



TOWN OF PAONIA
TUESDAY, AUGUST 11, 2020
REGULAR TOWN BOARD MEETING AGENDA
6:30 PM

AGENDA ITEM ORDER AND PROCEDURES MAY BE MODIFIED DUE TO STATE, COUNTY, AND LOCAL ORDERS REGARDING COVID-19

**PLEASE WEAR A FACE COVERING UNLESS YOUR HEALTH MAY BE JEOPARDIZED BY DOING SO.
SEATING IS LIMITED. IF THERE IS NOT AN OPEN CHAIR PLEASE REMAIN IN THE HALLWAY UNTIL THE ITEM
YOU WISH TO SPEAK ON IS RECOGNIZED.**

Roll Call

Approval of Agenda

Announcements

[Shop](#) Safe Shop Local Salute

Recognition of Visitors & Guests

Tree Board Chair, Paula Martin

Dark Skies Update, Aaron Watson

Executive Session

1. 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); regarding U.S District Court Civil Action #20-CV-01389-STV - Eric Pace v. Town of Paonia.
2. Potential Action Following Executive Session

Staff Reports

Administrator's Report

3. Let's Talk! Series - Topic Suggestions

Public Works

Police Report

Attorney Report

Disbursements

Treasurer's Report

Disbursements

Regular Business

4. Paonia Skate Park Update
5. Paonia Tree Board Appointment
6. Delta County General Election Intergovernmental Agreement
7. Main Avenue Culvert Bid Award
8. Ordinance 2020-TBD Creation of Water Advisory Committee
9. Resolution 2020-TBD Resolution 2020-TBD Marijuana Ballot Language

Consent Agenda

Mayor's Report

10. CDOT Revitalizing Main Street Grant Information

Committee Reports

Finance & Personnel

Governmental Affairs & Public Safety

Public Works-Utilities-Facilities

Space to Create

Tree Board

Adjournment

I. RULES OF PROCEDURE

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

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

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

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

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

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

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

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

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

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

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

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

II. CONSENT AGENDA

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

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

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

III. EXECUTIVE SESSION

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

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

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

IV. SUBJECT TO AMENDMENT

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

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

AGENDA SUMMARY FORM

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

August 10, 2020

AGENDA SUMMARY FORM

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

August 10, 2020

AGENDA SUMMARY FORM



Shop Safe Shop Local Salute

Summary:

An opportunity to recognize and thank the businesses within the Town who are adhering to the State mandates and regulations regarding the wearing of masks or face coverings. Shop safe. Shop local!

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

AGENDA SUMMARY FORM

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

August 10, 2020

AGENDA SUMMARY FORM

| | | | |
|---|--|-------------------|------------------|
|  | Visitors & Guests Tree Board Chair, Paula Martin Dark Skies Update, Aaron Watson | | |
| Summary: | | | |
| Notes: | | | |
| Possible Motions: Motion by: _____ 2 nd : _____ vote: _____ | | | |
| Vote: | Trustee Bear: | Trustee Budinger: | Trustee Johnson: |
| Trustee Knutson: | Trustee Meck: | Trustee Pattison: | Mayor Bachran: |

AGENDA SUMMARY FORM

| | |
|---|---|
|  | <p>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); regarding U.S District Court Civil Action #20-CV-01389-STV - Eric Pace v. Town of Paonia.</p> |
|---|---|

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

AGENDA SUMMARY FORM

| | |
|---|--|
|  | Potential Action Following Executive Session |
|---|--|

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

Paonia Police Department

Law Incident Table, by Date and Time

Date Occurred: 07/15/20

| <u>Time</u> | <u>Nature</u> | <u>Address</u> | <u>Agency</u> | <u>Loctn</u> | <u>Dsp</u> |
|-------------|---------------|----------------------------|---------------|--------------|------------|
| 12:13:08 | Code Enforce | ONARGA AVE, Paonia, CO | PPD | PPD | WW |
| 12:17:15 | Code Enforce | MINNESOTA AVE, Paonia, CO | PPD | PPD | WW |
| 12:20:29 | Code Enforce | NORTH FORK AVE, Paonia, CO | PPD | PPD | WW |
| 12:26:16 | Code Enforce | 3RD ST, Paonia, CO | PPD | PPD | WW |
| 13:37:05 | Code Enforce | 3RD ST, Paonia, CO | PPD | PPD | WW |
| 13:46:49 | Code Enforce | MAIN ST, Paonia, CO | PPD | PPD | WW |
| 13:54:18 | Code Enforce | 4TH ST, Paonia, CO | PPD | PPD | WW |
| 19:28:25 | AGENCY ASSIST | CEDAR DR, Paonia, CO | PPD | PPD | |

Total Incidents for this Date: 8

Date Occurred: 07/16/20

| <u>Time</u> | <u>Nature</u> | <u>Address</u> | <u>Agency</u> | <u>Loctn</u> | <u>Dsp</u> |
|-------------|---------------|-----------------------|---------------|--------------|------------|
| 20:02:37 | Certified Vin | GRAND AVE, Paonia, CO | PPD | PPD | |

Total Incidents for this Date: 1

Date Occurred: 07/17/20

| <u>Time</u> | <u>Nature</u> | <u>Address</u> | <u>Agency</u> | <u>Loctn</u> | <u>Dsp</u> |
|-------------|-----------------|-----------------------|---------------|--------------|------------|
| 13:46:59 | Parking Problem | 4TH ST, Paonia, CO | PPD | PPD | VW |
| 13:58:41 | Certified Vin | GRAND AVE, Paonia, CO | PPD | PPD | |

Total Incidents for this Date: 2

Date Occurred: 07/18/20

| <u>Time</u> | <u>Nature</u> | <u>Address</u> | <u>Agency</u> | <u>Loctn</u> | <u>Dsp</u> |
|-------------|---------------|----------------------------------|---------------|--------------|------------|
| 07:30:13 | 911/hangup | 2ND ST, Paonia, CO | PPD | PPD | |
| 12:13:22 | Traffic Stop | 200 BLOCK 2ND STREET, Paonia, CO | PPD | PPD | CIT |
| 17:29:42 | Traffic Stop | GRAND AVE, Paonia, CO | PPD | PPD | WW |
| 23:36:22 | AGENCY ASSIST | COBURN RD, Paonia, CO | PPD | DIST3 | |

