proof of possession of the licensed premises, disclosures related to ownership of the proposed business, fingerprints of the applicants, building plans, and security plans. To

the extent any of the foregoing supplemental materials have been included with the applicant's state license application and forwarded to the Town by the state licensing authority, the Town Clerk may rely upon the information forwarded from the state without requiring re-submittal of the same materials in conjunction with the local license application. The Town may, at the Town's discretion, require additional documentation associated with the application as may be necessary to enforce the requirements of the Colorado Retail Marijuana Code and this Article 4.

C. Tax bond. Before the Board of Trustees issues a Town license to an applicant for a retail marijuana establishment license, the applicant shall procure and file with the Town evidence of good and sufficient bond in the amount of twenty-five thousand dollars (\$25,000) with corporate surety thereon duly licensed to do business with the State of Colorado, approved as to form by the Town's Attorney, and conditioned that the applicant shall report and pay all Town sales and use taxes as provided by law. A corporate surety shall not be required to make payments to the Town claiming under such bond until a final determination of failure to pay taxes due to the Town has been made by the Finance Officer or a court of competent jurisdiction. All bonds required pursuant to this subsection shall be renewed at such times as the bondholder's license is renewed. The renewal may be accomplished through a continuation certificate issued by the surety. A cash bond in the amount of ten thousand dollars (\$10,000) may be deposited with the Finance Officer in lieu of a surety bond.

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

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

F. Background checks and determination of good character and state residency. Prior to the issuance of any local license, the Board of Trustees shall make a finding as to the good moral character of the applicant and compliance with state residency requirements in accordance with

the standards and procedures set forth in the Colorado Retail Marijuana Code. In so doing, the Board may incorporate into its findings any findings as to good character and residency previously made by the state licensing authority and rely upon such findings in making its determination. The Board shall not be required to perform a criminal background check if the state licensing authority has already performed a criminal background check on the applicant.

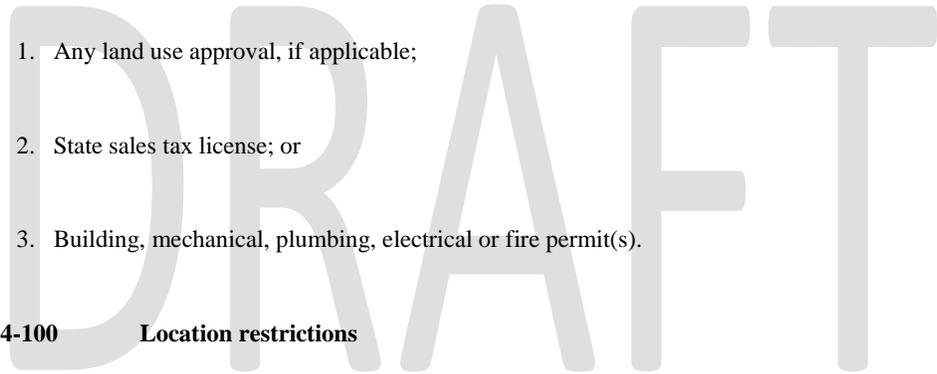
G. ADDITION OF DELTA COUNTY RESIDENCY REQUIREMENT? Recommended by MJ Working Group

Commented [CF4]: 12 months? 18 months? 24 months? No?

Commented [BN5R4]: I would recommend no but it is allowed

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

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



**6-4-100 Location restrictions**

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

Commented [CF6]: Should this be changed since this should apply to retail and medicinal? THROUGHOUT the ordinance?

Commented [BN7R6]: yes

B. Distance from schools. No retail marijuana establishment license shall be granted with respect to a proposed licensed premises that would be located within one thousand (1,000) feet of any school that existed at the time of the filing of a complete application for a retail marijuana establishment license with the Town Clerk.

Commented [CF8]: Recommending 500 ft – same as liquor – MED reviewed and Town can do this.

Commented [BN9R8]: yes

C. Distance from certain childcare facilities. No retail marijuana establishment license shall be granted with respect to a proposed licensed premises that would be located within one thousand (1,000) feet of any licensed residential child care facility, as defined in Title 26 of the

Colorado Revised Statutes, that existed at the time of the filing of a complete application for a retail marijuana establishment license with the Town.

D. No mobile facilities and restrictions regarding deliveries.

1. No retail marijuana establishment shall be located in a movable or mobile vehicle or structure.

2. No retail marijuana or marijuana product shall be delivered in the Town unless such delivery is by a retail marijuana establishment licensed by the state to another retail marijuana establishment licensed by the state and the Town and such delivery is specifically permitted by the Colorado Retail Marijuana Code.

**Commented [CF10]:** State MED allows delivery – Town recently approved allowing liquor delivery – Suggest mirroring same policy for MJ delivery. – Also supports reduced contact due to COVID-19.

