



**TOWN OF PAONIA**  
**TUESDAY, MAY 11, 2021**  
**REGULAR TOWN BOARD MEETING AGENDA**  
**6:30 PM**

**IN-PERSON MEETING AT 214 GRAND AVENUE COMMUNITY ROOM**

**APPROPRIATE FACE COVERINGS ARE REQUIRED WHILE INSIDE THE BUILDING**

**Roll Call**

**Approval of Agenda**

**Announcements**

Declaration of Stage 1 Drought

**Recognition of Visitors & Guests**

**Staff Reports**

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

**Treasurer's Report**

2. Treasurer's Report  
Draft Fund Balance & Reserve Policy

**Disbursements**

3. Disbursements

**Consent Agenda**

4. Regular Minutes:  
April 27, 2021  
Liquor License Renewal:  
West Elk Wine and Spirits  
Special Event Permit:  
Pickin Productions – Pickin in the Park August, 2021

**Unfinished Business**

None

**New Business**

5. Mattingly - Clark's End Variance Application
6. Ordinance 2021-TBD Board of Appeals
7. 300 Block of Poplar Avenue Street Closure Request - Barb Heck
8. DMEA - Franchise Agreement Update
9. Ordinance 2021-TBD Accessory Dwelling Units
10. Community Member Ethics Complaint
11. Mobile Retail Food Establishments

**Mayor's Report**

12. Mayor's Report

Mayor's Report Building Official Survey

**Committee Reports**

14. Finance & Personnel

Governmental Affairs & Public Safety

Short Term Rentals

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.

AGENDA SUMMARY FORM



Declaration of Stage 1 Drought

Summary:

As previously included in the Administrator report and with unanimous recommendation from the Advisory Water Committee staff and the AWC recommends the Board officially recognize that the Town is in Stage 1 drought conditions and request that all Town water users, within and outside Town limits, adhere to the stage 1 restriction recommendations.

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:

May 6, 2021

**RESOLUTION 2020-17**

**TOWN OF PAONIA, COLORADO**

**Resolution of the Town Council of Paonia, Colorado  
Ratifying the Town of Paonia Water Conservation and Management Plan**

**WHEREAS**, the water supply for the Town of Paonia is a precious, valuable, limited, and critical resource for the Paonia community; and

**WHEREAS**, the Town of Paonia, State of Colorado and the United States have seen periods of drought that significantly impact the local water supply, threatening the health, safety and welfare of our communities; and

**WHEREAS**, the Town of Paonia, through Municipal Code Chapter 13, Article 1 Section 13-1-80 may regulate, limit, or prohibit the use by a user if necessary; and

**WHEREAS**, the Town Council desires to be proactive in communicating with the Paonia community and water users of town-supplied water regarding the water conservation efforts that will be employed and the timing of such water restrictions; and


**WHEREAS**, the Town Council desires to conserve water in times of need to insure effective and safe delivery of water to the Paonia community during all times, including in times of restricted or limited water supply and drought.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PAONIA, COLORADO the Paonia Water Conservation and Management Plan as defined herein is ratified.**

**IT IS FURTHER ORDERED** that this Resolution shall be given prompt and general publicity and enacted immediately.

  
\_\_\_\_\_  
Mary Bachran, Mayor

ATTEST:

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

## Water Conservation and Management Plan

Stage	Trigger Condition	Actions
Stage I	Voluntary Restrictions: Diversion from Secondary Water Sources Imminent	<ul style="list-style-type: none"> <li>• Does not apply to drip systems and use of hand- watering containers.</li> <li>• Reduce irrigating.</li> <li>• No irrigating when wind gusts or sustained winds, in order to minimize evaporation.</li> <li>• Outreach on water use and fixing leaks, limited gardening, etc.</li> <li>• Limit car washing, pond, or pool filling.</li> </ul>
Stage II	Modified Mandatory Restrictions: Demand exceeds system capacity (no longer spilling excess water at treatment plant) after Stage I	<ul style="list-style-type: none"> <li>• Even numbered properties water on even number days. No watering on Saturdays.</li> <li>• Odd numbered properties water on odd number days. No watering on Saturdays.</li> <li>• Town Parks/properties irrigated with domestic water limited to direct watering trees and planters.</li> </ul>
Stage III	Mandatory Restrictions: Demand remains above system capacity and tank levels are not sustained after Stage I and Stage II actions	<ul style="list-style-type: none"> <li>• Maintain town watering Stage II curtailments plus:</li> <li>• Water Waste Ordinance activated, including emergency rate structure increasing cost of water for usage over 10,000 gallons (may require more frequent meter readings – 2x month – for use and leak detection).</li> <li>• Request Restaurants only serve water upon customer request.</li> <li>• No outdoor irrigation.</li> <li>• No car washing, pond, or pool filling.</li> <li>• No sidewalk washing.</li> <li>• No use of potable water in water features (e.g., fountains, bird baths).</li> </ul>

AGENDA SUMMARY FORM



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

Summary:

Notes:

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

Possible Motions:

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

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

May 5, 2021



“Not everything that is faced can be changed, but nothing can be changed until it is faced.” James Baldwin

Administrators Report for May 11, 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 Meetings Follow-up:

1. The Colorado Forest Service Tree Inventory and appendices are included under miscellaneous in Munidocs. <https://library.municode.com/co/paonia/munidocs/munidocs>
2. The suggested tree list has been added to the Town website.
3. The Short-Term Rental result link has been added to the Town website.
4. Meetings continue to be updated on the Town website. Please advise, should you notice any missing or that need updated.

Updates:

1. JDS-Hydro Infrastructure Analysis Draft should be here, delivery date scheduled for Monday, May 10<sup>th</sup>.
2. The May 25<sup>th</sup> plant tour has been confirmed. The tour will be recorded and available via the Town website at a later date.
3. Watering at all Town Parks is underway.
4. Six trees were planted this year in recognition of Arbor Day and to keep the Town’s word to replace trees removed the year prior. IN 2020 the Town removed three trees. The tree species are Maple, Oak, and non-fruiting Chanticleer Pear.
5. All items required for the Sanitary Survey have been completed and provided to CDPHE. The final update, barring any further requests from CDPHE, has been included with the Public Works Director Report.
6. Director Loberg has resumed ORC duties for the distribution side of the water treatment since successful completion of the updated license test. The next testing will be scheduled May 20<sup>th</sup>. We will inform you of the testing date once we have it. The test will be administered in the same fashion, under video proxy by the CDPHE approved testing entity.
7. The Town continues to operate under a month-to-month ORC (Operator in Responsible Charge) for the treatment side of water treatment. A delegation plan has been submitted to CDPHE. A month-to-month written contract is under review, with a monthly fee associated at \$250 per month. We do not anticipate the contract going beyond the next test.
8. The Paonia in Motion design workshops is underway May 11-13<sup>th</sup>. If you have the capability in your schedule, I recommend trustees attend the community workshop Wednesday from 6pm to 8pm at the Blue Sage.
9. Spring Cleanup is scheduled for May 24<sup>th</sup> to 28<sup>th</sup>.
10. Street Closure suggestion for Board review will be included on an upcoming agenda when time permits discussion – potentially in the form of a Resolution for Board consideration.

From the desk of Corinne Ferguson  
Town Administrator/Clerk

Currently requests are being reviewed on a month-to-month basis and no conflicts have presented.

11. The bulk-fill station is complete and operational. We are assessing our flows prior to opening for public use. As part of the stage II drought restrictions, we propose to add a limitation the amount of water per account per month.
12. The Town Attorney and I have (had) a meeting with the Paonia Ditch Company May 11<sup>th</sup>, prior to this meeting.
13. I will be out of the office May 20<sup>th</sup> to June 1<sup>st</sup>. Packets for the May 25<sup>th</sup> meeting will be available on May 20<sup>th</sup>. I will have access to email after May 25<sup>th</sup> if there is a need. I will be absent also for the June 8<sup>th</sup> meeting.

Thank you.



## PAONIA IN MOTION | DESIGN WORKSHOP SCHEDULE

Tuesday, May 11- Thursday, May 13, 2021  
 Hosted at the Blue Sage Center for the Arts  
 (228 Grand Avenue)

Monday, May 10	Tuesday, May 11		Wednesday, May 12		Thursday, May 13	
	Consultant Team Design Work Blue Sage Center 8:00 AM- 6:00 PM		Consultant Team Design Work Blue Sage Center 8:00 AM- 6:00 PM	Stakeholder Meetings <i>(as necessary)</i> Blue Sage Center 8:00 AM- 11:00 AM	Consultant Team Design Work Blue Sage Center 8:00 AM- 3:00 PM	Stakeholder Meetings <i>(as necessary)</i> Blue Sage Center 8:00 AM- 11:00 AM
		Drop-In Hours Blue Sage Center 11:30 AM- 1:30 PM		Drop-In Hours Blue Sage Center 11:30 AM- 1:30 PM		Drop-In Hours Blue Sage Center 11:30 AM- 1:30 PM
		Stakeholder Meetings <i>(as necessary)</i> Blue Sage Center 2:00 PM- 4:00 PM		Stakeholder Meetings <i>(as necessary)</i> Blue Sage Center 2:00 PM- 4:00 PM		Stakeholder Meetings <i>(as necessary)</i> Blue Sage Center 2:00 PM- 4:00 PM
Consultant Team Arrival & Tour of Paonia Monday Afternoon	Skate Park Workshop Blue Sage Center 4:00 PM- 6:00 PM		Community Workshop Blue Sage Center 6:00 PM- 8:00 PM		Consultant Team Departure Thursday Afternoon	

### Event Details

- Drop-In Hours:** A window of time for anyone from the community to swing by the Blue Sage Center for the Arts and review/discuss the design schematics/concepts that the consultant team is working on.
- Skate Park Workshop:** For those that are interested in helping to develop design schematics/concepts for the new Skate Park/Action Park in Paonia, please stop by the Blue Sage Center for the Arts during this workshop and share your ideas.
- Community Workshop:** This workshop will offer an opportunity for the community to: (1) Review/offer in input on the design schematics/concepts that the consultant team is working on; (2) Share input on how to address the needs and/or aspirations for the town's parks, recreation amenities/facilities, and trails; and, (3) Learn about findings from the Focus Groups Sessions, Community Input Workshops, the Community Survey, and the Current Conditions Inventory.
- Stakeholder Meetings:** Meetings with select stakeholder groups (ex. town staff) will be hosted on an as need basis over the course of the Design Workshop.

## Public Works Report – 5/7/2021

1. Status with JDS Hydro – underway with no additional delays anticipated.
2. Working with SGM on corrosion control at WWTP.
3. Pressure gages for fire hydrant have been received and will be installed in the next couple weeks.
4. 2021 Street projects are going back out for bid. No one turned in bid on time.
5. Been working on getting spring lines and boxes cleaned up.
6. Boring for irrigation to Lee's Park completed and hook up will be week of 5/10.
7. Planted 3 new Trees in Town Park and 2 in Apple Valley Park and 1 in Lee's Park
8. Street sweeping still underway.

## 2020 Water Treatment Plants Sanitary Survey Update #5 – 05/07/2021 - **COMPLETE**

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

### **SIGNIFICANT DEFICIENCIES:**

**COMPLETE**

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 – Additional Information Requested by CDPHE – Meeting 2/23 to discuss COMPLETE**
  - 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 – Additional Information Requested by CDPHE – Meeting 2/23 to discuss COMPLETE**
  - 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:**

**COMPLETE**

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 COMPLETE**

- 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 – in process
2. 0997 – Operator
  - Scheduled for re-test – in process

**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.  
COMPLETE

# Paonia Police Department

## Law Incident Table, by Date and Time

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**Date Occurred:** 04/01/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
19:46:55	Code Enforce	GRAND AVE; PPD, Paonia, CO	PPD	PPD	VW

**Total Incidents for this Date: 1**

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

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
14:47:52	Information	SAMUEL WADE RD, Paonia, CO	PPD	DIST3	VW

**Total Incidents for this Date: 1**

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**Date Occurred:** 04/03/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
11:16:03	Traffic Stop	Block Grand Avenue, Paonia, CO	PPD	PPD	CIT
13:58:46	SUSPICIOUS	1ST ST, Paonia, CO	PPD	PPD	
15:57:31	Traffic Stop	SAMUEL WADE RD, Paonia, CO	PPD	DIST3	CIT
16:40:25	AGENCY ASSIST	GRAND AVE, Paonia, CO	PPD	PPD	
18:28:58	Medical/transfe	BOX ELDER AVE, Paonia, CO	PPD	PPD	
19:13:24	Traffic Stop	NIAGARA AVE, Paonia, CO	PPD	PPD	
19:15:00	Traffic Stop	3rd Street, Delta, CO	PPD	PPD	CIT

**Total Incidents for this Date: 7**

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

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
07:47:50	SUSPICIOUS	N 3RD ST, Hotchkiss, CO	PPD	HOT	UNF
09:59:10	Disturbance	COLORADO AVE, Paonia, CO	PPD	PPD	
13:33:13	AGENCY ASSIST	HIGHWAY 92, Hotchkiss, CO	PPD	DIST3	

**Total Incidents for this Date: 3**

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**Date Occurred:** 04/05/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
14:18:49	VIN INSPECTION	GRAND AVE, Paonia, CO	PPD	PPD	
15:05:07	CITIZEN ASSIST	GRAND AVE, Paonia, CO	PPD	PPD	

**Total Incidents for this Date: 2**

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**Date Occurred:** 04/06/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
16:32:10	CITIZEN ASSIST	OAK AVE, Paonia, CO	PPD	PPD	
22:39:20	Parking Problem	ORCHARD AVE, Paonia, CO	PPD	PPD	CIT
<b>Total Incidents for this Date: 2</b>					

Date Occurred: 04/07/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
11:32:59	LITTERING	BOX ELDER AVE, Paonia, CO	PPD	PPD	
15:10:38	VIN INSPECTION	GERMAN CREEK DR, Paonia, CO	PPD	DIST3	
16:19:23	ANIMAL CONTROL	E BRIDGE ST, Hotchkiss, CO	PPD	HOT	
21:08:02	Traffic Stop	W Bridge St., Hotchkiss, CO	PPD	HMO	
<b>Total Incidents for this Date: 4</b>					

Date Occurred: 04/08/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
09:54:24	AGENCY ASSIST	GUNNISON MOUNTAIN LN, Paonia, CO	PPD	DIST3	
10:55:24	AGENCY ASSIST	FOOTHILLS RD & DRY GULCH RD, Paonia, CO	PPD	DIST3	
15:38:54	AGENCY ASSIST	HIGHWAY 133, Paonia, CO	PPD	DIST3	
<b>Total Incidents for this Date: 3</b>					

Date Occurred: 04/09/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
11:07:04	VIN INSPECTION	GRAND, Paonia, CO	PPD	PPD	
11:28:43	AGENCY ASSIST	HIGHWAY 92, Hotchkiss, CO	PPD	DIST3	
12:17:38	VIN INSPECTION	3500 RD, Hotchkiss, CO	PPD	DIST3	
18:53:21	CITIZEN ASSIST	MEADOWBROOK BLVD, PAONIA, CO	PPD	PPD	

**Total Incidents for this Date: 4**

Date Occurred: 04/10/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
00:57:30	CITIZEN ASSIST	4TH ST, Paonia, CO	PPD	PPD	
11:05:12	ABANDONED VEHIC	SHADY LN; RIVER, Paonia, CO	PPD	DIST3	
13:16:40	VIN INSPECTION	GRAND AVE; PPD, Paonia, CO	PPD	PPD	
15:23:42	Traffic Stop	5th Street, Paonia, CO	PPD	PPD	WW
15:47:56	Traffic Stop	SAMUEL WADE RD, Paonia, CO	PPD	DIST3	CIT
18:14:56	CIVIL PROBLEM	OAK AVE, Paonia, CO	PPD	PPD	
19:24:28	AGENCY ASSIST	GRAND AVE, Paonia, CO	PPD	PPD	
21:09:21	ALARM	GRAND AVE, Paonia, CO	PPD	PPD	

**Total Incidents for this Date: 8**



**Date Occurred:** 04/11/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
09:46:38	AGENCY ASSIST	paonia river park, ,	PPD		
11:19:52	SHOPLIFTING	2ND ST; Paonia, CO	PPD	PPD	VW
12:03:48	FRAUD	NORTH FORK AVE, Paonia, CO	PPD	PPD	
14:45:41	ANIMAL CONTROL	MAIN AVE, Paonia, CO	PPD	PPD	
20:39:06	Information	4TH ST, Paonia, CO	PPD	PPD	

**Total Incidents for this Date:** 5**Date Occurred:** 04/12/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:39:15	VIN INSPECTION	GRAND AVE, Paonia, CO	PPD	PPD	
11:10:48	CIVIL PROBLEM	OAK AVE, Paonia, CO	PPD	PPD	
11:57:07	CITIZEN ASSIST	BOX ELDER AVE, Paonia, CO	PPD	PPD	
13:32:53	SUICIDE/ATTEMPT	OAK AVE, Paonia, CO	PPD	PPD	
14:14:42	SUSPICIOUS	GRAND AVE, Paonia, CO	PPD	PPD	
15:16:04	Parking Problem	5TH ST, Paonia, CO	PPD	PPD	CIT
15:41:28	CITIZEN ASSIST	OAK AVE, Paonia, CO	PPD	PPD	
18:39:56	911/hangup	NORTH FORK AVE, Paonia, CO	PPD	PPD	

**Total Incidents for this Date:** 8**Date Occurred:** 04/13/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:14:45	VIN INSPECTION	GRAND AVE; PPD, Paonia, CO	PPD	PPD	
12:42:44	Information	GRAND AVE, Paonia, CO	PPD	PPD	
16:46:57	SUSPICIOUS	OAK AVE, Paonia, CO	PPD	PPD	
19:24:43	SUSPICIOUS	BLOCK 200, Delta, CO	PPD	DIST1	UTL
21:37:39	M-1 HOLD	OAK AVE, Paonia, CO	PPD	PPD	

**Total Incidents for this Date:** 5**Date Occurred:** 04/14/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
08:00:16	CITIZEN ASSIST	GRAND AVE, Paonia, CO	PPD	PPD	
09:30:19	Disturbance	OAK AVE, Paonia, CO	PPD	PPD	
16:03:52	SUSPICIOUS	E BRIDGE ST, Hotchkiss, CO	PPD	HOT	
19:32:41	CIVIL PROBLEM	W MAIN ST, Hotchkiss, CO	PPD	HOT	

**Total Incidents for this Date:** 4**Date Occurred:** 04/15/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
18:14:14	AGENCY ASSIST	MATHEWS LN, Paonia, CO	PPD	DIST3	

**Total Incidents for this Date:** 1

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**Date Occurred:** 04/16/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
13:35:49	Code Enforce	MINNESOTA AVE, Paonia, CO	PPD	PPD	WW
14:36:59	Parking Problem	CLARK AVE, Paonia, CO	PPD	PPD	WW

**Total Incidents for this Date: 2**

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**Date Occurred:** 04/17/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
09:54:32	Parking Problem	BLOCK OF GRAND AVE., Paonia, CO	PPD	PPD	WW
11:39:05	AGENCY ASSIST	SAGE LN, Paonia, CO	PPD	DIST3	
17:25:19	SHOPLIFTING	2ND ST, Paonia, CO	PPD	PPD	CIT
19:10:48	ANIMAL CONTROL	GRAND AVE, Paonia, CO	PPD	PPD	UTL
20:25:19	911/hangup	MINNESOTA AVE, Paonia, CO	PPD	PPD	UTL
22:33:40	Elder Abuse	ONARGA AVE, Paonia, CO	PPD	PPD	

**Total Incidents for this Date: 6**

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**Date Occurred:** 04/18/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
09:22:00	Disturbance	2ND ST, Paonia, CO	PPD	PPD	
14:31:58	SUSPICIOUS	GRAND AVE, Paonia, O	PPD	PPD	
19:21:05	MISSING PERSON	MEADOWBROOK BLVD Paonia, CO	PDD	PPD	

**Total Incidents for this Date: 3**

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**Date Occurred:** 04/19/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
02:04:03	SUICIDE/ATTEMPT	ONARGA AVE, Paonia, CO	PPD	PPD	
14:59:53	CIVIL PROBLEM	NIAGARA AVE, Paonia, CO	PPD	PPD	
16:15:17	911	ONARGA AVE, Paonia, CO	PPD	PPD	UNF

**Total Incidents for this Date: 3**

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**Date Occurred:** 04/20/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
07:13:55	TrafficAccident	DRY GULCH RD, Paonia, CO	PPD	DIST3	
08:19:00	Code Enforce	MAIN AVE, Paonia, CO	PPD	PPD	WW
08:34:21	Code Enforce	BOX ELDER AVE, Paonia, CO	PPD	PPD	WW
08:44:18	Code Enforce	MAIN AVE, Paonia, CO	PPD		WW
14:50:52	Parking Problem	5TH ST, Paonia, CO	PPD	PPD	VW

**Total Incidents for this Date: 5**

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

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
06:13:52	AGENCY ASSIST	HAYDEN RD, Paonia, CO	PPD	DIST3	
09:11:58	Medical/transfe	GRAND AVE, Paonia, CO	PPD	PPD	
<b>Total Incidents for this Date: 2</b>					

Date Occurred: 04/22/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
11:39:13	VIN INSPECTION	GRAND AVE, Paonia, CO	PPD	PPD	
14:38:52	Traffic Stop	5TH St., Paonia, CO	PPD	PPD	VW
<b>Total Incidents for this Date: 2</b>					

Date Occurred: 04/23/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:51:27	ANIMAL CONTROL	OAK AVE, Paonia, CO	PPD	PPD	CIT
15:47:00	Parking Problem	Grand AVE, Paonia, CO	PPD	PPD	
<b>Total Incidents for this Date: 2</b>					

Date Occurred: 04/24/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
12:44:25	Traffic Stop	SAMUEL WADE RD., Paonia, CO	PPD	PPD	CIT
15:52:22	Medical/transfe	MAIN AVE, Paonia, CO	PPD	PPD	
<b>Total Incidents for this Date: 2</b>					

Date Occurred: 04/25/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
18:03:21	CITIZEN ASSIST	Pan American AVE., Paonia, CO	PPD	PPD	
<b>Total Incidents for this Date: 1</b>					

Date Occurred: 04/26/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
08:47:02	Code Enforce	POPLAR AVE, Paonia, CO	PPD	PPD	WW
09:00:39	Code Enforce	BOX ELDER AVE, Paonia, CO	PPD	PPD	WW
09:18:44	Code Enforce	NORTH FORK AVE, Paonia, CO	PPD	PPD	WW
11:22:50	SUICIDE/ATTEMPT	BOX ELDER AVE, PAONIA CO	PPD	PPD	
12:40:49	Information	GRAND AVE PAONIA, CO	PPD	PPD	
13:32:30	SUSPICIOUS	GRAND AVE, PAONIA, CO	PPD	PPD	
<b>Total Incidents for this Date: 6</b>					

Date Occurred: 04/27/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
16:53:47	VIN INSPECTION	GRAND AVE, Paonia, CO	PPD	PPD	
17:11:11	SUICIDE/ATTEMPT	E BRIDGE ST, Hotchkiss, CO	PPD	HOT	
<b>Total Incidents for this Date: 2</b>					

**Date Occurred:** 04/28/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
01:18:12	REDDI	ONARGA AVE, Paonia, CO	PPD	PPD	
02:11:34	Attempt-Locate	ONARGA AVE, Paonia, CO	PPD	PPD	
09:29:50	WELFARE CHECK	ONARGA AVE, Paonia, CO	PPD	PPD	UTL
<b>Total Incidents for this Date: 3</b>					

**Date Occurred:** 04/29/21

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:03:22	911/hangup	ORCHARD AVE, Paonia, CO	PPD	PPD	UTL
12:24:50	VIN INSPECTION	GRAND AVE; PPD, Paonia, CO	PPD	PPD	
13:17:00	VIN INSPECTION	GRAND AVE; PPD, Paonia, CO	PPD	PPD	
13:38:21	TRESPASS	5TH ST, Paonia, CO	PPD	PPD	UTL
20:36:44	Noise Complaint	4th St, Paonia, CO	PPD	PPD	VW
<b>Total Incidents for this Date: 5</b>					

Total reported: 102

VW-6, CIT-9, UTL-6, WW-10, UTL-2

**Report Includes:**

All dates between `00:00:01 04/01/21` and `00:00:01 04/30/21`, All agencies matching `PPD`, All disposition's, All natures, All location codes, All cities

## Finance Report as of 05/07/21 presented at the 05/11/21 meeting:

### Monthly:

Payroll for 5/07/21 was completed, reviewed, and released. Gross payroll for 5/07/21 totaled \$24,264.24. This included 16 employees.

Our month payment to Norris Retirement was completed and will be 5/18/21 released on 5/26/21 effective 5/26/21.

Bank accounts through 3/31/2021 have been reconciled and will be reviewed on 5/12/21.

Chase credit card bill for 3/24/21 – 4/23/21 is attached.

Month End Budget to Actual DRAFT for January and February have been provided. Correction have been made. March is in process at this time. Estimated completion through March is 5/25/21.

### Year-End:

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

### Banking:

Bank Balances provided on the Disbursement Report as of 5/07/21.

LOC Mature 9/05/21.

Nothing new to report.

### Required Filings:

File Fuel Tax for 1<sup>st</sup> quarter has been filed.

### Audit:

Audit field work began April 12<sup>th</sup> and continues to date. One (1) correction to date. Depreciation error from previous auditors found and being corrected. No expected completion date at this time.

Highway Users Report has been completed and filed with the CDOT.

### Budget:

Per direction of Finance Committee-working with CML to build report for the Salary Survey portion of 2022 budget prep.

### Other (Continued):

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

Other (New):

Stop N Save will be ending the on-account program and will be switching to a Fleet Card Account program. Application to be complete.

**OTHER TO DO ITEMS:**

**In order of priority:**

Since RMHMO will no longer be providing Group Health Insurance I have received quotes from Home Loan, CEBS and County Health Pool. It been discussed repeatedly at the Finance Committee meeting starting with the 3/10/21 meeting. Other options have been explored with Home Loan, CML and Connect for Health. Spoke with CML regarding Connect for Health will require a policy change by the board if it is determined to be a viable option. Further investigation has been complete and was discussed at the Finance Committee meeting on 4/28/2021. Additional options continue to be explored.

PTO still needs reviewed regarding the new mandated requirements created from the Family Act. Finance Committee started discussion at the 3/10/21. There was further discussion at the 3/24/21 meeting. Dave Knutson has providing link of changes and required timeline that are expected by the new mandated regulations. Further review and timeline determination continues.

The Fund Balance and Financial Policy discussed by the Finance Committee on 2/24/21. It was discussed at the Finance Committee meeting on 3/10/21. There was further discussion at the 3/24/21 meeting. Still remains with the Finance Committee as of 4/28/21. This has been provided to the Trustees for review and will be on the May 25<sup>th</sup> agenda.

**There will be no forward movement on these items until the audit has been completed.**

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

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

Surplus Items - I have tasked myself with moving forward with the resolution for items that need to be sold or gotten rid of. This process needs to go through finance as there are financial impacts that must be considered. In addition, there are entries that must be made when removing a fixed asset. I am at the very beginning stages of this process. I have the following information to date:

1. The list of items no longer needed.

Remaining items to complete the process before the items can be listed on the website for sale:

1. To compile the VIN #s, the mileage, the hours, and other pertinent information to help identify the items within our financial reports.
2. Locate the items on the fixed asset list.
3. Determine the assets salvage value.
4. Creating the resolution attachment to go to the Board for approval.

**GRANT UPDATES:**

Current Grants:

No updates at this time.

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

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


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

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

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

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

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:



# Town of Paonia

## Fund Balance and Reserve Policy 2021

The Town of Paonia, Colorado financial policies set forth the basic framework for the fiscal management of the Town. These policies were developed within the parameters established by applicable provisions of the Colorado Revised Statutes and the Town of Paonia. The policies are to be reviewed on an annual basis and modified to accommodate changing circumstances or conditions.

### **FINANCIAL REPORTING**

The Town's accounting records are audited by an independent certified public accounting firm following the conclusion of each fiscal year in accordance with the Town and State law. The Finance Director prepares the Financial Statements in accordance with generally accepted accounting principles (GAAP) as applicable to state and local governments established by the Governmental Accounting Standards Board (GASB) for governmental accounting and financial reporting principles. The Audit Report shows the status of the Town's finances on the basis of GAAP. The Audit Report also shows fund revenues and expenditures on both a GAAP basis and budget basis for comparison purposes.

### **PURPOSE**

The Town of Paonia has determined it to be a sound, financial practice to maintain adequate levels of unrestricted fund balance/working capital in order to mitigate current and future risks such as revenue shortfalls and unanticipated expenditures. Additionally, the Town believes that adequate unrestricted fund balance/working capital levels are a critical consideration to the Town's long-term financial planning.

It is important to clearly understand the following definitions when reviewing this policy.

**Fund Balance** - The net position of a governmental fund (difference between assets, liabilities, deferred outflows of resources, and deferred inflows of resources).

**Fund Balance Target** - A target level of fund balance to be held in reserve to meet the purposes of the Fund Balance and Reserve Policy.

**Reserve** - Funds set aside for the purpose of paying for capital needs, providing for obligations and liabilities, and meeting emergency needs. Board of Trustees approval is required before expending any reserves.

**Reserve Requirement**- Cash required to be held in reserve for a specific purpose (grants, donations or contributions from external providers) or to meet federal or state laws or regulations.

The Town of Paonia therefore desires to establish a formal Fund Balance and Reserve Policy for all Town funds that promotes responsible financial management by adhering to best budget practices and Generally Accepted Accounting Principles (GAAP). By maintaining sufficient fund balance and reserves, the Town will be well positioned to do the following:

- Provide financial security and ensure continued delivery of Town services.
- Withstand the next economic downturn or other type of fiscal stress (revenue or cash shortfall, natural disaster, or other emergencies).
- Promote stable tax rates, charges, and fees.
- Protect the Town's creditworthiness and bond rating.
- Provide flexibility to respond to unanticipated opportunities.
- Consider long-term financial planning needs.

## **SCOPE**

This policy outlines fund balance targets and recommended reserves for all Town funds. It also recognizes the unique needs and characteristics of each Town fund and includes summary information by fund type along with detailed specifics for each individual fund.

## **BASIC OF PRESENTATION – FUND ACCOUNTING**

The activities of the Town are organized into separate funds that are designated for a specific purpose or set of purposes. Each fund is considered a separate accounting entity, so the operations of each fund are accounted for with a set of self-balancing accounts that comprise its revenues, expenses, assets, liabilities, and fund equity as appropriate.

The number and variety of funds used by the Town promotes accountability but can also make municipal budgeting and finance complex. Therefore, understanding the fund structure is an important part of understanding the Town's finances. The Town uses Governmental Funds and within this fund type the Town has Special Revenue Funds and a Capital Investment Project Fund.

### **Governmental Funds**

Included below is a description of the General Fund, Special Revenue Funds, and the Capital Investment Program (CIP).

#### **The Governmental Funds of the Town of Paonia include:**

**General Fund:** The General Fund is the Town's major operating fund. All revenues, by law or administrative control, that are not in otherwise designated funds are deposited in the General Fund. The General Fund is used to provide for Administration, Community Development, General Government, Public Safety, and Parks and Recreation services. The primary source of revenue for the General Fund is taxes.

The General Fund is used to provide for Administration, Building Permits, Public Safety, Streets, and Parks and Recreation services. The primary sources of revenues for the General Fund are:

1. Sales taxes (Town and Delta County),
2. Property taxes,
3. Franchise Taxes and
4. Intergovernmental revenues specifically Highway Users Tax.

### **Special Revenue Funds**

Special Revenue funds account for activities supported by revenues that are received or set aside for a specific purpose that are legally restricted. These funds are described in greater detail under the Special Funds tab of this budget document. The Town has seven Special Revenue funds: Street Capital Improvement Fund, Bridge Fund, Sidewalk Fund, Space-to-Create Fund, Conservation Trust Fund, and Sales Tax Capital Improvement Fund.

**Street Capital Improvement Fund:** The Street Capital Improvement fund was added in 2018 and is funded by a 3% impact fees paid by the Water, Sewer and Trash Funds and is to be used for capital improvements (reconstruction and paving) of the Town proper roads. In November 2020 the citizens approved the sales of marijuana and restricted the revenues to Street Capital Improvement only.

**Bridge Fund:** The Bridge Fund is deferred revenue which was received from Delta County in January 2010 for the total of \$800,000 which by contract is amortized at \$40,000/year. However, in 2015, the Board of Trustees agreed to maintain the remaining funds as restricted fund to only be used for bridge projects.

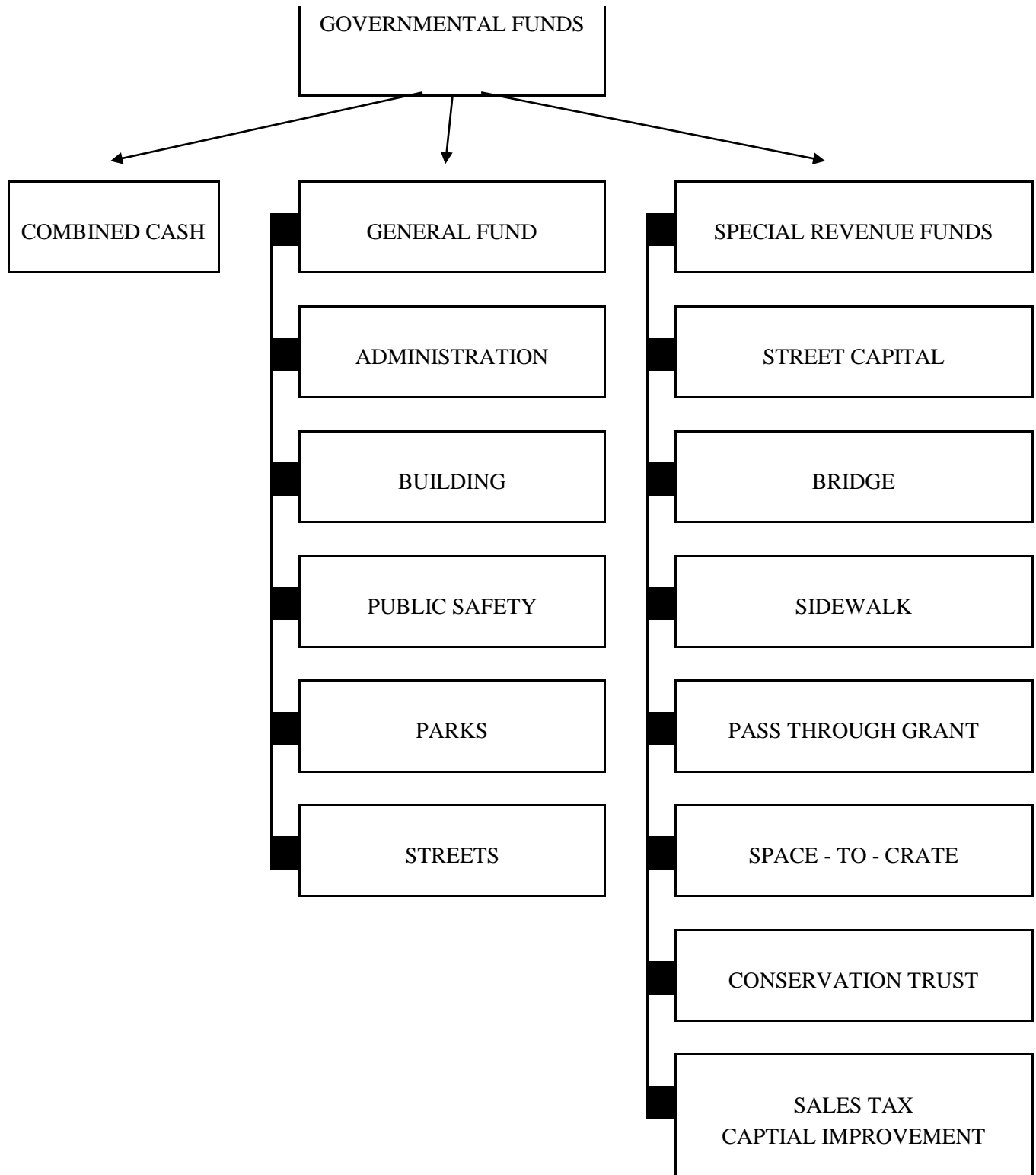
**Sidewalk Fund:** The Sidewalk Fund is funded through utility billing by a \$3.00 fee assessed monthly on in-Town properties only to be used to repair and replace existing sidewalks.

**Space-to-Create Fund:** In 2017, the Town received a grant from the Boettcher Foundation of \$35,000 to begin Space-to-Create project. Space-to-Create advance a feasibility analysis of creative sector workforce space in the Town of Paonia. The initiative began with a preliminary feasibility study and community engagement work, followed by an arts market survey. In addition, in 2018, the Town received a \$25,000 REDI Grant from DOLA for the feasibility study, a \$17,500 DOLA Grant for the Market Survey, a \$50,000 Grant from Colorado Creative Industries (CCI) for the ongoing development of the Space-to-Create project and a \$915.00 contribution from the public. In 2019, the Town was requested to return \$45,000 to the Colorado Creative Industries (CCI) as the Town was not going to be able to spend those funds on pre-development in 2019. The Town formally withdrew from the Space to Create Campaign in 2020. The balance in the account will be used to support the Paonia Creative District.

**Conservation Trust Fund:** The Conservation Trust Fund is used to account for monies received by the Town from the State of Colorado lottery proceeds. These funds are restricted for use in the acquisition, development and maintenance of new park and conservation sites or for capital improvements and maintenance of any existing public site for recreational purposes.

#### **Sales Tax Capital Improvement Fund**

The Capital Investment Program (CIP) Fund account for financial resources that must be used for the acquisition, improvements or construction of major capital projects. The Sales Tax Capital Improvement Fund is funded by 1% of the 3% Town Sales Tax.



**Enterprise Funds**

Enterprise funds are defined as being government owned businesses authorized to issue its own revenue bonds and receiving under ten percent of its annual revenue in grants from all Colorado state and local governments. These are self-sustaining funds. Revenues are generated from fees and expenses disbursed from the same fund. Funds are not intermingled with other enterprise funds.

**The Enterprise Funds (business-type activities) of the Town of Paonia include the:**

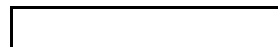
**Water Fund:** The Town operates two water treatment facilities. The upper system, also known as the 2-Million Gallon (2MG) Water Treatment Plant (WTP) services primarily the out-of-town customers, water companies and the northeast end of Town. The lower system, also known as the 1-Million Gallon (1MG) Water Treatment Plant or commonly referred to as the "Clock Plant" services mostly Town proper. The primary sources of revenue are charges for service for operational expenses. This fund is used to account for the revenues and expenses associated with the operations and maintenance of the water treatment and delivery (distribution) system. Also, to be included in the charges for services or any rate consideration for this fund are the repayment of loans for the water treatment facilities and monies for capital re-investment to these systems.

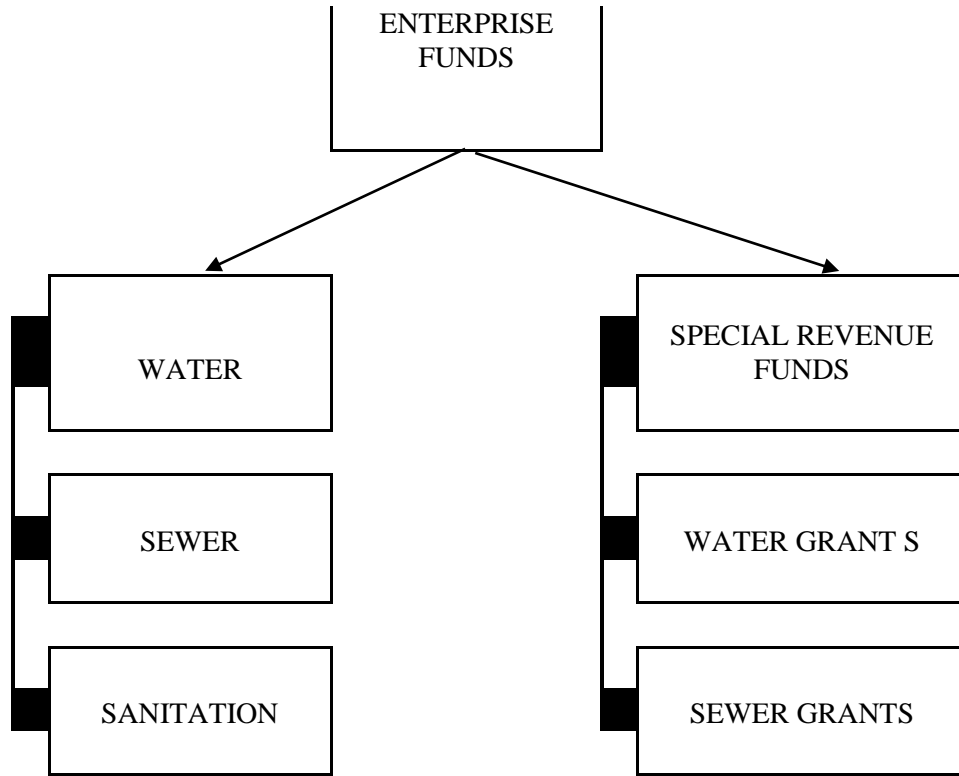
**Water Grant Project Fund:** The Grant Project Fund is funded by refundable grants designated to specific projects plus Town matching funds. This fund is a "pass through fund" specifically for the tracking of grants awarded. This fund is combined with the water fund as a sub-fund in the current year.

**Sewer Fund:** The Town operates a Wastewater Treatment Plant (WWTP) and sanitary sewer collection system. The primary sources of revenue are charges for service. This fund is used to account for the revenues and expenses associated with the operations and maintenance of the wastewater treatment plant and collections system. Also, to be included in the charges for services or any rate consideration for this fund are the repayment of loans for the wastewater treatment plant facility and monies for capital re-investment to this system.

**Sewer Grant Project Fund:** The Grant Project Fund is funded by refundable grants designated to specific projects plus Town matching funds. This fund is a "pass through fund" specifically for the tracking of grants awarded. This fund is combined with the sewer fund as a sub-fund in the current year.

**Sanitation (Trash) Fund:** The Trash Fund is used to account for revenues and expenses associated with the collection and disposal of trash for In-Town residents and businesses. Charges for the service are the only revenue source for this activity.





## Policy Guidance

The Government Finance Officers Association (GFOA), founded in 1906, has nearly 200 Best Practices regarding various areas of public finance. These Best Practices are approved by the GFOA Executive Board and identify policies and procedures that contribute to improved government management. The following three Best Practice relate to fund balances and reserves:

1. Fund Balance Guidelines for the General Fund
  - Establish a formal policy regarding the level of unrestricted fund balance to be maintained in the general fund for Generally Accepted Accounting Principles (GAAP) and budgetary purposes.
  - Maintain a minimum of two months of regular general fund operating revenues or general fund operating expenditures.
  - Consider the following factors while developing a fund balance and reserve policy: predictability of revenues and expenditures, perceived exposure to significant one-time outlays, general fund commitments to other funds, availability of resources in other funds, bond rating impacts and borrowing costs, other commitments and assignments.
  - Replenish expended fund balances within one to three years of use.
2. Working Capital Targets for Enterprise Funds
  - Adopt a target amount of working capital to maintain in each enterprise fund.
  - Develop a working capital target amount that best fits the characteristics of each fund.
  - Start with a baseline of 90 days worth of working capital, then adjust up or down based upon each fund's particular characteristics.
3. Achieving a Structurally Balanced Budget
  - Adopt policies for operating funds to achieve and maintain a structurally balanced budget.
  - Identify items related to structural balance (recurring and non-recurring revenues, recurring and non-recurring expenditures, and reserves).
  - Define a minimum amount of funds to hold in reserve.

The Governmental Accounting Standards Board (GASB), established in 1984, is the source of Generally Accepted Accounting Principles (GAAP) used by state and local governments in the United States. The GASB issues pronouncements designed to provide taxpayers, legislators, municipal bond analysts, and others with useful information for decision-making. The GASB's major guidance related to fund balance is found in the GASB's Statement No. 54 (GASB 54) on Fund Balance Reporting and Governmental Fund Type Definitions.

GASB 54 defines five classifications of fund balance, which are summarized in the table below:

**Governmental Accounting Standards Board Statement No. 54 Fund Balance Classifications**

CLASSIFICATION	DEFINITION
<b>Nonspendable</b>	Resources that are not in a spendable form (inventories, prepaid items, or items required to be maintained intact).
<b>Restricted</b>	Resources constrained to specific purposes by external providers (creditors, granters, contributors, and other levels of government) through laws and regulations.
<b>Committed</b>	Resources constrained by limitations the Town imposes upon itself at its highest level of decision-making authority (Town Council); limitations remain binding unless removed in the same manner.
<b>Assigned</b>	Resources a government intends to use for a specific purpose; intent can be expressed by the governing body or by an official or body to which the governing body delegates authority.
<b>Unassigned</b>	Resources available for any purpose; these resources are reported only in the General Fund.

\*It is the unrestricted categories of fund balance, committed, assigned, and unassigned, that this policy focuses on, as the Town has direct control over these categories.



## **FINANCIAL POLICIES**

The Town is accountable to its citizens for the use of public funds. Resources need to be used wisely to ensure adequate funding for current and long term needs of the community. Financial policies are developed to provide the resources necessary to accomplish the Town's goals while maintaining fiscal stability. These policies should be reviewed and updated annually to ensure their applicability toward achievement of the Town's goals.

### **BALANCED OPERATING BUDGET POLICY**

The Town is required to adopt a balanced budget where operating revenues are equal to, or exceed, operating expenditures. Any increase in expenses, decrease in revenues, or combination of the two that would result in a budget imbalance will require budget revision, rather than spending un-appropriated surpluses or designated reserves to support ongoing operations. Any year end operating surpluses will revert to un-appropriated balances for use in maintaining reserve levels set by policy and the balance will be available for capital projects and/or "one-time only" expenditures.