Total Incidents for this Date: 4

Date Occurred: 07/19/20

| <u>Time</u> | <u>Nature</u> | <u>Address</u> | <u>Agency</u> | <u>Loctn</u> | <u>Dsp</u> |
|-------------|-----------------|---------------------------|---------------|--------------|------------|
| 11:43:02 | 911/hangup | DORRIS AVE, Paonia, CO | PPD | PPD | UTL |
| 15:18:22 | SUICIDE/ATTEMPT | BOX ELDER AVE, Paonia, CO | PPD | PPD | |
| 22:00:03 | Medical/transfe | ORCHARD AVE, Paonia, CO | PPD | PPD | |

Total Incidents for this Date: 3

Date Occurred: 07/20/20

| <u>Time</u> | <u>Nature</u> | <u>Address</u> | <u>Agency</u> | <u>Loctn</u> | <u>Dsp</u> |
|-------------|-----------------|-----------------------------------|---------------|--------------|------------|
| 09:35:40 | CITIZEN ASSIST | MEADOWBROOK BLVD, Paonia, CO | PPD | PPD | |
| 15:57:28 | ABANDONED VEHIC | 200 Block of MAIN AVE, Paonia, CO | PPD | PPD | WW |

Total Incidents for this Date: 2

Date Occurred: 07/21/20

| <u>Time</u> | <u>Nature</u> | <u>Address</u> | <u>Agency</u> | <u>Loctn</u> | <u>Dsp</u> |
|-------------|-----------------|-----------------------|---------------|--------------|------------|
| 15:32:07 | VIN INSPECTION | GRAND AVE, Paonia, CO | PPD | PPD | |
| 20:46:08 | Noise Complaint | 4th St., Paonia, CO | PPD | PPD | VW |

Total Incidents for this Date: 2

Date Occurred: 07/23/20

| <u>Time</u> | <u>Nature</u> | <u>Address</u> | <u>Agency</u> | <u>Loctn</u> | <u>Dsp</u> |
|-------------|-----------------|----------------------------------|---------------|--------------|------------|
| 01:47:28 | Noise Complaint | GRAND AVE, Paonia, CO | PPD | PPD | UTL |
| 19:13:39 | Traffic Stop | 300 BLOCK 5TH STREET, Paonia, CO | PPD | PPD | CIT |
| 19:41:54 | CITIZEN ASSIST | NORTH FORK AVE, Paonia, CO | PPD | PPD | |
| 21:33:52 | Medical/transfe | BOX ELDER AVE, Paonia, CO | PPD | PPD | |

Total Incidents for this Date: 4

Date Occurred: 07/24/20

| <u>Time</u> | <u>Nature</u> | <u>Address</u> | <u>Agency</u> | <u>Loctn</u> | <u>Dsp</u> |
|-------------|-----------------|--------------------------------------|---------------|--------------|------------|
| 12:18:04 | Traffic Stop | 300 BLOCK GRAND AVENUE, Paonia, CO | PPD | PPD | CIT |
| 13:20:00 | Parking Problem | 300 BLOCK ORCHARD AVENUE, Paonia, CO | PPD | PPD | VW |
| 13:54:53 | Code Enforce | BOX ELDER AVE, Paonia, CO | PPD | PPD | WW |
| 14:00:39 | Code Enforce | BOX ELDER AVE, Paonia, CO | PPD | PPD | WW |
| 22:50:29 | Noise Complaint | North FORK AVE, Paonia, CO | PPD | PPD | |

Total Incidents for this Date: 5

Date Occurred: 07/25/20

| <u>Time</u> | <u>Nature</u> | <u>Address</u> | <u>Agency</u> | <u>Loctn</u> | <u>Dsp</u> |
|-------------|-----------------|--------------------------|---------------|--------------|------------|
| 01:58:23 | SUSPICIOUS | MAIN AVE, Paonia, CO | PPD | PPD | UTL |
| 14:39:01 | Traffic Stop | GRAND AVENUE, Paonia, CO | PPD | PPD | CIT |
| 17:39:28 | TrafficAccident | 2nd St., Paonia, CO | PPD | PPD | |
| 18:40:45 | ANIMAL CONTROL | Main St, Paonia, CO | PPD | PPD | VW |
| 19:12:13 | Medical/transfe | BOX ELDER DR, Paonia, CO | PPD | PPD | |

Total Incidents for this Date: 5

Date Occurred: 07/26/20

| <u>Time</u> | <u>Nature</u> | <u>Address</u> | <u>Agency</u> | <u>Loctn</u> | <u>Dsp</u> |
|-------------|-----------------|------------------------|---------------|--------------|------------|
| 14:11:35 | Traffic Stop | 2ND STREET, Paonia, CO | PPD | DIST3 | CIT |
| 15:39:41 | 911/hangup | 3RD ST, Paonia, CO | PPD | PPD | UTL |
| 16:59:45 | Medical/transfe | MAIN AVE, Paonia, CO | PPD | PPD | |
| 22:30:31 | SUSPICIOUS | GRAND AVE, Paonia, CO | PPD | PPD | |

Total Incidents for this Date: 4

Date Occurred: 07/27/20

| <u>Time</u> | <u>Nature</u> | <u>Address</u> | <u>Agency</u> | <u>Loctn</u> | <u>Dsp</u> |
|-------------|---------------|----------------------------|---------------|--------------|------------|
| 10:21:13 | CIVIL PROBLEM | GRAND AVE, Paonia, CO | PPD | PPD | |
| 14:25:29 | Code Enforce | MAIN AVE, Paonia, CO | PPD | PPD | WW |
| 14:32:37 | Code Enforce | DELTA AVE, Paonia, CO | PPD | PPD | WW |
| 14:36:49 | Code Enforce | DELTA AVE, Paonia, CO | PPD | PPD | WW |
| 14:50:35 | Code Enforce | ALDER CT, Paonia, CO | PPD | PPD | WW |
| 14:56:00 | Code Enforce | ALDER DR, Paonia, CO | PPD | PPD | WW |
| 15:01:47 | Code Enforce | MINNESOTA AVE, Paonia, CO | PPD | PPD | WW |
| 15:06:51 | Code Enforce | 2ND ST, Paonia, CO | PPD | PPD | WW |
| 15:13:43 | Code Enforce | COLORADO AVE, Paonia, CO | PPD | PPD | WW |
| 15:18:15 | Code Enforce | 4TH ST, Paonia, CO | PPD | PPD | WW |
| 15:35:14 | Code Enforce | NORTH FORK AVE, Paonia, CO | PPD | PPD | WW |