**Commented [BN11R10]:** Board dependent

3. All sales and distribution of retail marijuana and marijuana products by a licensed retail marijuana store shall occur only upon the licensed premises, and the licensee shall be strictly prohibited from delivering retail marijuana or marijuana products to any person at any other location.

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

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

**6-4-110 Signs and advertising.**

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

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

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

1. Any sign located on the same zone lot as a retail marijuana store which exists solely for the purpose of identifying the location of the retail marijuana store and which otherwise complies with the Town's sign code, Chapter 18, Article 6 of the Town Municipal Code, and any other applicable Town laws and regulations; or
2. Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the Town;
3. Advertising which is purely incidental to sponsorship of a charitable event by a retail marijuana store or a retail marijuana products manufacturer; or

**6-4-120 Denial for good cause.**

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

1. The applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of the Colorado Retail Marijuana Code or any rules and regulations promulgated pursuant thereto, or this Title 4 or any rules and regulations promulgated pursuant to this Title;

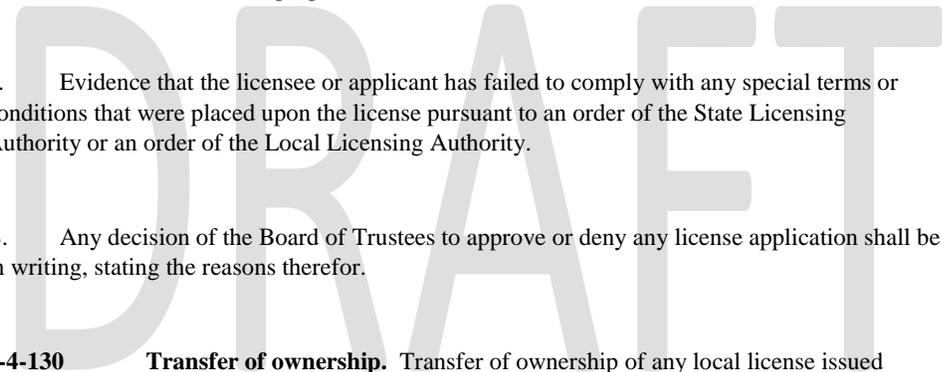
2. Evidence that the issuance or renewal of the license will adversely impact the health, welfare or public safety of the immediate neighborhood in which the retail marijuana establishment is located or is proposed to be located; or

3. Evidence that the licensee or applicant has failed to comply with any special terms or conditions that were placed upon the license pursuant to an order of the State Licensing Authority or an order of the Local Licensing Authority.

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

**6-4-130 Transfer of ownership.** Transfer of ownership of any local license issued pursuant to this Article 4 shall be governed by the standards and procedures set forth in the Colorado Retail Marijuana Code and any regulations adopted pursuant thereto, and the Board of Trustees shall administer transfers of local licenses in the same manner as the state licensing authority administers transfers of state licenses.

**6-4-140 Change of location; modification of premises.** Change of location of any license or any modification of the licensed premises shall be governed by the standards and procedures set forth in the Colorado Retail Marijuana Code and any regulations adopted pursuant thereto, and the Board of Trustees shall administer applications to change location or modify premises in the same manner as the state licensing authority administers changes of location and modification of premises for state licenses. Any proposed modification and any new location to which an existing licensed business is transferred shall fully comply with the location requirements and the requirements for conformance with current zoning as set forth this Title 4.



**Commented [CF12]:** Recommend that a license is ineligible for transfer if there are licenses available in the Town or if it is not a transfer of ownership of the business in its entirety.

**Commented [BN13R12]:** I am okay this as is

**6-4-150 Term of licenses; renewals.** Any local license issued pursuant to this Title shall be valid for a period of one (1) year from the date of issuance. Any renewal of the license shall be governed by the standards and procedures set forth in the Colorado Retail Marijuana Code and any regulations adopted pursuant thereto, and the Board of Trustees shall administer license renewals in the same manner as the state licensing authority administers renewals of state licenses.

**6-4-160 Suspension or revocation of license.**

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

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

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

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

The burden of proof at the hearing shall be on the Town.

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

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

**6-4-170 Operating fees.** Operating fees for retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturers, and retail marijuana testing facilities are as follows:

- A. New license operating fee, per year: Five thousand dollars (\$5,000) for all classes of licenses, payable in advance on or before the date the license is issued.
- B. Criminal background check fee, per person checked: Actual costs.
- C. License application fee: as provided under the Colorado Retail Marijuana Code.
- D. All other fees shall be set by and may be subject to amendment via resolution.

All fees shall be non-refundable.

**6-4-180 Public nuisance.**

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

[6-4-190 Occupational Tax on the sale of Marijuana.](#)

A. There shall be an occupational tax of Five Dollars (\$5.00) per sales transaction on the sale of retail and medical marijuana and marijuana products within the Town as further outlined in Chapter 4, Article 5 of the Paonia Municipal Code.