### **Revenue**

- **Property Taxes - Statutory and Constitutional Limitations.** Due to imposition of limitations on the mill levy and tax revenues through statutory and constitutional requirements, the mill levy has been reduced by a temporary tax credit over the last 10 years. In 2013 the town approved a ballot issue removing the Town from the statutory property tax revenue limitations of CRS 29-1-301, et seq. (the "5.5%" limit), allowing the town to earn the entire mill levy of 8.322%. Approval by the voters is required for an increase in the mill levy. Property tax revenues increase as a result of growth in the Town from new construction and annexations.
- **One-time Revenues.** On-going revenues should equal or exceed on-going expenditures. To the extent feasible, one-time revenues will be applied toward one-time expenditures and not used to finance on-going programs.
- **Charges for Services.** Charges for services shall be reviewed at least annually and may be adjusted periodically to offset the cost of providing those services.
- **Diversification of Revenues.** The Town shall continue to diversify its revenue sources to encourage financial stability and avoid becoming overly reliant on a specific segment of the Town's revenue base.

### **Expenditures**

- **Personnel Costs.** Town of Paonia employee compensation will be comparable to other governmental entities with similar characteristics to Paonia including population, services provided, and economic conditions. Salary and pay range adjustments are based on a ratio of increases in the market and individual employee performance.
- **Performance Measurements.** The Board of Trustees and staff will identify areas where the measurement of performance will provide them and the public with useful

information about the effectiveness and efficiency of the Town's use of resources. The purpose of performance measures is to provide data to improve quality of services and/or provide services in a more cost-effective manner.

### **CAPITAL IMPROVEMENT PROGRAM POLICY**

The Capital Improvement Program (CIP) will be utilized to identify capital projects and/or improvements that are part of the Town's strategic vision and economic development efforts.

A one-year Capital Improvement Plan is prepared and updated on an annual basis during the budget process. Revenue sources for each project will be identified in the Plan as well as ongoing operating requirements for each capital investment.

The CIP will cover, at a minimum, a five (5) year period and provide a projection of the financing needs required to implement the CIP. The CIP will include the associated ongoing operations and maintenance costs of such capital assets and/or improvements so that the total costs of the projects are considered. The CIP will be updated annually by the Town's Public Works' Director as part of the budget process.

## TOWN OF PAONIA

### RESERVE POLICY

Fund Balance is defined as the difference between assets and liabilities in a governmental fund (General Fund, Special Revenue Funds, and Capital Project Funds). Working Capital is defined as the difference between current assets and current liabilities for non-governmental funds (Enterprise Funds). Fund balance targets are largely based on set percentages of a fund's operating expenditures to be held in reserve to meet the purposes outlined at the beginning of this policy.

GFOA's Fund Balance Guidelines for the General Fund Best Practice recommends maintaining a minimum of two months of regular general fund operating revenues or general fund operating expenditures. The Town uses operating expenditures as the calculation basis.

- Operating Reserves - An operating reserve will be maintained in the General Fund and Enterprise Funds in an amount equal to 25% to 50% of the current year's expenditures, excluding transfers, as set by the Board of Trustees during the budget process. This reserve may be used to provide a temporary source of funds to offset unanticipated reductions in revenues or short-term increase in expenditures. Revenue shortfalls or ongoing increases in operational expenses need to be addressed quickly to avoid negative impacts on the Town's fiscal stability. Operating reserves also provide a source of funds to provide for adequate cash flow needs of the Town. Operating reserves should be replaced as soon as possible after use.
- Other Reserves - Reserves in other funds will be established in amounts required by law, bond, and loan documents, or as deemed appropriate by the Board of Trustees.
- Emergency Reserves - An emergency reserve in the amount of 3% of the Fiscal Year Spending Limit, excluding debt service, as required by TABOR (Article X, Section 20 of the Colorado Constitution) will be maintained. Emergency reserves are limited in use and cannot be used to offset a downturn in economic conditions, revenue shortfalls, and increases in salaries and benefits.
- Transfer from Fund Balances in Excess of Reserve Requirement - transfer funding in excess of the required reserve amounts, per this Policy for one-time capital expenses.
  - Funds with balances in excess of fund balance targets and reserve requirements can transfer excess amounts to other funds, in the form of interfund transfers.
  - Any excess fund balance should be transferred to the funds of origin that contributed to the excess.
  - Interfund transfers of excess reserves should be treated as one-time revenue and are not intended to fund on-going operations and maintenance.
  - Interfund transfers must be approved by Board of Trustees.
- Access Fund Balance Reserves Below the Minimum - accessing fund balance reserves that would temporarily place the reserve amount below the required threshold, in accordance with the Town's Fund Balance and Reserve Policy.

- Based upon fiscal conditions and other needs, accessing fund balances and reserves below the minimum targets may be warranted.
- Accessing fund balances and reserves below the minimum targets should be done prudently and with caution -in conjunction with the exercise of other budget balancing alternatives.
- Fund balances and reserves should be replenished within one to three years of use or as soon as fiscally feasible.
- Accessing any fund balances and reserves, whether below the minimum target or not, requires Board of Trustees approval.

**Use of Funds**

While targeting to maintain an annual unrestricted fund balance of 25.0%, the Town understands there may be circumstances that warrant that the Town use these funds temporarily. The Town has established the following instances where it may elect to use these funds:

- An economic downturn in which revenues are below budget
- Unexpected and unappropriated costs to service and maintain current Town operations
- Unexpected and non-budgeted emergencies, natural disaster costs, and/or litigation
- Grant matching
- Early retirement of debt
- To cover deficits in other funds due to a shortfall in budgeted revenues
- Capital asset acquisition, construction, and improvement projects

The use of the unrestricted fund balance for the above permitted events which cause the unrestricted fund balance to fall below the targeted 25% level will require a majority (four of seven) vote by Board of Trustees. Use of the restricted fund balance which causes the unrestricted fund balance to fall below the minimum required level of 17% will require a super majority (five of seven) vote by Board of Trustees.

**Terms for Replenishing**

In instances where the Town elects to use its unrestricted fund balance for capital asset acquisition, construction, and improvement projects, the Town shall replenish the unrestricted fund balance to its previous levels as soon as possible. For any and all other instances, as permitted by this policy, in which the Town elects to use its unrestricted fund balance, the Town will replenish the unrestricted fund balance as soon as revenues are available, but only after the Town’s current operational needs have been met.

**Excess Funds**

In the event the Town has accumulated its permitted, maximum unrestricted fund balance of 35.0%, the Town, at the discretion and determination of the Town Administrator/Clerk and the Finance Director and approved by the Board of Trustees, will designate such excess funds for the following purposes:

- Reserves for equipment replacement
- Repair and maintenance of Town facilities
- Funding of infrastructure improvements

**Review of Policy**

The Town Treasurer, the Finance Director and the Town Administrator/Clerk will review this Policy annually in connection with the Town’s annual budgeting process to ensure that the Town

is maintaining adequate unrestricted fund balance levels. This policy was written using the guidelines set forth by the GFOA. As such, any updates issued by the GFOA shall be considered when making recommendations for modifications to this policy.

The Town of Paonia (Town) recognizes the importance of long-range, financial planning in order to meet its capital project and improvement needs. The following debt management policy provides guidance on the issuance of debt to help ensure that the Town maintains a sound debt position and that its credit quality is protected. As such, the policy allows for an appropriate balance between establishing debt parameters while also providing flexibility to respond to unforeseen circumstances and new opportunities.

### **Responsibility and Administration of Policy**

The primary responsibility for developing long-term, financing recommendations rests with the Town Administrator/Clerk and Finance Director. During the annual budget process, and at any other time during the year that may be warranted, the Town Administrator/Clerk and Finance Director will work with the Town Treasurer and the Finance Committee (the internal working group) to determine if there is a need for long-term financing consideration. As part of the determination process, the internal working group shall review the financing needs outlined by the Capital Improvement Program (see below) to analyze the capital financing needs compared with available resources. The internal working group will also provide recommendations regarding refunding and restructuring of existing debt.

Once the determination is made by the internal working group to pursue finance borrowing, a refunding, or restructuring of debt, the Town Administrator/Clerk and Finance Director shall prepare and present to Board of Trustees a resolution of intent to issue debt and authorizing Town staff to proceed with the necessary preparations.

### **Purpose of Debt**

Incurrence of debt or long-term borrowing will only be used for the purpose of providing financing for capital assets, which include but are not limited to buildings, infrastructure, land acquisition and purchase of significant equipment. The Town, under no circumstances, will issue debt or borrow funds to finance Town operations and maintenance costs.

The Town will strive to maximize the use of pay-as-you-go financing for capital projects and improvements. Debt borrowing will be considered when annual revenues and accumulation of fund balances are not sufficient to provide the necessary funding for such projects.

### **Types of Debt**

Although a portion of the Town's capital investments are funded from grants, general tax revenues, and user fees, the Town may borrow funds to finance capital improvements. The issuance of bonds or other securities generates financial resources to fund capital projects and obligates future revenue for repayment of the bonds. Debt service is the annual payment of principal and interest on these borrowed funds.

The types of debt instruments to be used by the Town may include:

- General Obligation and Revenue Bonds
- Short-term notes
- Special or Local Improvement bonds
- Certificates of Participation
- Any other legally recognized security approved by Board of Trustees

The Town will avoid the issuance of tax or revenue anticipation notes.

Additionally, the Town will strive to secure a fixed rate structure when issuing debt. The Town will consider a variable rate structure when market conditions favor this type of issuance, and when feasible, ensure there is a maximum interest rate provided within the variable rate structure.

### **Level of Debt**

Pursuant to the Colorado Revised Statute, the Town of Paonia may borrow money and issue securities for short-term notes, general obligation bonds, revenue bonds, industrial development revenue bonds, bonds for special or local improvement districts and any other like securities. There is no limitation on the amount of bonds or other securities the Town may issue except as may be stated in the documents related to issuance of debt and subject to voter approval in the case of general obligation debt.

The issuance of debt may limit the Town's flexibility to respond to changing service priorities and revenue flows and therefore should be managed prudently to maintain a sound fiscal position and protect credit quality.

The amount of debt that the Town has at any given time will be a function of its ability to service that debt through the operating budget or a dedicated revenue source without diminishing the resources necessary for other non-capital priorities and the desire to maintain a high-quality credit rating while sustaining overall financial health. Yet, at the same time, the Town recognizes that to meet its mission and strategic objectives, investment in the form of capital is often necessary and such investment may necessitate the incurrence of debt.

The Town's aggregate amount of bonds or other evidence of indebtedness outstanding will not exceed three percent (3%) of the actual valuation of the taxable property within the Town as shown by the last preceding assessment.

The Town will strive to maintain its annual debt service costs (principal and interest) for its governmental activities at a level of no greater than ten percent (10%) of general fund expenditures. The repayment terms of the debt will not exceed the useful life of the capital asset financed. Further, the Town will seek level or declining debt repayment schedules and will not issue debt that provides for a balloon principal payment reserved at the end of the term of the issue. Moreover, the Town will also strive to obtain redemption terms that allow for the prepayment of debt without paying a redemption penalty.

### **Debt Issuance Practices**

As part of its debt issuance process, the Town will at all times manage its debt and sustain its financial position in order to secure and maintain an Aa/AA or higher bond rating. The Town will market its debt through the use of a competitive bid process when issuing general obligation debt. The competitive bid process will also be used for other debt issuances unless time, interest rates and/or other factors make it more favorable for the Town to use a negotiated process.

If needed, the Town will hire an independent financial advisor, and any other professional service provider (e.g. bond counsel), to assist in the structuring of the debt transaction and to provide overall guidance throughout the process.

### **Guidelines for Refunding**

The Town shall consider refunding (advance and current refunding) outstanding debt whenever an analysis indicates the potential for net present value (NPV) savings of at least three percent (3%) can be achieved. The Town may also consider refunding outstanding bonds to remove existing restrictive covenants.

The Town shall also consider restructuring its existing debt in order to extend the payment terms to meet cash flow needs if deemed beneficial to the Town's long-term financial and strategic planning.

**Review of Policy**

The Town Administrator/Clerk, Finance Director, and Town Treasurer will review the Debt Management Policy annually in connection with the Town's annual budget process to ensure that the Town is adhering to the framework outlined in this policy and will make recommendations to revise the policy as needed.

**DEFINITIONS**



**Appropriation** -A legal authorization made by the Board of Trustees to make expenditures and incur obligations for specific purposes.

**Capital Expenditures**- Expenditures resulting from a purchase that the Town records as an asset, such as property, plant, or equipment (value of \$5,000 or greater on a unit basis).

**Capital Improvement Fund**-A fund used to account for the revenues and expenditures related to capital projects. Capital projects are frequently funded by multiple funding sources, which are consolidated within a single fund to show the full cost of such projects in one location. The Town's Capital Improvement Fund houses activity related to non-enterprise projects. The Enterprise Fund related capital projects are housed with appropriate Enterprise Funds.

**Contributions** - Funding contributions made to Other Entities to which the Town has financial and or organizational connection. An Example include: Paonia Airport.

**Encumbrance** -An amount of appropriated funding committed and reserved, but not yet expended, for the purchase of a specific good or service, for which a purchase order or contract has been approved. Obligations cease to be encumbrances when paid or when the actual liability is established.

**Enterprise Fund**-A fund that is self-supported through user fees. Examples of Enterprise Funds include the Water, Wastewater, and Solid Waste (Trash). Per the TABOR amendment, these funds cannot have more than 10% of their budget subsidized by another fund (i.e. the General Fund) or by annual grant revenue.

**Expenditure** -Payment for goods or services, including operating expenses that require the current or future use of net current assets, debt and capital outlays. Note that an encumbrance is not an expenditure, but a reserves funds to be expended in the current fiscal year.

**Fiduciary Fund** - A fund to account for an activity of the Town as a trustee over funds allotted to meet a current or future financial obligation, usually on an actuarially sound basis. Example: Special Improvement District Fund, which is an Other Entity not covered by this policy.

**Fiscal Contingency Plan** -A framework to identify and respond to fiscal stress, to promote budget resiliency.

**Fund** -An accounting entity with a self-balancing set of accounts, which is segregated from other funds, to carry on specific activities or attain certain objectives.

**Fund Balance** - The net position of a governmental fund (difference between assets, liabilities, deferred outflows of resources, and deferred inflows of resources).

**Fund Balance Target** - A target level of fund balance to be held in reserve to meet the purposes of the Fund Balance and Reserve Policy.

**Fund Type**- In governmental accounting, funds are classified into three major fund types: governmental, proprietary, and fiduciary.

**General Fund**- One of five governmental fund types. The general fund typically serves as the chief operating fund of a government. The general fund is used to account for all financial resources not accounted for in some other fund. Financed mainly by sales tax and property tax.

**Generally Accepted Accounting Principles (GAAP)** - Uniform minimum standards and guidelines for financial accounting and reporting. They govern the form and content of the basic financial statements of an entity. GAAP encompasses the convention, rules, and procedures necessary to define accepted accounting practices at a particular time. They include not only broad guidelines of general application, but also detailed practices and procedures. GAAP provides a standard by which to measure financial presentations.

**Government Finance Officers Association (GFOA)** - Founded in 1906, the GFOA is the premier organization representing public finance officials throughout the United States and Canada. The GFOA provides training, best practice guidance, and other materials to its members.

**Governmental Accounting Standards Board (GASB)** - The body that sets accounting standards specifically for state and local governments.

**Governmental Fund** - There are five types of governmental funds - general fund, permanent funds, special revenue funds, capital projects funds, and debt service funds.

**Operating Expenditures** - Expenditures incurred by the Town as a result of performing normal operations, such as personal services, supplies, purchased services, and administrative overhead. Operating expenditures include contributions to Other Entities, but do not include capital and transfers. Operating Expenditures serve a basis for calculating fund balance targets and reserve requirements.

**Other Governmental Fund** - A fund that is related to the General Fund, but that is separated to promote transparency.

**Proprietary Fund**-A business-like fund of the Town. Proprietary Funds include Enterprise Funds.

**Re-appropriation** - An act of appropriating applicable remaining balances at the end of a fiscal year to incorporate those remaining balances in the subsequent fiscal year's budget for continuation of on-going projects, contracts, and financial obligations.

**Reserve** - Funds set aside for the purpose of paying for capital needs, providing for obligations and liabilities, and meeting emergency needs. Board of Trustees approval is required before expending any reserves.

**Reserve Requirement**- Cash required to be held in reserve for a specific purpose (grants, donations or contributions from external providers) or to meet federal or state laws or regulations.

**Revenue** - Funds that the government receives as income such as tax payments, user fees, charges, special assessments, fines, grants and interest income to support the services provided.

**Special Revenue Fund**-A fund used to account for proceeds of specific revenues that are legally restricted to be spent for specific purposes. Examples of Special Revenue Funds include Space to Create and the Conservation Trust Funds.

**Tax Payer Bill of Rights (TABOR)** - Also known as Amendment 1 (Article X, Section 20), TABOR is a state constitutional amendment approved by Colorado voters in 1992. TABOR limits "Fiscal Year Spending" by limiting the amount of revenue a government may retain. The revenue limit in a given year is the amount of revenue collected in the prior year adjusted for inflation and local growth. TABOR also requires the state and local governments to maintain a 3% Emergency Reserve. Paonia voters have authorized the Town to retain TABOR Excess revenues.

**TABOR 3% Emergency Reserve** - A reserve required by the TABOR state constitutional amendment. The reserve is required to be 3% of the Town's "fiscal year spending" and is calculated on an appropriate practical basis to be 3% of the Town's TABOR eligible expenditures.

**TABOR Eligible Revenue**-The Town's actual fiscal year revenue less any TABOR allowable exclusions. This serves as the amount to which the Town's TABOR limit is compared to determine if there is any TABOR Excess Revenue.

**TABOR Excess Reserve** - The remaining balance of unallocated TABOR Excess Revenue held in reserve for future expenditures authorized by Board of Trustees.

**Transfers** - Amounts distributed from one fund to finance activities in another fund. Transfers are shown as an expenditure in the originating fund and a revenue in the receiving fund.

**Working Capital** - The Proprietary Fund (Enterprise Funds) equivalent of Fund Balance. Proprietary Funds distinguish between current (within a year) and long-term assets and liabilities. The working capital of a Proprietary Fund is calculated as the current assets minus the current liabilities.

## Town Funds by Fund Type Summary

GOVERNMENTAL GENERAL FUND	OTHER GOVERNMENTAL FUNDS	SPECIAL REVENUE FUNDS	ENTERPRISE FUNDS
Main Town operating fund; houses operations largely supported by tax revenues	Other Funds related to the General Fund, but that are separated to promote transparency	Funds that account for revenues received for specific purposes that cannot be used for general Town operations	Funds that account for governmental business operations
Governmental (General)	Governmental	Governmental	Enterprise Fund
01-Governmental Fund	22-Streets Capital	32-Space to Create	60-Water
09-Combined Cash Fund	24-Bridge	40-Conservation Trust	65-Water Grant Fund
10-Administration	26-Sidewalk	50-Sales Tax Capital	70-Sewer
12-Building			75-Sewer Grant Fund
14-Public Safety			80-Sanitation (Trash) Fund
16-Parks			
20-Streets			
30-Grant Pass Through			

## Town of Paonia Fund Balance and Reserve Matrix

GENERAL FUND					
RESERVE	FUND BALANCE CLASSIFICATION	POLICY RECOMMENDATION (Calculated on annual budget basis)	FUND BALANCE	RESERVE TARGET	SURPLUS/ SHORTFALL
3% TABOR Emergency Reserve	RESTRICTED	TABOR Emergency Reserve as required by the Colorado State Constitution• 3% of TABOR Eligible Revenue (Can only be used in a declared emergency)	41,685	NA	NA
PARK DONATIONS	RESTRICTED	Reserve of donated funds reserved for future additions to the Memorial Wall.		NA	NA
PARK DONATIONS	RESTRICTED	Reserve of donated funds reserved for future Poulous Park improvements		NA	NA
GENERAL FUND	UNASSIGNED	Balance held in reserve for future needs of Administration, Building, Public Safety, Parks, and Streets. Excess will be diverted to Street Capital Improvement.	321,226	299,326	21,900
SPECIAL REVENUE FUNDS					
STREET CAPITAL IMPROVEMENT	COMMITTED	Balance held in reserve for future Street reconstruction or paving projects.	90,775	NA	NA
BRIDGE RESERVE	COMMITTED	Balance held in reserve for future Bridge needs.	144,168	+40,000	NA
SIDEWALK IMPROVEMENT	COMMITTED	Balance held in reserve for future Sidewalk repair or replacement projects.	19,763	NA	NA
SPACE TO CREATE	COMMITTED	Balance held in reserve for future support for the Paonia Creative District.	13,124	NA	NA
CONSERVATION	RESTRICTED	Fund Balance -funds reserved for future needs of the Conservation Trust Fund in the Parks	1,317	NA	NA
CAPTIAL ACQUISITION	COMMITTED	Balance held in reserve for future assigned capital acquisitions.	293,258	NA	NA
CAPITAL (Airport)	RESTRICTED	Balance held in reserve for future Airport needs.	44,892	+7,650	NA
ENTERPRISE FUNDS (WORKING CAPITAL)					
WATER	ASSIGNED	Operating Reserve -25% of operating expenditures	166,873	208,658	(41,785)
WASTEWATER (SEWER)	ASSIGNED	Operating Reserve -25% of operating expenditures + proceeds from sale of property	374,079	668,140	(294,061)
SOLID WASTE (TRASH)	ASSIGNED	Residual Fund Balance - remaining funds reserved for future needs of the Solid Waste Fund	112,419	NA	NA

**DISCLOSURE:**

Information in this policy was extrapolated from the following sources:

City of Loveland Fund Balance and Reserve Policy

City of Wheat Ridge Accounting, Budgeting and Financial Policies 2014, Debt Management Policy and

Unrestricted Fund Balance Policy

## ACCOUNT ANALYSIS 2021


BANK	ACCOUNT	JAN	FEB	MAR	APR	MAY	X
<b>OPERATING ACCOUNTS</b>							
UBB (FSBC)	PREV BAL	113,781.20	(5,797.86)	186,337.95	266,653.35	266,653.35	
OPS - 0733	CKS/DR	389,227.23	118,908.84	250,968.80			
	DEP/CR	269,648.17	311,044.65	331,284.20			
	END BAL	(5,797.86)	186,337.95	266,653.35	266,653.35	266,653.35	X
<b>RATE</b>		<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	
UBB (FSBC)	PREV BAL	25.00	25.00	25.00	25.00	25.00	
PAYROLL - 3629	CKS/DR	44,780.38	43,477.05	47,988.97			
	DEP/CR	44,780.38	43,477.05	47,988.97			
	END BAL	25.00	25.00	25.00	25.00	25.00	X
<b>RATE</b>		<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	
<b>RESECTRICTED 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	25.00	25.00	25.00	25.00	25.00	X
<b>RATE</b>		<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	
UBB (FSBC) (FCNB)	PREV BAL	69,792.78	33,521.84	25.00	25.00	25.00	
INTERNAL - 0571	CKS/DR	36,270.94	33,496.84	-			
GRANTS	DEP/CR	-	-	-			
	END BAL	33,521.84	25.00	25.00	25.00	25.00	X
<b>RATE</b>		<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	
UBB (FSBC) - 0911	PREV BAL	37,490.27	37,490.27	37,490.27	11,655.11	11,655.11	
PARK	CKS/DR	-	-	25,835.16			
CONTRIBUTION	DEP/CR	-	-	-			
	INT/CR	-	-	-			
	END BAL	37,490.27	37,490.27	11,655.11	11,655.11	11,655.11	X
<b>RATE</b>		<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	
UBB (FSBC) - 2318	PREV BAL	58,336.72	58,349.11	58,360.30	58,372.69	58,372.69	
WWTP	CKS/DR	-	-	-			
	DEP/CR	-	-	-			
	INT/CR	12.39	11.19	12.39			
	END BAL	58,349.11	58,360.30	58,372.69	58,372.69	58,372.69	X
<b>RATE</b>		<b>0.25%</b>	<b>0.25%</b>				
UBB (FSBC) (FCNB)	PREV BAL	8,311.23	8,312.29	8,313.25	8,314.31	8,314.31	
CONSERV	CKS/DR	-	-	-			
TRUST 0857	DEP/CR	-	-	-			
	INT/CR	1.06	0.96	1.06			
	END BAL	8,312.29	8,313.25	8,314.31	8,314.31	8,314.31	X
<b>RATE</b>		<b>0.15%</b>	<b>0.15%</b>				
UBB (FSBC) - 0563	PREV BAL	13,165.24	13,166.92	13,168.44	13,170.12	13,170.12	
SPACE TO	CKS/DR	-	-	-			
CREATE	DEP/CR	-	-	-			
	INT/CR	1.68	1.52	1.68			
	END BAL	13,166.92	13,168.44	13,170.12	13,170.12	13,170.12	X
<b>RATE</b>		<b>0.15%</b>	<b>0.15%</b>				

## ACCOUNT ANALYSIS 2021

BANK	ACCOUNT	JAN	FEB	MAR	APR	MAY	X
<b>INVESTMENT ACCOUNTS</b>							
UBB (FSBC) - 3637	PREV BAL	335,136.20	335,221.59	275,309.31	253,211.73	253,211.73	
MMKT	CKS/DR	-	93,477.05	22,163.36			
RESERVE	DEP/CR	-	33,496.84	-			
	INT/CR	85.39	67.93	65.78			
	END BAL	335,221.59	275,309.31	253,211.73	253,211.73	253,211.73	X
<b>RATE</b>		<b>0.30%</b>	<b>0.30%</b>				
COLO	PREV BAL	1,757,660.74	1,757,818.17	1,757,934.19	1,758,031.00	1,758,031.00	
TRUST	CKS/DR	-	-	-			
PLUS+	DEP/CR	-	-	-			
INVESTMENT	INT/CR	157.43	116.02	96.81			
	END BAL	1,757,818.17	1,757,934.19	1,758,031.00	1,758,031.00	1,758,031.00	
<b>AVG RATE</b>		<b>0.11%</b>	<b>0.09%</b>				X
UBB (14) (FSBC)	PREV BAL	202,226.89	202,226.89	202,226.89	202,500.76	202,500.76	
18MO	CKS/DR	-	-	-			
CD-2143	DEP/CR	-	-	-			
	INT/CR	-	-	273.87			
	END BAL	202,226.89	202,226.89	202,500.76	202,500.76	202,500.76	X
<b>AVG RATE</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>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>							
	TOTAL PREV BAL	2,851,002.80	2,695,410.75	2,794,267.13	2,827,035.60	2,827,035.60	
	TOTAL CKS/DR	470,278.55	289,359.78	346,956.29	-	-	
	TOTAL DEP/CR	314,428.55	388,018.54	379,273.17	-	-	
	TOTAL INT/CR	257.95	197.62	451.59	-	-	
	TOTAL 2021 ACCOUNTS	2,695,410.75	2,794,267.13	2,827,035.60	2,827,035.60	2,827,035.60	
	TOTAL 2020 ACCOUNTS	2,498,095.32	2,507,992.28	2,530,243.83	4,222,013.58	2,766,714.22	
	TOTAL 2019 ACCOUNTS	1,952,778.56	2,154,496.81	2,216,740.65	2,268,526.46	2,560,627.61	
	TOTAL 2018 ACCOUNTS	2,243,850.59	2,643,430.19	2,609,936.21	2,758,682.91	2,787,133.34	
	TOTAL 2017 ACCOUNTS	1,916,629.29	1,856,495.51	1,837,973.49	2,027,530.45	2,363,845.59	
	TOTAL 2016 ACCOUNTS	987,595.88	1,322,980.68	1,116,198.52	1,523,989.77	1,917,756.35	
	TOTAL 2015 ACCOUNTS	1,653,400.33	1,907,317.22	2,079,530.21	2,000,000.74	1,759,581.96	
	TOTAL 2014 ACCOUNTS	2,036,560.85	2,012,766.27	2,053,803.28	2,046,353.56	2,069,077.88	
	TOTAL 2013 ACCOUNTS	2,361,290.03	2,369,419.89	2,376,310.46	2,323,916.46	2,320,709.32	
	TOTAL 2012 ACCOUNTS	2,362,402.55	2,256,299.75	2,246,468.64	2,213,216.49	2,202,233.11	
	2020 VS 2021	197,315.43	286,274.85	296,791.77	(1,394,977.98)	60,321.38	



AGENDA SUMMARY FORM

	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:

FOR: 05/11/2021

UBB OPS DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC OPS BALANCE		102,913.39
ACCOUNTS PAYABLE	04/09/2021-04/23/2021	(37,949.77)
LOAN PAYMENT		
NORRIS RETIREMENT PAYMENT	SCHEDULED FOR 5/26/21	(1,680.00)
CHASE CREDIT CARD	4/23/2021	(9,861.73)
AMAZON	5/1/2021	(709.80)
TRANSFER TO SUMMIT		
TRANSFER TO PAYROLL	4/9/2021	(24,264.24)
PAYROLL TAXES	4/9/2021	(10,669.45)
BALANCE AFTER PAYMENT		17,778.40

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UBB SUMMIT/PAYROLL DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC SUMMIT BALANCE		503,315.26
TRANSFER FROM OPS		-
CURRENT FSBC PAYROLL BALANCE		25.00
TRANSFER FROM OPS		24,264.24
PAYROLL (DIRECT DEPOSIT)	4/9/2021	(24,264.24)
BALANCE AFTER PAYMENT		503,340.26

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	BANK BALANCES			DESCRIPTION
	FSBC	COLOTRUST	TOTAL	
As of: 03/18/2021				
GENERAL		532,265.25		COMBINED FUNDS
SEWER RESTRICTED		530,374.97		PROPERTY SALE-RESTRICTED
DEBT RESERVE		106,868.60		AMKO BOND REQUIRED RESERVE
BRIDGE RESERVE		588,585.13		BRIDGE RESERVE
CONS.TRUST	10,396.51			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	40,215.54			COMBINED FUNDS
PARK CONTRIBUTIONS	11,930.11			SPECIFIC PARK PROJECTS
PAYROLL	25.00			PLACE HOLDER-COMBINED FUNDS
SPACE-TO-CREATE	13,171.74			SPACE TO CREATE ONLY
SUMMIT	503,315.26			COMBINED FUNDS
WWTP	58,384.68			OLD SEWER REHAB ONLY
CD#2-402	202,500.76			COMBINED FUNDS-LOC COLLATERAL
CD#3-2578	255,051.53			COMBINED FUNDS
	1,095,041.13	1,758,093.95	2,853,135.08	

	CASH POSITION			DESCRIPTION
	COMBINED	RESTRICTED	TOTAL	
As of: 03/18/2021				
GENERAL	532,265.25			
SEWER RESTRICTED		530,374.97		RESTRICTED TO SEWER CAPITAL PROJECT
DEBT RESERVE		106,868.60		RESTRICTED LOAN REQUIREMENT
BRIDGE RESERVE		588,585.13		RESTRICTED TO BRIDGE REPAIRS
CONS.TRUST		10,396.51		RESTRICTED TO PARK CAPITAL PROJECT
GRANT PASS THRU	25.00			
INT GRANT		25.00		RESTRICTED LOAN REQUIREMENT
OPS	40,215.54			
PARK CONTRIBUTIONS		11,930.11		SPECIFIC PARK PROJECTS AS DONATED
PAYROLL	25.00			
SPACE-TO-CREATE		13,171.74		SPACE TO CREATE ONLY
SUMMIT	503,315.26			
WWTP		58,384.68		OLD SEWER REHAB ONLY
CD#2-402	202,500.76			
CD#3-2578	255,051.53			
	1,533,398.34	1,319,736.74	2,853,135.08	

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

R=RECEIVED Q=REQUESTED P=IN PROCESS

Due Date	Vendor Number	Vendor Name	Invoice Number	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Pay	Partial Pmt Amt	Part Pmt Disc Amt	
05/11/2021	654	Badger Meter, Inc.	80071918	780.00	.00	.00	780.00				SERVICE AGREEMENT 05/2021-10/2021
05/11/2021	987	Black Hills Energy	04-2021	927.23	.00	.00	927.23				UTILITIES
05/11/2021	901	Blue Sage Center	0511-132021	765.00	.00	.00	765.00				PAONIA IN MOTION: DESIGN WORKSHOP
05/11/2021	1141	BO JAMES NERLI	33664-33675	4,946.66	.00	.00	4,946.66				ATTORNEY
05/11/2021	14	Bolinger & Queen I	85934-1	15.76	.00	.00	15.76				PARK DITCH
05/11/2021	21	Caselle, Inc	109354	1,064.00	.00	.00	1,064.00				MONTHLY SOFTWARE FEE
05/11/2021	24	City of Delta	04072021	341.00	.00	.00	341.00				SEWER SAMPLES
05/11/2021	673	City Of Grand Junc	2021-000740	125.00	.00	.00	125.00				SEWER SAMPLES
05/11/2021	56	Delta County Land	347917-3502	3,186.50	.00	.00	3,186.50				LANDFILL FEES
05/11/2021	43	Delta Montrose Ele	05-2021-W	2,476.50	.00	.00	2,476.50				UTILITIES-WATER
05/11/2021	46	Dependable Lumb	2104-168656	1,381.27	.00	.00	1,381.27				VARIOUS
05/11/2021	48	Don's Market	01-1165634	21.84	.00	.00	21.84				MEETING SUPPLIES
05/11/2021	48	Don's Market	01-1171272	23.87	.00	.00	23.87				PARK SUPPLIES
05/11/2021	48	Don's Market	04-754325	37.47	.00	.00	37.47				TOWN HALL SUPPLIES
05/11/2021	368	Double J Disposal	45150	81.00	.00	.00	81.00				IMG PORTA POTTY
05/11/2021	368	Double J Disposal	45151	211.00	.00	.00	211.00				PARK PORTA POTTIES
05/11/2021	50	Duckworks Auto P	11044-35833	10.79	.00	.00	10.79				TRASH TRUCK
05/11/2021	62	Feather Petroleum	5571608-587	1,890.18	.00	.00	1,890.18				FUEL
05/11/2021	1074	Hutto, Ellen	020201	70.00	.00	.00	70.00				TOWN HALL REPAIRS
05/11/2021	482	Larry D Gillenwate	423078	170.23	.00	.00	170.23				CAR WASH
05/11/2021	470	Leon, Susan	05012021-05	725.00	.00	.00	725.00				CLEANING CONTRACT
05/11/2021	103	Master Petroleum	CL56750	445.90	.00	.00	445.90				FUEL
05/11/2021	141	North Fork Service	920497-9203	707.97	.00	.00	707.97				FUEL
05/11/2021	122	Paonia Auto Parts	375485-3762	642.64	.00	.00	642.64				VARIOUS
05/11/2021	125	Paonia Farm & Ho	80761-83978	730.56	.00	.00	730.56				VARIOUS
05/11/2021	499	Phonz +	11451	1,533.91	.00	.00	1,533.91				MONTHLY IT FEES
05/11/2021	737	Ricoh USA Inc	5061876296	909.90	.00	.00	909.90				COPIER COPIES
05/11/2021	956	SGS North Americ	5216012647	913.73	.00	.00	913.73				WATER SAMPLES
05/11/2021	152	Southwestern Syst	202862	1,768.00	.00	.00	1,768.00				SEWER PLANT MAINTENANCE
05/11/2021	861	The Paper-Clip LL	2040286-0	99.50	.00	.00	99.50				OFFICE SUPPLIES
05/11/2021	161	UNCC	221041086	249.48	.00	.00	249.48				LOCATES
05/11/2021	163	US Bank	6103629	350.00	.00	.00	350.00				ANNUAL FEE 040121-033122
05/11/2021	588	Wilbur-Ellis Compa	11911889	312.50	.00	.00	312.50				SEWER CHEMICALS
05/11/2021	588	Wilbur-Ellis Compa	11919039	2,728.00	.00	.00	2,728.00				WATER/SEWER CHEMICALS
05/11/2021	491	Winwater Corp	058179-02	5,000.00	.00	.00	5,000.00				WATER-FIRE HYDRENT PRESSURE SENSORS
05/11/2021	491	Winwater Corp	058464-01	2,307.38	.00	.00	2,307.38				SEWER REPAIR-3RD STREET
Grand Totals:				36	37,949.77	.00	.00	37,949.77			

Cash Requirements Summary

Date	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Net Cumulative Amount
05/11/2021	37,949.77	.00	.00	37,949.77	37,949.77
Grand Totals:		37,949.77	.00	.00	37,949.77



Manage your account online at : [www.chase.com/cardhelp](http://www.chase.com/cardhelp)

Customer Service: 1-800-945-2028

Mobile: Download the Chase Mobile® app today

May 2021						
S	M	T	W	T	F	S
25	26	27	28	29	30	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

New Balance  
**\$9,861.73**  
 Minimum Payment Due  
**\$98.00**  
 Payment Due Date  
**05/17/21**



**Late Payment Warning:** If we do not receive your minimum payment by the due date, you may have to pay a late fee, and existing and new balances may become subject to the Default APR.

**Minimum Payment Warning:** Enroll in Auto-Pay and avoid missing a payment. To enroll, go to [www.chase.com](http://www.chase.com)

### ACCOUNT SUMMARY

<b>Account Number:</b>	[REDACTED]
Previous Balance	\$6,680.97
Payment, Credits	-\$6,680.97
Purchases	+\$9,861.73
Cash Advances	\$0.00
Balance Transfers	\$0.00
Fees Charged	\$0.00
Interest Charged	\$0.00
<b>New Balance</b>	<b>\$9,861.73</b>
Opening/Closing Date	03/24/21 - 04/23/21
Credit Limit	\$45,000
Available Credit	\$35,138
Cash Access Line	\$2,250
Available for Cash	\$2,250
<b>Past Due Amount</b>	<b>\$0.00</b>
<b>Balance over the Credit Limit</b>	<b>\$0.00</b>

### YOUR ACCOUNT MESSAGES

Your next AutoPay payment for \$9,861.73 will be deducted from your Pay From account and credited on your due date. If your due date falls on a Saturday, we'll credit your payment the Friday before.

Your AutoPay amount will be reduced by any payments or merchant credits that post to your account before we process your AutoPay payment. If the total of these payments and merchant credits is more than your set AutoPay amount, your AutoPay payment for that month will be zero.



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Customer Service: 1-800-945-2028

Mobile: Download the Chase Mobile® app today

## ACCOUNT ACTIVITY

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
04/16	AUTOMATIC PAYMENT - THANK YOU	-6,680.97
03/23	SPRINT *WIRELESS 800-639-6111 KS	292.63
03/30	MESA COUNTY HEALTH 866-7566041 CO	40.00
04/20	SPRINT *WIRELESS 800-639-6111 KS	292.63
04/19	HAYS DRUG STORE PAONIA CO	88.80
04/19	HAYS DRUG STORE PAONIA CO CINDY JONES TRANSACTIONS THIS CYCLE (CARD 8901) \$5955.72- INCLUDING PAYMENTS RECEIVED	11.19
03/25	PAYPAL *JUMPSTARTTE 402-935-7733 CA	75.00
03/29	ABC-NV 913-8954600 KS	100.00
03/29	ABC-NV 913-8954600 KS	100.00
03/31	PAYPAL *JUMPSTARTTE 402-935-7733 CA TRAVIS LOBERG TRANSACTIONS THIS CYCLE (CARD 2935) \$350.00	75.00
03/22	TRACTOR SUPPLY CO #5509 BRENTWOOD TN	7,392.98
04/02	INDEED 203-564-2400 CT	45.00
04/02	IN *COALTRAIN COFFEEHOUSE HOTCHKISS CO	17.32
04/16	ZOOM.US 888-799-9666 WWW.ZOOM.US CA CORINNE FERGUSON TRANSACTIONS THIS CYCLE (CARD 3742) \$7495.30	40.00
03/31	USPS PO 0769660541 PAONIA CO	1.00
04/06	USPS PO 0769660541 PAONIA CO	.75
04/12	USPS PO 0769660541 PAONIA CO	137.10
04/13	USPS PO 0769660541 PAONIA CO	1.40
04/13	USPS PO 0769660541 PAONIA CO	650.00
04/16	TRACTOR SUPPLY CO #1791 DELTA CO TOWNOF PAONIA TRANSACTIONS THIS CYCLE (CARD 8181) \$702.19	11.94
04/15	PAYPAL *BLUETOGOLD 402-935-7733 CA TOWNOF PAONIA TRANSACTIONS THIS CYCLE (CARD 4100) \$299.00	299.00
03/25	TRACTOR SUPPLY CO #1791 DELTA CO TOWNOF PAONIA TRANSACTIONS THIS CYCLE (CARD 8158) \$289.99	289.99

### 2021 Totals Year-to-Date

Total fees charged in 2021	\$0.00
Total interest charged in 2021	\$0.00

Year-to-date totals do not reflect any fee or interest refunds you may have received.

## INTEREST CHARGES

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Balance Type	Annual Percentage Rate (APR)	Balance Subject To Interest Rate	Interest Charges
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For customer support, visit [www.amazon.com/contact-us](http://www.amazon.com/contact-us).

**Invoice summary** *Due 45 days from receipt of invoice*

Item subtotal before tax	\$ 652.99
Shipping & handling	\$ 0.00
Promos & discounts	\$ 0.00
<b>Total before tax</b>	<b>\$ 652.99</b>
<b>Tax</b>	<b>\$ 56.81</b>
<b>Amount due</b>	<b>\$ 709.80 USD</b>

**Billing period** 4/1/21 to 4/30/21  
**Account #** A1PV6WMBDEC70K  
**Payment terms** Net 45

**Registered business name**

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

**Group Name**  
 City of Paonia

**Pay by**

**Electronic funds transfer (EFT/ACH/Wire)**

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

**Check**

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

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

**Invoice details**

#	Ship date	PO #	Description	Qty	Unit price	Item subtotal before tax	Tax
1	4/8/21	Computers	BESTEK 300W Power Inverter DC 12V to 110V AC Car Inverter with 4.2A Dual USB Car Adapter	5	\$29.87	\$149.35	8.700%
			ASIN: B004MDXS0U	Sold by: BESTEK Global LLC			
			Order # 111-6938007-1943452				
			Order date: April 06, 2021				



#	Ship date	PO #	Description	Qty	Unit price	Item subtotal before tax	Tax
2	4/19/21	Pat/Brian	PMNN4409, PMNN4409ar, PMNN4448 Battery Compatible with Motorola XPR3500, XPR3300, XPR7550, XPR3500e and More Models, Click to Find Out More[2020 Upgra	2	\$59.99	\$119.98	8.700%
			ASIN: B07LBKVQTJ Sold by: Xiamen Huajianli Meirongfuwu llc. Order # 111-8995269-6765062 Order date: April 16, 2021				
3	4/24/21		ITNRSIET [20% Larger] Mouse Pad with Stitched Edge Premium-Textured Mouse Mat Waterproof Non-Slip Rubber Base Round Mousepad for Laptop PC Office 8.7	1	\$6.78	\$6.78	8.700%
			ASIN: B08LNQM5CW Sold by: Guangzhou Interesting Hearing Trading Co., Ltd. Order # 113-3986537-5429068 Order date: April 23, 2021				
4	4/24/21		iClever BK10 Bluetooth Keyboard, Multi Device Keyboard Rechargeable Bluetooth 5.1 with Number Pad Ergonomic Design Full Size Stable Connection Keyboar	1	\$29.99	\$29.99	8.700%
			ASIN: B07ZJ6FX4P Sold by: THOUSANDSHORES INC Order # 113-3986537-5429068 Order date: April 23, 2021				
5	4/24/21		Jelly Comb 2.4G Slim Wireless Mouse with Nano Receiver MS001 (Black and Gold)	1	\$7.93	\$7.93	8.700%
			ASIN: B076F5P28T Sold by: Jelly Comb Corporation Order # 113-3986537-5429068 Order date: April 23, 2021				

#	Ship date	PO #	Description	Qty	Unit price	Item subtotal before tax	Tax
6	4/26/21		DeepRoot UB 24-2 Tree Root Barrier, D x 24" W, 40lf, Black, Inch Depth	2	\$169.48	\$338.96	8.700%
ASIN: B00BJWCITY Sold by: Amazon.com Services LLC Order # 113-3986537-5429068 Order date: April 23, 2021							

Total before tax	\$652.99
Tax	\$56.81
<b>Amount due</b>	<b>\$709.80</b>

**FAQs**

**How is tax calculated?**

Visit [https://www.amazon.com/gp/help/customer/display.html/ref=hp\\_leftv4\\_sib?ie=UTF8&nodeId=202036190](https://www.amazon.com/gp/help/customer/display.html/ref=hp_leftv4_sib?ie=UTF8&nodeId=202036190)

**How are digital products and services taxed?**

Visit [https://www.amazon.com/gp/help/customer/display.html/ref=hp\\_leftv4\\_sib?ie=UTF8&nodeId=202074670](https://www.amazon.com/gp/help/customer/display.html/ref=hp_leftv4_sib?ie=UTF8&nodeId=202074670)

Employee Number	Name	85-00 Net Pay Emp Amt
1053	Beardslee, Dominic D	1,656.41
1024	Berger, Brian J	1,513.51
1052	Edwards, Roger	967.40
1002	Ferguson, J. Corinne	2,144.75
1020	Ferguson, Neil	1,833.13
1022	Hinyard, Patrick	1,948.32
1001	Jones, Cynthia	1,766.89
1005	Katzer, JoAnn	936.73
1050	Loberg, Travis	2,026.92
1055	McCallister, Johnathan M	1,990.19
1003	Mojarro-Lopez, Amanda	1,018.58
1023	Patterson, Taffine A	1,438.25
1054	Redden, Jordan	1,134.53
1051	Reich, Dennis	1,000.16
1025	Vassel, Andrew C	1,138.87
1021	Winnett, Lorin E	1,749.60

Grand Totals:

16 24,264.24

*OK*  
*Done*  
*5/4/2021*

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

Transmittal Number	Name	Invoice Number	Pay Per Date	Pay Code	Description	GL Account	Amount
2							
2	IRS Tax Deposit		04/30/2021	74-00	Federal Tax Deposit Social Security	10-0216	1,199.20
2	IRS Tax Deposit		04/30/2021	74-00	Federal Tax Deposit Social Security	10-0216	1,199.20
2	IRS Tax Deposit		04/30/2021	75-00	Federal Tax Deposit Medicare Pay P	10-0216	465.29
2	IRS Tax Deposit		04/30/2021	75-00	Federal Tax Deposit Medicare Pay P	10-0216	465.29
2	IRS Tax Deposit		04/30/2021	76-00	Federal Tax Deposit Federal Withhold	10-0216	2,516.20
Total 2:							5,845.18
4							
4	Aflac		04/30/2021	63-01	Aflac Pre-Tax Pay Period: 4/30/2021	10-0225	120.18
4	Aflac		04/30/2021	63-02	Aflac After Tax Pay Period: 4/30/2021	10-0225	24.90
Total 4:							145.08
6							
6	Colorado Dept of Labor		04/02/2021	98-00	SUTA State Unemployment Tax Pay	10-0218	94.61
6	Colorado Dept of Labor		04/16/2021	98-00	SUTA State Unemployment Tax Pay	10-0218	98.16
6	Colorado Dept of Labor		04/30/2021	98-00	SUTA State Unemployment Tax Pay	10-0218	101.03
Total 6:							293.80
9							
9	Colorado Dept of Revenue		04/30/2021	77-00	State Withholding Tax Pay Period: 4/3	10-0217	1,064.00
Total 9:							1,064.00
30							
30	Empower Retirement		04/30/2021	51-01	Retirement Plan Retirement Plan Pa	10-0220	747.60
30	Empower Retirement		04/30/2021	51-01	Retirement Plan Retirement Plan Pa	10-0220	1,088.80
30	Empower Retirement		04/30/2021	51-02	Retirement Plan Retirement Loan Pa	10-0220	457.87
Total 30:							2,294.27
33							
33	FPPA - Fire & Police Pensi		04/30/2021	50-00	FPPA Pay Period: 4/30/2021	10-0219	1,265.00
33	FPPA - Fire & Police Pensi		04/30/2021	50-00	FPPA Pay Period: 4/30/2021	10-0219	935.00
33	FPPA - Fire & Police Pensi		04/30/2021	90-00	Death & Disability Pay Period: 4/30/2	10-0219	330.00
Total 33:							2,530.00
70							
70	Rocky Mountain HMO		04/30/2021	60-01	RMHMO - Employee Only Pay Period	10-0223	252.84
70	Rocky Mountain HMO		04/30/2021	60-01	RMHMO - Employee Only Pay Period	10-0223	4,158.60
70	Rocky Mountain HMO		04/30/2021	60-02	RMHMO - Employee + 1 Pay Period:	10-0223	254.45
70	Rocky Mountain HMO		04/30/2021	60-02	RMHMO - Employee + 1 Pay Period:	10-0223	1,254.30
70	Rocky Mountain HMO		04/30/2021	60-03	RMHMO - Employee + Family Pay Pe	10-0223	405.59
70	Rocky Mountain HMO		04/30/2021	60-03	RMHMO - Employee + Family Pay Pe	10-0223	4,156.59
70	Rocky Mountain HMO		04/30/2021	60-07	RMHMO - Employee + Spouse Pay P	10-0223	163.98
70	Rocky Mountain HMO		04/30/2021	60-07	RMHMO - Employee + Spouse Pay P	10-0223	722.02

*MO.*

*OH*

*MO*



AGENDA SUMMARY FORM



Regular Minutes  
 April 27, 2021  
 Liquor License Renewal  
 West Elk Wine and Spirits

Summary:

Notes:

LLR:  
 No issues noted.