Total Incidents for this Date: 11

Date Occurred: 07/28/20

| <u>Time</u> | <u>Nature</u> | <u>Address</u> | <u>Agency</u> | <u>Loctn</u> | <u>Dsp</u> |
|-------------|----------------|----------------------------|---------------|--------------|------------|
| 09:46:38 | Code Enforce | BOX ELDER AVE, Paonia, CO | PPD | PPD | WW |
| 09:55:42 | Code Enforce | POPLAR AVE, Paonia, CO | PPD | PPD | WW |
| 10:01:55 | Code Enforce | POPLAR AVE, Paonia, CO | PPD | PPD | WW |
| 10:10:27 | Code Enforce | 3RD ST, Paonia, CO | PPD | PPD | WW |
| 10:16:01 | Code Enforce | POPLAR AVE, Paonia, CO | PPD | PPD | WW |
| 14:35:37 | VIN INSPECTION | PANORAMA RD, Paonia, CO | PPD | DIST3 | |
| 15:07:44 | Code Enforce | RIO GRANDE AVE, Paonia, CO | PPD | PPD | WW |

Total Incidents for this Date: 7

Date Occurred: 07/29/20

| <u>Time</u> | <u>Nature</u> | <u>Address</u> | <u>Agency</u> | <u>Loctn</u> | <u>Dsp</u> |
|-------------|----------------|------------------------|---------------|--------------|------------|
| 20:19:37 | ANIMAL CONTROL | 4TH STREET, Paonia, CO | PPD | PPD | |

Total Incidents for this Date: 1

Date Occurred: 07/30/20

| <u>Time</u> | <u>Nature</u> | <u>Address</u> | <u>Agency</u> | <u>Loctn</u> | <u>Dsp</u> |
|-------------|---------------|----------------------------|---------------|--------------|------------|
| 11:06:51 | ALARM | GRAND AVE, Paonia, CO | PPD | PPD | |
| 14:00:23 | Code Enforce | NORTH FORK AVE, Paonia, CO | PPD | PPD | WW |
| 14:35:15 | Code Enforce | POPLAR AVE, Paonia, CO | PPD | PPD | WW |
| 15:32:06 | Code Enforce | 4TH ST, Paonia, CO | PPD | PPD | WW |

Time Nature Address Agency Loctn Dsp
Total Incidents for this Date: 4

Total reported: 63

WW 30
 UTL 4
 VW 4
 CIT 5

Report Includes:

All dates between `00:00:01 07/15/20` and `00:00:01 07/31/20`, All agencies matching `PPD`, All disposition's, All natures, All location codes, All cities

DEVOR & PLUMHOFF, LLC
Attorneys and Counselors at Law

Bo James Nerlin
bo@coloradowestlaw.com

MEMORANDUM

To: Board of Trustees, Town of Paonia
From: Bo James Nerlin *Bo James Nerlin*
Re: Town Attorney Report
Date: 8/7/2020
CC: Ms. Corinne Ferguson

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

Marijuana Ballot Initiative

In the packet are a proposed resolution and cover memo regarding a marijuana ballot initiative. Both documents were developed after meeting with the GAPS committee. I've also reviewed the IGA with Delta County should the Town proceed with placing a question on the November Ballot.

Water Committee Ordinance

At the Direction of the Town Administrator, I undertook a subsequent review of the Water Committee Ordinance that was prepared in March of this year. This Ordinance is included in the packet.

Admin

The Town Administrator and I have been working in conjunction on several pending matters before the Board, including the Skate Park proposal, Riverbank Subdivision application, and the updated Model Traffic Code.

2021 Budget

As the Town starts its 2021 Budget process, I would like to meet with the finance committee to outline the cost and scope of legal services under a fixed price contract. Once agreed upon at the committee level, this contract will be submitted to the full Board for review.

Board Training

As per our discussion at the last Board Meeting, and upon conferral with Ms. Ferguson, I propose a Board Training and legislative update on one of the following dates, September 15, September 22, or before the regular Board Meeting or September 29. This training session can be conducted either in person or via zoom.

AGENDA SUMMARY FORM

| | |
|---|--------------------|
|  | Let's Talk! Series |
|---|--------------------|

Summary:
 Discussion of potential topics for the Let's Talk! Series. I plan to hold a Let's Talk open House every other month – the last Wednesday of the month – at 4pm.

Notes:

UPCOMING:

August 26th – Building

IDEAS:

Open Spaces – Meet at Poulos Park
 Streets – Meet at Town Hall
 Sidewalks – Meet at Town Hall
 Trees – Meet at Town Park
 Snow – Meet at Town Hall
 Water – Meet at Town Hall
 Parking – Meet in back parking lot

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

AGENDA SUMMARY FORM

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

AGENDA SUMMARY FORM

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

| FSBC OPS DISBURSEMENT SUMMARY | | |
|-------------------------------|-------------------------------|---------------|
| DESCRIPTION | DATES | AMOUNT |
| CURRENT FSBC OPS BALANCE | | 172,235.92 |
| ACCOUNTS PAYABLE | 07/24/20-08/07/20 | (91,798.31) |
| TRANSFER TO SUMMIT | APPROVED 06/23/20 (\$100,000) | |
| TRANSFER TO PAYROLL | 7/24/2020 | (18,218.43) 1 |
| PAYROLL TAXES | 7/24/2020 | (18,918.57) |
| BALANCE AFTER PAYMENT | | 43,300.61 |

| FSBC SUMMIT/PAYROLL DISBURSEMENT SUMMARY | | |
|--|-----------|-------------|
| DESCRIPTION | DATES | AMOUNT |
| CURRENT FSBC SUMMIT BALANCE | | 334,716.22 |
| TRANSFER FROM OPS | | - |
| CURRENT FSBC PAYROLL BALANCE | | 25.00 |
| TRANSFER FROM OPS | | 18,218.43 1 |
| PAYROLL (DIRECT DEPOSIT) | 7/24/2020 | (18,218.43) |
| BALANCE AFTER PAYMENT | | 334,741.22 |

| CREDIT CARD | | |
|-------------|------------------|---|
| CHASE | 8/23/2020 | - |
| CITIBANK | NO LONGER IN USE | - |

| FSBC INTERNAL GRANT BALANCE | | |
|-----------------------------|--------------------------------------|---------------|
| BALANCE | | 33,521.84 |
| TRANSFER TO COLOTRUST | APPROVED 06/23/20 | (454.96) 3 |
| TRANSFER TO COLOTRUST | SEWER LOAN RESERVE-APPROVED 05/26/20 | (33,041.88) 4 |
| CD TOTAL | | 25.00 |