### **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.

**INTRODUCED, READ AND REFERRED before the Board of Trustees for the Town of Paonia, Colorado, on the 23<sup>rd</sup> day of June 2020.**

**HEARD AND FINALLY ADOPTED** by the Town of Paonia Board of Trustees for the Town of Paonia, Colorado, on the \_\_\_\_ day of \_\_\_\_\_ 2021.

**TOWN OF PAONIA**

By: \_\_\_\_\_

MARY BACHRAN, Mayor

ATTEST:

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

DRAFT

AGENDA SUMMARY FORM

	Ordinance 2021-TBD Accessory Dwelling Unit Regulation
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Summary: The Town Council tasked Governmental Affairs & Public Safety (GAPS) committee to review and follow-up. At the December 15<sup>th</sup> council meeting the Town Attorney was directed to bring a draft ordinance to the Council. Included in the packet is the draft ordinance.

Notes:

Topics to consider:  
 Modified setbacks for ADU  
 Water moratorium

STR defined as less than 30 days but ADU ordinance requires leas for no less than 90 days – should this be modified

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

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

**ORDINANCE NO. 2021-\_\_\_\_****AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, AMENDING CERTAIN PROVISIONS OF CHAPTER 16 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**, the Town pursuant to C.R.S. 31-4-101, the Town has certain legislative powers; and

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

**WHEREAS**, the use of Accessory Dwelling Units (“ADUs”) has been recognized to be an effective means to improve affordable housing, and provide additional dwelling units within a community; and

**WHEREAS**, to offset housing costs and to create additional housing within the Town of Paonia, the Board of Trustees wishes to amend the Town Code to allow for ADUs within the Town; and

**WHEREAS**, the Board of Trustees determines that it is in the best interest of the community and the public health, safety and welfare of the citizens of the Town to amend the Town Code to add certain provision to the Municipal Code.

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

**Section 1. Legislative Findings.**

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

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

(A) The definition of “*Accessory building, structure or use*” under Sec. 16-1-100 is repealed and amended to read as follows:

“*Accessory building, structure or use*’ means a building, structure or use located on the same lot as the principal building, structure or use, which is clearly incidental to and subordinate to and customarily found in connection with the principal building

structure or use. Accessory buildings, structures or uses shall not be used for living or sleeping quarters unless such accessory building, structures or uses shall meet the requirements of Sec. 16-\_\_\_\_\_.

(B) The definition of “*Dwelling Unit, accessory*” is added to under Sec. 16-1-100 to read as follows:

“*Dwelling Unit, accessory*’ means A dwelling unit located within, attached to, or detached from the principal dwelling, that contains no more than 800 square feet of gross floor area, the use of which is associated with and subordinate to the principal dwelling and that is located upon the same lot as the principal dwelling.”

### **Section 3. Addition to the Town Code.**

(A) The following Sec. 16-3-65 is added to the Town Code as follows:

Sec. 16-3-65. – Accessory Dwelling Units.

- (a) ADU’s as defined in Sec. 16-1-100 are only allowed as accessory to a single-family dwelling and within the R-1 Low-Density Residential District. Only one ADU per single-family dwelling is permitted.
- (b) The accessory dwelling unit must be constructed in accordance with applicable requirements of the Town Building Codes. It may be attached or detached to the principal single-family dwelling. Applicable lot dimensional requirements for a single-family dwelling as set out in 16- must be met.
- (c) One off-street parking space shall be provided for the accessory dwelling unit in addition to any other required off-street parking.
- (d) The accessory dwelling unit may not exceed 800 square feet of gross floor area.
- (e) One of the dwelling units on the property must be, and remain, owner occupied.
- (f) A minimum of a 90-day rental period shall be required by written lease.
- (g) The accessory dwelling unit must be owned together with the principal residential unit, and the lot or parcel upon which they are located, in undivided ownership.

- (h) The accessory dwelling unit may be served off of the water or sewer tap for the principal residence, in which case it shall not be subject to additional tap fees.
- (i) The burden shall be upon the owner of any accessory dwelling unit to provide adequate proof to the Town that the criteria of this Section are met. In the event that the Town determines that the criteria has not been shown to be satisfied, the unit may not be occupied as a residence.
- (j) A dwelling unit constructed before a principal single-family dwelling, which meets these criteria, may be converted to an accessory dwelling unit following construction of a new principal dwelling unit.

**Section 4. 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 5. Repeal of Prior Ordinances.**

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

**Section 5. Ordinance Effect.**

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

**Section 6. Effective Date.**

This Ordinance shall take effect thirty days after adoption. Notwithstanding the foregoing, the Town shall not issue a certificate of occupancy for an accessory dwelling unit unless or until there is a repeal on the Town wide water tap sale moratorium.