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**  
**April 27, 2021**

**RECORD OF PROCEEDINGS**

The Regular Meeting held on Tuesday, April 27, 2021, was called to order at 6:30 p.m. by Mayor Mary Bachran, followed by the Pledge of Allegiance. Formal Video Record at <https://www.youtube.com/watch?v=QO8yQF5GCFo>

**Roll Call**

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

**Approval of Agenda**

✚ Motion made by Trustee Bear, Seconded by Trustee Budinger to table agenda items 7 & 8 to the next meeting.

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**

Trustee Knutson stated that he attended the North Fork Resiliency Planning and Action Workshop online.

✚ Motion made by Trustee Knutson, Seconded by Trustee Meck to schedule a work session via zoom for an update of the Colorado Oil & Gas Industries.

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				

## Recognition of Visitors & Guests

A member of the public presented a letter requesting to have Poplar Ave. between 3<sup>rd</sup> St. & 4<sup>th</sup> St. closed to allow a play street. The request will be in the next meetings agenda.

- Play street – Temporary **play streets** (or 'playing out' sessions) are short **road** closures, usually organised by neighbors' on their own **street**, creating a safe space for children to **play** out together on their doorstep. **Play streets** typically allow children to **play** freely, without organised games or activities.

## Staff Reports

### Administrator's Report:

- Administrator Ferguson discussed questions that the Board members had regarding the written report and updated the Board on current and new projects. The report was included in the packet.
- Answers were provided to Trustees Pattison questions.
- Boring at Lee's park is scheduled to be completed Tuesday, April 28, 2021.
- North Fork Pool, Park and Recreation contract has been added to Munidocs.
- Scheduling of the water and sewer plant tours in the process for May 25<sup>th</sup>.
- Trustee Pattison suggested that the recommended tree species be added to the website.
- A member of the public questioned the status of the engineering water report.
- A member of the public was concerned about the Town following CDPHE guidelines regarding having a temporary ORC in place.
  - The temporary ORC currently has a verbal contract and is working pro bono for the Town. Pro bono: *Pro bono*, or *pro bono publico*, means for the public good in Latin. It is used mostly when professional service is rendered on a voluntary basis.

### Treasurer's Report:

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

## Disbursements

### Disbursements Report:

- ✚ Motion by Trustee Knutson, Seconded by Trustee Budinger to approve the disbursements as presented.

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



**Consent Agenda**

Regular Minutes:

- April 13, 2021

Special Event Liquor License:

- Friends of the Paradise Theatre

✚ Motion made by Trustee Budinger, Seconded by Trustee Knutson to approve the agenda as provided.

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

**Unfinished Business**

Riverbank Neighborhood Major Subdivision Review Public Hearing:

The Board members for the Town of Paonia held a public hearing on April 30th for providing explanation and description of the 2021 Riverbank Neighborhood Major Subdivision. Included were the Planning Commission’s recommendations. Fredrick Zimmer representative of Ivo Renkema was present to discuss the purpose of the public hearing for the Town of Paonia’s Riverbank Neighborhood Major Subdivision application. Mayor Bachran stated that the purpose of the public hearing was to obtain citizen’s views and to respond to questions and answer any questions posed by citizens.

- The public hearing opened at 7:08 pm
- The Riverbank Neighborhood major subdivision project was proposed by Ivo Renkema in 2017, Planning Commission and Board meetings were held to inform citizens of the potential project and get feedback from the residents at that time. Modifications to the project have been made since and brought back to the Town Board in 2021, for reconsideration of approval the Town Board.
  - A video presentation from the developer Ivo Renkema was provided.
- Concerns from the public:
  - Requests to re-zone from an R-2 to R-1.
  - Concerns about the emergency access off of Highway 133.
    - Frederick Zimmer (Ivo Renkema’s representative) stated that CDOT was aware of the access.
  - Concerns with the current water moratorium status were voiced by the public.
  - The public had concerns of the developer terraforming the landscape of the wetlands.
  - The public had concerns that the developer of the major subdivision not

available for questions and answers to their concerns.

- The town attorney suggested that the Board approve the project as is with conditions or deny the project.
- Public hearing closed at 8:07 pm.
- Planning Commission recommendations were included in the packet.
- Board discussion:
- Question regarding the number of units listed on page 198 of the major subdivision packet. Town Attorney stated that it will be updated in the current CC&R's (Covenants, Conditions and Restrictions).
- Questions regarding the lots that are nearest to the river (lots 1, 2 and 10)
- Questions regarding "reference to a design committee" the Town does have such committee. Town attorney stated that it will be updated.
- Questions regarding the maintenance cost of the major subdivision's roads.
- Concerns with the development cost of the lot requirements.
- Concerns with the installation of the water and sewer line prior to construction – The engineer of the project will verify the installation of the lines and submit a letter.

✚ Motion made by Trustee Bear, Seconded by Trustee Budinger to accept variance 1 and incorporate the Administrator's recommendations.

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				

- Two trustees were in favor of the road bond. One Trustee was concerned with the cost of the bond and about the road development.

✚ Motion made by Trustee Pattison, Seconded by Trustee Bear to deny variance 2 and have the staff work with the developer.

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				

✚ Motion by Trustee Pattison, Seconded by Trustee Johnson to re-zone to R-1.

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				

✚ Motion by Trustee Knutson, Seconded by Trustee Budinger to prohibit development beyond phase 1 until the water moratorium is lifted and water taps are purchased for the property.

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				

✚ Motion by Trustee Bear, seconded by Trustee Meck to send the project back to the Planning Commission for further review on the bonding issue.

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				

- One of the Board members would like to see a letter from CDOT regarding the access of the highway.

✚ Motion amended by Trustee Meck, seconded by Trustee Bear to add clarification from the highway department requiring the use of access.

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				

✚ Motion by Trustee Knutson, seconded by Trustee Budinger to approve the major subdivision with conditions and staff contain the SIA-bonds.

Council Member	For	Against	Abstain	Absent
Trustee Bear		X		

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

**Unfinished Business**

**Retail Marijuana Ordinance 2021-01 – Second Read:**

- Clarification regarding the “block” definition to be included – “restrict to one (1) block one (1) store per block”.
- Concerns with enforcing medical marijuana and people not wanting it.
- Include the definition of spot zoning.
- Page 9 under locations 4-5 should read “a max of 1 per block.”

✚ Motion made by Trustee Pattison, seconded by Trustee Johnson to accept the retail marijuana ordinance 2021-01 with changes noted.

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				

- Community member read her statement regarding the ordinance.
- Community member pointed out the legal age is 21.

**New Business**

**Ordinance 2021-TBD Board of Appeals:**

- Tabled

**Mayor’s Report Building Official Survey.**

- Tabled

**Mayor’s Report**

- Nothing to report.

**Committee Reports**

**Finance & Personnel report:**

- Personnel Liaison Committee is – JoAnn Katzer, Dave Knutson, and Elaine Brett.
- Community member commented on the in-Town vs. Out-of-Town definition of a citizen of Paonia.

**Governmental Affairs & Public Safety report:**

- Meeting on May 5<sup>th</sup> at 10:00 am.

- Received 216 responses from the short-term rental survey and a draft of the results is in the works.
- Asked the Board to look into 16-11-20 & 16-11-30 of the code regarding renting of rooms.
- Dog kenneling locations are being investigated.
- Add as an agenda item the mobile retail food establishments.

✚ Motion made by Trustee Bear, Seconded by Trustee Meck to extend the meeting until 10:29 pm.

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				

**Public Works-Utilities-Facilities report:**

- Met on 4-13-21.
- Final Sur Plus resolution.
- Discussed transformer issues.

**Tree Board:**

- Arbor Day proclamation and Tree planting will be Friday at 9:30.
- Amending list of approved trees for the Town right-of-way and will be brought forth to the Boar.

**Advisory Water report:**

- Met 4-24-21.
- Discussed recommendations regarding the drought.

**Executive Session:**

✚ Motion made by Trustee Bear, Seconded by Trustee Budinger to enter into an executive session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); to a citizen complaint filed by Ms. Suzanne Watson against a member of the Board of Trustees, Dave Knutson.

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				

- Enter at 9:36 pm.
- Returned to open meeting at 10:01 pm.
- Present were all the Board members except for Trustee Knutson who recused himself from the session, Town Administrator. and Town Attorney Nerlin.

✚ Motion made by Trustee Bear, Seconded by Trustee Jonson to add as an agenda item to further investigate at an open meeting.

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				

✚ Motion made by Trustee Bear, Seconded by Trustee Johnson to direct the Town Attorney and Staff to contact CIRSA for Trustee training.

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				

**Adjournment**

The meeting was adjourned by Mayor Bachran at 10:05 pm

\_\_\_\_\_  
Amanda Mojarro, Deputy Clerk

\_\_\_\_\_  
Mary Bachran, Mayor

**WEST ELK WINE & SPIRITS**  
**PO BOX 1805**  
**PAONIA CO 81428-1805**

Fees Due		
Renewal Fee		227.50
Storage Permit	\$100 X _____	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X _____	\$
Related Facility - Campus Liquor Complex	\$160.00 per facility	\$
<b>Amount Due/Paid</b>		<b>\$ 227.50</b>

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

## Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name <b>ONE THIRTY-THREE LLC</b>		Doing Business As Name (DBA) <b>WEST ELK WINE &amp; SPIRITS</b>		
Liquor License # <b>26-49220-0000</b>	License Type <b>Liquor Store (city)</b>	Sales Tax License # <b>026492200000</b>	Expiration Date <b>06/09/2021</b>	Due Date <b>04/25/2021</b>
Business Address <b>427 SAMUEL WADE ROAD PAONIA CO 81428-6127</b>				Phone Number <b>9705274575</b>
Mailing Address <b>PO BOX 1805 PAONIA CO 81428-1805</b>			Email [REDACTED]	
Operating Manager <b>Jennifer McGavin</b>	Date of Birth [REDACTED]	Home Address [REDACTED]	Phone Number [REDACTED]	
1. Do you have legal possession of the premises at the street address above? <input type="radio"/> Yes <input checked="" type="radio"/> No Are the premises owned or rented? <input type="radio"/> Owned <input checked="" type="radio"/> Rented* *If rented, expiration date of lease <b>6/30/22</b>				
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. Yes <input type="radio"/> No <input checked="" type="radio"/>				
3a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? Yes <input type="radio"/> No <input checked="" type="radio"/>				
3b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? Yes <input type="radio"/> No <input checked="" type="radio"/>				
4. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. Yes <input type="radio"/> No <input checked="" type="radio"/>				
5. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. Yes <input type="radio"/> No <input checked="" type="radio"/>				
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. Yes <input type="radio"/> No <input checked="" type="radio"/>				
7. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. Yes <input type="radio"/> No <input checked="" type="radio"/>				

## Tax Check Authorization, Waiver, and Request to Release Information

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

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

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

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

Name (Individual/Business) <u>ONE THIRTY-THREE, LLC</u>		Social Security Number/Tax Identification Number [REDACTED]	
Address <u>PO B. 1805</u>			
City <u>PAONIA</u>		State <u>CO</u>	Zip <u>81428</u>
Home Phone Number [REDACTED]		Business/Work Phone Number	
Printed name of person signing on behalf of the Applicant/Licensee <u>JENNIFER MCGAVIN</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>Jennifer McGavin</u>			Date signed <u>5/6/21</u>

**Privacy Act Statement**

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



**TOWN OF PAONIA**  
**REQUEST TO BE PLACED ON AGENDA**

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

Here are things you need to know:

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

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

Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.

Regular Board meetings are scheduled for the second and fourth Tuesdays of each month.

Name of person making presentation: Rob Miller

Organization, if speaking on behalf of a group: Pickin Productions

Is this a request for Board action?  Yes  No

Please provide a summary of your comments:

Approval of Pickin in the park + confirming (and thank you) for carrying over the 2020 sponsorship (waiving of park fees)

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

Contact information:

Name: Rob Miller

Mailing Address: PO Box 1690  
PAONIA

E-mail: PickinProductions@gmail.com

Daytime Phone: [REDACTED]

Office Use Only:

Received: \_\_\_\_\_

Approved for Agenda: \_\_\_\_\_

Board Meeting Date: \_\_\_\_\_

## Town of Paonia Park/Event Registration Application

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

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

Applicant Name: Rob Miller

Organization: Pickin' Productions

Mailing Address: Rob 1690 PAONIA

Telephone Number: [REDACTED]

Event Manager (if different than Applicant): \_\_\_\_\_

Event Manager Telephone: \_\_\_\_\_

Event Manager E-Mail: Pickin' Productions@gmail.com

**Please describe the event:** \_\_\_\_\_

Free Summer Concerts for the Community

Event Date(s): 8/5/21 Event Hours: 6-9<sup>30</sup>pm

Event Date(s): 8/12/21 Event Hours: "

Event Date(s): 8/19/21 Event Hours: "

Event Date(s): 8/26/21 Event Hours: "

**Which park do you want to use?**

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

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

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

**Will there be vendors?**

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

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

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

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

- No
- Yes Please open the gate at 11AM. We need to borrow traffic cones to block parts of the road including parking spaces (15 cones total)

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

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

**Promotion:**

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

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

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

Signed and submitted this 21 day of April, 2021.

Printed Name: Rob Miller

Signature: 

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

**Date of Pre-Event Meeting:** \_\_\_\_\_

- Application is deemed complete and is accepted. Employee Initials \_\_\_\_\_

- Application requires Board of Trustee Approval.

**Hearing Date:** \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Pricing:**

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

Includes: 3 dumpsters and up to 5 vendors

Date Submitted \_\_\_\_\_ Amount \_\_\_\_\_

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

Includes: 3 dumpsters and up to 10 vendors

Date Submitted \_\_\_\_\_ Amount \_\_\_\_\_

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

Includes: 3 dumpsters and up to 10 vendors

Date Submitted \_\_\_\_\_ Amount \_\_\_\_\_

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

Date Submitted \_\_\_\_\_ Amount \_\_\_\_\_

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

Date Submitted \_\_\_\_\_ Amount \_\_\_\_\_

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

Type: \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

Date Submitted \_\_\_\_\_ Amount \_\_\_\_\_

**Recycling:** Should the event provide recycling, \$ \_\_\_\_\_  
a \$50 credit shall be applied.

**TOTAL FEES SUBMITTED**

*FEES waived  
Per 2020  
SPONSORSHIP*

\$ 0

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



Mattingly - Clark's End Variance Application

Summary:

Review and recommendations regarding variance application for road grade for the Clark's End subdivision cul-de-sac.

Planning Commission unanimously recommended approval of variance request.

At time of meeting all fees associated have been paid in full. Packet documents from the planning commission meeting are included.



## ADMINISTRATOR REPORT

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**TO:** PLANNING COMMISSION

**FROM:** *CORINNE FERGUSON*

**SUBJECT:** MATTINGLY – CLARK’S END ROAD VARIANCE

Odisea L.L.C. on behalf of Lynn Mattingly submitted a variance request letter to me February 17, 2021 and an application for a variance was subsequently presented for review March 8, 2021. The application was deemed substantially complete March 10, 2021 and the applicant was notified via telephone.

See below:

Application, Process, and and Review Per Municipal Code Chapter 16 and 18.

Complete application packet and fee payment. – Reviewed as submitted, deemed substantially complete 03/10/2021.

Deadlines for publication and notifications met.

**Having reviewed and confirmed all requirements and information provided, it is my recommendation to the Planning Commission and Board of Trustees the approval of Clark’s End Subdivision cul-de-sac variance request:**

Variance: Municipal Code Chapter 18, Streets, Minimum Design Standards – Curb, Gutter, Sidewalks and Streets – link here:

[https://library.municode.com/co/paonia/codes/municipal\\_code?nodeId=APPENDIX\\_APXDSTCOSP\\_STMI\\_DESTURGUSIST](https://library.municode.com/co/paonia/codes/municipal_code?nodeId=APPENDIX_APXDSTCOSP_STMI_DESTURGUSIST)

**The Street Layout portion of chapter 18 defines the maximum grade for any street to be 7%. Due to the location of the updated water and sewer lines installed by the Town, the applicant requests a variance of .5% to increase the grade of the cul-de-sac to 7.5%. This variance is recommended as to facilitate the installation of the approved cul-de-sac and avoid any disturbance of the Towns infrastructure. Following review, it is my opinion the variance request meets the prerequisites for granting variances as provided below.**

### **Additional information:**

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1 | Page Riverbank  
Mattingly Variance  
Application, April 2021

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The only clear guidance for the review of a variance is included in Chapter 18, Article 7, Division 2, Section 18-7-240 and has been historically used for the review and recommendation of variance requests. The review criteria are as follows:

(j) Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

a. Showing a good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws, resolutions or ordinances.

### **Admin Report Attachments:**

Attachment A: Streets, Minimum Design Standards – Curb, Gutter, Sidewalks and Streets



STREETS, MINIMUM DESIGN STANDARDS - CURB, GUTTER, SIDEWALKS & STREETS

General.

All curb, gutter, sidewalk and street construction design, rights-of-way widths and street widths shall conform to the minimum requirements enumerated on the town typical drawings and the requirements of the subdivision regulations of the Town of Paonia. Care shall be taken to ensure continuity of grades, widths, etc., of proposed, existing and future installations. Deviations from these standards and specifications may be permitted when, in the opinion of the Town, the quality of the finished work would not vary materially from the intent of these requirements.

Plan Approval.

Plans for proposed street construction should be submitted on twenty-four-by-thirty-six-inch (24" x 36") sheets to the Town for approval. An overall plan shall be submitted along with individual plan and profile sheets. The plans shall show lots and blocks, shall give centerline street grades and show vertical curves and the original ground profile. Grades shall be indicated for the curb and gutter for each side of the street; elevations of curb and gutter at the ends of each block shall be indicated. Cross-pans shall be indicated on the street plan. The roadway width and type of curb, gutter and sidewalk shall be indicated for each street.

Street Construction.

All streets shall be paved except if otherwise approved by the Town board of trustees for residential streets.

When asphalt pavement is to be provided, minor residential streets serving fewer than ten (10) lots shall have a minimum of six (6) inches of Class 6 base course with prime coat and a three-inch asphalt concrete surface. Other residential and collector streets shall have a minimum of six (6) inches of Class 6 base course with prime and four (4) inches of asphalt concrete surface. An engineer, based on traffic load and soils conditions, shall design base and surface treatment for arterial streets.

All paved streets shall have curb, gutter and sidewalk on both sides. The curb, gutter and sidewalk shall conform to Town standard drawings and specifications for that work.

Street widths shall be in accordance with Town Subdivision Regulations

**Street Layout.**

Street widths shall conform to Town standard drawings for the type of street being designed. Gravel streets shall have a cross-slope of three percent (3%), and paved streets shall have at least two percent (2%) cross-slope.

The minimum grade for all streets is one-half percent (0.5%). The maximum grades shall not exceed seven percent (7%) on any street and five percent (5%) on collector streets. Minimum length of vertical curves for all streets shall be three hundred (300) feet, except that where the algebraic change in grades is less than two percent (2%), vertical curves may be omitted. On local streets the minimum radius of horizontal curves shall be one hundred (100) feet and one hundred fifty (150) feet on all other streets.

In special topographic conditions, the Town may allow deviations from these requirements in order to provide the Town with better drainage or a better intersection design.

Multiple tee intersections shall have the leg of the tees at least one hundred twenty-five (125) feet apart centerline to centerline to facilitate a reasonable line of sight between the intersections. If the width of the street rights-of-way is more than sixty (60) feet, the separation of the tees shall be increased proportionally.

Sidewalks shall be located six (6) inches outside the private property line unless otherwise approved by the Town.

## Attachment A

### Service Line Installation.

All service lines shall be installed (in accordance with the appropriate Town standards) prior to paving any street.

### Drainage.

All streets shall be designed to provide continuous surface drainage directed to storm drain inlets and drainage courses. Grade shall permit flow without ponding. A check shall be made to be sure of continuity of drainage design between the proposed construction and existing or future construction. In no case shall surface drainage be permitted to be disposed of overland except by approved storm drainage facilities. The developer shall remedy any problems that are created by the addition of storm drainage from his or her subdivision to any existing drainage.

Culverts shall only be installed where V-ditches, gutters and valley pans will not carry the necessary flow. Culverts shall be corrugated, galvanized metal with metal end sections, unless otherwise authorized by the Town. Diameter and slope shall be based on flows. Minimum diameter in roadways shall be eighteen (18) inches, and minimum in driveways shall be twelve (12) inches.

### Monumentation.

Centerline monuments shall be set at each street intersection upon completion of street construction. If an existing street is to be resurfaced, the monuments shall be restored or set as necessary. Monuments in gravel streets shall be a bar and cap set in concrete a minimum of four (4) inches and a maximum of six (6) inches below finished grade. In paved streets the bar and cap set in concrete shall be set under a valve box cover labeled survey marker with the cover set at finished grade.

February 16, 2021

**J. Corinne Ferguson**  
Town Administrator  
Town of Paonia  
214 Grand Avenue  
Paonia, CO 81428

**Re: Variance request for grade increase at South Clark Subdivision cul-de-sac**

Ms. Ferguson:

As part of our submittal of construction documents for the subject project, and on behalf of Lynn Mattingly, we are requesting a variance to the maximum allowable slope of the cul-de-sac at the south end of Clark Avenue as described below.

Upon final design of the cul-de-sac we gathered invert elevations of the existing sewer pipe and as-built plans of the water line under South Clark to determine the proposed cover over those utilities. This information is now shown on our latest submittal of the construction plans for this project.

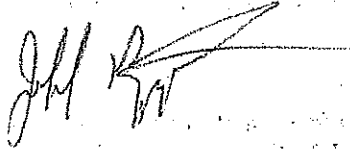
Based on the proposed cul-de-sac profile, we are proposing to increase the slope of the cul-de-sac to 7.50%, which exceeds the maximum allowable slope of 7.00%. By doing so we are maintaining the existing minimum cover over the sewer line on South Clark, which appears to be approximately 4 feet from stations 0+15 to 1+30 on our plans. By increasing the slope to 7.50% we are at or above 4 feet of cover everywhere and therefore do not believe replacing the existing sewer and water lines under the cul-de-sac is necessary.

We are assuming that the water line was installed at a depth of six feet, as noted on the as-built plans provided by the Town. We will be reducing its cover by 6" to one foot for approximately 30 feet in length near the top of the cul-de-sac. Similar to the sewer line, we do not believe this reduction in cover warrants a full replacement of the water line under the proposed cul-de-sac.

If you have any questions about the information presented here please do not hesitate to contact me anytime during business hours.



Very Respectfully,



Jeff Ruppert, P.E.  
Principal

(970) 948-5744  
[jeff@odiseanet.com](mailto:jeff@odiseanet.com)

## SPECIAL REVIEW/VARIANCE APPLICATION

Name LYNN D. MATTINGLY Application Date MARON 8 2021  
Property Address TBA CLARK AVE P&Z Hearing Date 4.30.2021  
Telephone Number [REDACTED] Council Hearing Date 5.11.2021

11.01 Intent. Each established zoning district is intended for a specific type or category of land use (e.g., single family dwelling in an R-1 district). However, there are certain uses, which may or may not be appropriate in a district depending on the situation. For example, the location, nature of the proposed use, character of the surrounding area, traffic capacities of adjacent streets, and potential environmental effects all may dictate that the circumstances of the development should be individually reviewed. The special review process is established to provide for these specific uses without establishing numerous separate zoning classifications. It is the intent of this chapter to provide a review of such uses so that the community is assured that the proposed uses are compatible with the location and surrounding land uses.

11.02: When Allowed. Within each zoning district, certain land uses are permitted by right, by special review or prohibited. Special review uses may be permitted in designated districts upon review by the Planning and Zoning Commission and approval by the Town Board.

11.03: Site Plan and Supporting Documents. There shall be filed with each special review application a site plan drawn to scale and an appropriate number of copies as determined by the Town Manager. The site plan shall be drawn in black ink on Mylar. Following approval by the Town Board the applicant shall submit a reproducible copy of the original site plan to the Town for the Town's permanent records.

### **The special review application shall include the following:**

- The site plan showing the location of all buildings, structures and other improvements to be placed on the real property. A building envelope may be used in lieu of showing the exact building or structure location to allow for minor variations in the location.
- A legal description of the property, which may require a survey.
- A list of the names and addresses of all property owners within 200 ft. of the property.
- All off-street parking and loading areas.
- The location of all ways for ingress and egress to all buildings, and parking areas.
- Service and refuse collection areas.
- Major screening proposals.
- The size, shape, height and character of all signs.
- The area and location of all open space and recreation areas.
- The location and type of outdoor lighting.
- The character and type of landscaping to be provided. The landscaping shall be indicated in tabular form showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on the site plan.
- The anticipated timetable for completion. If the project is to be completed in phases, then the data for completion of each phase shall be indicated.

- All owners and lien-holders of the property shall sign the following agreement that will be placed on the original special review site plan.
- Home Owner's association Written plan approval (if applicable)

The undersigned agree that the real property described on the site plan shall be developed only in accordance with the approved special review site plan and other provisions of the zoning regulations of the Town of Paonia.

**I. Site Plan**

Any application for Special Review/Variance that includes a new structure or improvement to an existing structure will require a site plan. Plans may be hand drawn, but must be clearly written with accurate measurements indicated. The Site Plan may be submitted as two separate drawings or one drawing with an overlay.

**II. Project Summary**

Please answer only the questions that apply to your Special Review/Variance request. Any additional information, which would be beneficial in the consideration, may be noted in the "Comments" section.

- a. Reason for Special Review/Variance Requesting a variance to increase slope of the outside face to 7.5% which exceeds the maximum slope of 7.0%.
- b. Current Zoning of Property R-2
- c. What land boundary changes are necessary? NONE
- d. What addition/changes to existing buildings/structures will be made? NONE
- e. What new buildings/structures will be constructed? NONE
- f. What additions/changes in utilities will be necessary? Include water, sewer, gas, and electric. NONE  
This variance protects the cover to existing sewer + water lines.
- g. Will property have Commercial/Private or Public Use? private
- h. Anticipated traffic flow and volume? N/A

- i. Detail the Safety and Disabled Access accommodations? N/A
- j. Detail the possible environmental impact; such as noise, lighting glare, pollutants, etc. move quickly moved drainage water

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**III. Public Notice Requirements**

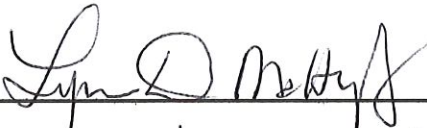

All property owners within 200 feet of the property being reviewed shall be notified via certified mail of a public hearing whereby the Planning and Zoning Commission shall consider this application. It is incumbent upon the applicant to request the names of the property owners from the Delta County GIS Department (970-874-2119). Please have the GIS e-mail the information to [Corinne@townofpaonia.com](mailto:Corinne@townofpaonia.com). Applications for Special Review shall be filed at least 30 days in advance of the meeting at which they are to be considered by the Planning and Zoning Commission. Incomplete applications shall result in denial of application acceptance and returned for completion, consequentially delaying hearings.

**IV. Acknowledgement to Pay Fees**

This application must be completed and a fee of **\$250.00** is assessed to include preliminary costs of administrative services and initial correspondence. Additional charges will be invoiced for, publication and certified mailings to property owners within 200 feet of said property. **Payment must accompany this application.**

**FEES PAID HEREUNDER ARE NON-REFUNDABLE UPON SIGNING**

**By signing below, I acknowledge that I will be billed for any overages of costs incurred for this Special Review/Variance. I am aware that upon acceptance of the Special Review/Variance by the Planning and Zoning Commission, a building permit must be applied and approved by the Building Inspector, if applicable.**

SIGNED   
 PRINTED NAME LYNN D MATTINGLY DATE: March 8 2021  
 Clerks Acceptance  DATE 3.10.21

# CLARK'S END MINOR SUBDIVISION

## PAONIA, COLORADO CIVIL ENGINEERING PLAN

### PROJECT INFO:

LOCATION: PAONIA, COLORADO  
 SITE ADDRESS: 38.86577, -107.585995  
 SITE COORDINATES: 38.86577, -107.585995  
 COUNTY: DELTA  
 TOWNSHIP: PAONIA  
 PROPERTY INFORMATION:  
 PARCEL ID#: 324505249007  
 LEGAL SUMMARY: CLARK RD PAONIA 81428 S: 5 T: 14S R: 91W Subdivision: B R ADDITION Lot: 7 TOTAL AC 1.43+- (N107.5', S120.4', E50.0'+97.0', W115.6') LOT 7 B R ADD. PT OF SEC 5 T14S R91W 6PM BEG AT SW COR HAMMONDS ADD PAONIA S1' E300' TO BEG N89°14' E250' S1' E150' S63°59' E96.8' S3°18' W114.6' N63°59' W150.7' N63°W110.7' N53°33' W120.4' N1' W115.6' TO BEG BK 441 PG 1524 (R-345594) BK 674 PG 134 BK 679 PG 186 BK 680 PGS 529 THRU 533 BK 693 PGS 822 & 823 R-350896 ANNEX R708364

### NARRATIVE DESCRIPTION:

EXISTING CONDITIONS  
 THE EXISTING SITE CONSISTS OF ONE PARCEL ZONED R-1. THE AREA TO BE DEVELOPED IS CURRENTLY A SINGLE RESIDENTIAL LOT

#### DEVELOPED CONDITIONS

- THE PROPOSED ONSITE DEVELOPMENT CONSISTS OF SUBDIVIDING THE EXISTING PARCEL INTO THREE LOTS WITH AN OPEN SPACE TO PROVIDE A PEDESTRIAN WALKWAY. INFRASTRUCTURE TO BE INSTALLED WILL INCLUDE CONNECTING WATER AND SANITARY SEWER SERVICES TO THE EXISTING TOWN OWNED WATER AND SANITARY SEWER UTILITY LINES. OTHER UTILITIES WILL INCLUDE ELECTRICAL, PHONE, FIBER OPTIC, AND GAS WHICH WILL ALL BE BURIED. A PAVED CUL-DE-SAC WITH ROLLOVER CURB AND GUTTER, AND SIDEWALK SHALL BE INSTALLED.

#### NATURE OF CONSTRUCTION ACTIVITY AND ESTIMATED TIME TABLE

INSTALL ROADWAY AND UTILITIES	
ESTIMATED START DATE OF CONSTRUCTION ACTIVITIES	TBD
ESTIMATED END DATE OF CONSTRUCTION ACTIVITIES	TBD

### SHEET INDEX:

Sheet List Table	
Sheet Number	Sheet Title
C0.0	COVER SHEET
C.01	CIVIL NOTES
C1.0	EXISTING SITE PLAN & DEMO
C2.0	PROPOSED SITE PLAN
C3.0	CLARK AVENUE PLAN & PROFILE
C4.0	GRADING & DRAINAGE
C5.0	UTILITY PLAN
C6.0	CIVIL DETAILS
C6.1	CIVIL DETAILS

### PROJECT TEAM:

**PROPERTY OWNER:**  
 LYNN MATTINGLY  
 14911 ROYAL ROAD  
 PAONIA, CO 81428  
 EMAIL: LDMQUILT@GMAIL.COM  
 PHONE: 970.260.2460

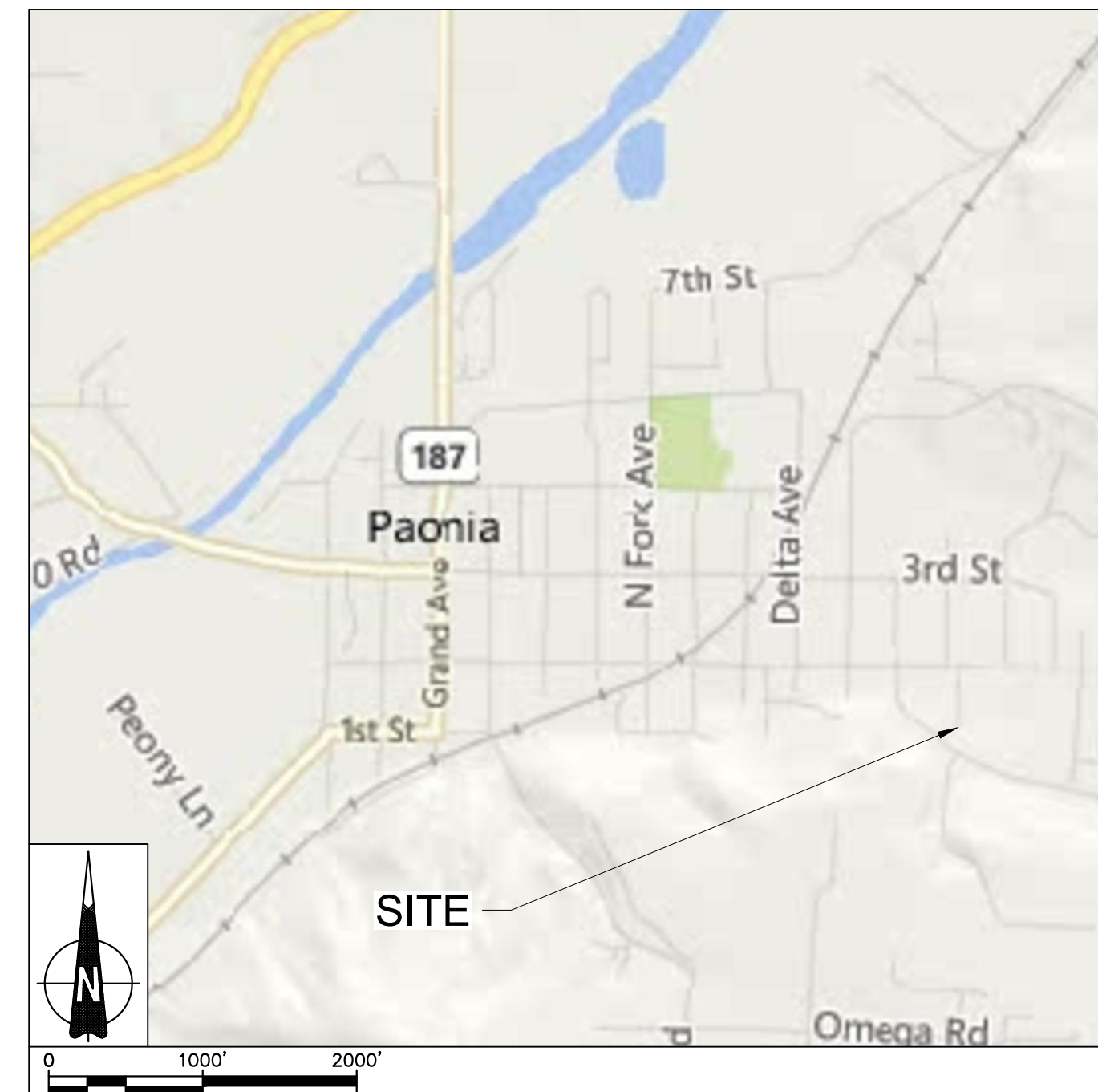
**SURVEYOR:**  
 WILMORE & CO.  
 406 GRAND AVE  
 PAONIA, CO 81428  
 CONTACT: KRIS CRAWFORD  
 EMAIL: KRIS@WILMORELANDSURVEYING.COM  
 PHONE: 970.527.4200

**CIVIL ENGINEER:**  
 ODISEA LLC  
 PO BOX 1809  
 PAONIA, CO 81428  
 CONTACT: JEFF RUPPERT  
 EMAIL: JEFF@ODISEANET.COM  
 PHONE: 970.527.9540

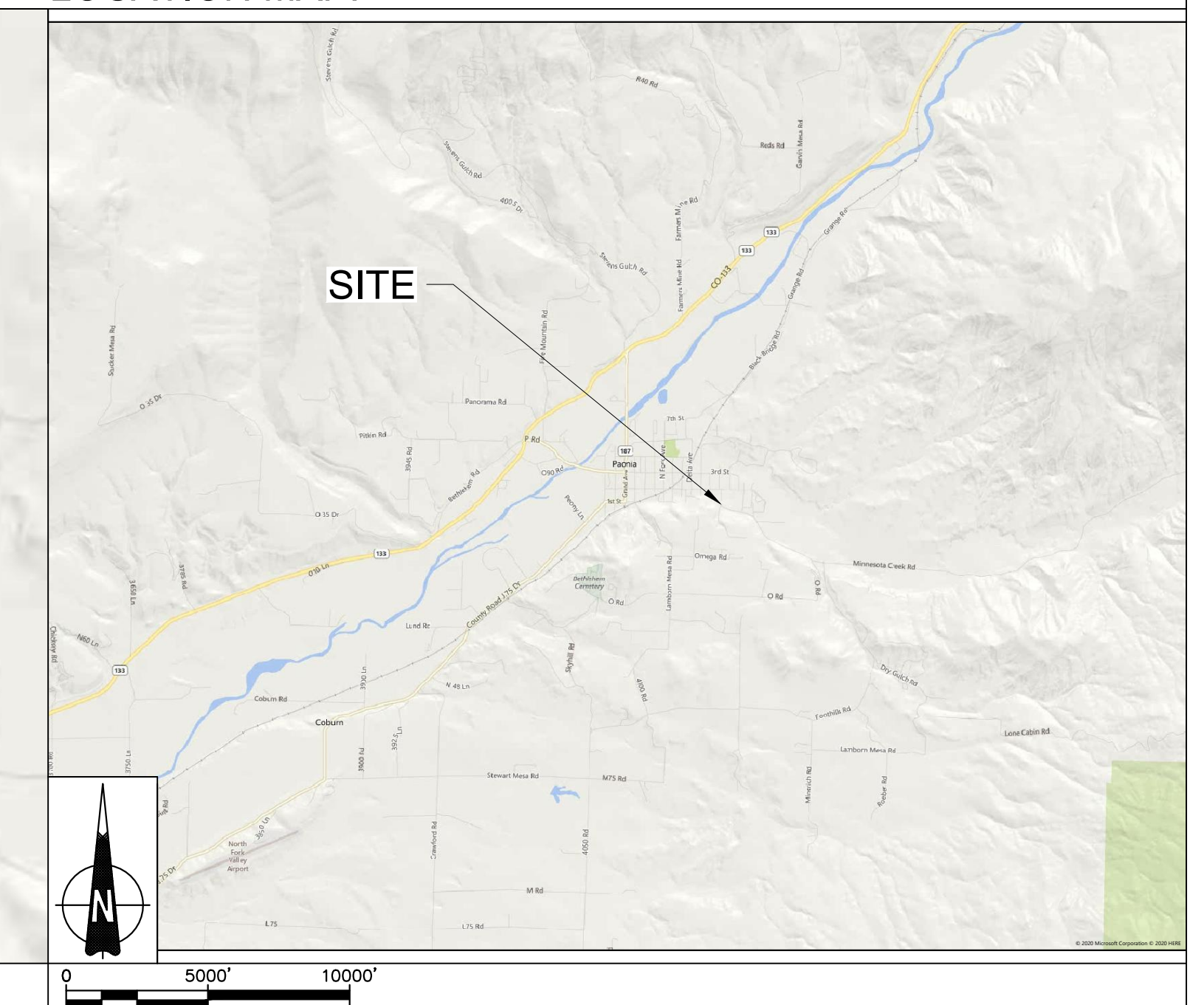
### ABBREVIATIONS

AB	AGGREGATE BASE	HQW	HIGH QUALITY WATER
APPROX	APPROXIMATE	IPS	IRON PIPE SET
AVE	AVERAGE	LB	POUNDS
BMP	BEST MANAGEMENT PRACTICE	LF	LINEAR FEET
BSL	BUILDING SETBACK LINE	LP	LIGHT POLE
C/L	CENTERLINE	MAX	MAXIMUM
CMP	CORRUGATED METAL PIPE	MIN	MINIMUM
CONC	CONCRETE	(N)	NEW
CSP	CORRUGATED STEEL PIPE	O/H	OVERHEAD LINE
DB	DEED BOOK	OAE	OR APPROVED EQUAL
DIA	DIAMETER	P/L	PROPERTY LINE
DWG	DRAWING	PC	PROFESSIONAL CORPORATION
ECM	EXISTING CONCRETE MONUMENT	PG	PAGE
EG	EXISTING GRADE	PP	POWER POLE
EP	EDGE OF PAVEMENT	R	RADIUS
ELEC	ELECTRICAL	RD	ROAD
ESMT	EASEMENT	R/W	RIGHT-OF-WAY
ETW	EDGE OF TRAVELED WAY	R/W MON	CONCRETE RIGHT-OF-WAY MONUMENT
(E)	EXISTING	SD	STORM DRAIN
FG	FINISHED GRADE	SF	SILT FENCE/SEDIMENT FENCE
FIP	FOUND IRON PIPE	SP	SERVICE POLE
FIR	FOUND IRON ROD	SPT	SPOT ELEVATION
FL	FLOW LINE	STD	STANDARD
FO	FIBER OPTIC	SS	SANITARY SEWER
FR	FIBER ROLL/COMPOST SOCK	TOP	TOP OF PILE
FS	FINISHED SURFACE	TYP	TYPICAL
FT	FOOT, FEET	UNO	UNLESS NOTED OTHERWISE

### VICINITY MAP:



### LOCATION MAP:



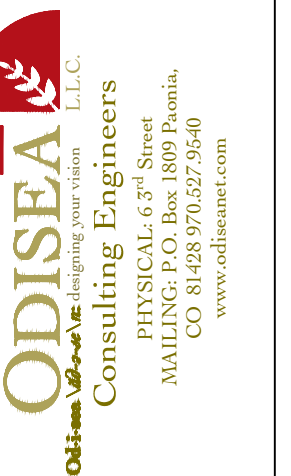
CLARK'S END MINOR SUBDIVISION

PAONIA, CO 81428

COVER SHEET

C0.0

DESIGNED BY:	DATE:	REV
RBI	2024.02.17	0
DWN BY:		
CRD BY:		
CHK BY:		
APP BY:		
FILE NAME:		
PLOT SCALE:	AS SHOWN	
PLOT DATE:	February 17, 2025	