| FSBC LOC BALANCE | | |
|--------------------------------|----------------------------|------------|
| FSBC CD#1 @ 2.00% | GENERAL | 255,051.53 |
| FSBC CD#2 @ 0.55% | GENERAL-COLLATERAL FOR LOC | 201,670.73 |
| CD TOTAL | | 456,722.26 |
| LOC (\$200,000)-RENEWED 7/2019 | | - |
| BALANCE AVAILABLE SECURING LOC | | 456,722.26 |

| COLOTRUST | | |
|-------------------------|--------------------|-------------|
| TOTAL | GENERAL | 531,715.41 |
| TOTAL | SEWER PROPERTY | 529,807.21 |
| | SEWER LOAN RESERVE | 106,754.16 |
| TRANSFER FROM INT GRANT | APPROVED 06/23/20 | 454.96 3 |
| TRANSFER FROM INT GRANT | APPROVED 05/26/20 | 33,041.88 4 |
| TOTAL | | 140,251.00 |
| TOTAL | BRIDGE RESTRICTED | 587,954.98 |

| GRANT FUNDS IN PROCESS | | |
|------------------------|----------------------------------|-------------|
| COLORADO GRAND | EHS CENTER | 10,000.00 R |
| DOLA | ASSET INVENTORY | |
| DOLA | GRAY&BLACK-MARIJUANA ENFORCEMENT | |
| DOLA (ADMIN) | SYSTEM ANALYSIS | |
| GOCO | PARK PLANNING | |
| TOTAL | | - |

| Due Date | Vendor Number | Vendor Name | Invoice Number | Invoice Amount | Discount Amount | Partial Payments | Net Due Amount | Pay | Partial Pmt Amt | Part Pmt Disc Amt |
|------------|---------------|--------------------|----------------|----------------|-----------------|------------------|----------------|-----|-----------------|-------------------|
| 08/11/2020 | 1043 | Advance Plumbing | 1063 | 200.00 | .00 | .00 | 200.00 | ✓ | | |
| 08/11/2020 | 14 | Bolinger & Queen I | 76635 | 42.45 | .00 | .00 | 42.45 | ✓ | | |
| 08/11/2020 | 21 | Caselle, Inc | 103873 | 989.00 | .00 | .00 | 989.00 | ✓ | | |
| 08/11/2020 | 22 | CDPHE | FGD2020029 | 465.00 | .00 | .00 | 465.00 | ✓ | | |
| 08/11/2020 | 22 | CDPHE | WU61110953 | 92.00 | .00 | .00 | 92.00 | ✓ | | |
| 08/11/2020 | 1102 | Chadwick, Steinkir | 58418B | 500.00 | .00 | .00 | 500.00 | ✓ | | |
| 08/11/2020 | 1131 | ClearGov Inc | 2020-10104 | 6,870.00 | .00 | .00 | 6,870.00 | ✓ | | |
| 08/11/2020 | 40 | Delta County Mem | 31138A1253 | 185.00 | .00 | .00 | 185.00 | ✓ | | |
| 08/11/2020 | 43 | Delta Montrose Ele | 8-2020-W | 2,198.08 | .00 | .00 | 2,198.08 | ✓ | | |
| 08/11/2020 | 46 | Dependable Lumb | 2007-129255 | 842.77 | .00 | .00 | 842.77 | ✓ | | |
| 08/11/2020 | 48 | Don's Market | 01-947898 | 30.75 | .00 | .00 | 30.75 | ✓ | | |
| 08/11/2020 | 48 | Don's Market | 02-803756 | 17.98 | .00 | .00 | 17.98 | ✓ | | |
| 08/11/2020 | 48 | Don's Market | 02-810530 | 22.97 | .00 | .00 | 22.97 | ✓ | | |
| 08/11/2020 | 368 | Double J Disposal | 42031 | 81.00 | .00 | .00 | 81.00 | ✓ | | |
| 08/11/2020 | 521 | Econo Sign & Barri | 10-961640 | 56.87 | .00 | .00 | 56.87 | ✓ | | |
| 08/11/2020 | 1132 | EDFOODYO, LLC | REFUND-06/ | 1,175.00 | .00 | .00 | 1,175.00 | ✓ | | |
| 08/11/2020 | 56 | Enterprise Fund/La | 328808-3312 | 3,127.75 | .00 | .00 | 3,127.75 | ✓ | | |
| 08/11/2020 | 62 | Feather Petroleum | 5871348-513 | 537.30 | .00 | .00 | 537.30 | ✓ | | |
| 08/11/2020 | 1092 | Ferguson Waterwo | 1140302 | 1,387.30 | .00 | .00 | 1,387.30 | ✓ | | |
| 08/11/2020 | 888 | Filter Tech System | 8765 | 541.66 | .00 | .00 | 541.66 | ✓ | | |
| 08/11/2020 | 888 | Filter Tech System | 8769 | 1,170.43 | .00 | .00 | 1,170.43 | ✓ | | |
| 08/11/2020 | 888 | Filter Tech System | 8774 | 773.13 | .00 | .00 | 773.13 | ✓ | | |
| 08/11/2020 | 1112 | Forterra Pipe & Pr | GJ00005595 | 4,096.20 | .00 | .00 | 4,096.20 | ✓ | | |
| 08/11/2020 | 1112 | Forterra Pipe & Pr | GJ00005626 | 107.00 | .00 | .00 | 107.00 | ✓ | | |
| 08/11/2020 | 1134 | Fraser Automotive | 154569 | 837.00 | .00 | .00 | 837.00 | ✓ | | |
| 08/11/2020 | 960 | Gambles of Hotchk | 235490 | 99.99 | .00 | .00 | 99.99 | ✓ | | |
| 08/11/2020 | 1133 | L&L ROOTER AN | 2561 | 6,864.89 | .00 | .00 | 6,864.89 | ✓ | | |
| 08/11/2020 | 482 | Larry D Gillenwate | 423065 | 138.11 | .00 | .00 | 138.11 | ✓ | | |
| 08/11/2020 | 470 | Leon, Susan | 080120-0831 | 700.00 | .00 | .00 | 700.00 | ✓ | | |
| 08/11/2020 | 103 | Master Petroleum | CL48282-IN | 379.67 | .00 | .00 | 379.67 | ✓ | | |
| 08/11/2020 | 141 | North Fork Service | 124475-1244 | 434.94 | .00 | .00 | 434.94 | ✓ | | |
| 08/11/2020 | 821 | OneTime | 22140009-22 | 76.26 | .00 | .00 | 76.26 | ✓ | | |
| 08/11/2020 | 821 | OneTime | REFUND-06- | 133.70 | .00 | .00 | 133.70 | ✓ | | |
| 08/11/2020 | 122 | Paonia Auto Parts | 367010-3679 | 527.32 | .00 | .00 | 527.32 | ✓ | | |
| 08/11/2020 | 125 | Paonia Farm & Ho | 57714-60032 | 395.92 | .00 | .00 | 395.92 | ✓ | | |
| 08/11/2020 | 1114 | Paonia Tree Servic | 08072020 | 8,400.00 | .00 | .00 | 8,400.00 | ✓ | | |
| 08/11/2020 | 499 | Phonz + | 10316 | 1,401.14 | .00 | .00 | 1,401.14 | ✓ | | |
| 08/11/2020 | 520 | PR Diamond Prod | 0056372-IN | 3,500.00 | .00 | .00 | 3,500.00 | ✓ | | |
| 08/11/2020 | 737 | Ricoh USA Inc | 33756915 | 127.42 | .00 | .00 | 127.42 | ✓ | | |
| 08/11/2020 | 737 | Ricoh USA Inc | 5060067743 | 199.17 | .00 | .00 | 199.17 | ✓ | | |
| 08/11/2020 | 931 | Roop Excavating L | 07072020-08 | 2,560.00 | .00 | .00 | 2,560.00 | ✓ | | |
| 08/11/2020 | 931 | Roop Excavating L | 07132020 | 880.00 | .00 | .00 | 880.00 | ✓ | | |
| 08/11/2020 | 931 | Roop Excavating L | 07132020B | 900.00 | .00 | .00 | 900.00 | ✓ | | |
| 08/11/2020 | 931 | Roop Excavating L | 072320-0729 | 18,705.00 | .00 | .00 | 18,705.00 | ✓ | | |
| 08/11/2020 | 656 | Schmueser Gordo | 2013-471.00 | 5,203.00 | .00 | .00 | 5,203.00 | ✓ | | |
| 08/11/2020 | 656 | Schmueser Gordo | 2013-741.00 | 852.50 | .00 | .00 | 852.50 | ✓ | | |
| 08/11/2020 | 152 | Southwestern Syst | 202709 | 1,119.50 | .00 | .00 | 1,119.50 | ✓ | | |
| 08/11/2020 | 152 | Southwestern Syst | 202712 | 653.25 | .00 | .00 | 653.25 | ✓ | | |
| 08/11/2020 | 861 | The Paper-Clip LL | 2037309-203 | 167.75 | .00 | .00 | 167.75 | ✓ | | |
| 08/11/2020 | 161 | UNCC | 220070919 | 58.11 | .00 | .00 | 58.11 | ✓ | | |
| 08/11/2020 | 162 | United Companies | 1358546 | 366.37 | .00 | .00 | 366.37 | ✓ | | |
| 08/11/2020 | 162 | United Companies | 1359110 | 155.12 | .00 | .00 | 155.12 | ✓ | | |
| 08/11/2020 | 162 | United Companies | 1359111 | 160.80 | .00 | .00 | 160.80 | ✓ | | |
| 08/11/2020 | 162 | United Companies | 1359343 | 673.65 | .00 | .00 | 673.65 | ✓ | | |
| 08/11/2020 | 162 | United Companies | 1359344 | 678.71 | .00 | .00 | 678.71 | ✓ | | |
| 08/11/2020 | 162 | United Companies | 1359708 | 367.92 | .00 | .00 | 367.92 | ✓ | | |