**THIS SECTION LEFT INTENTIONALLY BLANK**

**INTRODUCED, READ, AND REFERRED for second reading before the Board of Trustees of the Town of Paonia, Colorado, on the 23<sup>rd</sup> day of February 2021.**

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

By: \_\_\_\_\_  
Mary Bachran, Mayor

ATTEST:

\_\_\_\_\_  
CORINNE FERGUSON, Town Clerk

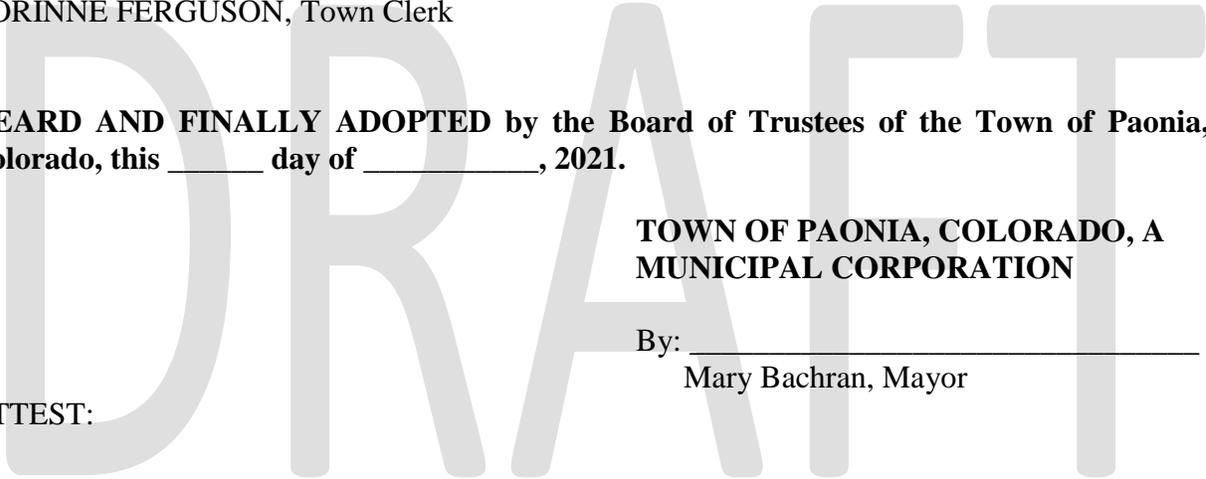
**HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

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

By: \_\_\_\_\_  
Mary Bachran, Mayor

ATTEST:

\_\_\_\_\_  
Corinne Ferguson, Town Administrator/Clerk



AGENDA SUMMARY FORM

	Resolution 2021-02 Amending 2020 Budget
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Summary:  
 Resolution 2021-02 is necessary to adequately report and ratify the Board approved expenditures that created changes made throughout the 2020 budget that were not included in the filed budget with the Department of Local Affairs at end of 2019.

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

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

**RESOLUTION 2021-02**  
Resolution to Amended Budget

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND AMENDING THE BUDGET FOR THE TOWN OF PAONIA, COLORADO, FOR THE CALENDAR YEAR BEGINNING THE FIRST DAY OF JANUARY 2020 AND ENDING THE LAST DAY OF DECEMBER 2020.

**WHEREAS**, the Board of Trustees for the Town of Paonia, Colorado, adopted the prepared and submitted the budget to said governing body at the time; and

**WHEREAS**, appropriations ratifying the additional sums of money to defray expenses in excess of amounts budgeted are necessary; and

**WHEREAS**, monies in the respective funds are available in the form of unappropriated or unrestricted surpluses;

**NOW, THEREFORE**, be it resolved by the Board of Trustees of the Town of Paonia, Colorado, that the 2020 Budget is amended as follows:

Section 1. That estimated expenditures for each fund are as follows:

	Original	Amended
• General Fund	\$1,160,742	\$1,183,498
• Pass Through Grant Fund	\$ 335,000	\$ 335,000
• Space-to-Create Fund	\$ 195,200	\$ 195,200
• Conservation Trust	\$ 9,008	\$ 9,008
• Capital Improvement Fund	\$ 198,750	\$ 216,848
• Enterprise Fund	<u>\$1,708,498</u>	<u>\$1,708,498</u>
For a total of	\$3,607,198	\$3,648,052

Section 2. That estimated revenues and prior year surplus for each fund are as follows:

	Original	Amended
• General Fund	\$1,160,742	\$1,281,730
• Prior Year Surplus	<u>\$ 291,015</u>	<u>\$ 617,618</u>
• Total	\$1,451,757	\$1,899,348
• Pass Through Grant Fund	\$ 335,000	\$ 335,000
• Prior Year Surplus	<u>\$ 0</u>	<u>\$ 0</u>
• Total	\$ 335,000	\$ 335,000

• Space-to-Create Fund	\$ 195,200	\$ 195,200
• Prior Year Surplus	\$ 0	\$ 13,124
• Total	\$ 195,200	\$ 208,324
• Conservation Trust	\$ 9,008	\$ 9,008
• Prior Year Surplus	\$ 0	\$ 1,317
• Total	\$ 9,008	\$ 10,325
• Capital Improvement Fund	\$ 198,750	\$ 222,605
• Prior Year Surplus	\$ 44,892	\$ 338,150
• Total	\$ 243,642	\$ 560,755
• Enterprise Fund	\$1,708,498	\$1,708,498
• Prior Year Surplus	\$ 681,813	\$ 653,371
• Total	\$2,390,311	\$2,361,869
For a total of	\$4,624,918	\$5,375,621

Section 3. That the budget as submitted and herein above summarized by fund, the same is hereby approved and adopted as the Amended Budget of the Town of Paonia, Colorado, for the year 2020.