SYMBOL	DESCRIPTION	DATE	APPR



**GENERAL NOTES:**

- ALL WORK WITHIN THE CDOT RIGHT-OF-WAY, IF APPLICABLE, WILL REQUIRE A RIGHT-OF-WAY EXCAVATION & CONSTRUCTION PERMIT PER CDOT REQUIREMENTS.
- ALL SAFETY, EROSION CONTROL AND SIGNING PLANS SHALL BE SUBMITTED AND APPROVED TO THE TOWN PRIOR TO THE COMMENCEMENT OF WORK. THE CONTRACTOR SHALL NOTIFY THE TOWN PUBLIC WORKS DIRECTOR AT LEAST 48 HOURS PRIOR TO BEGINNING ANY OF THIS WORK.
- ALL WORK SHALL BE IN ACCORDANCE WITH THE APPLICABLE SECTIONS OF STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, TOWN OF PAONIA, CONTRACT DOCUMENTS AND STANDARD SPECIFICATION SUPPLEMENT AND THE LATEST REVISIONS THEREOF. ANY WORK NOT FALLING UNDER THESE SPECIFICATIONS SHALL BE PERFORMED UNDER CDOT SPECIFICATIONS.
- THE CONTRACTOR SHALL USE AN UNDERGROUND LOCATE SERVICE AT A MINIMUM OF 72 HOURS PRIOR TO START OF CONSTRUCTION WITHIN THE RIGHT-OF-WAY TO LOCATE ALL UTILITIES.
- ALL PAVING REMOVAL SHALL BE SAWCUT AT THE TOWN'S DIRECTION.
- PAVING SHALL BE SAWCUT AND REMOVED A MINIMUM OF 1' FROM CURB AND GUTTER CONSTRUCTION OR RECONSTRUCTION.
- THE PROTECTION AND ADJUSTMENT OF ALL UTILITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. A DETAILED UTILITY SURVEY HAS NOT BEEN PERFORMED, THEREFORE LOCATIONS AND DISTANCING OF OBJECTS, I.E. STREET SIGNS, LIGHT POLES, FIRE HYDRANTS ETC. SHALL BE CONFIRMED PRIOR TO CONSTRUCTION BY THE CONTRACTOR.
- ALL DISTURBED OBJECTS AND LANDSCAPING ON NEIGHBORING PROPERTIES SHALL BE RETURNED TO THEIR ORIGINAL CONDITION PER APPROVAL OF PROPERTY OWNER AND/OR THE TOWN OF PAONIA.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PROTECT AND/OR RELOCATE ALL TRAFFIC SIGNS AND TRAFFIC SIGNALS AS SHOWN ON THE PLANS OR AS REQUIRED BY THE TOWN.
- REPORTS OF COMPACTION WITHIN THE RIGHT-OF-WAY SHALL BE SUBMITTED TO AND ACCEPTED BY THE TOWN ENGINEER PRIOR TO PLACING ANY PAVING.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE TOWN ENGINEER FOR OBSERVATION OF ANY WORK. FAILURE TO CONTACT THE ENGINEER WITH QUESTIONS PRIOR TO PERFORMING ANY WORK MAY RESULT IN THE CONTRACTOR ASSUMING COMPLETE LIABILITY FOR UTILITIES, PUBLIC OR PRIVATE PROPERTY THAT IS DAMAGED.
- IN THE EVENT THAT EXISTING STRIPING IS OBLITERATED BY CONSTRUCTION, IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR TO REPLACE SAID STRIPING.
- PRIOR TO CONSTRUCTION, ALL SURVEY POINTS THAT MAY BE DISTURBED SHALL BE TIED OUT AND A CORNER RECORD OF EACH POINT SHALL BE FILED WITH THE TOWN SURVEYOR AND COUNTY. A COPY OF THE RECORDED CORNER RECORD SHALL BE SUBMITTED TO THE TOWN'S PUBLIC WORKS DIVISION.
- FOLLOWING THE COMPLETION OF CONSTRUCTION, A CORNER RECORD OF EACH POINT THAT WAS DISTURBED SHALL BE FILED WITH THE TOWN SURVEYOR AND COUNTY. A COPY OF THE RECORDED CORNER RECORD SHALL BE SUBMITTED TO THE TOWN'S PUBLIC WORKS DIVISION PRIOR TO THE RECORDING OF A CERTIFICATE OF COMPLETION OR RELEASE OF BONDS.
- ALL NECESSARY UTILITY CONSTRUCTION WITHIN THE STREET RIGHT-OF-WAY SHALL BE COMPLETED AND APPROVED PRIOR TO PAVING PER THIS PLAN.
- ADJUST ALL STORM DRAIN AND SEWER MANHOLES AND WATER VALVES TO GRADE AFTER PLACING FINAL LIFT OF ASPHALT.
- NO EXPANSIVE SOIL MAY BE USED WITHIN THE PUBLIC RIGHT-OF-WAY.
- CONTRACTOR SHALL MAINTAIN FLOWS IN THE EXISTING WATER SYSTEM AT ALL TIMES. SUBMIT A PLAN FOR APPROVAL TO THE TOWN'S PUBLIC WORKS DEPARTMENT 2 WEEKS PRIOR TO THE WORK BEING PERFORMED.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY ALL PROPERTY OWNERS AT LEAST 7 DAYS IN ADVANCE OF ANY UTILITY OUTAGES.
- PARCELS MAY NOT BE WITHOUT WATER FOR MORE THAN 16 HRS.
- MAINTAIN FIVE (5) FEET OF COVER FOR ALL WATER LINES.
- A TEMPORARY TRAFFIC CONTROL PLAN (TTCP) IS REQUIRED BEFORE ANY WORK MAY COMMENCE WITHIN THE PUBLIC RIGHT OF WAY.
- IN THE ABSENCE OF GEOTECHNICAL RECOMMENDATIONS OR BACKFILL DETAILS, ALL BACKFILL SHALL BE COMPACTED TO 95% OF THE MODIFIED PROCTOR DENSITY.
- LOCATIONS OF EXISTING STRUCTURES AND UTILITIES ARE FOR INFORMATION PURPOSES ONLY. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH (ELEVATION) OF EXISTING UTILITIES AND OTHER FIELD CONDITIONS IN ACCORDANCE WITH ASCE STANDARD 38-02 QUALITY LEVELS D THROUGH A PRIOR TO CONSTRUCTION.
  - QUALITY LEVEL D ("QL D")** - INFORMATION DERIVED FROM EXISTING RECORDS OR ORAL RECOLLECTIONS.
  - QUALITY LEVEL C ("QL C")** - INFORMATION OBTAINED BY SURVEYING AND PLOTTING VISIBLE ABOVE-GROUND UTILITY FEATURES AND BY USING PROFESSIONAL JUDGMENT IN CORRELATING THIS INFORMATION TO QUALITY LEVEL D.
  - QUALITY LEVEL B ("QL B")** - INFORMATION OBTAINED THROUGH THE APPLICATION OF APPROPRIATE SURFACE GEOPHYSICAL METHODS TO DETERMINE THE EXISTENCE AND APPROXIMATE HORIZONTAL POSITION OF SUBSURFACE UTILITIES.
  - QUALITY LEVEL A ("QL A")** - PRECISE HORIZONTAL AND VERTICAL LOCATION OF UTILITIES OBTAINED BY THE ACTUAL EXPOSURE AND SUBSEQUENT MEASUREMENT OF SUBSURFACE UTILITIES, USUALLY AT A SPECIFIC POINT.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL PROVIDE CONSTRUCTION PLANS THAT INCLUDE LOCATION AND SIZING OF LAUNCHING AND RECEIVING PITS, MATERIAL AND EQUIPMENT LAYOUT AND STORAGE AREAS, DETAILS FOR CONNECTIONS TO THE EXISTING PIPING SYSTEM, AND RESTORATION PLANS.
- A PRE-CONSTRUCTION MEETING IS REQUIRED. THE CONTRACTOR SHALL CONTACT TRAVIS LOBERG, TOWN OF PAONIA PUBLIC WORKS DIRECTOR, AT THE TOWN OF PAONIA A MINIMUM OF 10 BUSINESS DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION TO SCHEDULE THE MEETING. (970) 314-1811 [TLOBERG@TOWNOFPAONIA.COM](mailto:TLOBERG@TOWNOFPAONIA.COM)
- STREET CLEANING AND SWEEPING IS INCIDENTAL TO THE WORK.

**EROSION CONTROL NOTES:**

- THE CONTRACTOR SHALL SUBMIT AN EROSION SEDIMENT AND POLLUTION CONTROL PLAN FOR APPROVAL PRIOR TO THE COMMENCEMENT OF WORK.
- APPROVAL OF AN EROSION SEDIMENT AND POLLUTION CONTROL PLAN (ESPCP) DOES NOT CONSTITUTE AN APPROVAL OF PERMANENT ROAD OR DRAINAGE DESIGN (E.G., SIZE AND LOCATION OF ROADS, PIPES, RESTRICTORS, CHANNELS, RETENTION FACILITIES, UTILITIES, ETC.
- THE IMPLEMENTATION OF AN ESPCP AND THE CONSTRUCTION, MAINTENANCE, REPLACEMENT, AND UPGRADING OF ESPCP FACILITIES IS THE RESPONSIBILITY OF THE CONTRACTOR UNTIL ALL CONSTRUCTION IS COMPLETED AND APPROVED AND VEGETATION/LANDSCAPING IS ESTABLISHED.
- THE BOUNDARIES OF THE CLEARING LIMITS SHOWN ON THE ESPCP SHALL BE CLEARLY FLAGGED IN THE FIELD PRIOR TO CONSTRUCTION. DURING THE CONSTRUCTION PERIOD, NO DISTURBANCE BEYOND THE FLAGGED CLEARING LIMITS SHALL BE PERMITTED. THE FLAGGING SHALL BE MAINTAINED BY THE APPLICANT/CONTRACTOR FOR THE DURATION OF CONSTRUCTION.
- THE ESPCP FACILITIES SHOWN ON THE PLAN MUST BE CONSTRUCTED IN CONJUNCTION WITH ALL CLEARING AND GRADING ACTIVITIES, AND IN SUCH A MANNER AS TO ENSURE THAT SEDIMENT AND

SEDIMENT LADEN WATER DO NOT ENTER THE DRAINAGE SYSTEM ROADWAYS OR VIOLATE APPLICABLE WATER STANDARDS.

- THE ESPCP FACILITIES SHOWN ON THE PLAN ARE THE MINIMUM REQUIREMENTS FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, THOSE ESPCP FACILITIES SHALL BE UPGRADED AS NEEDED FOR UNEXPECTED STORM EVENTS, AND TO ENSURE THAT SEDIMENT AND SEDIMENT-LADEN WATER DOES NOT LEAVE THE SITE.
- THE ESPCP FACILITIES SHALL BE INSPECTED DAILY BY THE CONTRACTOR AND MAINTAINED AS NECESSARY TO ENSURE THEIR CONTINUED FUNCTIONING.
- THE ESPCP FACILITIES ON INACTIVE SITES SHALL BE INSPECTED AND MAINTAINED A MINIMUM OF ONCE A WEEK OR WITHIN THE 24 HOURS FOLLOWING A STORM EVENT.
- STABILIZED CONSTRUCTION ENTRANCES SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES MAY BE REQUIRED TO INSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.

**WATER - GENERAL NOTES:**

- AT ALL POINTS OF CONNECTION OF NEW WATER MAINS TO EXISTING MAINS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR EXCAVATING AND VERIFYING LOCATION OF THE EXISTING LINES PRIOR TO ANY CONSTRUCTION.
- EXCEPT IN CASE OF AN EMERGENCY, VALVES ON THE TOWN OF PAONIA WATER SYSTEM SHALL BE OPERATED BY OR UNDER THE DIRECTION OF THE APPROPRIATE TOWN OF PAONIA PERSONNEL. THE CONTRACTOR SHALL GIVE THE TOWN OF PAONIA ENGINEERING STAFF 48 HOURS NOTICE TO ARRANGE FOR OPERATING VALVES. BOTH THE CONTRACTOR AND THE APPROPRIATE TOWN OF PAONIA PERSONNEL SHALL BE PRESENT WHEN THE VALVES ARE OPERATED.
- WATER AND SANITARY SEWER LINES SHALL HAVE A MINIMUM HORIZONTAL SEPARATION OF TEN (10) FEET. WHEN A TEN (10) FOOT SEPARATION IS NOT PROVIDED OR WHEN SEWER LINES CROSS WATER LINES WITH LESS THAN ONE AND ONE-HALF (1½) FEET OF VERTICAL SEPARATION, SEWER LINE JOINTS SHALL BE CONCRETE ENCASED. FOR PERPENDICULAR CROSSINGS, ENCASED JOINTS SHALL EXTEND TEN (10) FEET, PERPENDICULAR TO THE WATER LINE IN BOTH DIRECTIONS.
- ALL WATER LINES SHALL HAVE A MINIMUM OF FIVE (5) FEET OF COVER AND BE LOCATED A MINIMUM OF TEN (10) FEET FROM THE SANITARY SEWER.
- CHANGES IN DIRECTION OF WATERLINE PIPE GREATER THAN ONE DEGREE SHALL REQUIRE FITTINGS IN ALL INSTANCES, AXIAL DEFLECTION AT THE JOINTS SHALL NOT BE IN EXCESS OF MANUFACTURER'S RECOMMENDATION OR IN NO CASE MORE THAN ONE DEGREE.
- WHEN IT IS NECESSARY TO DEPRESS WATER LINES AT UTILITY CROSSINGS, A MINIMUM CLEARANCE OF ONE AND ONE-HALF (1-1/2) FEET SHALL BE MAINTAINED BETWEEN OUTSIDES OF PIPE.
- DISTANCES FOR WATER LINES ARE THE HORIZONTAL DISTANCE BETWEEN THE CENTERS OF THE FITTINGS, THEREFORE, DISTANCES SHOWN ON THE PLANS ARE APPROXIMATE AND COULD VARY DUE TO VERTICAL ALIGNMENT AND FITTING DIMENSIONS.
- ALL WATER LINE VALVES SHALL BE SET ADJACENT TO THE TEE, EXCEPT FOR POINTS THAT FALL IN THE FLOW LINE OF A CONCRETE CROSS PAN. IN WHICH CASE, THE VALVE SHALL BE LOCATED SO THAT SURFACE DRAINAGE DOES NOT INFILTRATE THE VALVE BOX. VALVE BOXES SHALL BE SET AT AN ELEVATION IN ACCORDANCE WITH TOWN PAVING REQUIREMENTS.
- ALL WATER MAINS SHALL BE POLYVINYL CHLORIDE (PVC) PRESSURE PIPE UNLESS SPECIFIED OTHERWISE. NOMINAL PVC PIPE SIZES 6-INCH THROUGH 12-INCH SHALL CONFORM TO ALL REQUIREMENTS OF AWWA STANDARD C-900, PRESSURE CLASS 150 (DR18). ALL PVC PIPES SHALL HAVE OUTSIDE DIAMETERS EQUIVALENT TO CAST IRON PIPE.
- FIRE HYDRANT ASSEMBLY INCLUDES THE FIRE HYDRANT, SIX (6) INCH VALVE, AND SIX (6) INCH PIPE. INSTALLATION SHALL BE IN ACCORDANCE WITH THE TOWN OF PAONIA STANDARDS AND SPECIFICATIONS.
- ALL FITTINGS SHALL BE MADE FROM DUCTILE IRON, FURNISHED WITH MECHANICAL JOINT ENDS, AND SHALL HAVE A PRESSURE RATING OF 350 PSI.
- POLYETHYLENE WRAPPING SHALL BE INSTALLED AROUND ALL DUCTILE IRON PIPES, FITTINGS, VALVES, FIRE HYDRANT BARRELS AND ROD AND CLAMPS. THE POLYETHYLENE SHALL HAVE A MINIMUM THICKNESS OF EIGHT (8) MILS, IN ACCORDANCE WITH AWWA STANDARD C-105.
- ALL WATER LINE PIPE SHALL BE PROVIDED WITH A MINIMUM GAGE SIZE OF 12 SINGLE STRAND INSULATED COPPER WIRE. SPLICES IN TRACER WIRE SHALL BE CAPPED IN WATER PROOF GEL CAP TYPE CONNECTORS SUITED FOR DIRECT BURY APPLICATION (3M TYPE DBY-6 LOW VOLTAGE OR EQUAL). WIRE SHALL BE ATTACHED TO TOP OF WATER LINE WITH 2-INCH WIDE PVC TAPE @ 5-FT INTERVALS ALONG PIPE. TRACER WIRE SHALL EXTEND TO THE SURFACE AND BE COILED IN A LOCATE BOX AT THE BACKSIDE OF EITHER EACH FIRE HYDRANT OR VALVE. UNDER THE SUPERVISION OF TOWN OF PAONIA ENGINEERING AND/OR PUBLIC WORKS STAFF, TEST SHALL BE MADE BY THE CONTRACTOR AT THE COMPLETION OF CONSTRUCTION TO INSURE THAT THE TRACER WIRES CARRY A CONTINUOUS CURRENT BETWEEN ALL ACCESS POINTS.
- WARNING TAPE SHALL BE INSTALLED 12" MINIMUM AND 18" MAXIMUM ABOVE WATER PIPE.
- BEDDING MATERIAL SHALL CONFORM TO TOWN OF PAONIA STANDARDS AND SPECIFICATIONS.
- VALVES SHALL OPEN COUNTER CLOCKWISE. VALVES 12-INCH AND SMALLER SHALL BE RESILIENT SEAT GATE VALVES. LARGER VALVES SHALL BE BUTTERFLY VALVES.
- VALVE BOXES SHALL BE RAISED TO ONE-FOURTH (1/4) INCH BELOW GRADE AFTER COMPLETION OF SURFACE PAVING OR FINAL GRADING. VALVE BOXES IN NON-PAVED AREAS SHALL HAVE A CONCRETE COLLAR AROUND THE VALVE LID IN ACCORDANCE WITH THE DETAIL.
- SERVICE SADDLES SHALL BE CAST DUCTILE WITH PAINTED STEEL DOUBLE STRAP WITH AN O-RING GASKET SEAL ON THE MAIN. GASKETS SHALL BE NEOPRENE. SADDLES SHALL BE ROMAC STYLE 202. NO DIRECT TAPS WILL BE ALLOWED.
- ALL RESIDENTIAL WATER TAPS SHALL BE THREE-QUARTER (3/4) INCH OR AS REQUIRED BY THE CURRENT BUILDING CODE.
- ALL WATER SERVICE LATERALS SHALL EXTEND FIVE (5) FEET BEYOND RIGHT OF WAY OR UTILITY EASEMENTS, WHICHEVER IS GREATER. THE ENDS SHALL BE MARKED BY A BLUE PAINTED 2 x 4 POST.
- CONCRETE THRUST BLOCKS AND/OR "MEGA-LUG" MECHANICAL RESTRAINTS ARE REQUIRED AT ALL MECHANICAL FITTINGS. THRUST BLOCKS MAY NOT BE REQUIRED IF PIPE RESTRAINT IS PROVIDED IN ACCORDANCE WITH RESTRAINED PIPE DETAIL.
- NO WORK SHALL BE BACKFILLED (INCLUDING BEDDING MATERIAL ABOVE THE SPRING LINE OF THE PIPE) UNTIL THE CONSTRUCTION HAS BEEN INSPECTED AND APPROVED FOR BACKFILLING BY THE TOWN OF PAONIA ENGINEERING AND/OR PUBLIC WORKS STAFF.
- ONLY ONE CONNECTION TO THE EXISTING WATER DISTRIBUTION SYSTEM SHALL BE MADE UNTIL ALL HYDROSTATIC TESTING, CHLORINATION AND FLUSHING HAS BEEN COMPLETED.
- DISINFECTION AND HYDROSTATIC TESTING SHALL BE DONE IN THE PRESENCE OF A TOWN OF PAONIA ENGINEERING AND/OR PUBLIC WORKS STAFF. CONTACT THE TOWN OF PAONIA DEPARTMENT OF PUBLIC WORKS, FORTY-EIGHT (48) HOURS PRIOR TO DISINFECTING AND/OR TESTING.
- DISINFECTION AND FLUSHING SHALL BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE COLORADO DEPARTMENT OF HEALTH AND THE PROCEDURE SET FORTH IN AWWA C601, "STANDARD FOR DISINFECTING WATER MAINS". THE CHLORINATION OF THE WATER LINE SHALL BE PERFORMED PRIOR TO THE HYDROSTATIC TESTING. ALL VALVES, FIRE HYDRANTS AND OTHER APPURTANCES SHALL BE OPERATED WHILE PIPELINE IS FILLED WITH THE CHLORINATING AGENT TO INSURE THAT HIGH CHLORINE CONTACT IS MADE WITH ALL INTERNAL SURFACES.

- ALL WATER LINES SHALL BE HYDROSTATIC TESTED. PRESSURE AND LEAKAGE TESTS SHALL BE CONDUCTED ACCORDING TO THE APPLICABLE SECTIONS OF AWWA C600/605 TO A MINIMUM PRESSURE OF ONE HUNDRED AND FIFTY (150) POUNDS PER SQUARE (PSI) INCH AT THE LOW POINT OF THE SECTION BEING TESTED FOR THE DURATION OF TWO (2) HOURS. THE MAXIMUM LENGTH OF LINE TO BE TESTED SHALL BE ONE THOUSAND (1,000) FEET. ALL JOINTS IN CONNECTIONS ARE TO BE WATERTIGHT WITHIN TOLERANCES ALLOWED BY THE SPECIFICATIONS IN AWWA C600/605. ANY LEAKAGE THAT IS DISCOVERED BY OBSERVATION OR TESTS SHALL BE LOCATED AND MADE WATERTIGHT BY THE CONTRACTOR. PRESSURE AND LEAKAGE TESTS SHALL NOT BE CONDUCTED UNTIL THE LINE HAS PASSED ALL REQUIRED DISINFECTION TESTS.
- INITIAL ACCEPTANCE OF THE NEW WATER LINES ARE CONTINGENT UPON RECEIVING COPIES OF:
  - WATER TRENCH COMPACTION TEST RESULTS
  - HYDRO STATIC TESTING OF 100% OF THE SYSTEM
  - HEALTH DEPARTMENT TESTS. (CHLORINE AND/OR CLEAR WATER AS REQUIRED)
- ALL METER PITS AND CURB STOPS SHALL BE PROTECTED AT THE TIME OF INSTALLATION WITH A MINIMUM OF THREE (3) T-POSTS AND ORANGE SAFETY FENCE. THE T-POST AND SAFETY FENCE SHALL REMAIN IN PLACE AND IN GOOD CONDITION UNTIL THE LANDSCAPING IS INSTALLED.
- ALL WATER VAULTS SHALL BE WATER TIGHT. CONTRACTOR SHALL SEAL VAULTS TO ENSURE SURFACE WATER DOES NOT INFILTRATE INTO THE VAULTS. VAULT LIDS SHALL BE PLACED TO ENSURE THAT SURFACE WATER DOES NOT FLOW INTO THE VAULTS.

**SANITARY SEWER - GENERAL NOTES:**

- THE CONTRACTOR SHALL VERIFY HORIZONTAL AND VERTICAL LOCATIONS OF ALL EXISTING SEWERS TO BE CONNECTED TO PRIOR TO CONSTRUCTION STAKING.
- CONNECTION TO EXISTING TOWN OF PAONIA LINES WILL BE PERMITTED UPON INITIAL ACCEPTANCE OF THE NEW SANITARY SEWER SYSTEM. EXISTING PIPE AT THE POINT OF CONNECTION SHALL NOT BE BROKEN OUT UNTIL THE NEW SYSTEM IS ACCEPTED. IF CONNECTING TO AN EXISTING MANHOLE, THE NEW LINE SHALL BE PLUGGED UNTIL THE NEW SYSTEM IS ACCEPTED.
- MINIMUM VERTICAL SEPARATIONS BETWEEN ALL UTILITY PIPES SHALL BE EIGHTEEN (18) INCHES. IF VERTICAL SEPARATIONS ARE LESS THAN EIGHTEEN (18) INCHES, THE UTILITY PIPES SHALL BE REINFORCED AND PROTECTED AS REQUIRED BY CURRENT TOWN STANDARD SPECIFICATIONS.
- WATER AND SANITARY SEWER LINES SHALL HAVE A MINIMUM HORIZONTAL SEPARATION OF TEN (10) FEET. WHEN A TEN (10) FOOT SEPARATION IS NOT PROVIDED OR WHEN SEWER LINES CROSS WATER LINES WITH LESS THAN ONE AND ONE-HALF (1½) FEET OF VERTICAL SEPARATION, SEWER LINE JOINTS SHALL BE CONCRETE ENCASED. FOR PERPENDICULAR CROSSINGS, ENCASED JOINTS SHALL EXTEND TEN (10) FEET, PERPENDICULAR TO THE WATER LINE IN BOTH DIRECTIONS.
- ALL SANITARY SEWER SERVICES AND WATER SERVICES ARE TO BE TEN (10) FEET APART.
- SERVICE LATERALS SHALL EXTEND FIVE (5) FEET BEYOND RIGHTS OF WAY OR UTILITY EASEMENTS, WHICHEVER IS GREATER. THE ENDS SHALL BE MARKED BY A GREEN PAINTED WOOD 2 x 4 POST.
- THE LENGTH OF SANITARY SEWER LINE IS THE HORIZONTAL DISTANCE BETWEEN CENTER OF MANHOLE TO CENTER OF MANHOLE. THEREFORE, THE DISTANCES INDICATED ON THE PLANS ARE APPROXIMATE AND COULD VARY DUE TO VERTICAL ALIGNMENT AND MANHOLE DIMENSIONS.
- SERVICE LINE CONNECTIONS TO DEAD END MANHOLES ARE NOT PERMITTED. SERVICE LINE CONNECTINGS TO IN-LINE MANHOLES ARE NOT PERMITTED, ONLY WITH THE APPROVAL OF THE TOWN MAY SERVICE CONNECTIONS BE ALLOWED IMMEDIATELY ABOVE OR BELOW A MANHOLE. MINIMUM SERVICE LINE SLOPE; 4 INCHES=2%.
- ALL FOUR (4) THROUGH FIFTEEN (15) INCH SANITARY SEWER PIPE SHALL BE POLYVINYL CHLORIDE (PVC) AND SHALL BE IN ACCORDANCE WITH ASTM D-3034-SDR35, "STANDARD SPECIFICATION FOR PVC SEWER PIPE AND FITTINGS". ANY SANITARY SEWER HAVING A DEPTH IN EXCESS OF FIFTEEN (15) FEET SHALL BE COORDINATED WITH THE PUBLIC WORKS DEPARTMENT.
- BEDDING MATERIAL SHALL CONFORM TO TOWN OF PAONIA STANDARDS AND SPECIFICATIONS.
- ALL SEWER LINE PIPE SHALL BE PROVIDED WITH A MINIMUM GAGE SIZE OF 12 SINGLE STRAND INSULATED COPPER WIRE. SPLICES IN TRACER WIRE SHALL BE CAPPED IN WATER PROOF GEL CAP TYPE CONNECTORS SUITED FOR DIRECT BURY APPLICATION (3M TYPE DBY-6 LOW VOLTAGE OR EQUAL). WIRE SHALL BE ATTACHED TO TOP OF WATER LINE WITH 2-INCH WIDE PVC TAPE @ 5-FT INTERVALS ALONG PIPE. TRACER WIRE SHALL EXTEND TO THE SURFACE AND BE COILED IN A LOCATE BOX AT THE BACKSIDE OF EITHER EACH FIRE HYDRANT OR VALVE. UNDER THE SUPERVISION OF TOWN OF PAONIA ENGINEERING AND/OR PUBLIC WORKS STAFF, TEST SHALL BE MADE BY THE CONTRACTOR AT THE COMPLETION OF CONSTRUCTION TO INSURE THAT THE TRACER WIRES CARRY A CONTINUOUS CURRENT BETWEEN ALL ACCESS POINTS.
- WARNING TAPE SHALL BE INSTALLED 12" MINIMUM AND 18" MAXIMUM ABOVE SEWER PIPE.
- PRECAST CONCRETE MANHOLE SECTIONS SHALL BE IN ACCORDANCE WITH ASTM C-478. MANHOLE STEPS SHALL BE EPOXY-COATED CAST IRON, ALUMINUM ALLOY, PLASTIC OR OTHER APPROVED CORROSION-RESISTANT METAL. CAST IRON RING AND COVER SHALL CONFORM TO ASTM A-48.
- MANHOLES SHALL BE A MINIMUM FOUR (4) FOOT DIAMETER AND CONSTRUCTED PER THE STANDARDS AND SPECIFICATIONS.
- THE CONTRACTOR SHALL TAKE CARE TO PROPERLY SHAPE ALL MANHOLE INVERTS AND BENCHES IN ACCORDANCE WITH THE TOWN OF PAONIA STANDARDS AND SPECIFICATIONS, TO PROMOTE SMOOTH FLOW THROUGH THE MANHOLE. INVERTS OF LINES INTERSECTING AT 90 DEGREES AND AT HIGHLY DIVERGENT OR FLAT SLOPES ARE ESPECIALLY CRITICAL. MANHOLE INVERTS SHALL BE CONSTRUCTED WITH A SMOOTH TROWEL FINISH, AND BENCH FINISHED WITH A LIGHT BROOMED, NON-SKID, FINISH.
- SEWER TEES AND/OR WYES SHALL BE STAKED BY A SURVEY CREW. THE CONTRACTOR SHALL FURNISH TO THE ENGINEER "AS-CONSTRUCTED" LOCATION OF TEES AND WYES. ALL SERVICE LINES ARE FOUR (4) INCH UNLESS OTHERWISE NOTED.
- THE CONTRACTOR, AT THE OWNER'S EXPENSE, WILL MAKE ALL SEWER SERVICE TAPS.
- PRIOR TO BACKFILL THE TOWN OF PAONIA ENGINEERING AND/OR PUBLIC WORKS STAFF SHALL INSPECT ALL SANITARY SEWER MAINS AND SERVICE EXTENSIONS.
- MANHOLE RIMS SHALL BE SET AT AN ELEVATION RELATIVE TO THE PAVEMENT, IN ACCORDANCE WITH THE TOWN OF PAONIA STANDARDS. WHETHER THE MANHOLE IS AT PAVED OR UNPAVED GRADE, A MINIMUM OF ONE (1) AND A MAXIMUM OF FOUR (4) CONCRETE RINGS SHALL BE USED TO ADJUST THE RIM ELEVATION TO FINAL GRADE. THE MAXIMUM ACCEPTABLE VERTICAL ADJUSTMENT UTILIZING CONCRETE RINGS IS EIGHTEEN (18) INCHES.
- INITIAL ACCEPTANCE OF THE NEW SANITARY SEWER MAINS IS CONTINGENT UPON COMPLETION OF ITEMS LISTED IN THE TOWNS STANDARDS AND SPECIFICATIONS.

**ACCEPTANCE TESTING:**

- TESTING OF WATER LINES, SERVICES AND APPURTENANCES SHALL CONFORM TO THE REQUIREMENTS OF AWWA AND THE APPLICABLE STANDARD SPECIFICATIONS OF THE TOWN.
- THE CONTRACTOR SHALL BE REQUIRED TO PERFORM HYDROSTATIC TESTS ON ALL WATER MAINS, LATERALS, DEAD ENDS AND SERVICE LINES IN ACCORDANCE WITH AWWA SPECIFICATIONS C600.
- PRIOR TO MAKING THE TEST, THE CONTRACTOR SHALL ADVISE THE TOWN OF THE TIME AND PLACE OF THE TEST SO THAT ADEQUATE INSPECTION CAN BE PROVIDED.
- PRIOR TO PERFORMANCE OF THE TEST, THE PIPELINE SHALL BE COMPLETELY FILLED WITH WATER FOR A PERIOD OF TWENTY-FOUR (24) HOURS.
- THE TEST SHALL BE CONDUCTED IN THE PRESENCE OF THE TOWN OR ITS AUTHORIZED REPRESENTATIVE.

- THE TESTING OF THE LINES SHALL BE DONE WITHOUT BEING CONNECTED TO EXISTING LINES UNLESS APPROVED BY THE TOWN.
- TESTING OF SEWER LINES AND SERVICES, MANHOLES AND APPURTENANCES SHALL CONFORM TO THE REQUIREMENTS OF THE APPLICABLE PORTIONS OF THE STANDARD SPECIFICATIONS OF THE TOWN REGARDING LAMPING, IN- AND EX-FILTRATION AND PRESSURE TESTING.
- SANITARY SEWER LINES SHALL BE TESTED USING LOW-PRESSURE AIR TEST.
- SANITARY SEWER MANHOLES SHALL BE TESTED FOR LEAKAGE.
- ALL LINES SHALL BE LAMPED FROM MANHOLE TO MANHOLE.

DESIGNED BY: \_\_\_\_\_ DATE: 2024.02.17

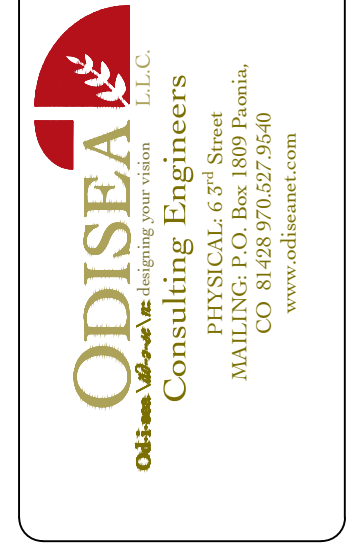
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REVISION: \_\_\_\_\_ PLOT SCALE: N.T.S.

DATE: 2024.02.17 PLOT DATE: February 17, 2025



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CO 81428  
www.odisea.com

CLARK'S END MINOR SUBDIVISION

PAONIA, CO 81428

CIVIL NOTES

C.01

DELTA COLCS ZONE "DCLCS"

TRANSVERSE MERCATOR PROJECTION  
POINT OF ORIGIN AND CENTRAL MERIDIAN:  
LATITUDE: 38°47'46.87099"N  
LONGITUDE: 107°44'12.48187"W  
NORTHING: 500,000 FT  
EASTING: 500,000 FT  
SCALE FACTOR: 1.000244447  
PROJECT/SCALE FACTOR HEIGHT: 5243 FT (NAVD88)

NOTES:

EXISTING CONDITIONS:

EXISTING BOUNDARY INFORMATION AND TOPOGRAPHY HAS BEEN PROVIDED BY WILMORE & COMPANY PROFESSIONAL LAND SURVEYING, INC. THE CONTRACTOR SHALL REVIEW PLANS AND SHALL CONDUCT FIELD INVESTIGATIONS AS REQUIRED TO VERIFY THE EXISTING CONDITIONS ON THE PROJECT SITE.

**PROJECT LEGEND**

	PROPERTY LINE
	RIGHT-OF-WAY
	ROADWAY CENTERLINE
	EASEMENT
	BUILDING SETBACK
	100-YR FLOODPLAIN
	EXISTING 8" WATER MAIN
	EXISTING 8" SANITARY SEWER MAIN
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	EXISTING TREES OR TREELINE
	DRAINAGE BASIN DELINEATION
	EXISTING FIRE HYDRANT
	EXISTING WATER VALVE
	EXISTING WATER TAP STUB-OUT
	EXISTING SANITARY SEWER MANHOLE
	EXISTING SANITARY SEWER TAP STUB-OUT
	SURVEY SET 5/8" REBAR WITH 2" CAP
	SURVEY FOUND 5/8" REBAR WITH 1.5" CAP
	SURVEY FOUND 5/8" REBAR WITH 2" CAP
	PROPOSED MAJOR CONTOUR
	PROPOSED MINOR CONTOUR
	PROPOSED UNDERGROUND FIBER OPTIC
	PROPOSED UNDERGROUND TELEPHONE
	PROPOSED UNDERGROUND GAS
	PROPOSED UNDERGROUND ELECTRIC
	PROPOSED 8" WATER MAIN
	PROPOSED 8" SANITARY SEWER MAIN
	PROPOSED FIRE HYDRANT
	PROPOSED WATER VALVE
	PROPOSED WATER METER
	PROPOSED SANITARY SEWER MANHOLE
	PROPOSED SANITARY SEWER SERVICE
	PROPOSED WATER SERVICE

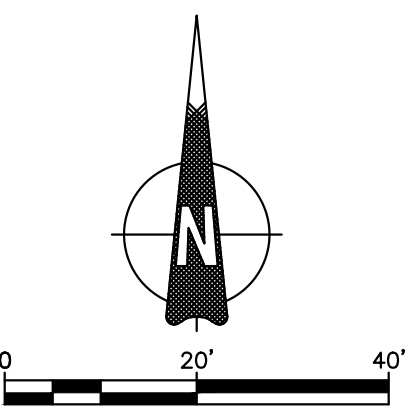
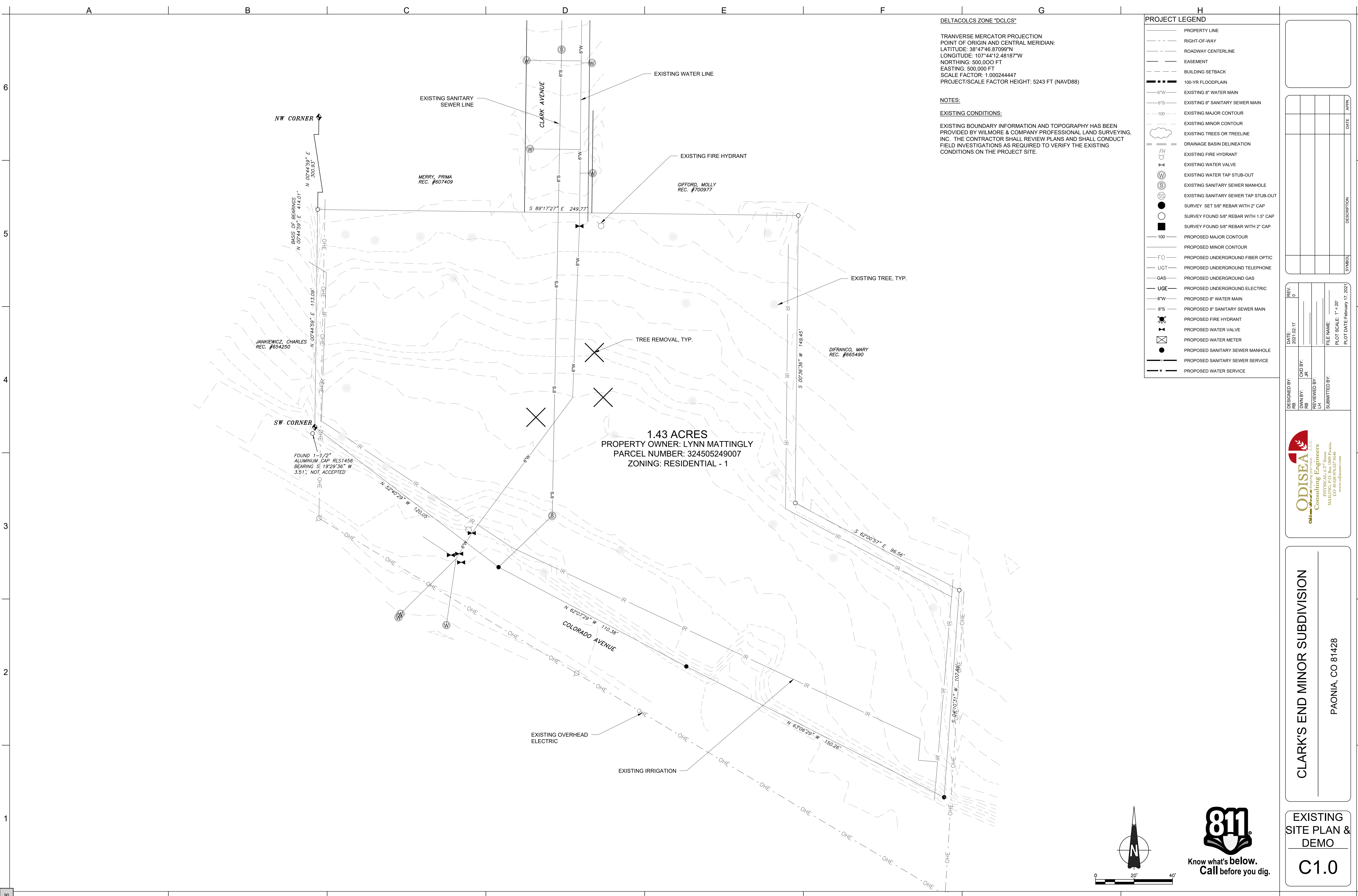
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		PLOT DATE: February 17, 2021

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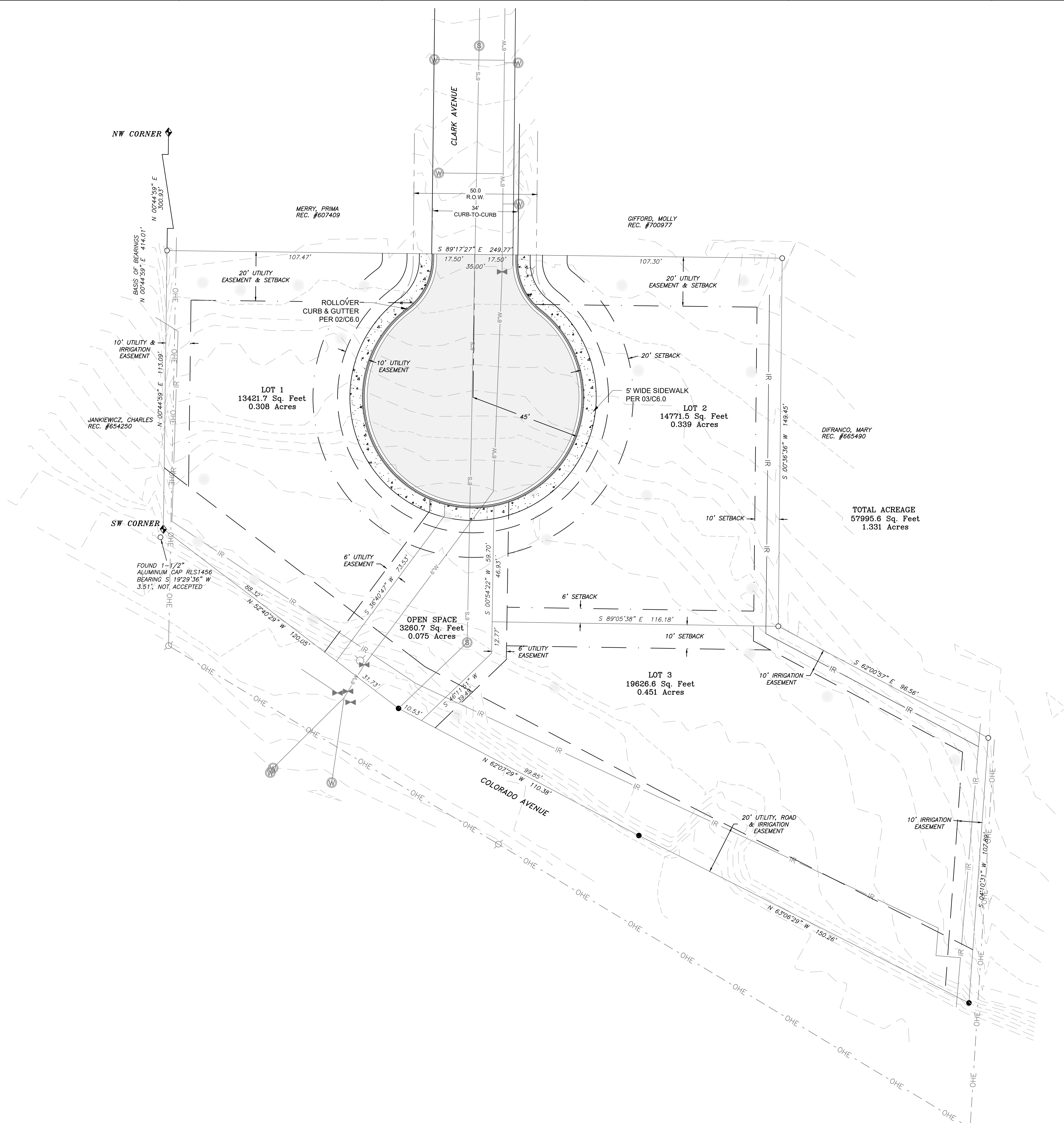
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PAONIA, CO 81428

EXISTING SITE PLAN & DEMO  
**C1.0**



**811**  
Know what's below.  
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**PROJECT LEGEND**

	PROPERTY LINE
	RIGHT-OF-WAY
	ROADWAY CENTERLINE
	EASEMENT
	BUILDING SETBACK
	100-YR FLOODPLAIN
	EXISTING 6" WATER MAIN
	EXISTING 8" SANITARY SEWER MAIN
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	EXISTING TREES OR TREELINE
	DRAINAGE BASIN DELINEATION
	EXISTING FIRE HYDRANT
	EXISTING WATER VALVE
	EXISTING WATER TAP STUB-OUT
	EXISTING SANITARY SEWER MANHOLE
	EXISTING SANITARY SEWER TAP STUB-OUT
	SURVEY SET 5/8" REBAR WITH 2" CAP
	SURVEY FOUND 5/8" REBAR WITH 1.5" CAP
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	PROPOSED MAJOR CONTOUR
	PROPOSED MINOR CONTOUR
	PROPOSED UNDERGROUND FIBER OPTIC
	PROPOSED UNDERGROUND TELEPHONE
	PROPOSED UNDERGROUND GAS
	PROPOSED UNDERGROUND ELECTRIC
	PROPOSED 8" WATER MAIN
	PROPOSED 8" SANITARY SEWER MAIN
	PROPOSED FIRE HYDRANT
	PROPOSED WATER VALVE
	PROPOSED WATER METER
	PROPOSED SANITARY SEWER MANHOLE
	PROPOSED SANITARY SEWER SERVICE
	PROPOSED WATER SERVICE

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		PLOT DATE: February 17, 2021