| Due Date | Vendor Number | Vendor Name | Invoice Number | Invoice Amount | Discount Amount | Partial Payments | Net Due Amount | Pay | Partial Pmt Amt | Part Pmt Disc Amt |
|---------------|---------------|------------------|----------------|----------------|-----------------|------------------|----------------|-----|-----------------|-------------------|
| 08/11/2020 | 173 | Western Implemen | IN86358 | 700.47 | .00 | .00 | 700.47 | ✓ | | |
| 08/11/2020 | 175 | WestWater Engine | 1-525.20.001 | 1,650.00 | .00 | .00 | 1,650.00 | ✓ | | |
| 08/11/2020 | 175 | WestWater Engine | 2-525.20.001 | 384.15 | .00 | .00 | 384.15 | ✓ | | |
| 08/11/2020 | 175 | WestWater Engine | 3-525.18.01C | 5,049.40 | .00 | .00 | 5,049.40 | ✓ | | |
| 08/11/2020 | 491 | Winwater Corp | 055257-00 | 787.44 | .00 | .00 | 787.44 | ✓ | | |
| Grand Totals: | | | 61 | 91,798.31 | .00 | .00 | 91,798.31 | | | |

Cash Requirements Summary

| Date | Invoice Amount | Discount Amount | Partial Payments | Net Due Amount | Net Cumulative Amount |
|---------------|----------------|-----------------|------------------|----------------|-----------------------|
| 08/11/2020 | 91,798.31 | .00 | .00 | 91,798.31 | 91,798.31 |
| Grand Totals: | | .00 | .00 | 91,798.31 | |

| Employee Number | Name | 85-00 Net Pay Emp Amt |
|-----------------|-----------------------|-----------------------|
| 1054 | Beardslee, Dominic D | 1,250.73 |
| 1027 | Berger, Brian J | 1,110.24 |
| 1052 | Edwards, Roger | 1,047.89 |
| 1002 | Ferguson, J. Corinne | 2,199.37 |
| 1020 | Ferguson, Nell | 1,962.60 |
| 1022 | Hinyard, Patrick | 1,263.96 |
| 1001 | Jones, Cynthia | 1,798.07 |
| 1005 | Katzer, JoAnn | 963.40 |
| 1050 | Loberg, Travis | 2,073.36 |
| 1003 | Mojarro-Lopez, Amanda | 1,106.61 |
| 1055 | Redden, Jordan | 1,012.82 |
| 1051 | Relch, Dennis | 1,055.62 |
| 1024 | Winnett, Lorin E | 1,373.76 |

Grand Totals:

13 18,218.43

Handwritten signature and date: 7/28/2020

Report Criteria:

Unpaid transmittals included
Begin Date: ALL
End Date: ALL

| Transmittal Number | Name | Invoice Number | Pay Per Date | Pay Code | Description | GL Account | Amount |
|--------------------|-------------------------------|----------------|--------------|----------|---------------------------------------|------------|----------|
| 2 | 2 IRS Tax Deposit | | 07/24/2020 | 74-00 | Federal Tax Deposit Social Security | 10-0216 | 1,003.59 |
| | 2 IRS Tax Deposit | | 07/24/2020 | 74-00 | Federal Tax Deposit Social Security | 10-0216 | 1,003.59 |
| | 2 IRS Tax Deposit | | 07/24/2020 | 75-00 | Federal Tax Deposit Medicare Pay P | 10-0216 | 339.79 |
| | 2 IRS Tax Deposit | | 07/24/2020 | 75-00 | Federal Tax Deposit Medicare Pay P | 10-0216 | 339.79 |
| | 2 IRS Tax Deposit | | 07/24/2020 | 76-00 | Federal Tax Deposit Federal Withhold | 10-0216 | 1,739.65 |
| Total 2: | | | | | | | 4,426.41 |
| 4 | 4 Aflac | | 06/26/2020 | 63-01 | Aflac Pre-Tax Pay Period: 6/26/2020 | 10-0225 | 120.18 |
| | 4 Aflac | | 06/26/2020 | 63-02 | Aflac After Tax Pay Period: 6/26/2020 | 10-0225 | 24.90 |
| | 4 Aflac | | 07/10/2020 | 63-01 | Aflac Pre-Tax Pay Period: 7/10/2020 | 10-0225 | 120.18 |
| | 4 Aflac | | 07/10/2020 | 63-02 | Aflac After Tax Pay Period: 7/10/2020 | 10-0225 | 24.90 |
| | 4 Aflac | | 07/24/2020 | 63-01 | Aflac Pre-Tax Pay Period: 7/24/2020 | 10-0225 | 120.18 |
| | 4 Aflac | | 07/24/2020 | 63-02 | Aflac After Tax Pay Period: 7/24/2020 | 10-0225 | 24.90 |
| Total 4: | | | | | | | 435.24 |
| 6 | 6 Colorado Dept of Labor | | 06/26/2020 | 98-00 | SUTA State Unemployment Tax Pay | 10-0218 | 74.27 |
| | 6 Colorado Dept of Labor | | 07/10/2020 | 98-00 | SUTA State Unemployment Tax Pay | 10-0218 | 74.76 |
| | 6 Colorado Dept of Labor | | 07/24/2020 | 98-00 | SUTA State Unemployment Tax Pay | 10-0218 | 70.66 |
| Total 6: | | | | | | | 219.69 |
| 9 | 9 Colorado Dept of Revenue | | 06/26/2020 | 77-00 | State Withholding Tax Pay Period: 6/2 | 10-0217 | 814.00 |
| | 9 Colorado Dept of Revenue | | 07/10/2020 | 77-00 | State Withholding Tax Pay Period: 7/1 | 10-0217 | 793.00 |
| | 9 Colorado Dept of Revenue | | 07/24/2020 | 77-00 | State Withholding Tax Pay Period: 7/2 | 10-0217 | 781.00 |
| Total 9: | | | | | | | 2,388.00 |
| 31 | 31 Mutual of Omaha | | 07/24/2020 | 51-01 | Group# MOORetirement Plan Pay P | 10-0220 | 255.40 |
| | 31 Mutual of Omaha | | 07/24/2020 | 51-01 | Group# MOORetirement Plan Pay P | 10-0220 | 861.60 |
| | 31 Mutual of Omaha | | 07/24/2020 | 51-02 | Group# MOO Loan Payment Pay Pe | 10-0220 | 307.22 |
| Total 31: | | | | | | | 1,424.22 |
| 33 | 33 FPPA - Fire & Police Pensi | | 07/24/2020 | 50-00 | FPPA Pay Period: 7/24/2020 | 10-0219 | 764.28 |
| | 33 FPPA - Fire & Police Pensi | | 07/24/2020 | 50-00 | FPPA Pay Period: 7/24/2020 | 10-0219 | 555.84 |
| | 33 FPPA - Fire & Police Pensi | | 07/24/2020 | 90-00 | Death & Disability Pay Period: 7/24/2 | 10-0219 | 194.54 |
| Total 33: | | | | | | | 1,514.66 |
| 70 | 70 Rocky Mountain HMO | | 06/26/2020 | 60-01 | RMHMO - Employee Only Pay Period | 10-0223 | 232.51 |
| | 70 Rocky Mountain HMO | | 06/26/2020 | 60-01 | RMHMO - Employee Only Pay Period | 10-0223 | 4,185.87 |
| | 70 Rocky Mountain HMO | | 06/26/2020 | 60-03 | RMHMO - Employee + Family Pay Pe | 10-0223 | 123.69 |
| | 70 Rocky Mountain HMO | | 06/26/2020 | 60-03 | RMHMO - Employee + Family Pay Pe | 10-0223 | 3,092.58 |

DTR

| Transmittal Number | Name | Invoice Number | Pay Per Date | Pay Code | Description | GL Account | Amount |
|--------------------|--------------------------|----------------|--------------|----------|------------------------------------|------------|-----------|
| 70 | Rocky Mountain HMO | | 06/26/2020 | 60-04 | RMHMO - Vision Pay Period: 6/26/20 | 10-0223 | 36.89 |
| 70 | Rocky Mountain HMO | | 07/10/2020 | 60-01 | RMHMO - Employee Only Pay Period | 10-0223 | 253.06 |
| 70 | Rocky Mountain HMO | | 07/10/2020 | 60-03 | RMHMO - Employee + Family Pay Pe | 10-0223 | 123.69 |
| 70 | Rocky Mountain HMO | | 07/10/2020 | 60-04 | RMHMO - Vision Pay Period: 7/10/20 | 10-0223 | 40.21 |
| Total 70: | | | | | | | 8,088.50 |
| 71 | | | | | | | |
| 71 | The Harford | | 06/26/2020 | 65-01 | Group#013307460001 Hartford Basic | 10-0226 | 25.44 |
| 71 | The Harford | | 06/26/2020 | 65-02 | Group#013307460001 Hartford Suppl | 10-0226 | 29.38 |
| 71 | The Harford | | 06/26/2020 | 65-03 | Group#013307460001 Hartford Disab | 10-0226 | 110.80 |
| 71 | The Harford | | 07/10/2020 | 65-02 | Group#013307460001 Hartford Suppl | 10-0226 | 29.38 |
| 71 | The Harford | | 07/24/2020 | 65-01 | Group#013307460001 | 10-0226 | 13.69 |
| Total 71: | | | | | | | 208.69 |
| 73 | | | | | | | |
| 73 | Delta Dental of Colorado | | 06/26/2020 | 60-05 | Dental RMHMO - Dental Pay Period: | 10-0223 | 251.98 |
| 73 | Delta Dental of Colorado | | 07/10/2020 | 60-05 | Dental RMHMO - Dental Pay Period: | 10-0223 | 271.41 |
| 73 | Delta Dental of Colorado | | 07/24/2020 | 60-05 | Dental | 01-0223 | 310.23- |
| Total 73: | | | | | | | 213.16 |
| Grand Totals: | | | | | | | 18,918.57 |

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

4,426.41+
 435.24+
 2,388.00+
 1,424.22+
 1,514.66+
 8,088.50+
 208.69+
 213.16+
 008
 18,698.88*
 18,698.88+
 219.69+
 002
 18,918.57*

| | |
|---|--------------------------|
|  | Paonia Skate Park Update |
|---|--------------------------|

The initial in-kind ask included use of Town equipment without a Town employee operator. This is not a recommendation, so in-kind offer has been modified to show only time with a Town operator. The length of time is extensive with a small public works staff and could not be provided concurrently, or consecutively. The fence installation has been removed. We anticipate a fence installation to be included within the final plan – once a location is determined – of which the Town can then discuss and approve the type of fence material.