Section 4. For the purpose of paying the necessary expenses and liabilities of the Town of Paonia for the fiscal year beginning January 1, 2020, and for the purpose of appropriating monies to pay the sums set forth in the Budget of the Town, there is hereby appropriated from the balance on hand and the probable revenue of each fund to each fund for the ensuing year, the sum hereafter set for the following purposes:

Section 5. That the Budget as hereby approved and adopted, shall be signed by the Mayor, and made part of the public records of the Town.

Adopted this 23<sup>rd</sup> day of February 2021, effective 31<sup>st</sup> day of December 2020.

Attest:

\_\_\_\_\_

J. Corinne Ferguson, Town Clerk

\_\_\_\_\_

Mary Bachran, Mayor

AGENDA SUMMARY FORM

	<b>Resolution 2021-03 Modification to Encroachment of Liquor Licensed Establishments</b>
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Summary: Request that the Board of Trustees amend the previously approved Resolution 2020-12 to include review and use of Town rights of way for established on-premises liquor licenses beyond dining establishments.

Notes:

The original resolution only permitted dining establishments to use adjacent right-of-way as an extension of the liquor license, while the stage regulation permits other establishments. At the request of current license holders in the Town staff recommends the modification to include other license types as defined in the resolution.

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

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

**RESOLUTION NO. 2021-03****TOWN OF PAONIA, COLORADO****A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, AMENDING ITS LOCAL DISASTER DECLARATION TO PROVIDE FOR THE ADMINISTRATIVE MODIFICATION OF LIQUOR LICENSED PREMISES AND THE ISSUANCE OF ENCROACHMENT LICENSES TO FACILITATE OUTDOOR DINING WITHIN THE TOWN'S RIGHTS-OF-WAY.**

**WHEREAS**, the Town of Paonia ("Paonia") is a statutory municipality organized under Article XX of the Colorado Constitution and with the authority of the Town of Paonia Municipal Code (the "Code"); and

**WHEREAS**, the Mayor issued an Order Declaring a Local Disaster (the "Order") on March 10, 2020; and

**WHEREAS**, the Order was issued pursuant to the authority granted to the Mayor, and continued with the approval and support of the Board of Trustees; and

**WHEREAS**, pursuant to Chapter 6, Article 1 of the Paonia Municipal Code, the Liquor Licensing Authority for the Town is the Board of Trustees, and the Town Clerk is vested with the authority to assist the Liquor Licensing Authority by receiving all applications and exercising discretion in forwarding matters to the Liquor Licensing Authority; and

**WHEREAS**, pursuant to Section 11-1-80 of the Paonia Municipal Code, the Town Clerk may authorize encroachment over or upon the public right-of-way by the issuance of a street closure permit; and

**WHEREAS**, on May 15, 2020, due to public health concerns raised by the presence of COVID-19 in the state, the Liquor Enforcement Division for the State of Colorado issued Emergency Regulation 47-302 in Bulletin 20.07 ("Emergency Regulation 47-302") establishing procedures for a licensee seeking to temporarily modify the licensed premises, including into outdoor areas contiguous or adjacent to the existing licensed premises; and

**WHEREAS**, pursuant to Emergency Regulation 47-302, a licensee must seek permission of the relevant Local Licensing Authority in addition to the State Licensing Authority to temporarily modify its licensed premises to facilitate social distancing by employees and customers; and

**WHEREAS**, in order to facilitate the business of licensees and be consistent with Emergency Regulation 47-302, the Board of Trustees wishes to authorize administrative review and approval of modifications to licensed premises; and

**WHEREAS**, in order to facilitate the business needs during periods of mandated social distancing, the Board of Trustees wishes to authorize administrative review and approval of permits to encroach in the Town's rights-of-way; and

**WHEREAS**, the Board of Trustees finds and declares that it is in the best interests of the health, welfare, and safety of the residents of the Town of Paonia to permit administrative review and approval of liquor licensed premises modifications and permits to encroach in the Town's rights-of-way to accommodate business during the local disaster emergency and mandatory social distancing.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Town of Paonia, Colorado:

Section 1. The above recitals are hereby incorporated as findings by the Town of Paonia.