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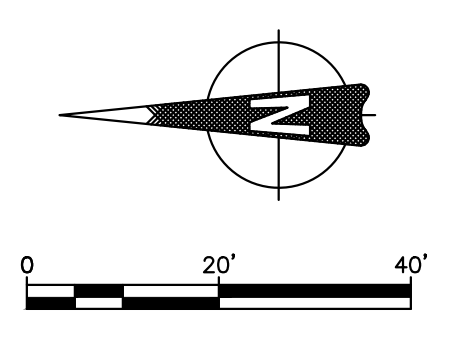
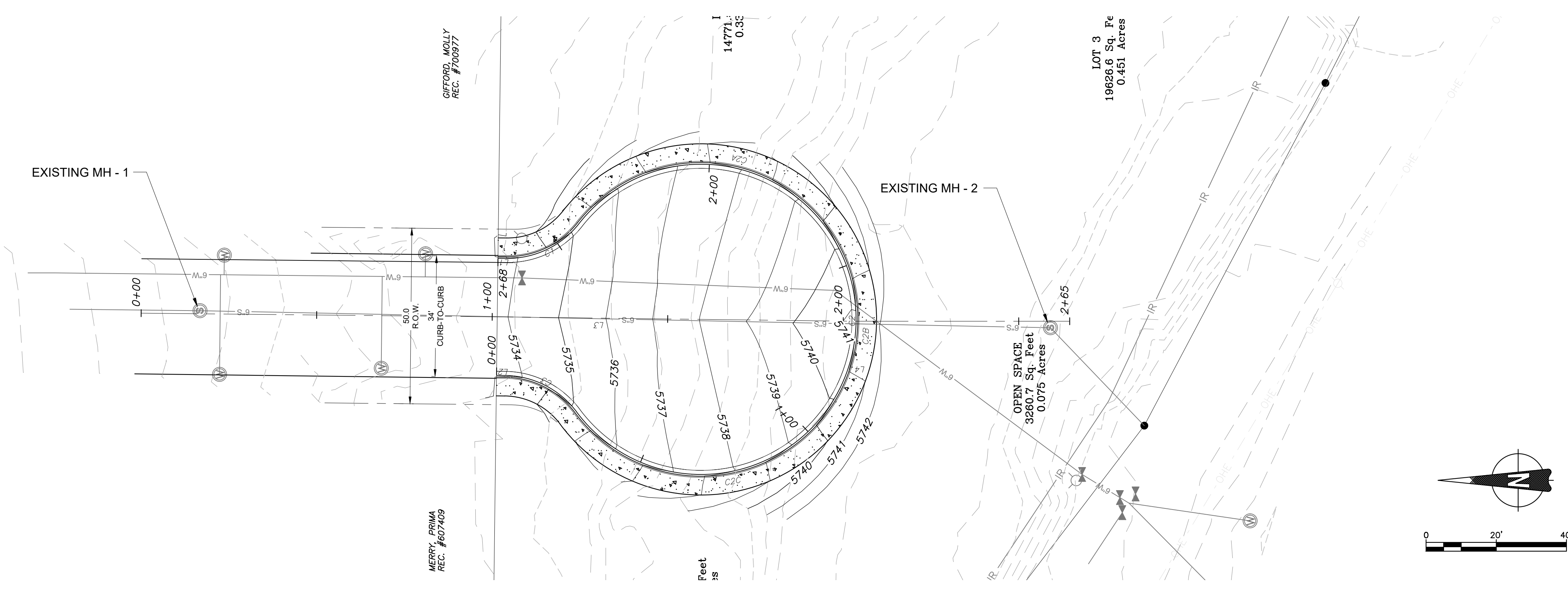
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**PROPOSED SITE PLAN**

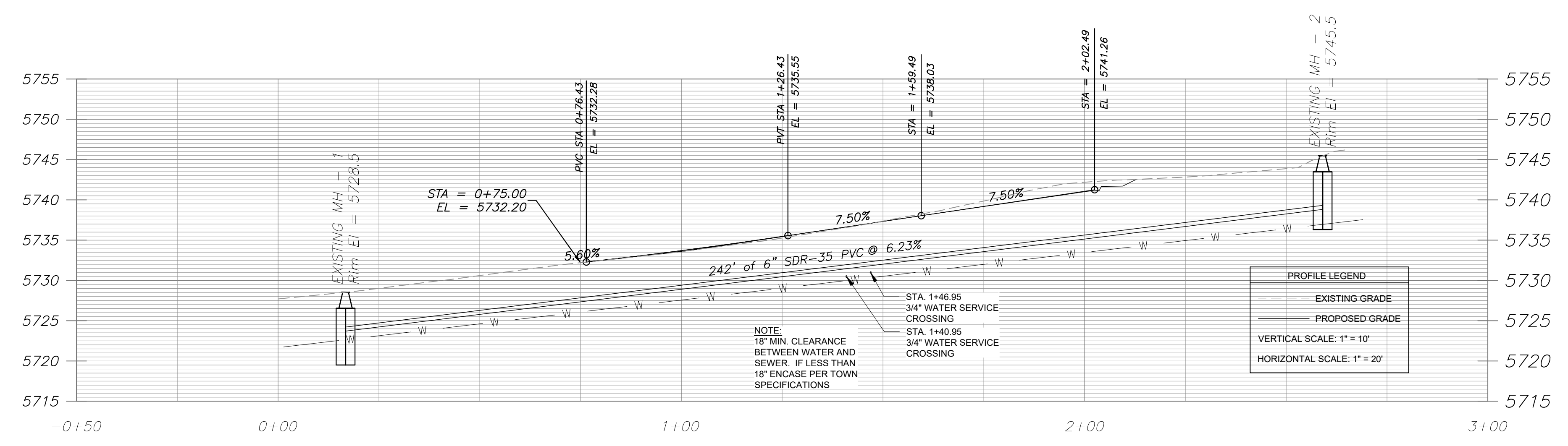
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0 20' 40'



CLARK AVENUE  
20 MPH DESIGN SPEED (LOCAL STREET)  
50' R.O.W. TYPICAL TWO-WAY ROADWAY SECTION (PUBLIC)



NOTE:  
18" MIN. CLEARANCE  
BETWEEN WATER AND  
SEWER. IF LESS THAN  
18" ENCASE PER TOWN  
SPECIFICATIONS

PROFILE LEGEND	
	EXISTING GRADE
	PROPOSED GRADE
	VERTICAL SCALE: 1" = 10'
	HORIZONTAL SCALE: 1" = 20'

REV	DATE	DESCRIPTION	DATE	APPR
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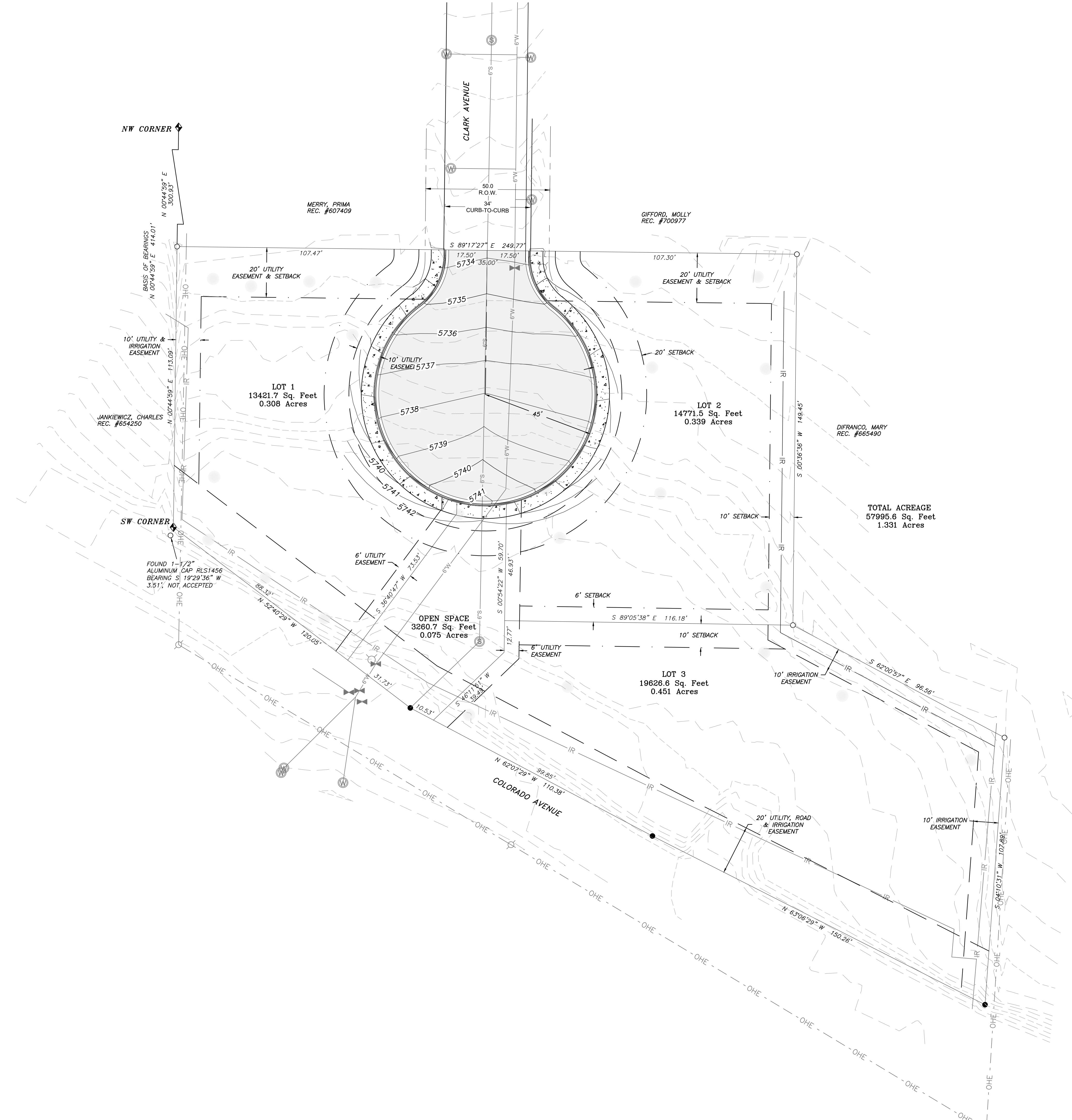
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SUBMITTED BY:	PLOT SCALE: AS SHOWN	
	PLOT DATE: February 17, 2021	

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**CLARK'S END MINOR SUBDIVISION**  
  
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CLARK AVENUE PLAN & PROFILE  
**C3.0**





**PROJECT LEGEND**

- PROPERTY LINE
- - - RIGHT-OF-WAY
- - - ROADWAY CENTERLINE
- - - EASEMENT
- - - BUILDING SETBACK
- - - 100-YR FLOODPLAIN
- 6"W — EXISTING 8" WATER MAIN
- 6"S — EXISTING 8" SANITARY SEWER MAIN
- - - 100 — EXISTING MAJOR CONTOUR
- - - EXISTING MINOR CONTOUR
- ☁ EXISTING TREES OR TREELINE
- ▭ DRAINAGE BASIN DELINEATION
- ⊕ EXISTING FIRE HYDRANT
- ⊕ EXISTING WATER VALVE
- ⊕ EXISTING WATER TAP STUB-OUT
- ⊕ EXISTING SANITARY SEWER MANHOLE
- ⊕ EXISTING SANITARY SEWER TAP STUB-OUT
- SURVEY SET 5/8" REBAR WITH 2" CAP
- SURVEY FOUND 5/8" REBAR WITH 1.5" CAP
- SURVEY FOUND 5/8" REBAR WITH 2" CAP
- - - 100 — PROPOSED MAJOR CONTOUR
- - - PROPOSED MINOR CONTOUR
- FO — PROPOSED UNDERGROUND FIBER OPTIC
- UGT — PROPOSED UNDERGROUND TELEPHONE
- GAS — PROPOSED UNDERGROUND GAS
- UGE — PROPOSED UNDERGROUND ELECTRIC
- 8"W — PROPOSED 8" WATER MAIN
- 8"S — PROPOSED 8" SANITARY SEWER MAIN
- ⊕ PROPOSED FIRE HYDRANT
- ⊕ PROPOSED WATER VALVE
- ⊕ PROPOSED WATER METER
- ⊕ PROPOSED SANITARY SEWER MANHOLE
- PROPOSED SANITARY SEWER SERVICE
- PROPOSED WATER SERVICE

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SUBMITTED BY:	FILE NAME:	PLOT SCALE: 1" = 20'
		PLOT DATE: February 17, 2021

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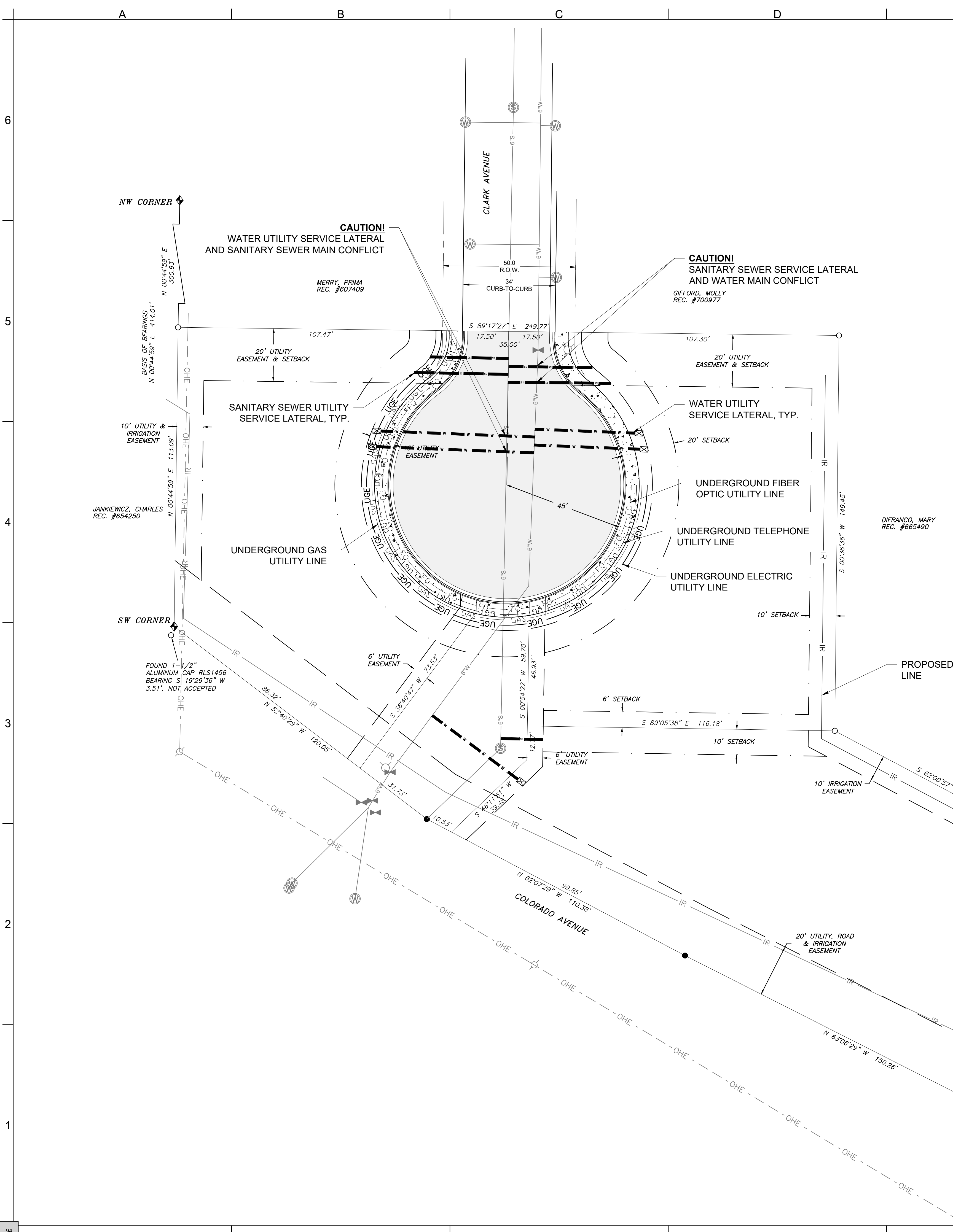
**CLARK'S END MINOR SUBDIVISION**

PAONIA, CO 81428

**GRADING & DRAINAGE**

**C4.0**

**811**  
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**TABLE 1 - MINIMUM DEPTH TO TOP OF LINE (FEET)\***

MINIMUM DEPTH TO TOP OF LINE	COMMUNICATIONS	ELECTRIC	GAS	STORM	WATER**	SANITARY
	3	2	2 (2.5 MAX)	2	4	8

\* THESE DEPTHS ARE BASED ON 2018 UTILITY STANDARDS. DEVELOPER/CONTRACTOR SHALL CONFIRM DEPTHS WITH UTILITY PROVIDER FOR ANY UPDATES.  
\*\* INCLUDES, BUT NOT LIMITED TO, POTABLE, RAW WATER, PRESSURIZED RAW WATER AND RE-USE WATER.

**TABLE 2 - MINIMUM HORIZONTAL SEPARATION FOR PARALLEL UTILITIES (FEET)\***

	COMMUNICATIONS	ELECTRIC	GAS	STORM	WATER**	SANITARY
COMMUNICATIONS	1	1	3	2	2	2
ELECTRIC	1	1	1	1	DEPTH OF WATER LINE MINUS 4'	DEPTH OF SANITARY LINE MINUS 4'
GAS	2	3	-	2	2	2
STORM	2	2	2	-	10	2
WATER	***	***	2	10	10	10
SANITARY	***	***	***	2	10	-

\* THESE DEPTHS ARE BASED ON 2018 UTILITY STANDARDS. DEVELOPER/CONTRACTOR SHALL CONFIRM DEPTHS WITH UTILITY PROVIDER FOR ANY UPDATES.  
\*\* INCLUDES, BUT NOT LIMITED TO, POTABLE, RAW WATER, PRESSURIZED RAW WATER AND RE-USE WATER.  
\*\*\* HORIZONTAL SEPARATION IS NOT APPLICABLE, BECAUSE VERTICAL SEPARATION IS ACHIEVED. FOR EXAMPLE, A SHALLOW COMMUNICATIONS LINE CAN BE LOCATED ABOVE A WATER LINE AS LONG AS VERTICAL SEPARATION IS ACHIEVED.

**TABLE 3 - MINIMUM VERTICAL SEPARATION AT UTILITY CROSSINGS (FEET)\***

	COMMUNICATIONS	ELECTRIC	GAS	STORM	WATER	SANITARY
COMMUNICATIONS	1	1	1	2	2 ABOVE	2
ELECTRIC	1	1	1	2	2 ABOVE	2
GAS	1	1	1	2	2 ABOVE	2
STORM	2	2	2	2	2 ABOVE	2
WATER	2 BELOW	2 BELOW	2 BELOW	2 BELOW	2	2 ABOVE
SANITARY	2	2	2	2 BELOW	2	2

\* THE TABLE IS INTENDED TO BE READ BY FIRST SELECTING A ROW AND THEN A COLUMN. FOR EXAMPLE: WATER IS REQUIRED TO BE PLACED TWO (2) FEET BELOW COMMUNICATIONS, TWO (2) FEET AWAY FROM OTHER WATER LINES, AND TWO (2) FEET ABOVE SANITARY.  
\*\* THESE DEPTHS ARE BASED ON 2018 UTILITY STANDARDS. DEVELOPER/CONTRACTOR SHALL CONFIRM DEPTHS WITH UTILITY PROVIDER FOR ANY UPDATES.  
\*\*\* INCLUDES, BUT NOT LIMITED TO, POTABLE, RAW WATER, PRESSURIZED RAW WATER AND RE-USE WATER.

**1**  
C5.0 MINIMUM UTILITY DEPTHS, HORIZONTAL & VERTICAL SEPARATION  
N.T.S.

**PROJECT LEGEND**

- PROPERTY LINE
- RIGHT-OF-WAY
- ROADWAY CENTERLINE
- EASEMENT
- BUILDING SETBACK
- 100-YR FLOODPLAIN
- 6"W EXISTING 8" WATER MAIN
- 6"S EXISTING 8" SANITARY SEWER MAIN
- 100 EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
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- DRAINAGE BASIN DELINEATION
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- PROPOSED FIRE HYDRANT
- PROPOSED WATER VALVE
- PROPOSED WATER METER
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED SANITARY SEWER SERVICE
- PROPOSED WATER SERVICE

DESIGNED BY: [ ]  
 DRAWN BY: [ ]  
 CHECKED BY: [ ]  
 SUBMITTED BY: [ ]

DATE: 2021.02.17  
 FILE NAME: [ ]  
 PLOT SCALE: 1" = 20'  
 PLOT DATE: February 17, 2021

REVISIONS:

NO.	DESCRIPTION	DATE	APPR.

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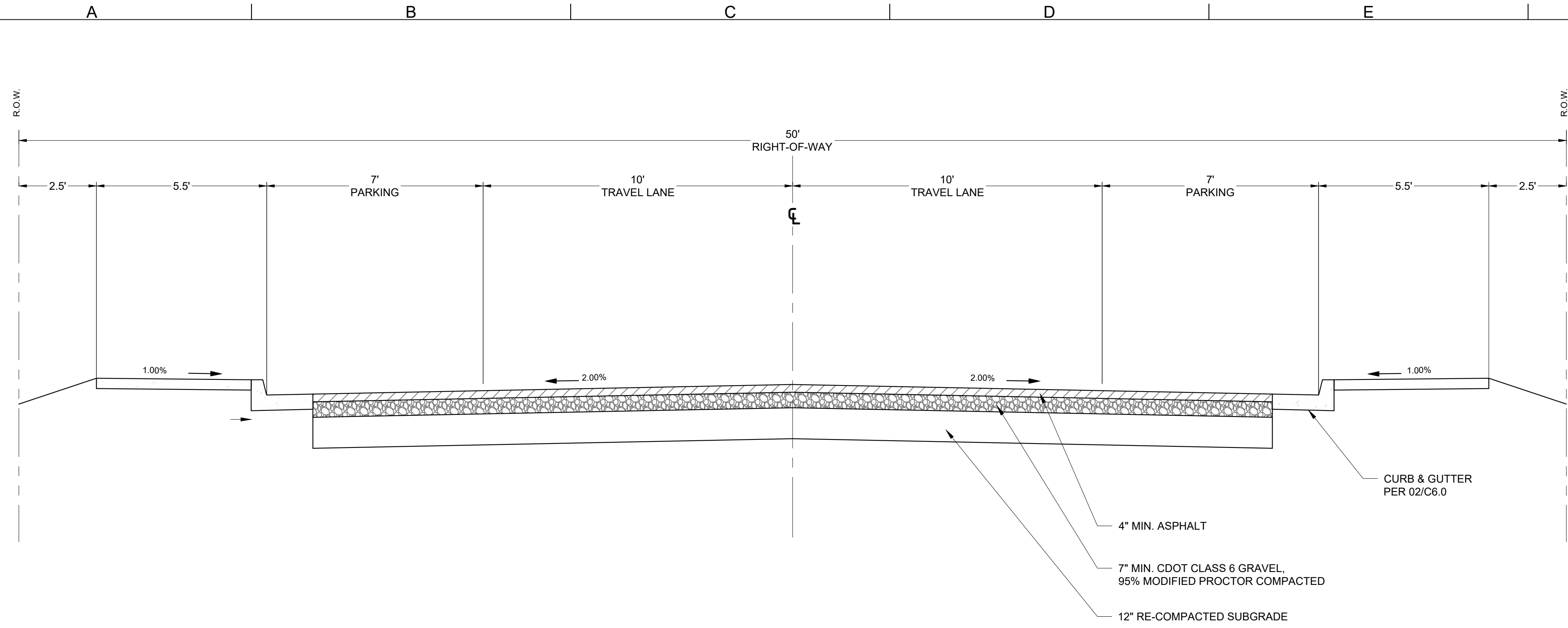
**CLARK'S END MINOR SUBDIVISION**

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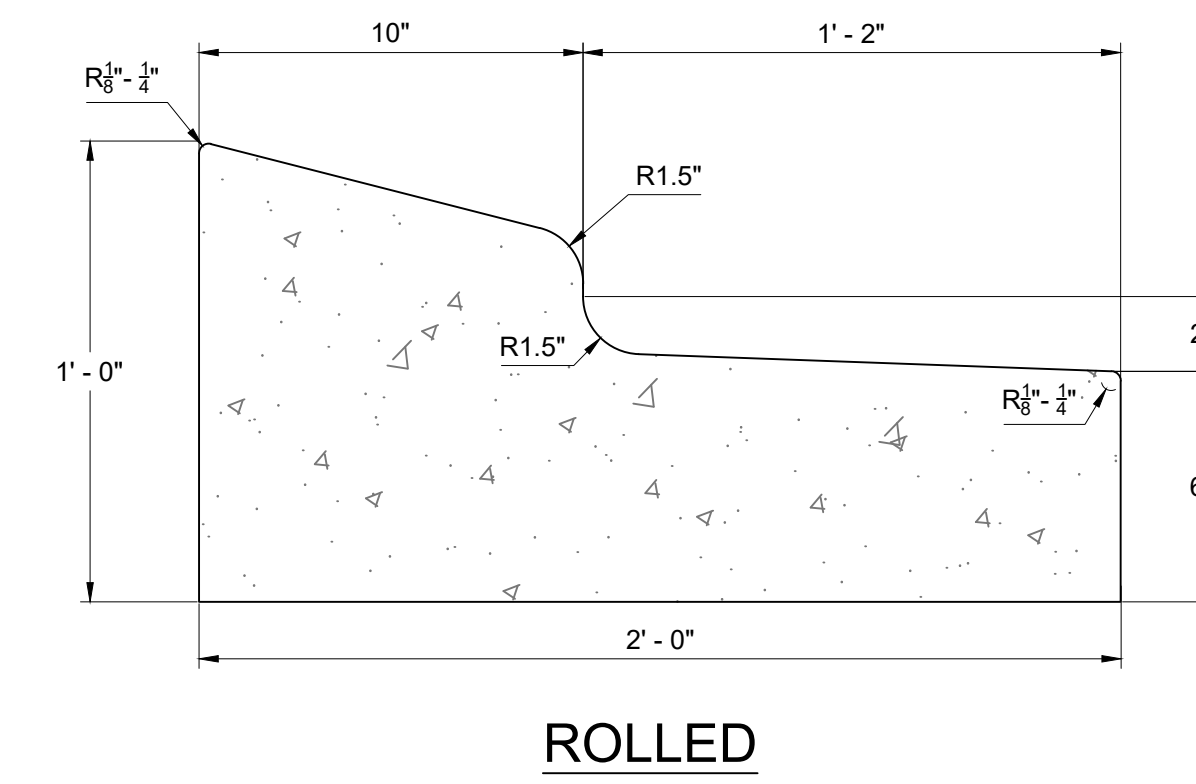
**UTILITY PLAN**

**C5.0**

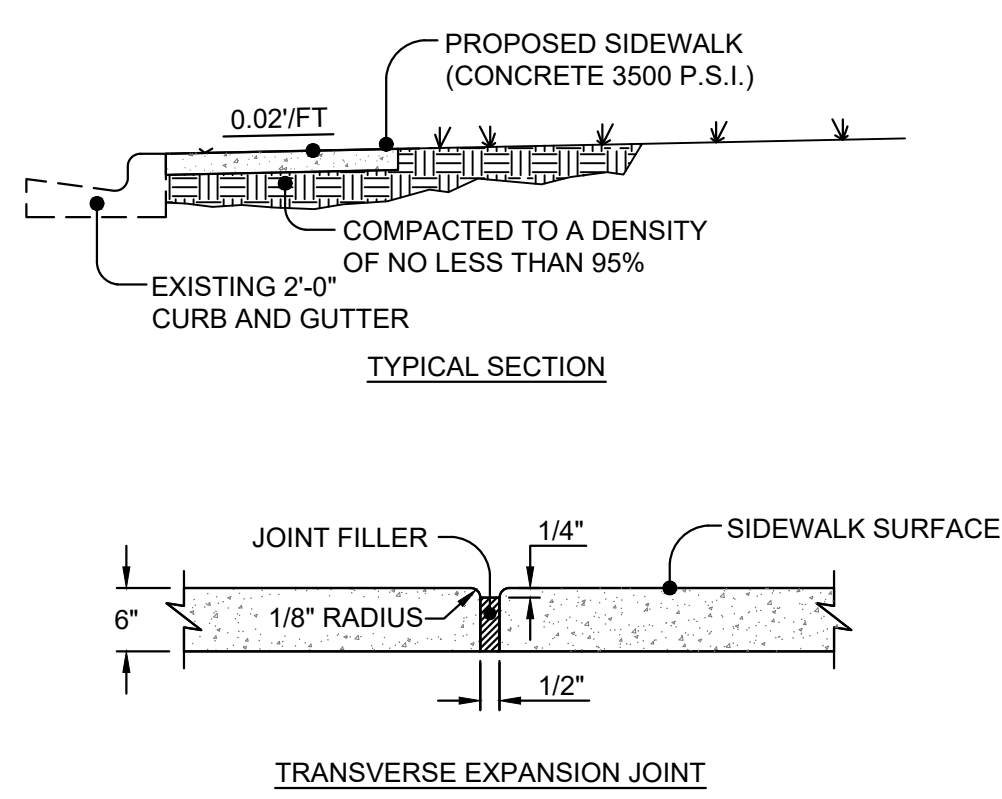
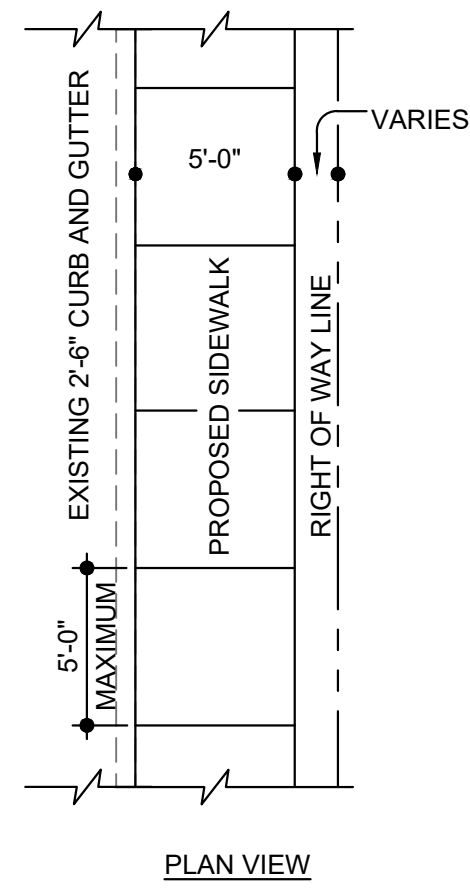
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1 LOCAL STREET SECTION  
C6.0 N.T.S.



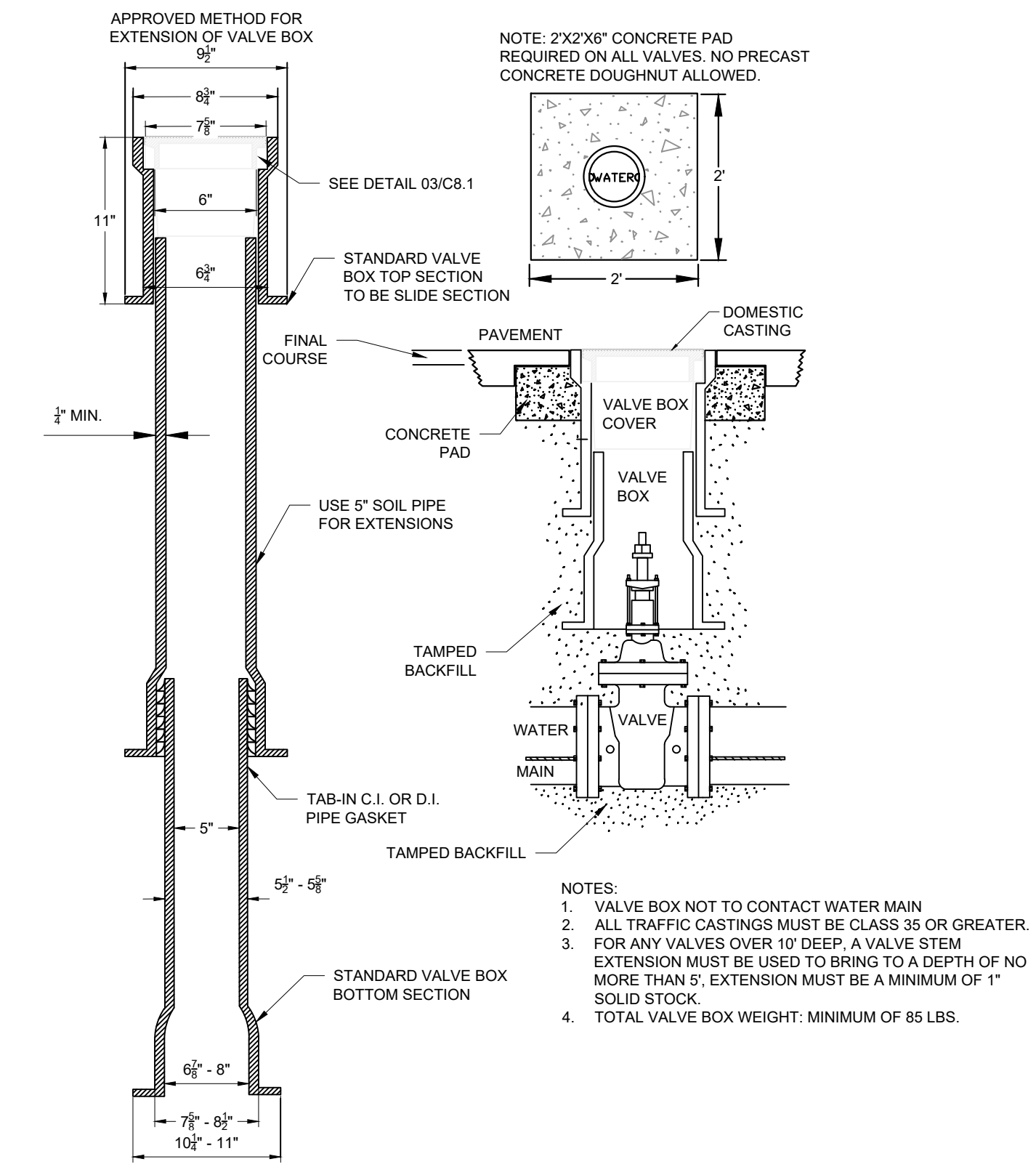
2 CURB & GUTTER  
C6.0 N.T.S.



- NOTES:
1. TRANSVERSE EXPANSION JOINTS TO BE A MAXIMUM OF 50 FEET.
  2. ALL CONCRETE TO BE FINISHED WITH CURING COMPOUND.

4 STANDARD SIDEWALK  
C6.0 N.T.S.

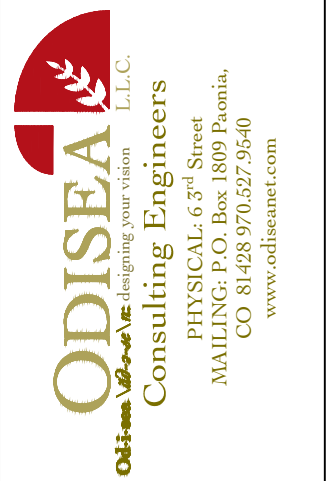
4 INTENTIONALLY LEFT BLANK  
C6.0 N.T.S.



5 VALVE BOX INSTALLATION AND EXTENSION  
C6.0 N.T.S.

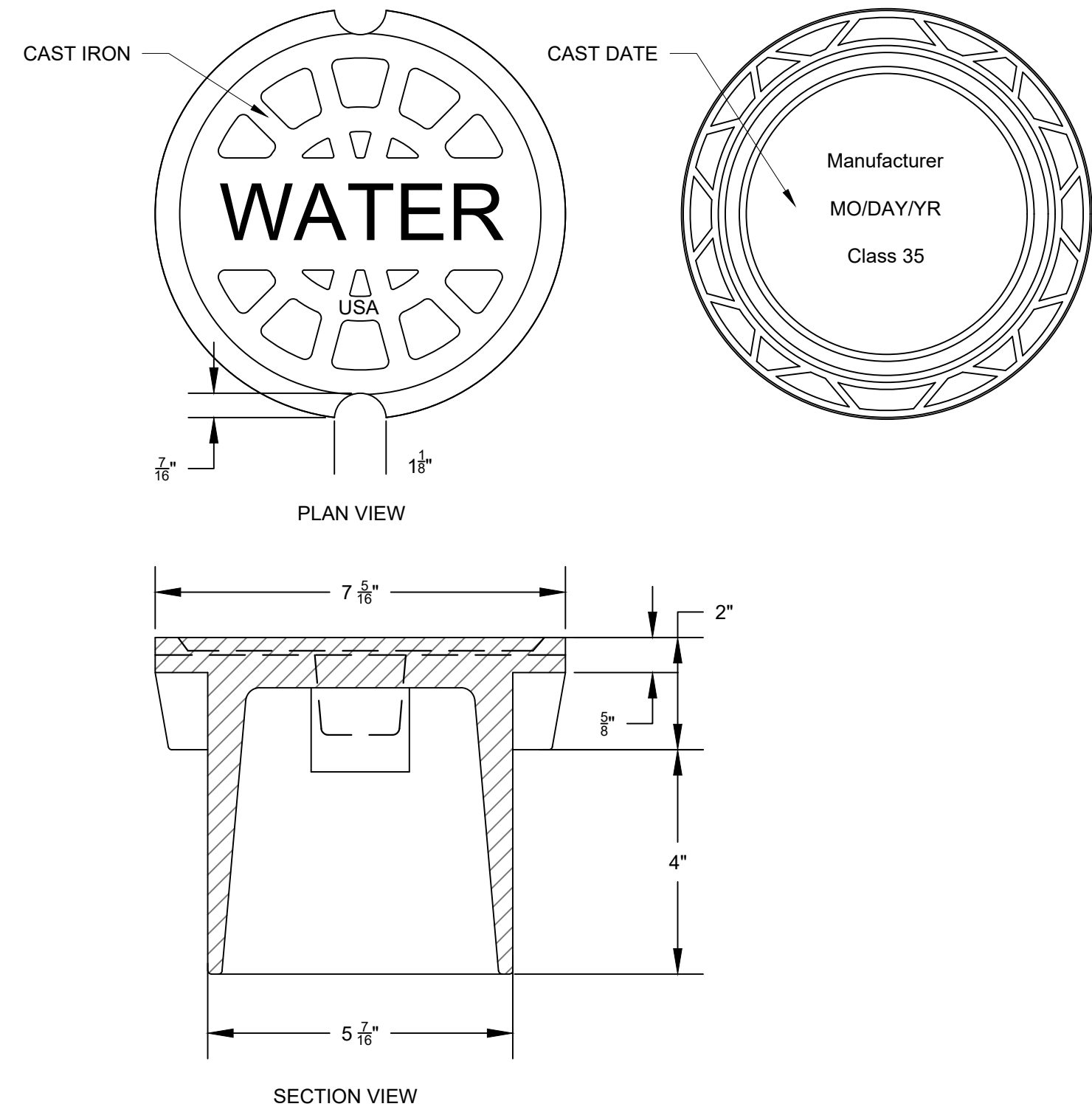
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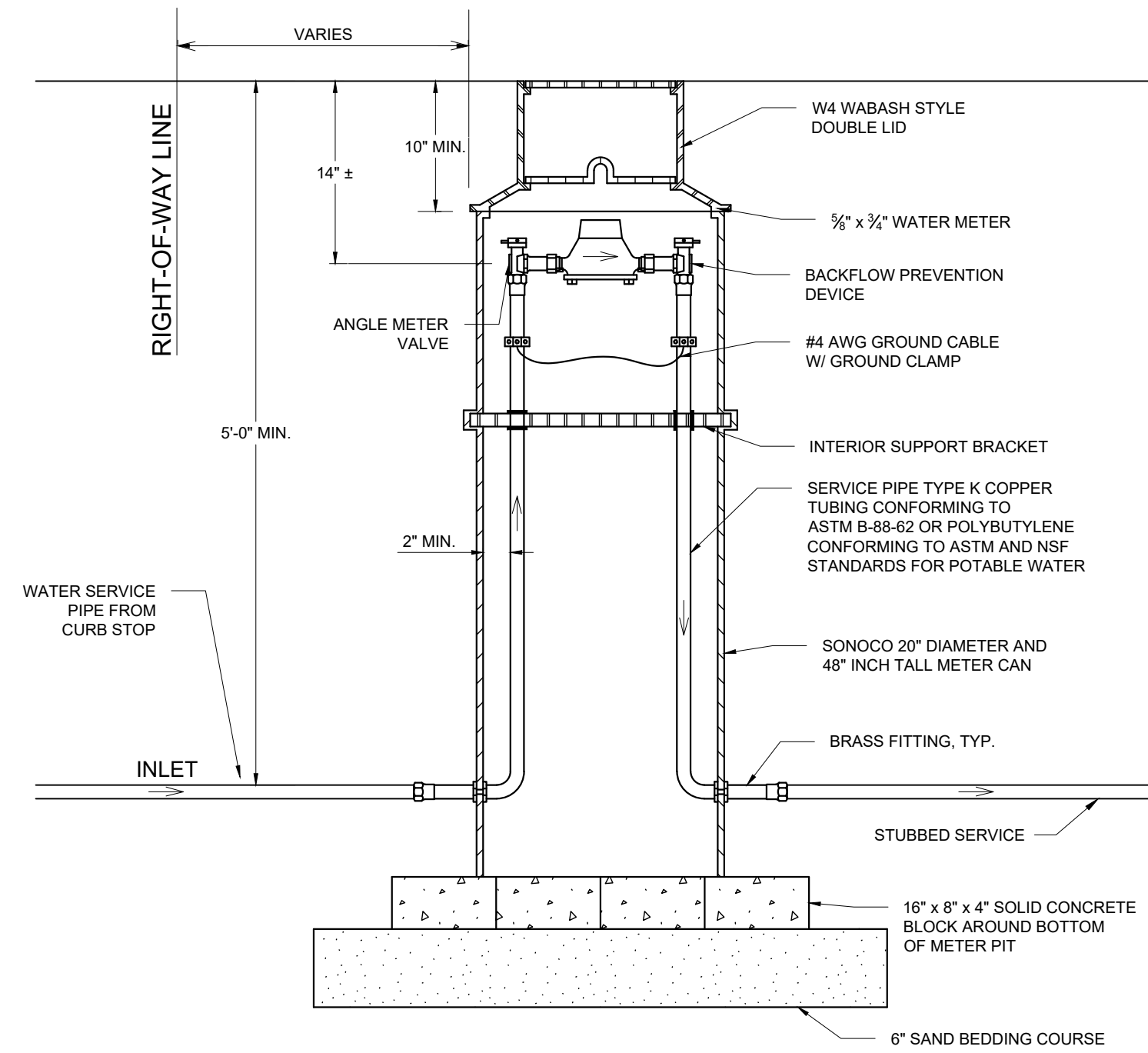
CLARK'S END MINOR SUBDIVISION  
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CIVIL  
DETAILS  
C6.0



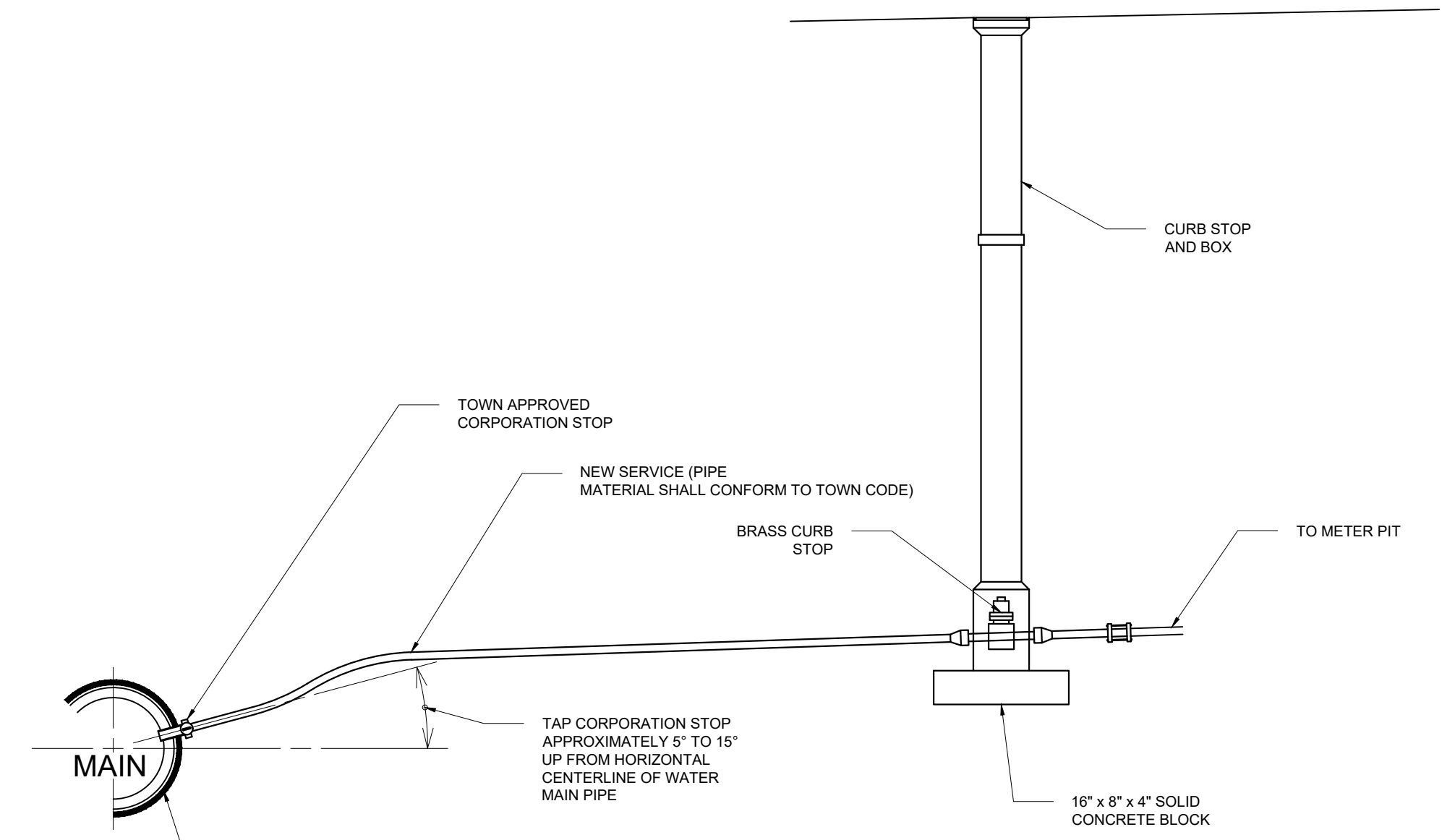
- NOTES:
- "WATER" LETTERING MUST BE 1" RAISED (RECESSED FLUSH)
  - VALVE COVER SHALL BE DOMESTICALLY CAST.
  - COVER MUST HAVE A MINIMUM WEIGHT OF 25 POUNDS.
  - COVER MUST BE CLASS 35 OR GREATER.
  - COVER MUST MEET OR EXCEED AASHTO H-20 LOAD REQUIREMENTS.