ASKED/RECOMMENDED

- Temporary Construction Fencing: \$75 per 100' - **2000' \$1,500/\$1,500**
- Temporary Dumpster: \$800 per delivery – pickup - **2 pickups \$1,600/\$1,600**
- Public Restroom access in lieu of porta-potty - **\$500/\$500**
- Skid Steer: \$100 per hour with operator - **104 hours w/operator. \$10,400/52hours/\$5,200**
- Excavator Mini: \$100 per hour with operator - **24 hours w/operator. \$2,400/\$2,400**
- Roller: \$75 per hour with operator - **48 hours w/operator. \$3,600/24 hours/\$1,800**
- Demo: \$50 per person per hour - **2 people, 24 hours each concrete cutting, jack hammering, removal \$2,400 total/1 person/24 hours \$1,200**
- Water Truck: \$35 per load - **75 loads \$2,625 total/\$2,625**

TOTAL In-Kind Donation Possible: \$25,025
TOTAL In-Kind Donation Recommended: \$16,825

Concerns under investigation:

Cost of liability insurance for a municipally owned skate park. – Still outstanding from CIRSA at time of packet completion.

Recommend the Board support the revitalization of the Paonia Skate Park with in-kind donation of time and equipment – not to exceed 125 hours – location to be determined with appropriate noise mitigation.

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

AGENDA SUMMARY FORM

| | |
|---|-------------------------------|
|  | Paonia Tree Board Appointment |
|---|-------------------------------|

Summary: Via Ordinance 2020-05 the Tree Board, and advisory board to the Town Council, can have up to 6 community members and 1 trustee. Currently there are 2 open community ember seats. Included in the packet is a brief statement from Mr. Jeff Thompson, requesting a seat on the tree board.

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

Corinne Ferguson

From: Jeff Thompson <jtinthemtns@gmail.com>
Sent: Friday, August 7, 2020 4:44 PM
To: Paonia; Corinne Ferguson; Mary B
Subject: Tree Board

Hello Corinne and Paonia Administrators,

I am interested in being on the Paonia Tree Board. I work for Colorado State Parks as a biologist and natural resource planner. My duties include writing management plans like weed management and vegetation management plans for state parks. I would very much like to lend my time to the town to help in any way that I can.

Thanks,
Jeff

Jeff Thompson


--

AGENDA SUMMARY FORM

| | |
|---|---|
|  | Delta County General Election Intergovernmental Agreement |
|---|---|

Summary:
Intergovernmental Agreement for the November General Election.

Notes:

Possible Motions:
Motion by: _____ 2nd: _____ vote: _____

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

INTERGOVERNMENTAL AGREEMENT

This Agreement between the County Clerk and Recorder of Delta County (hereafter Clerk) and the Town of Paonia (hereafter Town) is to specify terms and procedures for the conduct of the 2020 General Election which is scheduled for November 3, 2020.

1. **PURPOSE:** Pursuant to the terms of this agreement the Clerk and the Town agree to the scheduling of a General Mail Ballot Election on November 3, 2020. This election shall be under the provisions of Title 1 of the Colorado Revised Statutes.
2. **DELEGATION OF AUTHORITY:** The Town, hereby delegates and transfers to the Clerk all such power, authority and duties which reside in the Town for the purpose of conducting the election. The respective responsibilities between the Clerk and the Town shall be described on Exhibit A.
3. **VOTER SERVICE AND POLLING CENTER LOCATIONS:** Voter Service and Polling Center Locations are available for voters to register to vote, change address, request ballots or replacement ballots, vote and/or deposit mail ballots. The following locations and dates are attached on Exhibit B.
4. **ADDRESS LIBRARY:** The Clerk will send a list of addresses within the political subdivision and the Town will certify that the list is true and correct. Any discrepancies to the address library will need to be communicated to the Clerk no later than sixty days prior to the election.
5. **ELECTION JUDGES:** All Election Judges will be the responsibility of the Clerk.
6. **LEGAL NOTICES:** Pursuant to 1-5-205 published and posted notice of election, which is required to be published no later than 20 days before the election, will be the responsibility of the Clerk. All legal notices concerning the Town which are to be published prior to certification of the ballot content to the Clerk shall be the responsibility of the Town.
7. **BALLOT CONTENT:** In accordance with Colorado law, the ballot content must be certified to the Clerk by the Town, in its exact and final form, no later than 4:30 p.m. on September 4, 2020 electronically in plain text format to elections@deltacounty.com.
 - The Town will certify the ballot content in the order in which it will appear on the ballot
 - The Clerk will number the ballot issue's according to the order in which the measures are certified
 - To avoid ballot space issues, the Clerk requests that each issue and question is not more than 250 words
 - All caps are reserved for TABOR issues only per C.R.S. 1-40-115
 - The Clerk will not provide legal advice
 - The Clerk's office will provide a copy of the ballot layout to the Designated Election Official, or their designee, for proofreading before printing ballots
 - The Designated Election Official will return a signed copy of the ballot layout stating the wording is correct within 2 hours of receiving a proof
8. **TABOR NOTICES:** The Town shall follow the 2020 Tabor Notice Calendar with regard to filing dates, form, etc. to be filed with the Clerk. The Clerk will be responsible for the mailing of the Tabor notices.
 - September 18, 2020 is the last day to file written comments concerning local ballot issues with the Designated Election Official (Town)
 - September 21, 2020 is the last day for the Designated Election Official (Town) to deliver ballot issue notice to the Clerk
 - October 2, 2020 the Clerk will mail notice of a ballot issue election
9. **TESTING AND AUDITING:** Conduct of the required tests and audits of the voting system prior to and after the Election pursuant to C.R.S. 1-7-509 will be the responsibility of the Clerk. The county will convene a Testing and Risk Limiting Audit Board.