Section 2. The Order Declaring a Local Disaster in a for the Town of Paonia is hereby amended to provide the following:

A. The Town Clerk is authorized to administratively review and approve modifications of premises licensed pursuant to Article 6 of the Paonia Municipal Code, in accordance with Emergency Regulation 47-302 1 C.C.R. 203-2, which includes **on-premises businesses** such as Hotel and Restaurant; Brew pub; Distillery pub; Vintner's Restaurant; Fermented Malt Beverage (FMB) on-premises; Tavern; Beer and Wine; Lodging and Entertainment; Optional premises license; Club license; Arts license; Breweries, Wineries and Distilleries with an approved sales room. This emergency regulation permits these on-premises licensees to temporarily expand their licensed premises into sidewalks, streets, and parking lots to increase social distancing measures while being able to operate a productive and economically sustainable business. This emergency regulation is not available to off-premises liquor licensees.

B. The Town Clerk is authorized to administratively create, review and approve temporary permits to encroach upon the Town's rights-of-way in order to facilitate expansion of outdoor seating areas for dining, in accordance with Colorado Department of Public Health and Environment social distancing requirements.

Section 3. Notwithstanding the foregoing, nothing herein shall excuse a licensee from complying with applicable provisions of Article 6 of the Paonia Municipal Code or under state law, Sections 44-3-101 *et seq.* and 44-4-101 *et seq.*, C.R.S, or other conditions of the license.

Section 4. This Resolution shall stay in effect until termination of the Town's emergency declaration.

ADOPTED AND APPROVED this \_\_\_\_\_ day of February 2021.

**TOWN OF Paonia, COLORADO**

By \_\_\_\_\_

Mary Bachran, Mayor

ATTEST:

\_\_\_\_\_  
Corinne Ferguson, Town Clerk

AGENDA SUMMARY FORM

	GAPS Follow-Up Short-Term Rental (STR) Survey Questions
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Summary: Governmental Affairs & Public Safety (GAPS) committee proposed short term rental survey questions for review.

Notes:

Basic plan – 10 questions – free  
 Paid plans - \$385 annually (one user) - \$900 annually (three users)

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

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

For the purpose of this survey, *short-term rentals (STRs)* are defined as the rental of a dwelling, dwelling unit, accessory dwelling unit, or any portion of a dwelling unit to any persons for less than 30 days. STR does not apply to or include commercial hotels or motels.

- Where do you live?
  - I live within Paonia town limits
  - I live outside of Paonia town limits
  - Prefer not to say
- Do you own or rent?
  - Own my home
  - Rent my home
  - Prefer not to say
- Are you a local business owner in or near Paonia?
  - I own a local business that is not impacted by tourism or short-term rentals
  - I own a business that offers lodging
  - I own a business that benefits from or relies on tourism, but does not offer lodging
  - None of the above
- Do you have short-term rental(s) available in or near Paonia?
  - I have STR(s) in my home and share my living facilities (kitchen and/or bathroom) with my STR
  - I have STR(s) on my property, but separate from my living quarters
  - I have STR(s) on a property where I do not live
  - I do not have STR(s) but am considering it
  - I do not have STR(s) and do not plan to
- How do you feel about staying in STRs when you travel?
  - I prefer to stay in STRs
  - I prefer other lodging options
  - Neither
- How do you feel about the number of STRs in Paonia?
  - There are too many
  - There are not enough
  - Neutral
- Do STRs affect the long-term rental market in Paonia?
  - STRs have a negative impact on the long-term rental market
  - STRs have a positive impact on the long-term rental market
  - Neutral
- Do STRs impact parking availability near your home?
  - STRs make it harder to find parking
  - STRs do not make it harder to find parking
  - Neutral
- Do STRs affect property values in Paonia?
  - STRs are good for property values
  - STRs are bad for property values
  - Neutral
- Do STRs affect the character and sense of community in your neighborhood?
  - STRs are good for neighborhood character and sense of community
  - STRs are bad for neighborhood character and sense of community
  - Neutral

- How do you feel about STR guests in your neighborhood?
  - STR guests are generally respectful and make good neighbors
  - STR guests are generally disrespectful and bring problems to the neighborhood
  - Neutral
- How do STRs impact local businesses?
  - STRs are good for local businesses
  - STRs are bad for local businesses
  - Neutral
- What do you think is the overall impact of STRs in the community?
  - STRs have a positive impact on the community overall
  - STRs have a negative impact on the community overall
  - Neutral
- How do you think STRs should be classified in terms of regulations, fees, and building codes?
  - STRs should be considered commercial use
  - STRs should be considered residential use
  - Neutral
  - Other: \_\_\_\_\_
- If the town of Paonia regulates short-term rentals, what type of regulation would you support? Select all that apply
  - A time-based restriction (for example, limit to one rental per month, or limit on the total number of rental-nights per year)
  - Regulations based on zoning (for example, STR density restrictions in R-1 zone)
  - Safety regulations
  - A permit process and fee
  - Required notification of neighbors
  - STRs are only allowed at the owner's primary residence
  - More stringent regulations if the STR is not the owner's primary residence
  - A maximum number of guests or rented bedrooms per property
  - A maximum number of complaints before an STR is no longer allowed to operate
  - Required registration with the police department in case of emergencies
  - A complete ban on STRs in Paonia
  - I would not support any regulations for STRs in Paonia
  - Other: \_\_\_\_\_
- If you currently offer a STR, what would make you consider offering a long-term rental instead?
  - I would not convert my STR to a long-term rental under any circumstance
  - Increased STR regulations
  - Financial incentives for long-term rentals
  - Other support for long-term rentals (tenant screening, legal advice, or help with rental contracts)
  - The ability to add another dwelling unit (ADU) to my residential property
  - Other: \_\_\_\_\_
- What else should the town consider regarding STRs?
 