**1** 5 1/4" VALVE BOX DROP LID WITH 4" SKIRT  
C6.1 N.T.S.

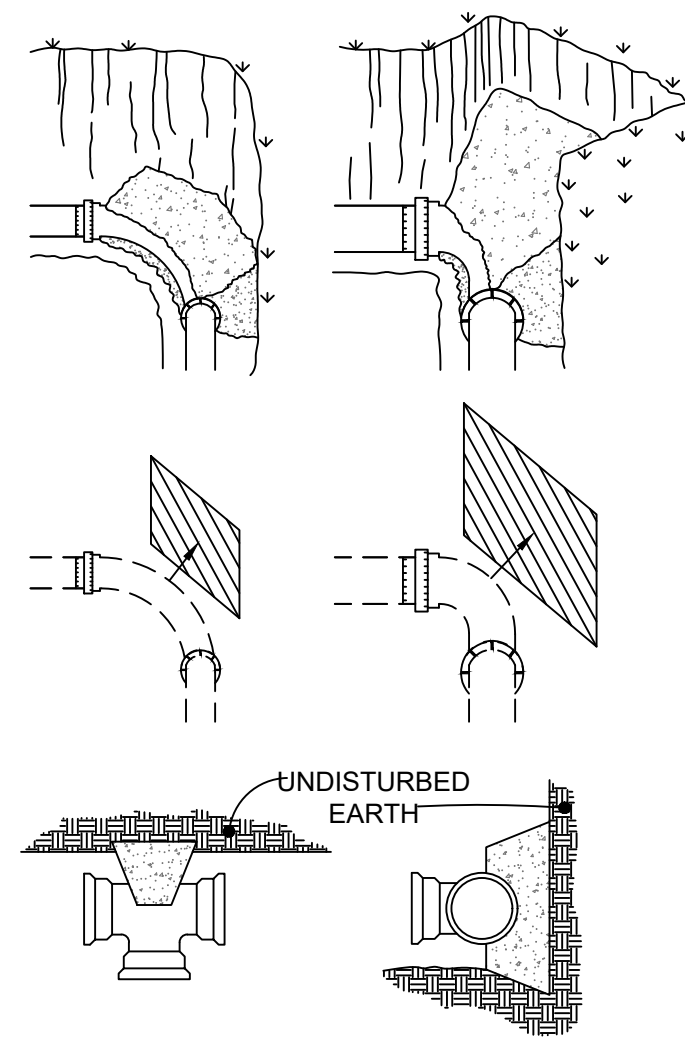


- NOTES:
- WATER METER SHALL BE BADGER METER RECORDALL DISC METER WITH RECORDALL TRANSMITTER REGISTER, AND ORION WATER ENDPOINT
  - NO DIRECT TAPS ALLOWED.
  - METER BOX TO BE LOCATED IN R/W ADJACENT TO PROPERTY OR IN APPROVED EASEMENT ADJACENT TO R/W.
  - WHEN THE GRADE CHANGES ON EXISTING SERVICES, A COPPER RESETER CAN BE USED TO ADJUST TO GRADE. COPPER RESETTERS ARE PROHIBITED ON NEW SERVICES.
  - CURB STOP BOX SHALL HAVE PLUG STYLE LID WITH PENTAGON BOLT, 1-1/4" STEEL UPPER SECTION, AND ARCH STYLE BASE. STEEL STATIONARY ROD TO BE PROVIDED FOR CURB STOP OPERATION.
  - SERVICE LINES SHALL BE STUBBED ACROSS THE PROPERTY LINE THROUGH THE WIDTH OF THE UTILITY EASEMENT WITH THE END SEALED WITH A WATERTIGHT SEAL AND MARKED FULL DEPTH WITH A 2 X 4 PAINTED BLUE AND BROUGHT TO GRADE.
  - BURIAL DEPTH SHALL CONFORM TO THE TOWN OF PAONIA MINIMUM BURIAL DEPTH FOR WATER LINES AND SERVICES.
  - TRACER WIRE IS REQUIRED ON ALL NEW WATER PIPE INFRASTRUCTURE PER SUE REGULATIONS. TRACER WIRE SHALL BE NO. 12 GAUGE SOLID COPPER.

**2** STANDARD 3/4" WATER SERVICE METER PIT  
C6.1 N.T.S.



**3** WATER SERVICE CONNECTION  
C6.1 N.T.S.

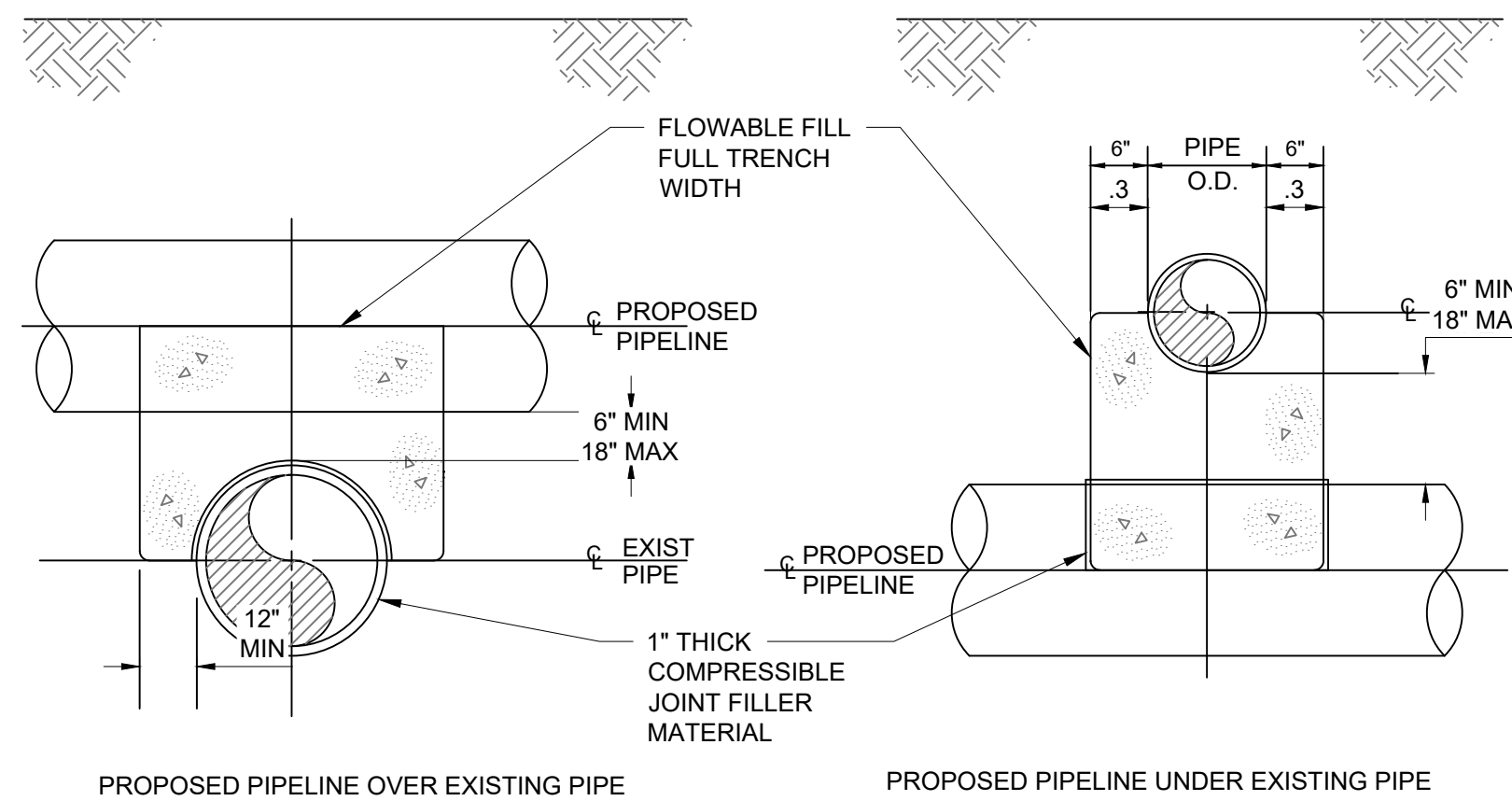


NOMINAL PIPE DIAMETER INCHES	MINIMUM CONCRETE BLOCKING (C.Y.)*				
	TEES & DEAD ENDS	90° BEND	45° BEND	22 1/2° BEND	11 1/4° BEND
4	1/3	1/3	1/3	1/3	1/3
6	1/3	1/3	1/3	1/3	1/3
8	1/3	1/2	1/3	1/3	1/3
10	2/3	3/4	1/2	1/3	1/3
12	3/4	1.0	2/3	1/3	1/3

- NOTES:
- FITTING SHALL BE WRAPPED WITH A MINIMUM 4 MIL PLASTIC.
  - NO CONCRETE SHALL COVER BOLTS OR GLANDS.
  - PIPE DIAMETERS BEYOND 12 INCHES SHALL UTILIZE A PROFESSIONAL ENGINEER'S SEALED DESIGN CONSISTING OF RESTRAINED JOINT PIPE OR BLOCKING.

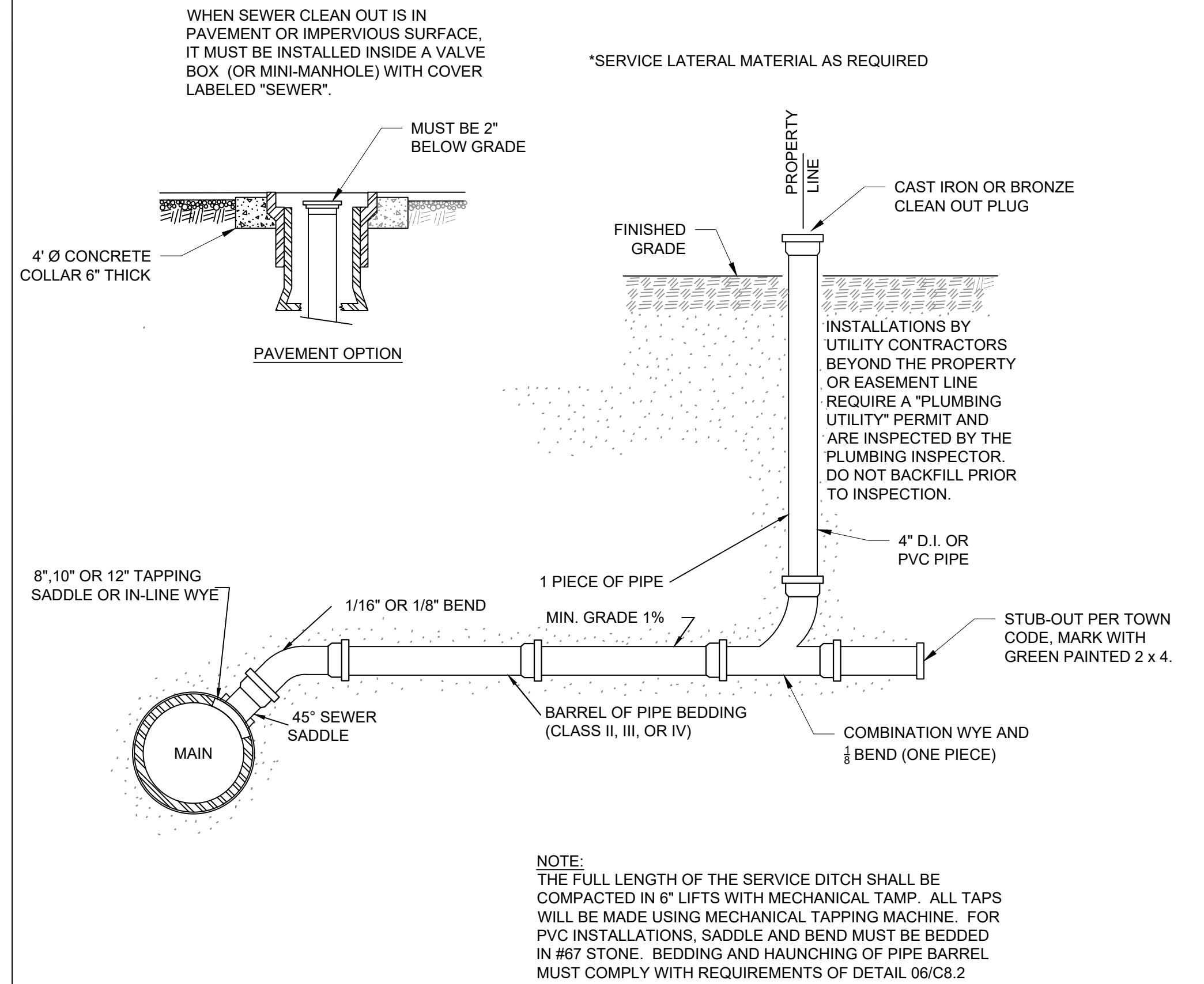
\* CONCRETE SHALL BE 3,000 P.S.I. MIX.

**3** STANDARD REACTION BLOCKING  
C6.1 N.T.S.



NOTE:  
NO ENCASEMENT REQUIRED FOR SPACE GREATER THAN 18" FOR WATER LINES

**5** SANITARY SEWER CONCRETE ENCASEMENT FOR WATER LINE CROSSING  
C6.1 N.T.S.



NOTE:  
THE FULL LENGTH OF THE SERVICE DITCH SHALL BE COMPACTED IN 6" LIFTS WITH MECHANICAL TAMP. ALL TAPS WILL BE MADE USING MECHANICAL TAPPING MACHINE. FOR PVC INSTALLATIONS, SADDLE AND BEND MUST BE BEDDED IN #67 STONE. BEDDING AND HAUNCHING OF PIPE BARREL MUST COMPLY WITH REQUIREMENTS OF DETAIL 06/C8.2

**6** TYPICAL SANITARY SEWER LATERAL CONNECTION  
C6.1 N.T.S.

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CIVIL DETAILS  
**C6.1**



**From:** [sue watson](#)  
**To:** [Corinne Ferguson](#); [Tamie M](#); [Michelle P](#); [Mick J](#); [Bill Bear](#); [Mary B](#); [Dave K](#); [Karen Budinger](#)  
**Cc:** [Thomas Wills](#)  
**Subject:** Clark minor subdivision variance or exception  
**Date:** Wednesday, May 5, 2021 9:48:51 AM

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Corinne, Please include in packet. Thank you very much.

Dear Paonia Trustees,

Chapter 16, Article 15 of the Paonia Municipal Code describes variance appeals to the Board of Adjustment.

However, Chapter 17, Subdivisions, describes an “Exceptions” process that could be applicable to the approved Clark Minor Subdivision. How might this Ordinance 17-1-50 be interpreted? Is an "application for an exception" availed to a previously approved minor subdivision upon discovery of a hardship as long as public notice requirements are followed? Or does an “application for an exception” have to be received before subdivision approval?

What is the opinion of the Town Attorney?

Sincerely, Suzanne Watson

Please refer to the entire ordinance below.

**Chapter 17 Subdivisions. Sec.**  
**17-1-50. Administration.**

**(a). Public notice requirements.** A public hearing shall be required, for consideration of preliminary subdivision plats and annexation maps, by the Planning Commission and, for consideration of final subdivision plats and annexation maps, by the Board of Trustees. The following public notice requirements shall be met:

(1) A public notice shall be published in a newspaper of general circulation within the Town at least fifteen (15) days in advance of the hearing.

(2) Notice shall be sent to all property owners within two hundred (200) feet of the property in question at least ten (10) days in advance of the hearing. The applicant shall pay postage.

(3) A notice shall be posted on the subject project for at least ten (10) days prior to the hearing. The applicant shall be required to post this notice as directed by the Town Administrator.

(4). All notices shall include the following information:

a. The name of the applicant or appellant and the description of the property.

b. A description of the nature of the request.

c. The time, date and place of the public hearing.

d. The agency or office and phone number where further information may be obtained

**(b) Exceptions.**

**(1). The Planning Commission may recommend the granting of exceptions from the design and improvement standards set forth in Article 4 of this Chapter at a public hearing conducted upon notice as set forth in Subsection (a) above. In recommending the granting of an exception, the Planning Commission can recommend the imposition of any of the conditions set forth in the subdivision agreement. In order to obtain an exception, the applicant must show and the Planning Commission must find all of the following where applicable:**

**a. The strict application of the relevant standards will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property in question due to the exceptional shape, topographic condition or other extraordinary and exceptional situation or condition of the property in question which does not occur generally to other property in the same zone district.**

**b. The exception to be granted is the minimum necessary to alleviate the practical difficulties and undue hardship upon the owner of the property.**

**c. The exception to be granted does not substantially impair the intent and purpose of the Comprehensive Plan, this Chapter, [Chapter 16](#) of this Code and the standard from which the exception is sought.**

**d. The circumstances relating to or causing the practical difficulties or hardship upon the owner of the property were not created through or induced by any fault or action of the owner of the property, are not due to or the result of general conditions in the zone district or in the surrounding area outside of the zone district and cannot practicably be corrected by a means other than an exception.**

**e. Notwithstanding the above, an exception to the subdivision regulations may be recommended by the Planning Commission and approved by the Board of Trustees if the exception is considered necessary to achieve the objectives of a PUD**

(2). The Planning Commission may, in recommending the granting of an exception, recommend the imposition of any conditions set forth in the subdivision agreement or which it deems necessary to carry out the intent of the provisions of this Chapter or any other provision of this Code.

**(3). An exception shall not be allowed until the application for an exception is reviewed and approved by the Board of Trustees. If the Planning Commission recommends an exception with or without conditions, the Board of Trustees shall review and act upon the application for exception after giving the same type of notice as was given prior to the hearing before the Planning Commission.** The Board of Trustees may grant, deny or grant with conditions an application for an exception, and the decision of the Board of Trustees shall be final from which an appeal may be taken to a court of law.

(Ord. No. 2000-02, Art. VI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Minutes**  
**Planning Commission Meeting**  
**Town of Paonia, Colorado**  
**April 30, 2021**

**RECORD OF PROCEEDINGS**

The Regular Meeting of the Paonia Planning Commission was called to order on Friday, April 30, 2021 at 1:01 pm by Barb Heck, Chairperson. Formal Video Record at <https://www.youtube.com/watch?v=ojbEpfTKEBA>

**Roll Call**

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

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

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

**Approval of Agenda**

Motion to approve agenda as presented by Mayor Bachran, seconded by Commissioner Hunter. Motion carried.

**Unfinished Business**

Minutes: work session 02/18/2021 & regular minutes 4/16/21:

Motion to approve minutes as corrected by Mayor Bachran, seconded by Trustee Budinger. Motion carried.

Correction: 18-10-30 and add the Tree City Discussion.

**New Business.**

Appointment of New Commissioner Chair:

- Chairperson Heck nominated Commissioner Hunter for the Chairperson seat.
- Commissioner Hunter informed the committee she may consider stepping down from her seat due to the involvement in multiple projects.

Motion to temporarily appoint Lucy Hunter as the Chairperson by Mayor Bachran, seconded by Trustee Budinger. Motion carried.

Mattingly – Clark’s End Variance Application:

**Public Hearing:**

Chairperson, Barb Heck opened the Public Comment at 1:05 pm.

- Commissioner Hunter recused herself from the discussion and voting.

Lynn Mattingly developer of Clark’s End Subdivision brought forth a variance application requesting for the road grad cul-da-sac be increased by a 0.5%.

Publics concerns & comments:

- None.

Board concerns:

- None

Chairperson, Barb Heck closed the Public Comment.

Motion by Trustee Budinger, seconded by Commissioner Foguth to recommend to the Board to approve the variance request. Motion carried.

Ordinance – TBD Accessory Dwelling Units:

Town Administrator gave an overview of the Governmental Affairs Committee’s draft ordinance.

Discussion:

- Allow ADU’s as a second unit in R-1 zone.
- Discussion ensued about R-2 allowing for multiple units on the lot.
- Discussed the concern of parking and long-term parking issues.
  - Permit would need to apply for showing that there is adequate parking for the ADU.
- Discussed about selling if the ADU could be sold separately – Planning Commission was not in favor of this.
- Discussion ensued on ADU’s being accessible to the working group.
- Discussed the requirement/legal opinion of extending the water line.
- Discussion about the difference between the square footage of 800 in the ordinance and 500 Sq Ft. of the committee’s notes.
  - Mayor Bachran stated to address the Sq Ft. with setbacks if the lot does not meet the setbacks, then an ADU is not permitted.

Motion by Mayor Bachran, seconded by Trustee Budinger to recommend to the Board to include in the ordinance that Town setbacks be adhered to in the lots when creating the units.

Motion amended by Commissioner Hunter, seconded by Commissioner Foguth to recommend to the Board to approval with additional consideration to the setbacks and on item (c) change 1 off street parking space to adequate parking be provided. Motion carried.

**Adjournment**

Chairperson Heck adjourned the meeting at 1:38 pm

---

Amanda Mojarro, Deputy Clerk

---

Barb Heck, Chairperson

AGENDA SUMMARY FORM



Ordinance 2021-TBD Board of Appeals

Summary:

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

Notes:

Staff suggested the combining of the Board of appeals and board of adjustments because of the historical difficulty with filling advisory boards and committees. This is a Board decision on how to proceed.

Thank you.

Possible Motions:

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

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

May 7, 2021

**ORDINANCE NO. 2021-\_\_\_\_**

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

**RECITALS:**

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

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

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

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

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

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

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

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

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

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

**Section 1. Legislative Findings.**

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

**Section 2. Additions to the Town Code.**

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

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

Sec. 18-11-10. Appeal Procedures.

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

Sec. 18-11-20. Hearings.

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

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

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

Sec. 18-11-30. Fees.

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

Sec. 18-11-40. Decisions.

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

**Section 3. Severability.**

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

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

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

**Section 5. Ordinance Effect.**

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



**Section 6. Effective Date.**

This Ordinance shall take effect thirty days after adoption. .

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

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

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

ATTEST:

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

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

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

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

ATTEST:

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

Approved as To Form:

\_\_\_\_\_  
BO JAMES NERLIN #40397, Town Attorney

**From:** sue watson <suewatson905@yahoo.com>

**Sent:** Friday, May 7, 2021 9:15 AM

**To:** Michelle P <michellep@townofpaonia.com>; Mick J <mickj@townofpaonia.com>

**Subject:** Building Appeals Board Sec. 112

Hi Michelle,

Could Paonia just implement the ordinance IBC, IRC Secs. 112 that are in place right now by simply advertising for people from in or outside of Town with the necessary qualifications who might want to fill the seats as a stand alone building appeals board? Zoning Board of Adjustment members are welcomed to apply too if they have the requisite qualifications. Why not test the waters and see what the interest level is by advertising the openings with current ordinance? If the results are too slim then continue with a new ordinance that combines the Boards. A new ordinance would take over 30 days to become effective.

By requiring people to live in Town (which combining the BOA + Appeals Board would do) we would limit the pool of qualified building appeals applicants with experience because of our population is so small. Same building code applies to a city of 500,000 —a bigger city has a bigger pool of candidates to draw from so residents have more rights. Kind of unfair that we use the same international code with less of a chance to appeal to qualified individuals.

I haven't seen anything in State Statute that would required a Building Appeal Board to be residents...

Thanks, Suzanne.

PS. There is a difference between 2003 and 2018. 2003 has a flood plain appeal and 2018 does not so its shorter, but I dont think that matters right now. Test things out by implementing the current appeal board ordinance. An amendment to the 112 Appeal Board could be written, if needed, when the 2003 is updated. **Just staff the Board as described for the time**

**being and see how it goes** that way you'll have more experience for future fine tuning? Might be less costly and make a better future ordinance if we just used what we have now. Dependable Lumber wants to make an appeal inspector and this would be a good test case to work out the kinks.

## **SECTION R112 BOARD OF APPEALS**

**R112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building

official relative to the application and interpretation of this code, there shall be and is hereby created a board of

appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter

before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure.

The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in

writing to the appellant with a duplicate copy to the building official.

**R112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this

code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not

fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to

waive requirements of this code.


**R112.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training

to pass on matters pertaining to building construction and are not employees of the jurisdiction.

**R112.4 Administration.** The building official shall take immediate action in accordance with the decision of the

board.

AGENDA SUMMARY FORM

	300 Block of Poplar Avenue Street Closure Request - Barb Heck		
<p>Summary: Barb Heck, with substantial support from immediate neighbors, requests permission to close the 300 block of Poplar Avenue during the weekends for the summer months.</p>			
<p>Notes:                  Things to consider:                   Liability waiver.                  The request will facilitate a safe opportunity for the neighborhood children to play.                  How will we regulate similar requests?</p>			
<p>Possible Motions:</p> <p>Motion by: _____ 2<sup>nd</sup>: _____ vote: _____</p>			
Vote:	Trustee Bear	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Meck	Trustee Pattison	Mayor Bachran:

May 7, 2021

# Town of Paonia

## Application for Street Closure

Organization Name: Fig Jam Glee Club / Nature Connection  
 Address: [REDACTED]  
 Contact Person: Barb Neck Telephone [REDACTED]

Date of Requested Street Closure: July - Sep: Every Sat + Sun except for the 4th July weekend?

Start Time	End Time	Street(s) and Block(s) Requested for Closure
Saturday Morning	Sunday Dusk	Poplar Ave - between 3rd + 4th St.

Number of Participants Expected: 8 Kids + 20 Adults

I have read the attached Street Closure Ordinance 2002-06 and fully accept all responsibilities required by the Town for this street closure. Attached to this application are the following:

- ◇ A copy of general liability insurance policy;
- ◇ A check in the amount of \$25.00 per hour of street closure (minimum one hour, maximum charge, 4 consecutive hours—over 4 hours requires Board of Trustees approval)
- ◇ A check in the amount of \$125.00 for deposit to be held by the Town of Paonia
- ◇ (The deposit will be returned to the applicant following the event in full if the street(s) are in the same condition prior to closure);
- ◇ Written proof of notification to all adjoining property owners and businesses; and
- ◇ Written description of any activity including vending and/or commercial occurring during the event.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments from Chief of Police or Proxy: \_\_\_\_\_  
 \_\_\_\_\_

<b>Town of Paonia Use Only</b>		
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Date: _____
Signed: _____		

**POPLAR AVE.  
FROM 3RD ST. TO 4TH ST.**

**PLAY STREET**

We are all so fortunate to live on a block that is a great neighborhood, 11 homes with adults only and 4 homes with children (under the age of 8). We have had Poplar Potlucks for several years with the 3 blocks of Poplar Ave. all represented. Our kids are learning to ride bikes, playing hide and go seek with those without children 'guarding' the entrances to our block. While gathering homeowners signatures, I found that the support for closing Poplar Ave. for thru traffic was 100%. We all love to hear the childrens' laughter, their cheerfulness and their chatter. We have also found many kids within a few blocks that would love to join.

We would like the Town of Paonia's permission to turn our block into a Play Street from Saturday mornings to Sundays after dusk with the exception of the 4th of July weekend.. When I googled Play Street there were over 14,000,000 pages. Play Streets are found all over the world, from England, to Australia to the USA and inbetween. It has been found that Play Streets build better communities and have wonderful health benefits. Blue Cross/Blue Shield has even supported 7 Minnesota communities with Play Streets.

E. D. J.

E. Delehaunty

338 Poplar Ave.

Martha Springer

Martha Springer

~~318~~ 3rd.

Ton Soto

Tony Soto

(drive way off poplar)

Rebecca L. Pierson

Rebecca L. Pierson

314 Poplar

323 Poplar

Tom Lopez

Tim Lopez

332 Poplar Ave

Linda Osborne

Linda Osborne 333 poplar  
ave

Randall M. D. by

Randall Derryberry 319 Poplar Ave.

Robert L. Pasmusser Jr.

310 Poplar

Jamason Harclay

Tamara Harclay

311 Poplar

Tony Briggs

Terry Briggs

327 Poplar

Benni Hebrew-Westra

Benni Hebrew-Westra 303 Poplar

Barry Pennell

Barry Pennell

337 poplar

MATTHEW DAVISON

320 FORRAME

324 POPLAR AVE

AGENDA SUMMARY FORM



DMEA - Franchise Agreement Update

Summary:

Included in the packet is the first draft DMEA franchise agreement update. Jim Heneghan with DMEA is scheduled to be present to discuss and answer questions.

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:



NOTICE OF APPLICATION FOR FRANCHISE BY DELTA-MONTROSE ELECTRIC ASSOCIATION.

Notice is hereby given that at the regular meeting of the Board of Trustees of the Town of Paonia, State of Colorado, to be held at 6:30 pm on 11 May, 2021 at its usual meeting place at 214 Grand Avenue, Community Room, Paonia, CO 81428. Delta-Montrose Electric Association ("DMEA") will request that the Board of Trustees decide on a measure to approve an ordinance granting an electric franchise to DMEA, entitled:

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF PAONIA, COLORADO, TO DELTA-MONTROSE ELECTRIC ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, RECONSTRUCT, REPLACE, MODIFY, UPGRADE, UPRATE, RELOCATE, REMOVE, ACQUIRE, PURCHASE, EXTEND, MAINTAIN, AND OPERATE INTO, WITHIN, AND THROUGH THE TOWN OF PAONIA, DELTA COUNTY, COLORADO, ALL FACILITIES NECESSARY FOR, OR RELATED TO, THE PURCHASE, TRANSMISSION, AND DISTRIBUTION OF ELECTRICITY TO THE TOWN OF PAONIA AND THE RESIDENTS, BUSINESSES AND INDUSTRY OF THE TOWN OF CRAWFORD, BY MEANS OF LINES, WIRE, CABLES, FIBER, POLES, FACILITIES, EQUIPMENT OR OTHERWISE, OVER, UNDER, ALONG, ACROSS, AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF PAONIA, AND FIXING THE TERMS AND CONDITIONS THEREOF.

The franchise to be applied for will be for a term of 20 years and will provide for a franchise fee to the Town from a surcharge upon Town residents who are customers of DMEA within the Town.

DELTA-MONTROSE ELECTRIC ASSOCIATION

By: /s/ James Heneghan, Chief Power Supply Officer

To be published in the Delta County Independent 21 April 2021, 28 April 2021, and 05 May, 2021.

ORDINANCE NO. \_\_\_\_\_

**FRANCHISE AGREEMENT**  
**BETWEEN THE TOWN OF PAONIA AND**  
**DELTA-MONTROSE ELECTRIC ASSOCIATION**

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF PAONIA, COLORADO, TO DELTA-MONTROSE ELECTRIC ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, RECONSTRUCT, REPLACE, MODIFY, UPGRADE, UPRATE, RELOCATE, REMOVE, ACQUIRE, PURCHASE, EXTEND, MAINTAIN, AND OPERATE INTO, WITHIN, AND THROUGH THE TOWN OF PAONIA, DELTA COUNTY, COLORADO, ALL FACILITIES NECESSARY FOR, OR RELATED TO, THE PURCHASE, TRANSMISSION, AND DISTRIBUTION OF ELECTRICITY TO THE TOWN OF PAONIA AND THE RESIDENTS, BUSINESSES AND INDUSTRY OF THE TOWN OF PAONIA, BY MEANS OF LINES, WIRE, CABLES, FIBER, POLES, FACILITIES, EQUIPMENT OR OTHERWISE, OVER, UNDER, ALONG, ACROSS, AND THROUGH ANY AND ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF PAONIA, AND FIXING THE TERMS AND CONDITIONS THEREOF.

**WHEREAS**, the Town of Paonia (the "Town") is a statutory Town in accordance with C.R.S. 31-1-203; and

**WHEREAS**, the Town has those powers vested pursuant to C.R.S. 31-15-101 et. seq.; and

**WHEREAS**, pursuant to [INSERT TOWN CODE] the Town has the authority to enter into franchise agreements; and

**WHEREAS**, DELTA-MONTROSE ELECTRIC ASSOCIATION ("DMEA" or the "Company") is a Colorado cooperative electrical association that that provides an electrical utility; and

**WHEREAS**, the Town by and through its board of Trustees wishes to enter into a franchise agreement with DMEA.

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

**ARTICLE 1**  
**TITLE AND DEFINITIONS**

- 1.1 This Chapter shall be known and may be cited as the "Delta-Montrose Electric Association Franchise Chapter".
- 1.2 For the purpose of this Franchise agreement, the following words and phrases shall have the meaning given in this Article. When not inconsistent with context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and "may" is permissive. Words not defined in this article shall be given their common and ordinary meaning.
- 1.3 "Board of Trustees" refers to and is the legislative body of the Town.
- 1.4 "Company" refers to and is Delta-Montrose Electric Association, a Colorado cooperative electric association, and is the grantee of rights under this Franchise.
- 1.5 "Facilities" or "Company Facilities" refer to and are all of the Company's facilities reasonably necessary to provide electric service and communication fiber into, within and through the Town, including but not limited to substations, transmission and distribution structures, lines, wires, electrical equipment, transformers, overhead and underground lines, meters, meter reading devices, control equipment, street lights, wires, cables, fiber optic cables, electric transportation charging facilities and poles.
- 1.6 "Franchise" refers to the terms and conditions of this ordinance.
- 1.7 "Gross Revenues" refers to those amounts of money that the Company receives from the sale and/or delivery of electricity in the Town, after adjusting for refunds, net write-offs of accounts, corrections, or Regulatory Adjustments (as defined below). "Gross Revenues" shall exclude any revenue from the sale and/or delivery of electricity to the Town as a customer of the Company.
- 1.8 "Industrial Customers" refer to those Town customers which meet the criteria under applicable "Industrial — Distribution Voltage" and "Industrial – Transmission Voltage" rate tariffs for the Company.
- 1.9 "Party" or "Parties" refers to and includes the Company and the Town, either singly or collectively as the context requires.
- 1.10 "Public Project" means (1) any public work or improvement within the Town that is wholly or beneficially owned by the Town or is the result of a request and/or required by the Town as part of a development application pursuant the Town of Paonia Municipal Code; or (2) any public work or improvement within the Town where fifty percent (50%) or more of the funding is provided by any combination of the Town, the federal government, the State of Colorado, a Colorado county, or other governmental or quasi-governmental entities. For purposes of this agreement, "public work or improvement" means any project for the new construction or reconstruction of a project such as public buildings; public roads; public highways; public streets; publicly owned water mains and sewers; public parks and playgrounds; public convention facilities which are financed at least in part with public

money; jails and prisons; and all other similar publicly-owned works and property. Public work or improvement does not include any project done for primarily aesthetic purposes, beautification, or view protection.

- 1.11 "PUC" refers to and is the Public Utilities Commission of the State of Colorado or other state agency succeeding to the regulatory powers of the Public Utilities Commission.
- 1.12 "Regulatory Adjustments" refers to any adjustments to the Company's revenues pursuant to federal, state or other governmental regulations, including but not limited to, credits, surcharges, refunds, and pro-forma adjustments.
- 1.13 "Residents" refer to and include all persons, businesses, industry, governmental agencies, and any other entity whatsoever, presently located or to be located, in whole or in part, within the territorial boundaries of the Town.
- 1.14 "Rights-of-Way" refer to and are streets, alleys, viaducts, bridges, roads, lanes, public utility easements, and other public rights-of-way and public places in the Town, excluding any easement the terms of which do not permit the use thereof by the Company. The phrase "in the Rights-of-Way" shall mean upon, above, under, across, along and within said Rights-of-Way.
- 1.15 "Town" refers to and is the municipal corporation designated as the Town of Paonia, Delta County, Colorado, and is the grantor of rights under this Franchise.
- 1.16 "Uncontrollable Forces" means the inability to undertake an obligation of this Franchise due to a cause that could not be reasonably anticipated by a Party or is beyond its reasonable control after exercise of reasonable efforts to perform, including, without limitation, accidents, breakdown of equipment, acts of God, floods, storms, fires, sabotage, terrorist attack, strikes, riots, war, labor disputes, forces of nature, epidemics, pandemics, orders of the government or unavailability or shortages of materials or equipment.
- 1.17 "Utility Service" means the obligation to furnish, sell, and distribute electricity.

## **ARTICLE 2 GRANT OF FRANCHISE**

### 2.1 Grant of Franchise.

- (A) The Town grants to the Company, for the period specified in and subject to the conditions, terms, and provisions contained in this Franchise:
- (1) The non-exclusive right, and the Company assumes the obligation, to provide Utility Service to the Town and to all Residents of the Town.
  - (2) The non-exclusive right, and the Company assumes the obligation, to acquire, construct, install, locate, maintain, upgrade, operate, and extend into,

within and through the Town all Facilities reasonably necessary to furnish, sell, and distribute electricity within and through the Town.

- (3) The non-exclusive right, and the Company assumes the obligation, to make reasonable use in the Rights-of-Way as may be necessary to carry out the terms of this Franchise subject to the Town's prior right of usage for municipal purposes and subject to applicable laws, ordinances, and regulations. These rights and obligations shall extend to all areas of the Town as it is now or hereafter constituted.
  - (4) The non-exclusive right, and the Company hereby assumes the obligation, to provide street lighting service within the Town which shall be governed by this Franchise, applicable Town Codes and regulations, and Company's tariffs.
- (B) The rights granted by this Franchise are not, and shall not, be deemed to be granted exclusively to the Company, and the Town reserves the right to make or grant a similar franchise to any other person, firm, or corporation as allowed by law. Notwithstanding the foregoing, the Town agrees that the Company is the holder of Certificate of Public Convenience and Necessity granting the Company an exclusive service territory for the distribution of electric service to the Town subject to the rules and regulations of the PUC and the Town's rights of eminent domain as provided for, and limited by, Article II, Section 15 of Colorado Constitution and C.R.S. § 40-9.5-201, *et seq.*
  - (C) Except as otherwise specifically provided in this Franchise, the Town retains the right to use, control, and regulate, through the exercise of its police power, the use of the Rights-of-Way, and the space above and beneath said Rights-of-Way; and the Town retains the right to impose such other local codes or administrative regulations as may be determined by the Town to be necessary in the exercise of the police power to protect the health, safety, and welfare of the public.
  - (D) Neither the Town nor the Company waives any rights under the statutes and constitution of the State of Colorado or of the United States except as otherwise specifically stated in this Franchise.
  - (E) This Franchise constitutes a valid and binding contract between the Company and the Town. In the event that the Franchise Fee (defined below) is declared illegal, unconstitutional, or void for any reason by any court or other proper authority, the Company shall be contractually bound to collect and pay monthly rental fees to the Town in an aggregate amount that would be, as nearly as practicable, equivalent to the amount which would have been paid by the Company as a Franchise Fee as consideration for use of the Town's Rights-of-Way.
  - (F) Nothing in this Franchise shall prohibit the Company from using its Facilities as authorized by applicable laws and regulations, including leasing its Facilities to any

third-party. The Company shall not take any unilateral action which materially changes the mutual promises in this Franchise.

### **ARTICLE 3 TERM OF FRANCHISE**

- 3.1 Term of Franchise. This Franchise shall take effect on its adoption by the Board of Trustees, and shall supersede any prior franchise grants to the Company by the Town relating to the Utility Service. Unless terminated prior to twenty (20) years in accordance with other provisions of this Franchise, the term of this Franchise shall be for twenty (20) years. Notwithstanding the foregoing, the Franchise is not deemed by the Town to be a multi-year fiscal obligation. Nevertheless, any monies required by the Town to be expended under this Franchise shall be subject to annual appropriation by the Town.

### **ARTICLE 4 FRANCHISE FEE**

- 4.1 Franchise Fee.
- (A) In consideration for the rights granted in this Franchise, which provide, among other things, for the Company's use of the Rights-of-Way, which are valuable public properties acquired and maintained by the Town at great expense to its Residents, and in recognition that the grant to the Company of the use of those Rights-of-Way, and of the right to provide service to the Town's Residents, which are valuable rights, the Company shall collect and pay the Town the sums provided in this Section. Except as specified in this Franchise, payment of the Franchise Fee shall not exempt the Company from any other lawful taxes or fees; however, the Franchise Fee shall constitute the exclusive monetary payment by the Company to the Town for the Company's use and occupancy of the Rights-of-Way except as specifically provided for in this Franchise.
  - (B) The Company shall collect from its customers within the Town limits and pay to the Town a sum of three percent (3%) of its annual Gross Revenue derived from the sale of electricity to Residents, excluding Industrial Customers, within the corporate limits of the Town (the "Franchise Fee"). The Company will not collect said 3% Franchise Fee from the Town for Utility Service provided directly or indirectly to the Town for its own consumption, including street lighting service.
  - (C) A transaction or arrangement between the Company and any third-party which has the effect of circumventing payment of required Franchise Fees or evasion of payment of Franchise Fees by non-collection, non-reporting, or any other means which evade the actual collection of revenues by the Company for services delivered over the system or businesses the Company pursues derived from the operation of the system is prohibited except any such transaction which may be required by law.

- (D) No acceptance of payment by the Town from the Company shall be construed as an agreement that the amount paid is the correct amount, nor shall acceptance be construed as a release of any claim of which the Town may have for additional sums due and payable under this Franchise.
- 4.2 Remittance Schedule. The Company shall remit the Franchise Fee to the Town in monthly installments not more than thirty (30) days following the close of each month. All payments shall be made to the Town. In the event that either the Town or the Company discovers that there has been an error in the calculation of the Franchise Fee payment to the Town, the error shall be corrected in the next monthly payment; except that, in the event an error by the Company results in an overpayment of the Franchise Fee to the Town, and said overpayment is in excess of Ten Thousand Dollars (\$10,000), credit for the overpayment shall be spread over the same period the error was undiscovered. If the overpayment is less than Ten Thousand Dollars (\$10,000), credit shall be taken against the next payment. In no event shall either Party be required to credit or pay any under- or overpayment which occurred more than three (3) years prior to the discovery of the error. Underpayments shall be subject to up to 1 ½% interest per month until paid or credited in full.
- 4.3 Franchise Fee Payment not in Lieu of Permit or Other Fees. Payment of the Franchise Fee by the Company is accepted by the Town in lieu of any utility occupation tax or any rental fee, for the Company's use or occupation of Town's Rights-of-Way, or for the installation, operation and maintenance of Company Facilities. Payment of the Franchise Fee does not exempt the Company from any other lawful tax or fee, including any fee for an excavation permit, street cut permit, or similar requirement.
- 4.4 Changes in Town Boundaries. The Town shall reasonably notify the Company in writing of annexations (or de-annexation) of property into (or out of) the domain of the Town so that DMEA may appropriately adjust its collection of the Franchise Fee from Residents within the Town limits. Any amounts received for Utility Services provided to customers within the new Town limits will be included in the Gross Revenues no later than ninety (90) days after such written notice. The Company shall not be required to retroactively collect or pay any Franchise Fees on such Utility Services from Residents in any annexed area of the Town if the Town fails to provide written notice of the annexation to the Company.

## **ARTICLE 5 MODIFICATION OF FRANCHISE FEE**

- 5.1 Change of Franchise Fee and Other Terms. In recognition of the length of the term of this Franchise, and in further recognition of the possibility of legislative and/or regulatory amendments which may allow for the wheeling of electricity through Facilities owned by the Company and located within the Town, the Parties agree that in the event of such legislative or regulatory amendments, or in any unexpected event which would result in a significant decrease in fees collected on behalf of the Town, the Company and the Town may agree to modify the computation of the Franchise Fee. Said modified computation may

be based upon volume of electricity delivered rather than the percentage of revenue, at the Town's discretion. The Parties agree, to the extent permitted by law, to cooperate in modifying section 4.1(B) of this Franchise to assure that the Company collects, and the Town receives the Franchise Fees or some other form that is at least the same amount as the Franchise Fees collected by the Company as of the effective date of this Franchise, and for any increases in usage.

In the event that the computation of the Franchise Fee is modified and based upon volume of electricity delivered in accordance with the provisions of this Franchise, both Parties agree that, to the extent allowable by law, the Company shall be responsible for the collection of such Franchise Fee as measured against the total amount of kilowatt-hour consumption of electricity in each month by each Resident, from all electric providers and/or distributors. Both Parties further agree that such volumetric computation shall be subject to annual adjustment to reflect inflation in accordance with a mutually acceptable price index.

Modification of the Franchise Fee as provided herein is an express term of this Agreement.

## **ARTICLE 6 DISCLOSURE OF RECORDS**

### **6.1 Town Information Rights.**

- (A) The Town or its designated representative or agent, shall have access to the books and records of the Company relevant for the purpose of ascertaining compliance with the terms of this Franchise during normal business hours upon reasonable notice. The Town may use such information for the purposes of enforcing its laws, ordinances, and regulations. Nothing in this Franchise shall exempt the Company from any other requirements regarding the production of information as provided in the laws, ordinances and regulations of the Town.
- (B) To the extent allowable by law, the Company shall supply the Town with all of the following information annually without cost to the Town:
  - (1) Annual reports, including but not limited to, its annual report to its consumers; and
  - (2) Annual financial summaries of the revenues collected within the Town during the previous year.
- (C) To the extent allowable by law and reasonably available, the Company shall supply the Town with all of the following information upon written request:
  - (1) Copies of the official minutes of Board of Directors meetings for the previous year;



- (2) A summary of conversions and replacements within the Town which have been accomplished or are underway by the Company, if applicable;
- (3) The Company's plans for additional conversions and replacements within the Town, if applicable;
- (4) Copies of tariffs including but not limited to all tariffs, rules, regulations, and policies relating to service by the Company to the Town and its Residents;
- (5) Copies of supporting documentation for the calculation of the Franchise Fee;
- (6) An inventory of the Company's Facilities within the Town; and
- (7) Annual and long-term reports for capital improvements planned within the Town.

- 6.2 Enforcement of Town Ordinances. The Town may use the Company's metered information obtained from audits for the purposes of enforcing its laws, ordinances, and regulations.
- 6.3 Protection of Confidential Information. Except as expressly authorized in this Franchise, or as may be considered a public record under Colorado law, all information obtained by the Town pursuant to this Section 6 shall be kept confidential and shall be utilized for the sole purpose of verifying that the Franchise Fee has been correctly computed and paid.