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AGENDA SUMMARY FORM



Regular Meeting Minutes:  
January 09, 2021

Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

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

**Minutes**  
**Regular Town Board Meeting**  
**Town of Paonia, Colorado**  
**February 09, 2021**

**RECORD OF PROCEEDINGS**

The Regular meeting held via zoom on Tuesday, February 09, 2021, was called to order at 6:31p.m. by Mayor Mary Bachran, followed by the Pledge of Allegiance.

**Roll Call**

- PRESENT
- Mayor Bachran
- Trustee Bear
- Trustee Budinger
- Trustee Knutson
- Trustee Pattison
- Trustee Johnson
- Trustee Meck

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

**Approval of Agenda**

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

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

**Announcements**

Mayor Bachran announced that Paonia in Motion community workshop will begin this week and is researching the possibility of a COVID-19 vaccination clinic in Town.

**Recognition of Visitors & Guests**

Visitors & Guests:

- Tanya Henderson the new director of Western Slope Conservation Center provided an introduction to the board.

**Staff Reports**

- Administrator’s Report:
  - The Administrator’s report was included in the packet.

- COVID-19 updates are provided via the Delta County website.
- SGM is creating a public mapping system for the Town.
- Discussed the sanitary survey status update.
- Updated on the installation of the water station system.
- Community questions to be addressed at the next meeting via the Administrator's report
- Could a grant cover cost of COVID-19 sampling at the wastewater plant?
- Is there an update regarding the building inspector position?

#### Public Works report:

- The Public Works report was included in the packet.
- Continue to work on the sanitary survey follow-up.
- Provided an update on the SCADA installation at the IMG water plant.
- Ammonia treatment underway at wastewater treatment plant.

#### Police Report:

- The police blotter was included in the packet.
- The current ordinance for tobacco needs to be updated and revised to add the vaping language.
- Announced that there will be a meeting regarding the consolidation of the Paonia and Hotchkiss schools on February 10<sup>th</sup> at 6:00 p.m. at the Paonia High school.
- For more information regarding the consolidation of the schools and to complete a survey go to: [www.deltaschools.com](http://www.deltaschools.com)
- Addressed the comment on the issue regarding the political banner/signs.
  - Chief stated that it is freedom of speech and will be looking into other methods to address the issues.

#### Attorney Report:

- The attorney's report was included in the packet.
- The attorney was absent.

### Disbursements

#### Treasurer's Report:

- The Finance Officers report was included in the packet.
- Treasurer King gave an update on the DMEA franchise tax issue.
  - Trustee Bear questioned the collection of sales tax on non-tangible items.

✚ Motion by Trustee Bear to direct Treasurer King to meet with Town Attorney Nerlin to discuss how to pursue the sales tax on the franchise fee. Motion failed for lack of a second.

✚ Motion was amended by Trustee Bear, seconded by Trustee Pattison and carried with 5 ayes and 1 nay, to direct Treasurer King to meet with Town Attorney Nerlin to analyze the charge of sales tax.

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

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

Disbursements Report:

- Trustee Pattison went over her questions that she e-mailed the Town Administrator/Clerk.

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

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

**Regular Business**

North Fork EMS – Balance & Fitness Program Grand Letter of Support :

- The project summary was provided in the packet.
- A draft letter of support was included in the packet.
- The EMS is not requesting financial support.
- Trustee Knutson questioned how classes would be held during the COVID-19 pandemic.

✚ Motion by Trustee Meck, seconded by Trustee Knutson and unanimously carried to approve the North Fork EMS – Balance & Fitness Program Grant Letter of Support as presented.

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			

Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

Western Slope Conservation Center – Letter to US Elected Officials:

- Discussion ensued by Tanya Henderson regarding the letter and request. The documents were included in the packet.

✚ Motion made by Trustee Knutson, Seconded by Trustee Johnson, and carried with 5 ayes and 1 nay to approve the Western Slope Conservation Center – Letter to US Elected Officials as presented.

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

Work Session/Regular Meeting Schedules:

- Trustee Pattison’s meeting format proposal was included in the packet
- Jurassic Parliament guidelines were included in the packet
- Discussed the format of regular vs. work session meetings
- Trustee Pattison suggested holding multiple meetings throughout the month.
  - Discussion meetings
  - Business meetings
- Mayor Bacharan was not in favor of this method for its inefficiency.
- The work session/regular meeting schedules discussion was tabled until an in-person meeting is held.

**Consent Agenda**

Regular Minutes:

01/26/2021

- Draft minutes were included in the packet.

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

Council Member	For	Against	Abstain	Absent
Trustee Bear	X			
Trustee Budinger	X			

Trustee Johnson	X			
Trustee Knutson	X			
Trustee Meck	X			
Trustee Pattison	X			
Mayor Bachran				

**Mayor’s Report**

Mayor’s Report was included in the packet.

- A community member questioned the time frame until in-person meetings will be held again.
  - Mayor stated the earliest anticipated is late March, but will not occur until County dial is in green.

**Committee Reports**

Finance & Personnel report:

- Meeting February 24, 2021, at 9:00 a.m.

Governmental Affairs & Public Safety report:

- Met on February 08, 2021, and discussed multiple projects.
- Discussed ADU’s and short term rentals
- Working on a draft survey for short term rentals (STR’s).
- The food truck ordinance is in the works.

Public Works-Utilities-Facilities report:

- Meeting February 11<sup>th</sup> at 9:00 a.m.
- Advisory Water Committee member Thomas Markle requested additional data regarding meter readings and billing data.
  - Requested the Boards' approval to release customers' water bills to the water committee to be analyzed.

Tree Board:

- Discussed that the Town received the tree inventory and will be reviewed.
- The Tree Board committee is looking at the City of Grand Junction as a model for trees.
- Trustee Meck stated the Advisory Water Committee will be meeting on the 4<sup>th</sup> Wednesday of the month at 6:00 p.m. and would like to have the Committee to be added to the agenda.
- Trustee Pattison would like to have the committees added to the Town’s web calendar.

**Adjournment**

The meeting was adjourned by Mayor Bachran at 8:03 p.m.



Amanda Mojarro, Deputy Clerk

Mary Bachran, Mayor

DRAFT

AGENDA SUMMARY FORM

	<p>Mayor's Report</p>
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Summary:

Notes:

Possible Motions:  
  
Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

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

## Mayor's Report

### February 12, 2021 Epidemiology and Hospital Weekly Update

Dr Herlihy State epidemiologist

- EPI update
  - 42 cases of B.1.1.7 (UK) variant of concern
  - 17 cases of L452R (CA and Denmark) variant under investigation
  - Cases going down less quickly but still well above summer cases
  - Delta in orange on state map for incidence rate 7 day moving average

Scott Bookman CDPHE Administrative Director

- Hospitalization
  - Going down as well (456 COVID patients statewide)
  - No current areas of concern across state
- Vaccine update
  - Phase 1B.2 Currently
  - Supplies still limited but good news coming out of Federal government
  - Early March 1B.3
  - Any person can go any provider in the state
  - County vaccine allocation moving toward population base but not there yet

### February 18, 2021 Senator Hickenlooper's Office

Sarah McCarthy

- Talked with her about local issues
- Asked to please look for infrastructure dollars for small communities
- She will make sure our letter gets to the Senator and is incorporated into his agenda

### February 18, 2021 Region 10 Economic Recovery Planning Meeting

- Lots of housing going up across region
- New terminal expansion at Montrose airport starting in July
- Planning for summer tourism
- State demographer's office, Chris Akers
  - Looking at permanent remote jobs and remote workers
  - 0% down USDA home loans available in rural areas
  - Pre-COVID slowest growth rates since beginning to keep records in late 1980's
  - April 30<sup>th</sup> first census data available
  - Delta very slow growth, but still growing
  - 30% lower than predicted
  - Job growth is also decreasing
  - Retirees biggest economic driver in Delta, next regional services, then agribusiness
  - Delta 5% fewer jobs

## February 19, 2021 Epidemiology and Hospital Weekly Update

Dr Herlihy State epidemiologist

- 71 cases of B.1.1.7(UK)
  - Primarily in Denver metro with some in ski/resort areas and Western Slope
- 29 cases of L452R (CA and Denmark)
  - More broadly spread across the state
- No other variants identified
- Trends continuing downward but still about twice of summer cases
- Delta has moved into the green zone according to the state based on one week moving averages
- Hospitalization numbers below April peak

Scott Bookman CDPHE Administrative Director

- Health care capacity is stable
- Vaccinations
  - Over 1 million first doses administered
  - Receiving ~90,000 new doses each week
    - Anticipating this will be stable for the next few weeks
  - Not sure when getting large increases in vaccine, remain dependent on Federal government
  - Still need to remain vigilant

AGENDA SUMMARY FORM

	Finance & Personnel Governmental Affairs & Public Safety Public Works-Utilities-Facilities Tree Board Advisory Water
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Summary:

Notes:

Possible Motions:

Motion by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ vote: \_\_\_\_\_

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