## **ARTICLE 7 RATES**

- 7.1 General Provisions. Rates charged by the Company for service provided pursuant to this Franchise shall be fair and reasonable. The Company agrees that it shall be subject to all authority now or hereafter possessed by any regulatory body having jurisdiction to fix just, reasonable, and compensatory electric rates. The Company further agrees that the system shall be so designed, constructed, and sources of electricity utilized as to provide the most economic development and favorable rate structure possible while taking into account deliverability of electricity and other pertinent design conditions which maintain high safety and service reliability standards.
- 7.2 Comparable rates. For each rate category within the Company's service area, the rates charged to customers within the Town shall be no higher than the lowest rates charged to the Company's customers in the same rate category, excluding franchise fees, rental fees, surcharges and other taxes, if applicable.
- 7.3 Rates applicable to Town Street Lighting and Town-owned facilities. Rates charged to the Town by the Company for street lighting and Town-owned facilities shall be no higher than the lowest rates charged to the Company's customers for the same rate category, excluding franchise fees, rental fees, surcharges and other taxes, if applicable.

**ARTICLE 8**  
**SUPPLY, CONSTRUCTION AND DESIGN**

8.1 Supply; Reliability.

- (A) The Company shall at all times take all reasonable and necessary steps to assure the adequate supply, transmission, and distribution of electricity to the Town and its Residents at the lowest reasonable cost consistent with the terms of this Franchise. In addition, the Company shall operate its Facilities pursuant to the highest practicable level of service quality and reliability in providing electricity to the Town and its Residents. The Company recognizes that maintaining service reliability is a substantial obligation under this Franchise. Upon the Town's request, the Company will provide the Town copies of service reliability reports.
- (B) If the supply, transmission, or distribution of electricity to the Town or any Resident is interrupted, the Company shall take all necessary and reasonable actions to restore such supply in the shortest practicable time. If the supply of electricity is to be interrupted due to a planned outage, except in cases of emergency outage repair, the Company shall take adequate reasonable efforts to notify its customers and the Town in advance. The Company shall keep on file in its office and/or on its website, copies of its rate schedules, standards for service, rules, policies, and regulations concurrently in effect or filed with the PUC or other competent authority having jurisdiction in the premises, which copies shall be made available to the Town and its Residents upon written request.
- (C) The Company shall provide to the Town telephone numbers of the Company's dispatch center that will permit the Town to obtain status reports from the Company on a twenty-four hour basis concerning interruptions of the supply of electricity in any portion of the Town. The Town agrees that any non-published Company telephone numbers shall be considered confidential and not disclosed to any third-parties, to the extent permitted by law.

8.2 Obligations Regarding Company Facilities.

- (A) All work by the Company shall be done:
  - (1) in a high-quality manner;
  - (2) in a timely and expeditious manner;
  - (3) in a manner which minimizes inconvenience to the public and individuals;
  - (4) in a cost-effective manner, which may include the use of qualified private contractors; and
  - (5) in accordance with Company policies and procedures but all times subject to applicable laws, ordinances, and regulations.

- (B) The installation, repair, or maintenance of Company Facilities shall not interfere with other uses of the Rights-of-Way, including but not limited to water facilities, sanitary or storm sewer facilities, communication facilities. Interference with private property, landscaping and other natural features shall be minimized. Company will use reasonable efforts to not unduly interfere with the rights or reasonable convenience of property owners who adjoin the Rights -of-Way.
- (C) The Company shall promptly repair all damage caused by Company activities or Facilities within the Town to substantially its former condition. If such damage poses a threat to the health, safety, or welfare of the public or individuals, the Town may cause repairs to be made, and the Company shall promptly reimburse the Town for the reasonable cost of such repairs. The Company shall undertake this repair of the Rights-of-Way at its own expense, restoring any damage or disturbance as a result of its operation, construction, or maintenance of the Facilities to a condition reasonably comparable to the condition of the Rights-of-Way immediately prior to such damage or disturbance, in a workmanlike manner subject to the approval by the Town, and in accordance with the Town Municipal Code. The Company shall use due care not to interfere with or damage any water mains, sewers, or other structures now in place or which may hereafter be placed in the Rights-of-Way, and the Company shall, at its own expense, repair in a workmanlike manner subject to the approval of the Town and in accordance with the provisions of the Town Municipal Code, any such water mains, sewers, or other structures which are damaged through the action of the Company, provided, however, that the Town may make such repairs and charge the reasonable cost thereof to the Company. Except as otherwise specifically provided herein, the Town retains the right to use, control, and regulate, through the exercise of its police power, the use of streets, and other public ways and places, and the Town retains the right to impose such other regulations as may be determined by the Town to be necessary in the exercise of the police power to protect the health, safety and welfare of the public. Notwithstanding anything to the contrary in this Franchise, provided that the Company has followed its requirements under Colorado's 811 "call-before-you-dig" law, the Company shall not be responsible for the repair or cost of any damages due to an improperly identified locate or an unidentified water main, sewer, or other structure.
- (D) All non-electrical work performed by the Company is subject to inspection, by the Town and a determination by the Town that said work has been performed in accordance with all applicable laws, ordinances, and regulations of the Town. The Company shall promptly perform reasonable remedial action required by the Town pursuant to any such inspection. The Company shall have the authority under this Franchise to cut, prune, and/or remove vegetation in accordance with its standard vegetation management requirements and procedures. Upon request by the Town and in accordance with Company's applicable policies, Company will provide as-built drawings, but only if such drawings exist, for Company Facilities in the Rights-of-Way.

- (E) Except in emergency situations, where the installation, upgrade or replacement of any Facilities in the Rights-of-Way by or on behalf of the Company requires relocation of Company Facilities in the Rights-of-Way, the location shall be subject to inspection and approval by the Town; provided that, the Town agrees that such location shall be consistent with the current location of any upgrade or replacement of any existing Facilities, for example, overhead Facilities shall remain overhead and underground Facilities shall remain underground. Such inspection and approval may include, but not be limited to, the following matters implicated by relocation of Facilities in the Rights-of-Way: cutting and trimming of trees and shrubs and disturbance of pavements, sidewalks, and surfaces of streets.
- (F) The Company and all of its contractors shall comply with all applicable Town laws, ordinances, and regulations. The Company shall require its contractors working in the Rights-of-Way to hold the necessary licenses and permits required by the Town and other entities having jurisdiction.
- (G) The Company shall provide, when available, as-built drawings in digital formats and providing such details as reasonably requested by the Town in accordance with Company's applicable policies, of each Company Facility which exists within the Town.

8.3 Excavation and Construction. The Company shall be responsible for obtaining all applicable permits, including any excavation and/or street cut permits, in the manner required by the laws, ordinances, and regulations of the Town. All public and private property whose use conforms to restrictions in public easements disturbed by Company construction or excavation activities shall be restored by the Company at its expense to substantially its former condition according to then existing Town laws, ordinances, and regulations.

8.4 Relocation of Company Facilities.

- (A) Except as provided in 8.4(B) below, relocation of electric Facilities installed or maintained in the Rights-of-Way or Town property pursuant to this Franchise or any previous franchises shall be made by the Company at its expense, if at any time the Town requests the Company to relocate the same in order to permit the construction of a Public Project.
- (B) The provisions of 8.4(A) above are intended to be applied to Public Projects only. The provisions shall not apply, and the Company shall not be responsible for, payment of costs associated with relocation of Facilities when the following apply:
  - (1) relocation of the Facilities is primarily for aesthetic purposes, beautification or view protection; or
  - (2) relocation involves Facilities owned by the Company in privately held easements, including without limitation, Facilities located in prescriptive easements benefitting the Company; or

- (3) relocation involves existing underground utilities properly located within public easements according to Town specifications, if such relocation is not necessary to the Public Project.
  - (C) The Company shall complete such relocations as soon as practicable from the date when the Town makes its request, but in any event within 90 days after such request; except that the Company may be granted an extension of time for completion equivalent to any delay caused by conditions not under its control. Upon written request, the Town may extend the period of time for completion of a relocation where the scope of the relocation and/or existing circumstances makes a 90-day completion time unreasonable. In such cases, the Town's consent to a longer completion time shall not be unreasonably withheld or conditioned.
  - (D) When requested by the Town or the Company, representatives of the Town and the Company shall meet to share information regarding anticipated Town projects that will require relocation of Company Facilities. Such meetings shall be for the purpose of providing both Parties the opportunity to, in good faith, evaluate reasonable alternatives and/or cost saving measures in an attempt to minimize the fiscal impact upon the Company from the proposed relocation, and establish timetables with anticipated commencement and completion dates.
  - (E) Following relocation, all property shall be restored to substantially its former condition by the Company at its expense (or at Town's expense in accordance with Section 12.1) in accordance with then existing Town laws, ordinances, and regulations.
  - (F) The Town shall use its best efforts to obtain funding for utility relocations in connection with Public Projects receiving federal or state funds. When public funds are utilized for the purposes of utility relocation, the Town shall utilize said funds for Company utility relocations in a manner consistent with other utility relocations.
  - (G) No expenses pursuant to this article paid or reimbursed shall be surcharged specifically against Residents of the Town.
- 8.5 Service to New Areas. If the boundaries of the Town are expanded during the term of this Franchise, the Company shall extend service to Residents in the expanded area at the earliest practicable time and in accordance with the Company's extension policy. Service to the expanded area shall be in accordance with the terms of this Franchise, including payment of Franchise Fees.
- 8.6 Town Not Required to Advance Funds. Upon receipt of the Town's authorization for billing and construction, the Company shall extend its Facilities to provide Utility Service to the Town for municipal uses within the Town limits or for any major municipal facility outside the Town limits, and within the Company's certificated service area, without requiring the Town to advance funds prior to construction. Upon completion, the Town shall pay all invoices within 30 days of receipt.

8.7 Technological Improvements.

- (A) The Company shall generally introduce and install, as soon as practicable, technological advances in its equipment and Utility Service within the Town when such advances are technically and economically feasible and are safe and beneficial to the Town and its Residents.
- (B) While maintaining flexibility in the provision of Utility Services, the Company's system shall, at all times, be no less advanced than any other system operated by the Company within the Company's service area; provided, however, should an upgrade of the Utility Services provided to customers within the Town be requested by the Town Board of Trustees, the Company shall have the right to meet, confer, and negotiate with the Town concerning the economic practicality of such an upgrade, giving due consideration to the remaining term of the Franchise and other reasonable incentives. The Company shall submit to the Town related information upon the Town Board of Trustees' request, including, but not limited to a plan for provision of such services, or a justification indicating the reason(s) such services are not feasible for the Company's customers within the Town. Company retains the right to make the final decision as to the technological improvements and/or upgrades made by the Company.

8.8 Scope of Activities Authorized By Franchise. The provisions of this Franchise apply specifically to electric services, including telecommunications relating to electric services. Nothing in this agreement precludes the Company from engaging in any other lawful activities that are not subject to franchise agreements.

8.9 Service Standards. Upon reasonable written request of the Town in accordance with the Company's information request policy and subject to applicable confidentiality protections, the Company shall use reasonable efforts to prepare and submit (no more than annually) to the Town a map, in format reasonably determined by Company, showing the reasonable depiction of the location of the Company's systems within the Town of Paonia.

8.10 No Discrimination. The Company shall not deny service, deny access, or otherwise discriminate against Residents on the basis of race, color, religion, national origin, age or sex.

## **ARTICLE 9 COMPLIANCE**

9.1 Town Regulation. The Town expressly reserves, and the Company expressly recognizes, the Town's right and duty to adopt, from time to time, in addition to the provisions herein contained, such laws, ordinances, and regulations deemed necessary by the Town in the exercise of its police power for the protection of the health, safety, and welfare of its citizens. The Company shall comply with all applicable laws, ordinances, and regulations of the Town, including but not limited to all Town building and zoning codes, and requirements regarding curb and pavement cuts, excavating, digging, and other construction activities.

- 9.2 Town Review of Plans. Prior to construction of any significant electric Facilities such as transmission lines and substations within the Town, or of a building or other structure within the Town, the Company shall furnish to the Town the plans and a description of the proposed location of such Facilities, building, or structure. In addition, upon request by the Town, the Company shall assess and report on the impact of its proposed construction on the Town environment. Such plans and reports may be reviewed by the Town to ensure that all applicable laws, including building and zoning codes and air and water pollution requirements, are met, that aesthetic and good planning principles have been given due consideration, and that adverse impact on the environment has been minimized. The Company shall comply with all regulatory requirements of the Town and shall incorporate all other reasonable changes requested by the Town.
- 9.3 Inspection. The Town shall have the right to inspect, at all reasonable times, any portion of the Company's Facilities in the Town's Rights-of-Way. The Company agrees to cooperate with the Town in conducting the inspection and to correct any safety issues affecting the Town's interest in a prompt and efficient manner. Said inspection shall be performed only by qualified inspectors working under a professional engineer's license.

## **ARTICLE 10 USE OF COMPANY FACILITIES**

- 10.1 Town Use. The Town shall be permitted to make all reasonable use of the Company's distribution poles and street lighting poles for any Town purpose so long as such use complies with appropriate safety codes, including the Company's safety regulations. To the extent permitted by law, said use shall be without cost to the Town so long as such use does not unreasonably interfere with the Company's use of its Facilities for distribution of electricity or telecommunications services or create a hazard. The Town shall be responsible for all costs, including maintenance costs, associated with any modifications to the Company's Facilities to accommodate the Town's use of such Facilities. To the extent permitted by law, the Town shall hold harmless and indemnify the Company for the Town and its employees, agents, and representatives acts or failures to act related to the Town's use of Company's Facilities.
- 10.2 Non-Competitor's Use. The Company shall allow telecommunications companies and/or cable companies who hold a franchise or encroachment permit from the Town to utilize the Company's distribution poles and other suitable overhead structures for the placement of their facilities based upon the Company's joint use pole attachment agreement, so long as such terms and conditions are not inconsistent with the Company's obligations under this Franchise. The Company shall not be required to assume any liability nor to be put to any additional expense in connection with any such use; nor be required to permit any such use for the distribution of electricity. No such use shall be required if it would constitute a safety hazard or would unreasonably interfere with the Company's existing or documented future use of the same.

- 10.3 Competitor's Use. If the Company chooses, or is required by law, to transport electricity supplied by other entities over the Company's Facilities to Town Residents, such transportation shall not be prohibited under this Franchise. The Company shall periodically report to the Town a list of all entities for which the Company is providing such transport services, and to the extent allowable by law the names and addresses of each such entity and each Town Resident to whom electricity is transported, and the amount of electricity transported by the Company for each such entity. Nothing in this Franchise shall preclude the Town from collecting from such entities or Residents all applicable taxes and fees required by the Town's laws, ordinances, and regulations.
- 10.4 Emergency Use. In the case of any emergency or disaster, the Company shall, upon reasonable request of the Town, make available its Facilities for emergency use during the emergency or the disaster period. Such use of Company Facilities shall be of a limited duration and will only be allowed if the use does not interfere with the Company's own use of its Facilities occasioned by such emergency or disaster. To the extent permitted by law, the Town shall hold harmless and indemnify the Company for the Town and its employees, agents, and representatives acts or failures to act related to such use of Company's Facilities.
- 10.5 Trenches Available for Town Use. The Town and Company agree that it is in the best interest of the community for the Town and Company to share and combine Company Facilities and Town facilities in common trenches, ductways, etc. The Company and Town agree to work together to see that such facilities are combined to minimize impacts to the community. The Town's installation of its facilities shall not interfere with the Company's Facilities or delay the commencement or completion of the Company's construction projects.

## ARTICLE 11 INDEMNIFICATION OF THE TOWN

- 11.1 Town Held Harmless.
- (A) The Company shall construct, maintain, and operate its Facilities in a manner which provides reasonable protection against injury or damage to persons or property; provided, however, said obligation of the Company shall not increase or decrease its liability on third-party claims.
- (B) The Company shall save the Town, its officers, boards, commissions, agents, and employees, harmless and indemnify the Town from and against all liability or damage and all claims or demands whatsoever in nature, and reimburse the Town for all its reasonable expenses, including attorneys' fees, arising out of the operations of the Company within the Town and the securing of and the exercise by the Company of the rights granted in this Franchise, including any third-party claims, administrative hearings and litigation. Notwithstanding anything in this Franchise to the contrary, the Company shall not be obligated to indemnify or hold the Town



harmless to the extent any claim, demand or liability arises out of, or in connection with, any intentional or negligent act or failure to act of the Town or any of its officials, agents or employees, or the extent that any claim, demand or liability arises out of, or in connection with, the use of any facilities of the Town.

- (C) The indemnification extended pursuant to this Franchise shall include delay damages as that term is contemplated in C.R.S. § 24-91-103.5 *et seq.*, as amended from time to time, or any successor law thereto, awarded against the Town in favor of contractors for damages incurred by contractors for delays experienced in the performance of public works contracts entered into with the Town; provided, however, that said indemnification shall extend only to those delays in performance of public works contracts for which the Company either agrees it is responsible or which were caused as the result, in whole or in part, of the acts or omissions of the Company in the performance of its obligations under this Franchise. Unless the Company otherwise agrees in writing, in no event shall the Company be required to indemnify the Town for any delay damages awarded against the Town unless and until a final determination has been made by a court of competent jurisdiction that the delay damages suffered by a contractor were the result of the acts or omissions of the Company acting on behalf of or within the Town's control. Nothing contained in this Franchise shall be construed as an acknowledgment by the Parties that the Company, in exercising its rights and obligations under this Franchise, is an entity controlled by, subject to the control of or acting on behalf of the Town for the purposes of C.R.S. § 24-91-103.5, *et seq.*
  - (D) In the event of litigation for a breach of this Franchise or for an interpretation of this Franchise, the prevailing party shall be reimbursed for all costs related thereto, including reasonable attorney's fees by the non-prevailing party.
  - (E) Notwithstanding any provision in this Franchise to the contrary, the Company shall not be obligated to indemnify, defend or hold the Town harmless in any manner inconsistent with the doctrine of comparative negligence in Colorado.
- 11.2 Notice to Company. The Town will provide prompt written notice to the Company of the pendency of any claim or action against the Town arising out of the exercise by the Company of its Franchise rights. The Company will be permitted, at its own expense, to appear and defend or to assist in defense of such claim.
- 11.3 Financial Responsibility. At the Town's request, but not more frequently than annually, the Company shall submit to the Town, as a confidential document, proof of its ability to meet its obligations under this Franchise, including its ability to indemnify the Town as required by this Article. This proof may take the form of insurance coverage, adequate funding of self-insurance, or the provision of a bond. The Company shall supply the Town with a list of its insurance companies with the types of coverage, but not levels of insurance; provided however, that during the term of this Franchise, the Company will maintain and carry, subject to appropriate levels of self-insurance, at least the following types and amounts of insurance coverage: (i) commercial general liability with limits no less than \$1,000,000 for each occurrence and \$2,000,000 in the aggregate; (ii) worker's compensation with limits no

less that the minimum amount required by applicable law, (iii) commercial automobile liability with limits no less than \$1,000,000, combined single limit; and (iv) umbrella (excess) liability, with limits no less than \$5,000,000. The Town may require, from time to time, and the Company agrees to provide, additional reasonable funding of the Company's indemnification obligations as a self-insured, if the Company is acting as a self-insurer.

- 11.4 Payment of Ordinance Expenses. At the Town's option, the Company shall reimburse the Town for reasonable and proportionate expenses incurred in publication of ordinances and initial implementation of this Franchise, with such costs not to exceed \$500. No such expenses paid or reimbursed shall be surcharged specifically against residents of the Town.

## **ARTICLE 12 UNDERGROUNDING OF OVERHEAD FACILITIES**

- 12.1 Undergrounding of Facilities at Expense of Town. Upon request by the Town, the Company agrees to underground existing overhead Facilities at the Town's expense, except when relocation is otherwise required in accordance with the provisions of § 8.4(A), in which case the cost to relocate the Facilities underground shall be paid by the Town, reduced by the cost of construction had the Facilities been relocated above ground.
- 12.2 Cooperation with Other Utilities. When undertaking a project of undergrounding, the Town and the Company shall coordinate with other utilities or companies which have their facilities above ground to attempt to have all facilities undergrounded as part of the same project. When other utilities or companies are placing their facilities underground, the Company shall cooperate with these utilities and companies and undertake to underground Company facilities as part of the same project where feasible.
- 12.3 Review and Planning for Undergrounding Projects. The Town and the Company shall mutually plan in advance the scheduling of approved undergrounding projects to be undertaken according to this Article as a part of the review and planning for other Company construction projects. The Town and the Company agree to meet, as required, to review the progress of the current undergrounding projects and to review planned future undergrounding projects. The Company agrees to use due diligence to see that approved undergrounding projects are, to the extent reasonably practicable, completed prior to the expiration of this Franchise. The Company need not approve an undergrounding project if it would create a significant risk to safety or operational integrity, but it shall provide to the Town written notification of any such non-approval and the grounds, therefore.

## **ARTICLE 13 TRANSFER OF FRANCHISE**

- 13.1 Consent of Town Required. The Company shall not sell, re-sell, transfer, assign or convey any rights under this Franchise, to any unaffiliated third-party, including any merger with such unaffiliated third-party, nor undergo any corporate reorganization or other change which would result in any modification of the Company's obligations under this Franchise, without first obtaining written approval of the Town; provided, however, that this condition

shall not be construed to restrict or prevent the issuance of bonds, debentures, or other evidence of indebtedness, or the issuance of additional stock, needed or useful for the purpose of financing the system or any portion thereof. Should the Company sell, assign, transfer, convey, or otherwise dispose of its rights or interests under this Franchise, without the proper approval, the Town may revoke this Franchise. Upon revocation, all rights and interests of the Company under this Franchise shall cease. For the purposes of this Section, a change of control of the Company is a transfer.

## ARTICLE 14 MUNICIPALIZATION

### 14.1 Town's Right To Purchase Or Condemn.

- (A) The right of the Town to construct, purchase, or condemn any public utility works or ways, and the Facilities and rights of the Company in connection therewith, as provided by the Colorado Constitution and statutes, is expressly reserved, and may be exercised by the Town only in accordance with such statutes and law in effect as of the date of this Franchise, including Article II, Section 15 of Colorado Constitution and C.R.S. § 40-9.5-201, *et seq.*
- (B) The Company understands and agrees that the right of the Town to construct, purchase, or condemn any public utility works or ways, and the Facilities and rights of the Company in connection therewith, as provided for, and limited by, Article II, Section 15 of Colorado Constitution and C.R.S. § 31-15-707 *et seq.*, with the amount of compensation as provided by C.R.S. § 40-9.5-201 *et seq.*, are hereby expressly reserved, and that such right may be exercised at any time by the Town.
- (C) In the event the Town exercises its option to purchase or condemn, the Company agrees that it will continue to maintain its Facilities and to supply any service it supplies under this Franchise, in whole or in part, at the Town's request, for up to a twenty-four month period after the Town has either purchased or condemned the Company's Facilities or alternative arrangements have been made. Both Parties will exercise due diligence to wind up the affairs as soon as practical.
- (D) The Company shall cooperate with the Town by making available such records as will enable the Town to evaluate the feasibility of acquisition of Company Facilities. The Company shall not be required to conduct studies or accrue data without reimbursement by the Town but shall make such studies if reimbursed its costs for the same. The Company shall take no action, which could inhibit the Town's ability to effectively or efficiently use the acquired Facilities.
- (E) Notice of Intent to Purchase or Condemn. Unless the Town and Company agree otherwise, the Town shall provide the Company no less than one (1) year's prior written notice of its intent to purchase or condemn Company Facilities. Nothing in this Section shall be deemed or construed to constitute a consent by the Company to

the Town's purchase or condemnation of Company Facilities, nor a waiver of any Company defenses or challenges related thereto.

- 14.2 Negotiated Purchase Price or Condemnation Award. If the Town desires to purchase Company Facilities and if the Company desires to sell such Facilities, the Parties shall negotiate in good faith to determine a mutually acceptable purchase price in accordance with C.R.S. § 31-15-707 (to the extent it is not in conflict with C.R.S. §40-9.5-204), and C.R.S. § 40-9.5-204, as such statute was in effect as of the date of this Franchise, for up to ninety (90) days; said purchase price shall exclude the value of this Franchise. If agreement is not reached, the Town and the Company reserve all rights to assert their respective positions with respect to the steps the Town would need to take to condemn Company Facilities; however, no award shall be made for the value of this Franchise.
- 14.3 Town-Produced Electricity. The Company understands and agrees that the Town expressly reserves the right to obtain or produce electricity for its own purposes and wholesale transactions, and the Town may exercise that right at any time. The Company shall not curtail wholesale purchases of Town-generated electricity.
- 14.4 Purchase of Real Property of Company by Town. If at any time during the term of this Franchise, the Company proposes to sell or dispose of any of its real property held in fee simple located in whole or in part in the Town, it shall grant to the Town the right of first refusal to purchase the same. Nothing in this provision shall preclude the Company from disposing of its real property in a timely fashion.
- 14.5 Purchase or Condemnation of Street Lighting System. The provisions of this Article apply with full and equal force to the purchase or condemnation by the Town of all or a portion of the street lighting service provided by the Company, including all or a portion of any Company owned street lighting facilities, equipment, system, and plant. The Company understands and agrees that the Town may choose to so purchase or condemn such street lighting service at any time; provided that any such condemnation is in accordance with the law.
- 14.6 Exercise of Rights Under This Article. The Town recognizes that when the Company evaluated the economic feasibility of withdrawing from its previous wholesale electric service contract, the Company reasonably expected that it would continue long-term Utility Service within the Town's municipal boundaries until at least March 1, 2033. In light of this expectation and notwithstanding anything to the contrary in this Franchise, the Town agrees that if it exercises any of its rights under this Article 14 prior to March 1, 2033, then the Town will compensate the Company for decreased Utility Service sales to address the Company's revenue shortfall that would otherwise not exist through that 2033 date. In the case of purchase or condemnation before March 1, 2033, the Town and Company agree that such amount shall be added to the purchase price calculation in Section 14.2 and is part of the fair market value for any such purchase or condemnation.

## ARTICLE 15 BREACH

- 15.1 Breach. Except as otherwise provided in this Franchise, if a Party (the "Breaching Party") to this Franchise fails or refuses to perform any of the terms or conditions of this Franchise (a "Breach"), the other Party (the "Non-Breaching Party") may provide written notice to the Breaching Party of such Breach. Upon receipt of such notice, the Breaching Party shall be given a reasonable time, not to exceed ninety (90) days in which to remedy the Breach or, if such Breach cannot be remedied in ninety (90) days, such additional time as reasonably needed to remedy the Breach, but not exceeding an additional ninety (90) day period, or such other time as the Parties may agree. If the Breaching Party does not remedy the Breach within the time allowed in the notice, the Non-Breaching Party may exercise any legal rights or remedies available at law, including without limitation, specific performance of the applicable term or condition to the extent allowed by law and recovery of actual damages, but excluding any special, punitive or consequential damages.
- 15.2 Other Legal Remedies. Nothing in this Franchise shall limit or restrict any legal rights or remedies that either Party may possess arising from any alleged violation of this Franchise.
- 15.3 Continued Obligations. Upon termination of the Franchise, the Company shall continue to provide Utility Service to the Town and its Residents (and shall continue to have associated rights and grants needed to provide such service) until the Town makes alternative arrangements for such service and until otherwise ordered by the PUC and the Company shall be entitled to collect from Residents and, upon the Town complying with applicable provisions of law, shall be obligated to pay the Town, at the same times and in the same manner as provided in this Franchise, an aggregate amount equal to the amount which the Company would have paid as a Franchise Fee as consideration for use of the Rights-of-Way. Unless otherwise provided by law, the Company shall be entitled to collect such amount from Residents.

## ARTICLE 16 APPROVAL; AMENDMENTS

- 16.1 Approval of Franchise. The Company shall promptly file, in writing, its acceptance of this Franchise upon approval of this ordinance by the Town Board of Trustees.
- 16.2 Terms Impacted by Legislative and Regulatory Changes. The Town and the Company recognize that the electric utility industry is the subject of numerous restructuring initiatives by legislative and regulatory authorities. Some of the initiatives and changes may have an effect upon the terms that would be adverse to the customers within the Town and/or of the Company. In the event of such regulatory changes, the Town and the Company may need to amend various provisions of this Franchise and agree to negotiate in good faith in reaching such amendments.
- 16.3 Proposed Amendments. At any time during the term of this Franchise, the Town or the Company may propose amendments to this Franchise by giving thirty (30) days written

notice to the other of the proposed amendment(s) desired, and both Parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). However, nothing contained in this Section shall be deemed to require either Party to consent to any amendment proposed by the other Party.

## **ARTICLE 17 MISCELLANEOUS**

- 17.1 No Waiver. Neither the Town nor the Company shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions, to insist upon or to seek compliance with any such terms and conditions. Neither the Town or Company waives any rights under statutes or the Constitution of the State of Colorado or of the United States except as otherwise specifically set forth in this Franchise.
- 17.2 Successors and Assigns. The rights, privileges, and obligations, in whole or in part, granted and contained in this Franchise shall inure to the benefit of and be binding upon the Company, its successors and assigns, to the extent that such successors or assigns have succeeded to or been assigned the rights of the Company pursuant to Article 13.
- 17.3 Third-Parties. Nothing contained in this Franchise shall be construed to provide rights or remedies to third-parties.
- 17.4 Notice. The Company and the Town shall designate the persons to whom notices shall be sent regarding any action to be taken under this Franchise. All Notice shall be in writing and forwarded by mail or hand delivery to the persons and addresses as stated below, unless changed by written notice given to the other. Until change is made, notices shall be sent as follows:
- |  |   |
|--|---|
| <p>To the Town:<br/>Mayor<br/>PO Box 460<br/>214 Grand Avenue<br/>Paonia, CO 81428</p> | <p>To the Company:<br/>Chief Executive Officer<br/>11925 6300 Road<br/>Montrose, Colorado 81401</p> |
|--|---|
- 17.5 Severability. Should any one or more provisions of this Franchise be determined to be illegal or unenforceable, all other provisions nevertheless shall remain effective; provided, however, the Parties shall enter into good faith negotiations and proceed with due diligence to draft a substitute term which will achieve the original intent of the Parties.
- 17.6 Entire Agreement. This Franchise constitutes the entire agreement of the Parties with respect to the matters contained in this Franchise and supersedes any and all prior written or oral agreements, negotiations, correspondence, understandings and communications with respect to this Franchise.

- 17.7 Construction and Enforcement. Colorado law shall apply to the construction and enforcement of this Franchise. The Parties agree that any litigation arising out of this Franchise shall be in the District Court of Delta County, Colorado.
- 17.8 Uncontrollable Forces. Neither Town nor the Company shall be in breach of this Franchise if a failure to perform any of the duties under this Franchise is due to Uncontrollable Forces.
- 17.9 Earlier Franchises Superseded. This Franchise shall constitute the only franchise between the Town and the Company related to the furnishing of Utility Service, and it supersedes and cancels all former electric franchises between the Parties.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2021, to be effective \_\_\_\_\_.

**Company:**

Delta-Montrose Electric Association, a Colorado cooperative electric association

By: \_\_\_\_\_  
\_\_\_\_\_, CEO

**Town:**

Town of Paonia, Delta County, Colorado

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



Ordinance -TBD Accessory Dwelling Units

Summary:

Review and recommendations from GAPS and Planning Commission regarding a zoning modification to allow accessory dwelling units (ADU's) in the R-1 zone district.

Additional topics for discussion:

Registration requirement for existing locations with adu's in place.  
Permitted by special review.

Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
Lucy Hunter:	Mary Bachran:		



# ADU Summary

December 2020

Accessory Dwelling Unit (ADU): Defined as a dwelling unit with all necessary facilities (kitchen, bathroom) distinct from the primary home, whether attached or detached, in the R-1 zone

GAPS Recommendations to be added to code and/or ordinance to allow ADUs

1. Code adjustments
  - a. Remove restrictive and unclear land-to-development ratio from Chapter 16, article 3. Instead, rely on required setbacks to ensure compatibility with neighborhood character
  - b. Do not include a lot square footage minimum (R-2 has a minimum 8,000 sq ft for a duplex)
2. Water requirements
  - a. Moratorium: Review with town attorney, but current understanding of the moratorium may allow for an ADU in cases where no extension of the line is required (ex. Converted garage already has water/sewer service). However, extension of a line would be disallowed by the moratorium.
  - b. When available, the allowable method to extend water to an ADU would be based on tap size; Public Works has existing guidelines on tap service capabilities
    - i. If the tap is large enough to service the anticipated water use of an extension, the homeowner can use the existing tap and add a meter for the ADU.
    - ii. If the tap is not large enough to service the anticipated water use, the homeowner would have to enlarge the tap (3/4" to 1" service) and pay the tap fee difference or purchase an additional tap
3. Parking
  - a. Recommend no minimum parking requirement for an ADU; rather, the homeowner would have to demonstrate on their application that adequate parking is available to meet their needs (whether on property or on street, in line with neighborhood character)
4. Size restrictions
  - a. Limit to the greater of 500 sq ft, or 25% of the primary dwelling floor area
  - b. Maximum 2 bedrooms/1 bathroom
  - c. No more than 1 ADU and 1 primary dwelling per R-1 lot
5. Relationship to Short-term Rentals (STRs)
  - a. Short-term rental would not be an allowable use for ADUs until the board establishes STR regulations, which are also currently under review but may take longer to finalize

**Board action requested: Suggestions for changes and/or direction to prepare a draft ordinance based on these recommendations**

**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

DRAFT

**From:** Jen Brunner

**To:** Corinne Ferguson

**Subject:** FYI

**Date:** Wednesday, April 21, 2021 7:16:22 AM

Corinne, I just sent this note to all the council and wanted to copy you.

Be well,

Jen

Town Trustee,

Please take a moment to read my concerns about the ADU and short term rental conversation:

First, you have a zoning issue. People like my Mom have purchased and enjoyed their homes in an R-1 zone, limited to one household per lot. To plopp another family on either side of her along with the noise and parking issues is not what she expected nor what she paid for. You are basically removing the zoning designation and turning all residential into R-2. Shouldn't R-1 owners have a say in this?

If properties are allowed to add another user to their water account, at the very least they should be required to pay an extra user fee for water, sewer and trash, much as I do for my residence and business, all under one roof and only used by two people. I believe current rules require the owner to purchase a tap for the additional use in a separate living unit, whether under one roof or two. This rule has not been applied for years and we've left a lot of funding on the table. More rules added and not enforced by the town.

My third concern is property tax, especially in the short term rental issue. Every entity that advertises for STR in Paonia should be required to pay commercial property tax on that portion of their property that is used in a commercial endeavor. It's a fairness issue and one that is actually regulated on a federal level. Unfair competition. Look at what AirBnB has done to the Rocky Mnt Motel. Used to be you needed a reservation two years in advance during Cherry Days or hunting season. Now, they're empty. Why? Because homeowners are not required to pay the same taxes even though they're using their property to run a business and can offer a lower rate. The town should also establish a lodging tax, including the Bross and the motel. Again, we're leaving a lot of money on the table. Check out other small towns' solutions to these issues: Nederland, Moab.

I appreciate your efforts on the council and thank you for your attention to my issues.

**From:** bill

**To:** Corinne Ferguson; Mary Bachran; Bill Bear; Karen Budinger; Mick J; Dave K; Michelle P

**Cc:** Christina Patterson; Paige; Trustee 2; Thomas Wills; Lisa Young; Tamie Meck

**Subject:** Draft ADU Comments

**Date:** Monday, May 3, 2021 4:05:23 PM

Concerning the Draft ADU ordinance, please consider:

How to enforce the stipulations?

- 1) owner occupied : what if owner is corporation or bank? What if ADU has long term lease and owner stops occupying or sells to new owner that does not occupy?
- 2) Please don't enact this during the moratorium. Half the houses in Paonia have no CO. If you let ADU's be built, they will be occupied.
- 3) Applying to R-1 means there is no longer R-1 in Paonia?
- 4) Restricting to R-1 is discriminatory to other zones. What's the reasoning? Going back to the idea of Space to Create, why exclude the L-1? Everyone was so excited about the live-work aspect of S2C(which I support). The L-1 zone is the perfect place and should have the option of at least one ADU, don' you think?
- 5) Paonia's water system needs a lot of work. Have you projected the number of units that may result in 10-20 years? 800 sq ft is the size of many houses in Paonia. This ordinance "gives away" a lot of taps! Run your own numbers, this could be hundreds of thousands of \$. Granting agencies often want to see some "self help". Forgoing a lot of revenue doesn't look great.
- 6) How do you connect to the new meter without "extending" the water line? Individual meters are required for each residence/living unit.  
See sec. 13-1-70
  - (a) Separate meters shall be required for each residence ...
  - (b) Each household unit shall be serviced by a separate water meter ... New construction of multiple household units in a single building will require separate water meters. If an additional household unit is constructed on an existing lot that has a water tap, the new structure must be provided with an additional water meter.
  - (c) Regardless of previous service record, length of service or history of the water line involved, it is hereby established that service shall be commenced only where each user is served by a separate water meter and separate service line unless exempt as outlined in this section.
- 7) You are doing this as an amendment to zoning. The parts about how taps are handled should be done in the water ordinance.
- 8) If this is enacted during the moratorium, an Initiative is likely to amend the moratorium to count an ADU as a full tap toward allowable future tap sales, to prohibit issuance of a building permit for an ADU until the moratorium is lifted and to require at least a full monthly charge for each unit if not a new tap. Please don't starve the water system.
- 9) ADU's should be by special review. That's the only way you will keep a handle on it.

Thanks for reading.

--

Bill Brunner

Bill@PaoniaIron.com

608 2nd St.


P. O. Box 172

Paonia, CO 81428

970 527 4641 office

970 260 2296 cell

AGENDA SUMMARY FORM

	<p>Community Member Ethics Complaint</p>		
<p>Summary:</p>			
<p>Notes:</p>			
<p>Possible Motions:</p>			
<p>Motion by: _____ 2<sup>nd</sup>: _____ vote: _____</p>			
Vote:	Trustee Bear	Trustee Budinger	Trustee Johnson
Trustee Knutson	Trustee Meck	Trustee Pattison	Mayor Bachran:

May 7, 2021



## Memorandum - Ethics Complaint

TO: Paonia Board of Trustees and Mayor

FROM: Suzanne Watson, 903 Second St., Paonia CO

Date: April 8, 2021

Subject: Violation of Resolution 2017-06 Establishing Standards of Conduct for Elected Officials.

On March 24th, 2021 I attended the bi-weekly Personnel Committee meeting and observed the check signing process for disbursements with Finance Officer Cindy Jones, Treasurer Ross King, Trustee Dave Knutson, and Trustee Karen Budinger. Administrator Ferguson was not in the meeting but in and out of the room which also serves as her office but was not participating in the meeting. Treasurer King left after the disbursements were concluded. The meeting continued with Jones, Knutson and Budinger. Discussion of paid time off (PTO) discussion as announced by the committee as a topic at the previous Board meeting) ensued.

Trustee Knutson said that he didn't want to see employees getting paid at the end of the year because they didn't use their vacation time. He asserted that it was also difficult to hire someone to cover during vacations because the period was so brief. He presented a calendar specific to Finance Officer Cindy Jones' work schedule and explained that Cindy had highlighted the days she could take off during the summer. They were going to review potential vacation days.

At this point I asked if this wasn't Corinne's job? I stated that Cindy was Corinne Ferguson's employee, and this was not the personnel committee's job. I also said that they were interfering with the Administrator's job.

Knutson stated that the Finance/Personnel Committee's job was to "help the Town save money," so it was Committee's concern. Cindy and Trustee Budinger also concurred that Committee involvement in this matter was appropriate.

Trustee Knutson then asked me to leave the committee meeting because they needed to discuss a personnel matter which was private. At that point I left.

During this meeting, I witnessed the Personnel Committee violating Town of Paonia Resolution 2017-06 Establishing Standards of Conduct for Elected Officials. Most specifically Section 1. (d.) and (i.) as follows:

- d. No member shall act or attempt to act on any matter which is encompassed within the responsibilities of the Town Administrator or other staff member.
- i. Except where applicable laws or Town ordinances or resolutions specifically provide otherwise, no member shall allow or encourage any employee to disregard the chain of command within the Town or involve himself or herself in employment matters below the level of the Board's direct reports.

In addition to the Town's Standards of Conduct, there is also specific guidance within CIRSA/CML "Ethics, Liability & Best Practices Handbook for Elected Officials" that is being ignored. CIRSA warns that **an elected official acting outside of that elected official's "job description" puts the Town at risk.**

CIRSA states:

**“From a liability standpoint, one of the worst things you can do is to act outside the scope of your legal authority. An area where authority issues often arise, particularly in smaller communities, is in the “committee,” “commissioner” or “liaison” format for personnel administration.”**

Considering what I saw, I believe the activities of the Personnel Committee should be evaluated. I am concerned that out of public's view, the Personnel/Finance Committee has become overly involved in personnel matters and is overstepping its authority. The Paonia Trustees were elected to be board members as described in the State Statutes and Town Ordinances. They are not hired as Town consultants or employees.

While the Personnel Committee might believe they are “saving the Town money,” this type of involvement could easily become a costly liability.

Attachments:

1. TOWN OF PAONIA, COLORADO RESOLUTION NO. 2017-06
2. CIRSA/CML Ethics, Liability & Best Practices Handbook for Elected Official, second edition (pages 22, 43, 44)

Note: I have highlighted the most pertinent sections in the following pages.

**A RESOLUTION ESTABLISHING STANDARDS OF CONDUCT  
FOR ELECTED OFFICIALS OF THE TOWN**

**WHEREAS**, the Board of Trustees believes that the members of the Board, including the Mayor, must act at all times within the scope of their lawful authority, in accordance with the highest ethical standards, and in a manner that accords all persons with respect and dignity; and

**WHEREAS**, the Board desires to establish for itself, and for each member of the Board, including the Mayor, minimum standards of conduct to assure the same; and

**WHEREAS**, the failure to comply with such standards would constitute serious misconduct that would reflect poorly on the Town, and would detrimentally affect the credibility of the Board and the effectiveness of the Town in serving the community; and

**WHEREAS**, the Board intends that the standards of conduct established herein be enforceable by such consequences as will assure compliance therewith;

**NOW THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Town of Paonia, Delta County, Colorado, that the following Board of Trustees Standards of Conduct are hereby adopted:

**PAONIA BOARD OF TRUSTEES STANDARDS OF CONDUCT**

Section 1. **Scope of Authority.** The Mayor and each Trustee has only such authority as is conferred by applicable state statutes, and ordinances not inconsistent with such statutes. No member of the Board of including Trustees, including the Mayor, shall act in a manner that exceeds such authority, but not limited to:

- a. 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.
- b. No member shall make commitments or promises individually on any matter for which a vote or consensus of the Board is required.
- c. At Board meetings, no one member shall attempt to dominate the discussion. Each member shall strive to speak once on any topic, and then allow each other member to speak on that topic before speaking again. Members shall seek recognition from the presiding officer before speaking. Members shall primarily direct remarks at Board meetings to the Board as a whole, rather than engaging in back-and-forth arguments with another member.
- d. No member shall act or attempt to act on any matter which is encompassed within the responsibilities of the Town Administrator or other staff member.
- e. No member shall give orders to any staff member who reports directly or indirectly to the Town Administrator.
- e. Excepting the provision in the Town Administrator's contract that he/she works under the "general supervision" of the Mayor; no member shall individually direct the work of the Town Administrator or other direct report of the Board. Any such directions shall only be given by the Board as a whole, and such direct reports shall be held accountable only for directions given by the Board as a whole.
- f. The Mayor (or in the Mayor's absence the Mayor pro tem) shall be responsible for presiding over meetings of the Board. Except as otherwise specifically granted by the state statutes or ordinances not inconsistent therewith, the Mayor (and in the Mayor's absence the Mayor pro tem) shall, for all other purposes, have only the same powers as any other member of the Board.

- g. Individual members may make reasonable inquiries to the Town Administrator concerning matters pertaining to their decision-making responsibilities, but shall be careful to avoid giving orders or directions.
- h. Except where applicable laws or Town ordinances or resolutions specifically provide otherwise, no member shall allow or encourage any employee to disregard the chain of command within the Town, or involve himself or herself in employment matters below the level of the Board's direct reports.
- i. No member shall direct or request the hiring or firing of any employee to or from any position that reports directly or indirectly to the Town Administrator.

Section 2. **Personal Conduct.** The Board of Trustees desires to serve as a positive example for civility, respect, and dignity in its dealings with one another, the Town's staff, citizens, and the business community. To that end, each member shall comply with the following standards of personal conduct:

- j. Each member shall respect the rights of others to be heard and given due consideration of their views.
- k. Each member shall recognize that the Mayor has the right, in consultation with the Town Administrator, to establish the agenda for all meetings.
- l. No member shall berate, intimidate, or belittle others for expressing their opinions or viewpoints, or engage in speech that is inflammatory, defamatory, demeaning, bullying, or threatening.
- m. No member shall make disparaging remarks about any Town employee in a public setting. While criticism about job performance may be a valid topic of discussion, members shall choose a setting appropriate for such discussion.
- n. No member shall fail to comply with any provision of the Town's employee handbook with respect to the treatment of employees, including but not limited to provisions concerning prohibited harassment, discrimination, and bullying.
- o. Each member shall direct all inquiries or requests for staff support to the Town Administrator, and shall respect the time limits on staff support.
- p. Each member shall comply at all times with applicable state statutes, the Paonia Municipal Code and the Rules of Procedure adopted by the Board.

Section 3. **Consequences for Violation of Standards of Conduct.** Any member of the Board who violates these standards of conduct is subject to disciplinary action. Such disciplinary action shall be taken upon approval by a vote of a majority of the Board members in office. No member shall vote on any matter pertaining to his or her own discipline. The Board reserves the right to take one or more of the following steps, after consideration of the seriousness, duration, and/or repeated nature of the violation:

- q. Remedial or educational training on the subject of the violation intended to avoid or prevent future violations;
- r. Public warning;
- s. Removal from any appointed Board position or policy liaison role;
- t. A resolution of public censure;
- u. A request that the member resign from his or her elected office; or
- v. Removal from office in accordance with C.R.S. Section 31-4-307.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 11th DAY OF APRIL, 2017.**

**CIRSA/CML**  
**Ethics, Liability & Best Practices Handbook for Elected Official, second edition**  
(excerpt- pages 22, 43, 44)

Page 22

### **What Key Exclusions do We Need to be Concerned About?**

There are several exclusions of concern, and a few are highlighted here. These exclusions are universal in most liability policies.

**The “willful and wanton” exclusion is probably the exclusion of greatest concern to elected and other public officials.** This exclusion applies to both coverage parts of the liability policy, and states that coverage does not apply to any loss arising out of the actions of any elected or appointed official, trustee, director, officer, employee, volunteer or judge of a member entity when such acts or omissions are deemed to be willful and wanton. And remember, you are a “Covered Party” only while in the performance of your duties for the member entity, and acting within the scope of your authorized duties for the member entity.

As you probably know, the Colorado Governmental Immunity Act’s protections are lost when you are determined to have been acting outside the “scope of employment,” that is, outside the course and scope of your authorized duties as an elected official. But such conduct has a double consequence: the loss of your liability coverages through CIRSA. This is the reason that our public officials’ liability training places a heavy emphasis on the need to understand your “job description” as an elected official, and the need to stay within the parameters of that “job description.”

Staying within the “scope of employment” is also important to lessening your risks of liability where federal civil rights claims are concerned. You probably know that, under 42 U.S.C. Section 1983, you can be sued for a civil rights violation in your individual or official capacity. An individual capacity suit is one that alleges that you violated someone’s constitutional or other federally protected right while acting under the auspices of your public office. (An official capacity suit, on the other hand, is a suit against the entity, rather than you individually.) A finding of individual liability in a Section 1983 suit essentially means that you’ve violated a clearly established constitutional or statutory right of which a reasonable person should have been aware, and that your conduct was unreasonable. Such conduct can fall within the “outside the scope” exclusion; violating someone’s civil rights is likely not within the “job description.” Thus, elected officials need to be especially cautious about conduct that could be actionable as an intentional civil rights violation.

Pages 43, 44

### **Be Aware of the Scope of Your Authority, and Stay Within That Scope**

From a liability standpoint, one of the worst things you can do is to act outside the scope of your legal authority. An area where authority issues often arise, particularly in smaller communities, is in the “committee,” “commissioner” or “liaison” format for personnel administration. In this format, an individual council member or trustee is in a supervisory or oversight relationship with respect to a department, department head, or employee. Thus, a town might designate a trustee as “water commissioner,” “police commissioner,” etc.

What’s troubling about this format is that it’s often not described anywhere in the community’s enactments, nor is the authority of each commissioner set forth in writing. Rather, this format seems to be a relic of oral history and tradition. But the lack of written guidelines means that there are significant personal risks to the commissioner. What if the commissioner takes an adverse job action, such as seeking to terminate an employee? Under what authority is the commissioner acting?

If the commissioner can't prove that the action was within the scope of his or her authority, there may be consequences from a liability and insurance coverage standpoint. The Governmental Immunity Act, for instance, provides protections for public officials only when in the performance of their *authorized duties*. Likewise, liability coverage protections through CIRSA only apply when a public official is acting *within the scope and performance of official duties*. Finally, even if there is authority on the books, this format in particular can lend itself to uncertainty over who does what—"Is this a decision for the board, commissioner or department head?"

Similar questions arise when an individual elected official chooses to become involved in a personnel matter in a way that isn't authorized by the entity's personnel enactments. Where is the authority for such involvement? If you can't find a firm source of authority, you may be heading for trouble. An individual elected official's inappropriate action can not only create liability exposure for the official, but put him or her crosswise with the other members of the governing body.

### **Respect the Principle That Each Employee Should Have Only One Boss**

This seems like an obvious principle that every organization should follow. You don't want an employee confused by multiple directions from multiple supervisors. You also don't want an employee playing one supervisor off against another. When elected officials become inappropriately involved in personnel matters, this basic principle is violated, and the result is chaos.

If you allow yourself to become embroiled in a personnel matter involving a subordinate employee, the employee may then feel that the word of his or her supervisor can be disregarded. You may have forever undermined that supervisor's authority, or allowed the subordinate to do so. Likewise, if you were involved in lobbying for the hiring of a favorite applicant (even if it was for good reasons), that person may always feel that you, not his or her supervisor, are the go-to person on personnel issues.

Similar principles apply with respect to your governing body's oversight of its manager/ administrator and other direct reports. Elected officials should recognize the council/ board is not a group of seven or other multiple number of bosses, but one boss. Therefore, members of the body should commit themselves to speaking with one voice to their direct reports and to exercising their oversight role—e.g. performance reviews, goal setting, etc.—as a group. Even when there are differences of opinion as to how to address an issue with the manager/administrator, the body should arrive at its position. If the governing body does not work to speak with one voice to its direct reports, it's undermining its credibility as a board and its ability to gain accountability at the highest levels in the organization.

This is not to suggest that a militaristic chain of command is required in every workplace. In fact, flexibility in reporting relationships is desirable in some situations. For instance, you wouldn't want to lock your employee into reporting a harassment claim only to an immediate supervisor, if the immediate supervisor is the one alleged to be engaging in the harassment. But you can maintain the needed flexibility without collapsing into the chaos that your inappropriate involvement in personnel matters will beget.

TOWN OF PAONIA, COLORADO  
RESOLUTION NO. 2017-06

**A RESOLUTION ESTABLISHING STANDARDS OF CONDUCT  
FOR ELECTED OFFICIALS OF THE TOWN**

**WHEREAS**, the Board of Trustees believes that the members of the Board, including the Mayor, must act at all times within the scope of their lawful authority, in accordance with the highest ethical standards, and in a manner that accords all persons with respect and dignity; and

**WHEREAS**, the Board desires to establish for itself, and for each member of the Board, including the Mayor, minimum standards of conduct to assure the same; and

**WHEREAS**, the failure to comply with such standards would constitute serious misconduct that would reflect poorly on the Town, and would detrimentally affect the credibility of the Board and the effectiveness of the Town in serving the community; and

**WHEREAS**, the Board intends that the standards of conduct established herein be enforceable by such consequences as will assure compliance therewith;

**NOW THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Town of Paonia, Delta County, Colorado, that the following Board of Trustees Standards of Conduct are hereby adopted:

**PAONIA BOARD OF TRUSTEES  
STANDARDS OF CONDUCT**

Section 1. **Scope of Authority.** The Mayor and each Trustee has only such authority as is conferred by applicable state statutes, and ordinances not inconsistent with such statutes. No member of the Board of Trustees, including the Mayor, shall act in a manner that exceeds such authority, including but not limited to:

- a. 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.
- b. No member shall make commitments or promises individually on any matter for which a vote or consensus of the Board is required.
- c. At Board meetings, no one member shall attempt to dominate the discussion. Each member shall strive to speak once on any topic, and then allow each other member to speak on that topic before speaking again. Members shall seek recognition from the presiding officer before speaking. Members shall primarily direct remarks at Board meetings to the Board as a whole, rather than engaging in back-and-forth arguments with another member.
- d. No member shall act or attempt to act on any matter which is encompassed within the responsibilities of the Town Administrator or other staff member.
- e. No member shall give orders to any staff member who reports directly or indirectly to the Town Administrator.

- f. Excepting the provision in the Town Administrator's contract that he/she works under the "general supervision" of the Mayor; no member shall individually direct the work of the Town Administrator or other direct report of the Board. Any such directions shall only be given by the Board as a whole, and such direct reports shall be held accountable only for directions given by the Board as a whole.
- g. The Mayor (or in the Mayor's absence the Mayor pro tem) shall be responsible for presiding over meetings of the Board. Except as otherwise specifically granted by the state statutes or ordinances not inconsistent therewith, the Mayor (and in the Mayor's absence the Mayor pro tem) shall, for all other purposes, have only the same powers as any other member of the Board.
- h. Individual members may make reasonable inquiries to the Town Administrator concerning matters pertaining to their decision-making responsibilities, but shall be careful to avoid giving orders or directions.
- i. Except where applicable laws or Town ordinances or resolutions specifically provide otherwise, no member shall allow or encourage any employee to disregard the chain of command within the Town, or involve himself or herself in employment matters below the level of the Board's direct reports.
- j. No member shall direct or request the hiring or firing of any employee to or from any position that reports directly or indirectly to the Town Administrator.

Section 2. **Personal Conduct.** The Board of Trustees desires to serve as a positive example for civility, respect, and dignity in its dealings with one another, the Town's staff, citizens, and the business community. To that end, each member shall comply with the following standards of personal conduct:

- a. Each member shall respect the rights of others to be heard and given due consideration of their views.
- b. Each member shall recognize that the Mayor has the right, in consultation with the Town Administrator, to establish the agenda for all meetings.
- c. No member shall berate, intimidate, or belittle others for expressing their opinions or viewpoints, or engage in speech that is inflammatory, defamatory, demeaning, bullying, or threatening.
- d. No member shall make disparaging remarks about any Town employee in a public setting. While criticism about job performance may be a valid topic of discussion, members shall choose a setting appropriate for such discussion.
- e. No member shall fail to comply with any provision of the Town's employee handbook with respect to the treatment of employees, including but not limited to provisions concerning prohibited harassment, discrimination, and bullying.
- f. Each member shall direct all inquiries or requests for staff support to the Town Administrator, and shall respect the time limits on staff support.
- g. Each member shall comply at all times with applicable state statutes, the Paonia Municipal Code and the Rules of Procedure adopted by the Board.







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

### **6-5-1. - Definitions**

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

### **6-5-2. - Zoning**

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

***For the board's consideration: Mobile Retail Food Establishments could be Permitted by Special Review rather than by right, giving neighboring property owners a greater voice in the process.***

### **6-5-3. - Requirements**

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

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


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

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

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

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

AGENDA SUMMARY FORM

	Mayor'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:

May 5, 2021

## Mayor's Report

### April 17, 2021 Local Government Coordination Call

- DOLA updates:
  - State Demographer 2020 count
    - Reapportionment counts will be released by 4-30
    - Let us know if CO gets another seat
    - Redistricting data will be online by 8-30
    - Demographic and housing data not released until Jan 2022
    - Change in census urban area designation – will be increased to 10,000 people and 4,000 homes. Will create more rural areas.
  - Additional REDI funding moving through congress (\$5million) for 2021
    - May 31 application
  - CARES fund \$\$
    - 17% left for reimbursement requests
  - American Rescue Act
    - Still looking for guidelines from Feds
- CDPHE update:
  - New dial is being evolved to more local control
    - When no more dial, then guidance will be provided from state. County will be responsible
  - Will only be monitoring large indoor settings and mask mandates through early May
  - Still seeing increase state-wide but plateau of deaths
  - Concerns over J&J vaccine – waiting for next steps from CDC
  - All 5 of max vac clinics are up and running with one in Mesa County 7 days a week
  - Variants being watched closely
    - UK variants - 2,000 cases
- Office Information Technology (OIT) update
  - Broadband programs
    - \$20 mil for priority populations from state
    - Incentivize data collection (where it is and is needed)
    - Broadband planning – service underserved
    - New funding for rural areas (last mile)
    - 76K locations will review ~\$250 million in funding to providers
    - Federal Broadband programs – no funding appropriated directly to CO and in competition with the nation
    - Emergency Broadband Benefit Program
      - \$50 per month for service for eligible households
      - \$100 one-time device discount per household, laptop, computer, tablet
    - Department of Education

- Funds for emergency relief to schools

#### **April 22, 2021 Region 10 Board of Directors Meeting**

- Grants approved
  - West End Just Transitions
    - Application in process
    - Primarily for staff support for 2 years
  - Region 10 Entrepreneur Support
    - Engage grant is over and organization is no longer around
    - REDI funding for another organization of this kind administered under Region10
  - High Alpine Regional Recovery
- ED/Financial Report
- Business Loan
  - 6 business loans given
  - Have \$1,363,750 out in loans
  - All businesses they have funded are doing well
- Small Business Resource Center
  - Consulting numbers are low but online classes are better covering all 6 counties
  - Shuttered venue grant portal still closed
- Community Development
  - Senior Volunteer program underway
  - Revitalizing Senior companion program
  - Seniors meals – keep the best of Covid but work to open in person dining
  - Working on enhanced services to help seniors age in place
- Community Living Services
  - Starting next month will start to get census data
  - Data dashboard is live – not yet linked to website but getting there
    - Ask Trish or Michelle for numbers

#### **April 28, 2021 Local Government Coordination Call**

- DOLA updates - American Rescue Plan Colorado portion
  - \$6 billion for state and local government aid
  - \$700 million for restaurants and venues
  - \$470 million for housing/utility
  - First checks were supposed to be 60 days after sign, but will likely take longer due to keeping guidance very clear
  - Have 3 years to spend the money
  - Will be much more flexible than CARES act
  - Need to find out if can match with other federal/state money
  - 1 page form for local governments to sign up for direct payment
  - Need DUNS number
  - Need a website for governmental units to access all the information

- DOLA will set up website with FAQs and webinars
- Missing middle for affordable housing (160% AMI) ARP has housing \$\$ in it for new construction especially in rural areas
- General fund \$\$ to increase for housing projects (Housing development specialist)

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

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

**Table 1: Summary of All Permits**

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

**Table 2: Summary of Non-duplicated Permits**

	2019	2020	Total	Percent
# people with no contact information	8	3	11	12%
# of wrong numbers or disconnected phones	8	6	14	16%
Incorrect permit information or no contact with building inspector	5	1	6	7%
Message left with no return call	9	5	14	16%
Busy signals	1	0	1	1%
# people emailed	3	1	4	4%
# people spoken to	13	27	40	44%

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

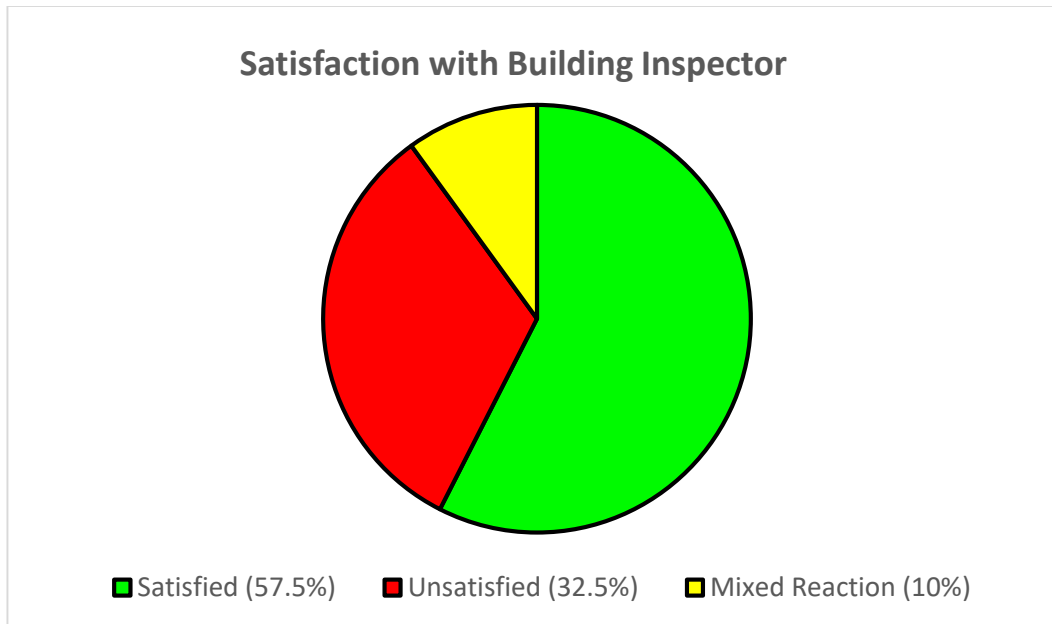
Of the total number of people who obtained building permits, 40 (44%) responded to the survey. A number of people (28%) either had no contact information or their phones had been changed or disconnected. For six people (7%), they either didn't remember having a permit or had no contact with the building inspector. Of those who had no contact with the building inspector but did remember who the contractor was, the contractor was contacted, when possible, and the information was included in the "# of people spoken to" statistics. Sixteen percent (14) of the people were left a message about the survey but did not respond. Four people were emailed but did not respond and one phone only produced a busy signal when called several times.

The people contacted (40, 44%) were informed the Mayor of Paonia and was doing a short survey about their satisfaction with the building inspector. They were encouraged to make any comments they wished. Results are in Table 3.

**Table 3: Satisfaction with the Building Inspector**

Rating	2019	2020	Total	Percent
Satisfied	9	14	23	56%
Unsatisfied	3	10	13	32%
Mixed reaction	1	3	4	12%





The majority of people (57.5%) who responded to the survey were satisfied with the performance of the building inspector, while 32.5% were dissatisfied. Mixed reactions were expressed by 10% of the respondents, primarily citing one good experience with the building inspector and one bad.

Those who were satisfied generally commented on his expertise and knowledge, his helpfulness and willingness to work together, while those who found his performance unsatisfactory generally found his way of interacting people to be the main problem. They also did not like his strictness and felt he was too rigid for Paonia.

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

#### Positive Comments

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

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

#### Negative Comments:

- Difficult personality to deal with, had to pay for each revision
- Butted heads with him on a few things. Conflict of interest when works for an independent company and their interest is more towards making money.
- Hard time dealing with him. Good about some things, felt like he was picking on me. Replaced roof, gave pictures, then wanted to see screw pattern after told to complete. Over the top, nit picking. Grumpy, not a great team player.
- Told garage could not exceed 30', then changes to 20', then told 15', set whole project back by 2 months. Cost me time and money.
- Trespassing when showed up without making an appointment, not comfortable with him poking around, unprofessional. Looked in neighbor's garage and saw building materials and told them they may need a building permit. He knows his stuff, but don't like his style. Goes outside of his scope of work.
- Difficult for people trying to do small projects. Probably need to bring it back from Denver level to Paonia.
- Well done with work. Difficult man to work with, disrespect and condescend to people and interactions, not good interactions. Very mean.
- Amenable during email. Picky in a weird way, weird attitude in tone.
- Get along with Dan but will suggest things that don't really need to be done but may be a good idea. Not a good fit with the community, not enough compassion
- Didn't feel we needed a permit but he did require that we put in bigger windows, that was the right thing to do. Worked mostly with the builder. He was looking for something that we needed to do. Kinda snippy.
- Kind of a pain in the butt. Made contractor do stuff they didn't think needed. Perfectly polite to me but I'm not the person they're going to go after. Didn't have a lot of contact. Think he could work with the guys a little better.
- Rigid. Not even across the board. Sneaky. Changed what he wanted after he agreed it was fine. Forgets things. Lack of knowledge: questions engineers and architects. Would like to see him gone.

#### Mixed Comments:

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

#### SUMMARY

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

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

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

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

AGENDA SUMMARY FORM



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

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:

May 5, 2021

### Short-Term Rentals - GAPS Committee Overview

The following documents are attached for your consideration. **These documents are included for information only, to allow adequate time for review. This is not intended for discussion at the May 11 meeting.**

1. GAPS Committee Summary of survey results
2. Review of local context

Additional documents not in the packet:

1. Raw Google Analytics for the survey can be accessed via a link on the town website
2. All individual survey responses can be reviewed electronically (or printed at cost, over 800 pgs) at Town Hall.

Questions and comments from the GAPS committee to help guide the discussion at an upcoming meeting:

1. Is this definition of STRs adequate for the town?  
The rental of a non-commercial dwelling, dwelling unit, accessory dwelling unit, or any portion of a dwelling unit to any persons for less than 30 days.
2. For all dwelling unit rentals, what is a residential use, a home-based business, or a commercial use?
3. How does our existing code apply? How should we enforce this?
  - a. See the following sections specifically on home-based businesses and renting of rooms:
    - i. Section 16-11-20
    - ii. Section 16-11-30
  - b. Existing definitions in Paonia town code:
    - i. **Dwelling unit:** One (1) room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a monthly or longer basis. The dwelling unit shall be physically separated from any other rooms or dwelling units that may be in the same structure and served by no more than one (1) gas meter, one (1) electric meter and one (1) water meter and sewer tap.
    - ii. **Bed and breakfast establishment:** Facility of residential character, which provides sleeping accommodations for hire for two (2) weeks or less, on a day-to-day basis, with one (1) or more meals per day included and a manager residing on the premises.
    - iii. **Boarding or rooming house:** A building other than a hotel, cafe or restaurant where, for compensation, lodging and/or meals are provided for three (3) or more boarders and/or roomers exclusive of the occupant's family. In such facilities, the length of stay is normally thirty (30) days or more.
    - iv. **Hotel** is not defined in our code
4. Should we incorporate the language and definitions of the International Building Code?
  - a. Definitions (2018 IBC Chapter 2):
    - i. **Lodging House:** A one-family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guest rooms.
    - ii. **Boarding House:** A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.
  - b. Application (2018 IBC Section 310):
    - i. Owner-occupied lodging houses with five or fewer guest rooms and 10 or fewer total occupants shall be permitted to be constructed in accordance with the International Residential Code.
    - ii. Boarding Houses with 10 or fewer occupants and [non-owner-occupied] Lodging Houses with five or fewer guest rooms and 10 or fewer occupants are subject to the International Building Code group R-3.
    - iii. Boarding Houses with 10 or more occupants are subject to the International Building Code group R-1 (the same as hotels/motels)
5. What new STR regulations would be realistically enforceable? Consider any legal issues, staff capacity, tracking requirements.
6. Should the GAPS Committee take up long-term rentals in town as a separate topic?

Overview

For the purpose of this survey, short-term rentals (STRs) were defined as the rental of a non-commercial dwelling, dwelling unit, accessory dwelling unit, or any portion of a dwelling unit to any persons for less than 30 days.

All responses were anonymous unless the respondent chose to self-identify in the comments, and any question could be skipped.

The survey was available from April 1 through April 23 on the Town of Paonia website, with paper copies available at Town Hall.

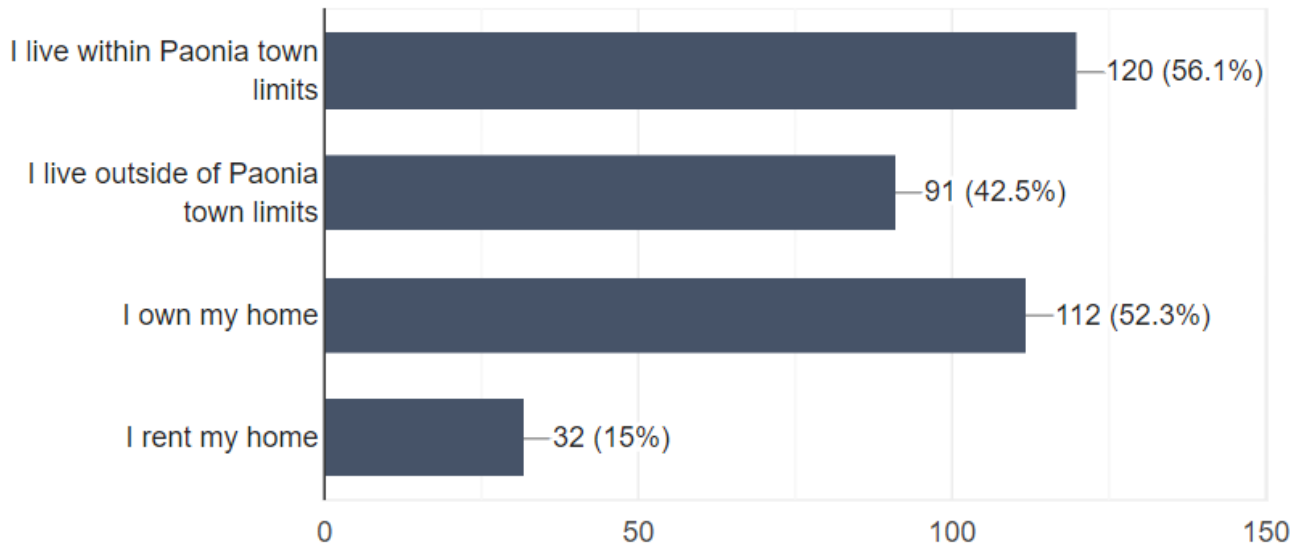
We received a total of 216 responses, summarized below. All individual survey responses have been provided to town staff for record-keeping, and can be made available on request. The printable version (PDF) of all responses is 864 pages long.

**Summary of the Responses, followed by GAPS Committee Comments**

**Question 1:**

Please select the options that best describe you. (Select all that apply)

214 responses



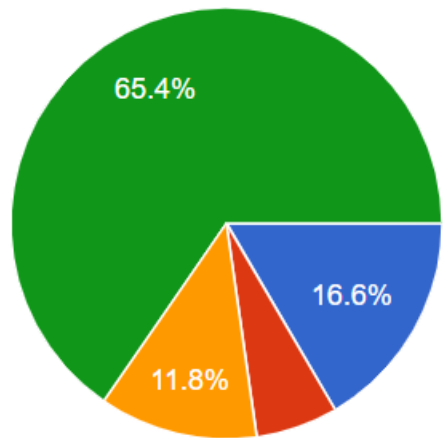
**GAPS committee comments:**

*We did not limit the survey to in-town residents only, since the impact of short-term rentals extends beyond our town borders and affects the greater community. The purpose of this question is to better understand who is responding to the survey. If the board wishes, we can analyze the results from in-town residents separately and bring that data back at a future meeting.*

**Question 2:**

Do you own a business in or near Paonia?

211 responses



- I own a 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

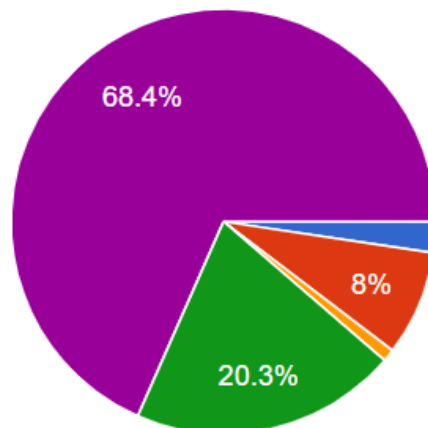
**GAPS committee comments:**

The purpose of this question is to better understand who is responding to the survey, and what biases they may have related to short-term rentals.

**Question 3:**

Do you host STR(s) in or near Paonia?

212 responses



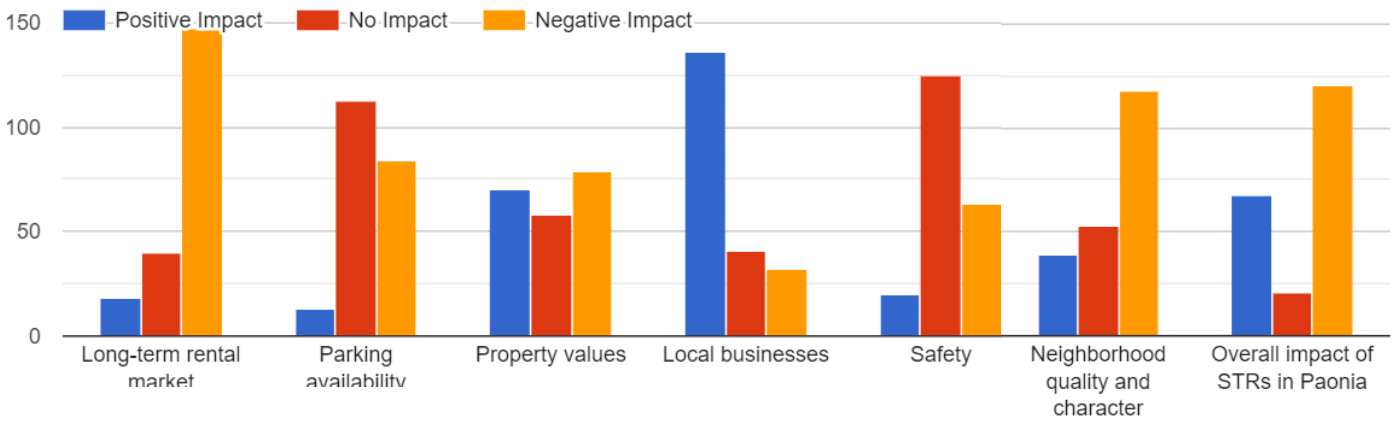
- I have STR(s) in my home and share living facilities (kitchen...)
- I have STR(s) on my property, but separate from my living q...
- I have STR(s) on a property that I do not consider my primary r...
- I do not have STRs but am considering it
- I do not have STRs and do not plan to

**GAPS committee comments:**

This question provides some insight into current and planned STRs. 67 respondents (31.6%) either have an STR or are considering one.

**Question 4:**

How do STRs impact each of the following?



- Long-term rental market
  - Negative impact: 71.2%
  - No impact: 19.5%
  - Positive impact: 9.3%
- Local businesses
  - Positive impact: 65.1%
  - No impact: 19.6%
  - Negative impact: 15.3%
- Safety
  - No impact: 60.1%
  - Negative impact: 30.3%
  - Positive impact: 9.6%
- Overall impact of STRs in Paonia
  - Negative impact: 57.4%
  - Positive impact: 32.5%
  - No impact: 10.0%
- Neighborhood quality and character
  - Negative impact: 56.2%
  - No impact: 25.2%
  - Positive impact: 18.6%
- Parking availability
  - No impact: 53.8%
  - Negative impact: 40.0%
  - Positive impact: 6.2%
- Property values
  - Negative impact: 38.2%
  - Positive impact: 33.8%
  - No impact: 28.0%

**GAPS committee comments:**

*The biggest impacts identified were on the long-term rental market (negative) and local businesses (positive). Safety and parking were identified as “no impact” by most respondents. Property values had almost equal responses for positive and negative impact, and may depend on how the question was interpreted (are higher property values positive or negative?).*

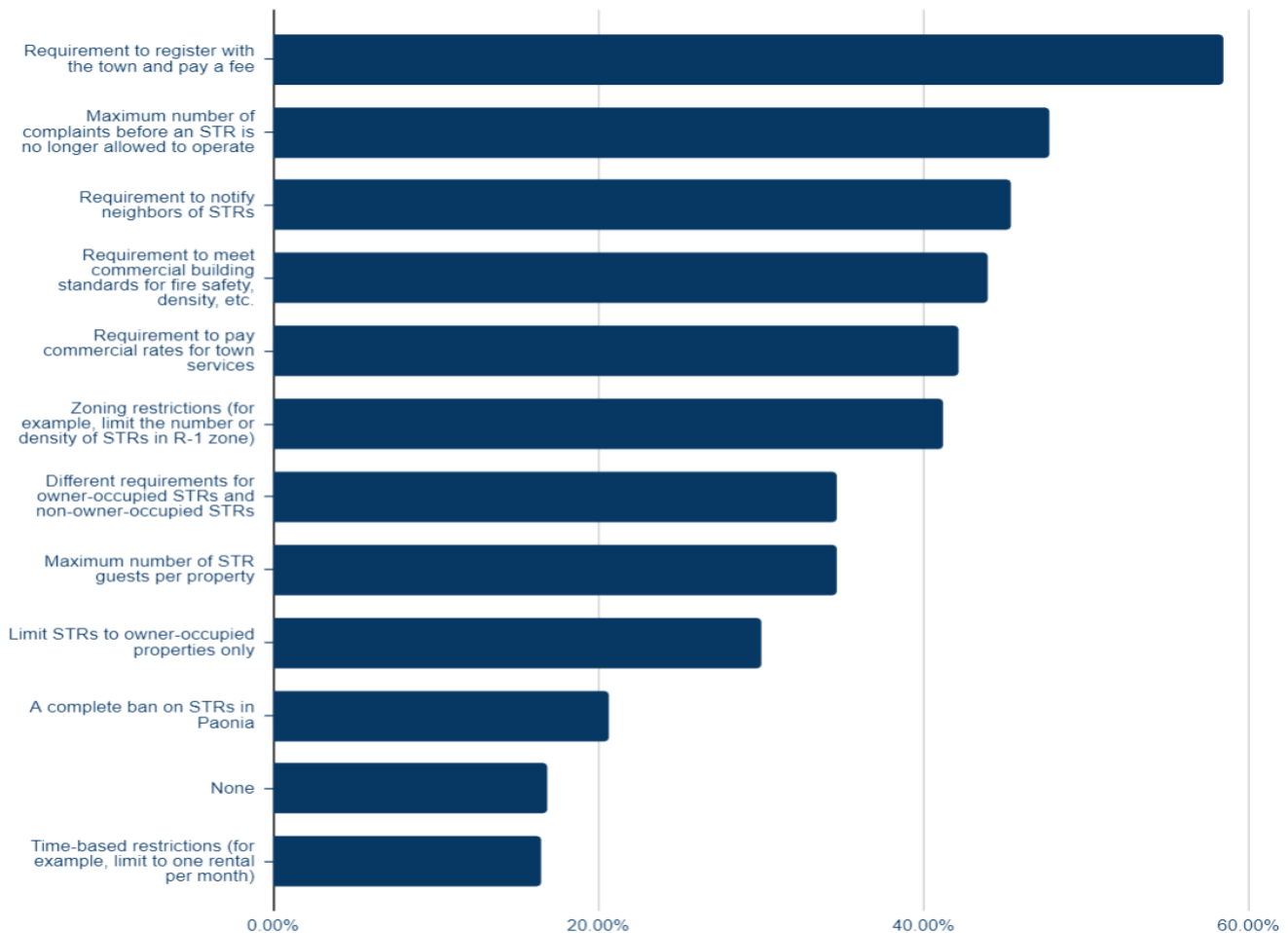
*Impact on neighborhood quality and character was negative with a slight majority of respondents, and overall impact was similarly slightly negative.*



### Question 5:

What type of regulation would you support for STRs in Paonia? (Select all that apply)

214 responses



#### **GAPS committee comments:**

*We offered a variety of ideas for possible regulations based on ways that other communities regulate STRs along with suggestions received from the board and community. These regulations were met with support from a high of 58.4% to a low of 16.4% of respondents. Most supported regulations include:*

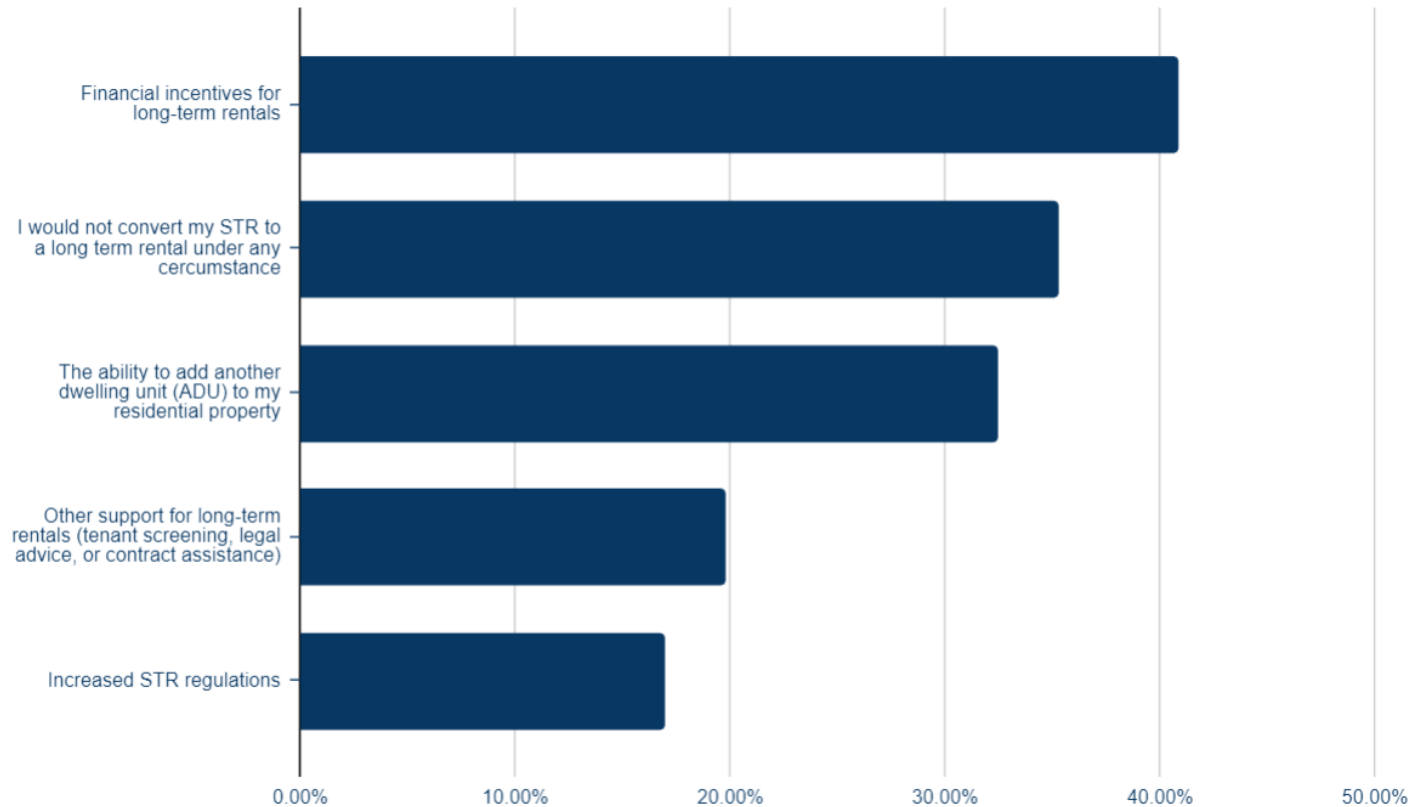
- *Requirement to register with the town and pay a fee (58.4%)*
- *Maximum number of complaints before an STR is no longer allowed to operate (47.7%)*
- *Requirement to notify neighbors of STRs (45.3%)*
- *Requirement to meet commercial building standards for fire, safety, density, etc. (43.9%)*
- *Requirement to pay commercial rates for town services (42.1%)*
- *Zoning restrictions (for example, limit the number or density of STRs in R-1 zone) (41.1%)*

*The GAPS committee recommends considering not only the regulations supported by the survey, but what type of regulations are realistically enforceable and would support the board's goals for short- and long-term housing.*

## Question 6:

If you currently offer a STR, what might make you consider offering a long-term rental instead? (Select all that apply)

71 responses



### Other responses (text entry)

- Not applicable (3 respondents)
- Paraphrased - [I have the right to do what I want with my property without government interference] (2 respondents)
- Maybe
- Insurance
- Our STR has no kitchen, not suitable for LTR
- Paraphrased - [What does "Financial Incentives" mean, and why would the town offer real estate management services?]
- I would only convert my STR to long term if it were a friend or family member.

### **GAPS committee comments:**

*The strongest support is for financial incentives for long-term rentals. Some options may include town assistance with security deposits, damage protection, and vacancy loss coverage. See this article for a review by HUD of successful landlord assistance programs:*

<https://www.huduser.gov/portal/periodicals/em/winter19/highlight3.html>

## Question 7:

What else should the Town of Paonia consider regarding STRs?

127 responses

### **GAPS committee comments:**

*This was an open text field, and the full comments are available for review. This is our summary of the main points. Each bullet point includes the number of respondents who had a similar comment in parentheses.*

#### Impact on the Community

- STRs hurt long-term housing/ we need more long-term affordable housing (31)
- STRs hurt the community / community character (20)
- STRs help businesses/tourism / the local economy (17)
- Water availability/infrastructure / resource use is a problem (13)
- STRs help property owners and can be a necessary income source (9)
- We need a balance (8)
- STRs improve property upkeep /STR guests are more respectful of property than long-term renters (7)
- This also impacts the county / people outside town limits (4)
- More STRs are needed / there's a shortage of lodging for visitors (4)
- STRs hurt traditional lodging/hospitality establishments (3)
- STRs bring increased crime (1)

#### Planning Considerations

- Not all STRs could be converted to LTRs (4)
- The town needs to take an inventory of STRs and LTRs (3)
- Look at existing models / other towns for regulations (3)
- Renting a room, whole-house rental, and multiple STRs with one owner are all different scenarios (1)
- The town needs to better define what makes a residential rental a business. Example: What about long-term rentals owned by out-of-town investors? (1)
- This is a property rights issue and should be addressed by a vote (1)

#### Suggested Regulations

- The town should not regulate this / property rights take precedence (14)
- STRs should be owner-occupied / have a town or county residency requirement (13)
- STRs should pay local lodging tax (10)
- STRs should be limited in number or density (10)
- STRs should not be allowed in town at all (9)
- Charge an annual fee / permit / license (9)
- Treat STRs as a commercial use / charge commercial property tax (7)
- Existing regulations (non-compliant ADUs, home-based businesses, nuisance, renting of rooms) should be enforced (5)
- STRs should have more safety regulations - frequent inspections, building permits, insurance (4)
- Off-street parking should be required (3)
- Require a special review for all STRs (2)

#### Other Ideas

- We need a better option for long-term rentals - ADUs, grants, housing complex (6)
- Link any collected STR fee to improving affordable housing (2)
- The town should provide incentives for long-term rentals (1)
- Provide a class to help long-term renters and owners understand their rights and responsibilities (1)
- Only residents in town for over 12 years should have a say in new regulations (1)
- Market the town as STR-friendly (1)

## Short-term Rentals: Local Context

- How many listings are there in your community?
  - Each row in the tables below represents a single “host” as identified by AirBnB or VRBO.
  - Names and details are removed to preserve privacy.
  - Because of the way STRs are listed, commercial v residential, specific zoning, and in-town/out of town are unknown.
  - Listings shown below only include “active” listings on AirBnB and VRBO. Hosts that are not currently accepting reservations are not included.

### February 2020

# Listings in Paonia - 02/2020	Type of Listing	Host lives in Paonia?*	Host has multiple listings?
1	House	N	N
1	House	N	N
1	House	N	N
1	House	N	Y
2	House	N	Y
1	House	Y	N
1	House	Y	N
1	Apartment	Y	N
1	Apartment	Y	N
1	House	Y	N
1	Apartment	Y	N
1	House	Y	N
1	House	Y	N
1	House	Y	N
1	Room	Y	N
1	House	Y	N
1	House	Y	N
1	House	Y	N
2	House	Y	Y
3	Room	Y	Y
9	Room	Y	Y

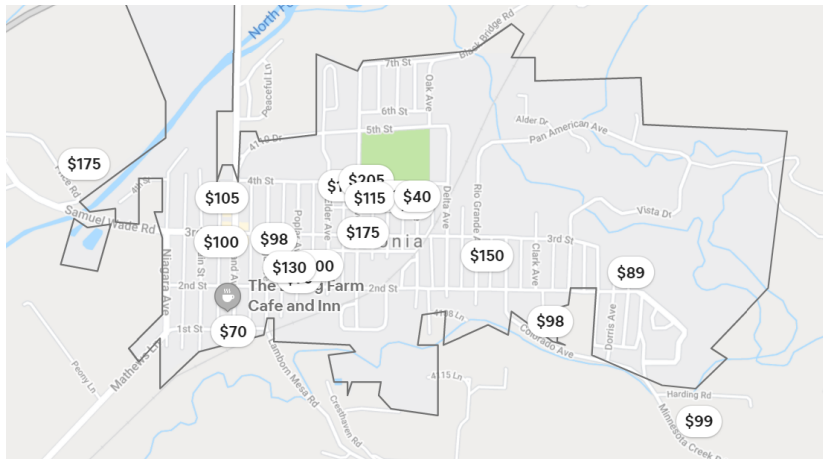
### May 2021

# Listings in Paonia - 05/2021	Type of Listing	Host lives in Paonia?*	Host has multiple listings?
1	House	N	N
1	House	N	N
1	House	N	N
1	House	N	N
1	House	N	N
1	Room	N	Y
2	House	N	Y
1	House	Not provided	N
1	House	Not provided	Y
2	House	Not provided	Y
1	House	Y	N
1	House	Y	N
1	House	Y	N
1	House	Y	N
1	Apartment	Y	N
1	Other	Y	N
1	House	Y	N
	House/ 2 Room	Y	Y
3	Room	Y	Y

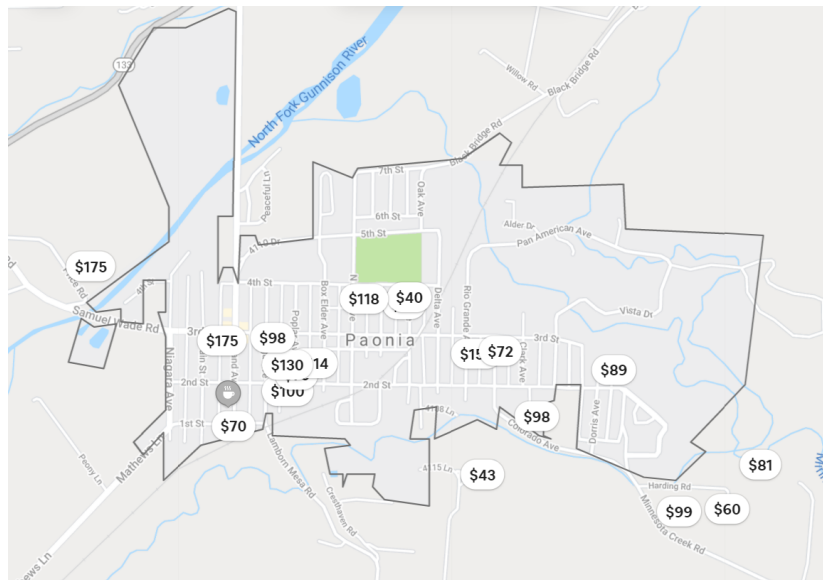
\*Self reported "lives in" information on host profile.

- Where are current listings located? Where are the areas of concentration, if any? *Because of the way STRs are listed, exact addresses/locations are not known. These maps from AirBnB show approximate locations.*

**February 2020:**



**May 2021:**



- What type, size, and occupancy levels of housing are offered?
  - Varies from whole-house to a single room in someone's primary dwelling
- What are the range and average listing prices?
  - February 2020 range from AirBnB = \$20 - \$200/night
  - May 2021 range from AirBnB = \$40 - \$205/night
- What is the picture of housing availability and affordability in your community?
  - Anecdotally, available housing is scarce and prices are high
  - Several local residents have reported being displaced for STRs in the last month
  - We have not had a housing survey in town to confirm specifics
- What are the other existing lodging options?
  - Several hotels, B&Bs, and (outside of town) camping options
  - Total # of commercially available lodging rooms estimated in 2019 by Elaine Brett at 34 rooms in Paonia and 129 rooms in the greater North Fork Valley