- 10. **CONDUCT OF THE GENERAL ELECTION:** The Clerk will be responsible for coordinating and conducting the election in accordance of The Colorado Constitution, Colorado Revised Statutes, Secretary of State Election Rules, and HAVA requirements.
- 11. **VERIFICATION OF SIGNATURES:** In accordance with C.R.S. 1-7.5-107.3 the Clerk will be responsible for signature verification. Electors shall have until 8 days after the election to return the signature discrepancy affidavit and have their ballot counted.
- 12. **TABULATION OF BALLOTS:** All processes relating to the tabulation of ballots will be the responsibility of the Clerk.
 - Preliminary unofficial results will be available on the Delta County website, www.deltacounty.com under news alerts on election night by 7:30 p.m. and will be updated once the tabulating is complete on Election Night
 - Hard copies of the unofficial results will be available in the office election night or if requested emailed the following morning
- 13. **CANVASS OF VOTES:** The canvass of votes will be the responsibility of the Clerk. Official results of the canvass will be provided to all Entities participating in the General Election.
- 14. **ALLOCATION OF COST OF ELECTION:** The Clerk will determine the cost allocation for each political subdivision participating in the Coordinated Election.
 - The Town will reimburse the Clerk for its fair share of the costs, including but not limited to, publication cost, printing costs, mailing costs, judges' fees, employee overtime and mileage
 - The Town shall promptly pay the Delta County Clerk & Recorder in full with-in thirty days unless arrangements have been made ahead of time
 - The Town will need to supply the Clerk with contact information, including mailing address and electronic address for the Designated Election Official and any backup personnel if available
- 15. **CANCELLATION OF ELECTION:** An election may be cancelled when:
 - No later than twenty-five days before an election conducted as a coordinated election in November, and at any time prior to any other elections, a governing body may by resolution withdraw one or more ballot issues or ballot questions from the ballot
 - The ballot issues and ballot questions shall be deemed to have not been submitted and votes cast on the ballot issues and ballot questions shall either not be counted or shall be deemed invalid by action of the governing body
 - Any expenditure already incurred shall be the responsibility of the Town in the event the election is cancelled
- 16. **VENUE:** Venue for any dispute hereunder shall be in the District Court of Delta County.
- 17. **INDEMNIFICATION:** The Town agrees to indemnify, defend and hold harmless the Clerk from any and all loss, costs, demands or actions, arising out of or related to any actions, error or omissions of the Town in completing its responsibilities relating to the November 3, 2020 General Election.

DELTA COUNTY CLERK AND RECORDER

TOWN OF PAONIA

DATE _____

DATE _____

THIS AGREEMENT MUST BE SIGNED AND RETURNED TO THE DELTA COUNTY CLERK AND RECORDER BY CLOSE OF BUSINESS AUGUST 25, 2020.

Responsibilities

| County Clerk | Special/Municipal District |
|--|--|
| Accept Voter Registration | |
| Prepare and Submit Mail Ballot Plan to Secretary of State | |
| Sign Intergovernmental Agreement (70 Days) C.R.S. 1-7-116(2) | |
| Appoint Election Judges | Certify Ballot Content to County Clerk (60 Days) C.R.S. 1-5-203(3)(a) |
| Program Ballot | |
| Print Ballots | |
| Hardware Testing | Ballot Issue Notices-Collect written comments (45 Days[If applicable]) 1-7-901(4) |
| Public Logic and Accuracy Testing | |
| Assemble & Mail ballot packets (22 Days) C.R.S. 1-7.5-107(3)(a) | Deliver Ballot Issue Notice to County Clerk (42 Days) C.R.S. 1-7-904 |
| Mail Ballot Issue Notice (30 Days) Art. X Sect 1(7.5)(b)/C.R.S. 1-1-106(5) | |
| | Request list of property owners no later than the 40th day preceding the election from the county assessor. |
| | |
| Receive and Process returned Ballots | |
| Legal Notices-Clerk will publish 20 Day Notice per C.R.S. 1-5-205 | Submit verified registered elector property owner list to County Clerk no later then 30 days prior to election day. Unless other arrangements have been made for county to verify property owner list. |
| Election Day - Office Hours 7:00 A.M. to 7:00 P.M. | Any required notices to be published prior to Certification is the responsibility of the district |
| Risk Limiting Audit | |
| Canvass Election Returns | |
| Certify Election Results | |

Estimated Cost of Election

| Election Cost Breakdown | |
|--|-------------------|
| Ballot Issue Notice - Only if there is a Tabor question. | \$500.00 |
| Estimated Election Cost | \$1,850 |
| Total Estimated Cost | \$2,350.00 |

*Estimated costs reflects 1045 Active voters and property owners. Cost may change depending on participation from other entities. Property owners are estimated at this time.

Responsibilities

NOTICE OF GENERAL ELECTION
NOVEMBER 3, 2020
DELTA COUNTY, COLORADO

BALLOTS WILL BE MAILED TO ALL ACTIVE REGISTERED VOTERS
THE WEEK OF OCTOBER 12, 2020

BALLOTS ARE NOT FORWARDABLE SO PLEASE MAKE SURE YOUR MAILING ADDRESS IS CURRENT.
YOU CAN VERIFY, UPDATE YOUR ADDRESS OR REGISTER TO VOTE AT www.govotecolorado.com

Sample Ballots are available online at www.deltacounty.com

Voter Service and Polling Center Locations

| Location | Dates | Hours | |
|---|--|---|---|
| Delta County Clerk and Recorder's Office 501 Palmer St. Delta Co | Starting October 19, 2020 Saturday October 31, 2020 Tuesday Election Day | Monday-Friday 8:00 am-4:30 pm 9:00 am - 1:00 pm 7:00 am - 7:00 pm | *24 Hour Drop Box available starting October 12, 2020 |
| North Fork Annex 196 W. Hotchkiss Ave Hotchkiss Co | Friday October 30, 2020 & Monday November 2, 2020 Tuesday Election Day | 8:30 a.m. - 4:30 p.m. Closed for lunch 12:30 - 1:30 7:00 am - 7:00 pm | *24 Hour Drop Box available starting October 12, 2020 |

Mail Ballot Drop off Location Only

| | | | |
|---|------------------|------------------------|---------------------|
| Cedaredge Library 180 SW 6th Ave Cedaredge Co | October 12, 2020 | Election Day 7:00 p.m. | *Available 24 Hours |
| Town of Paonia 214 Grand Ave Paonia Co | October 12, 2020 | Election Day 7:00 p.m. | *Available 24 Hours |
| Town of Orchard City 9661 2100 Rd Austin Co | October 12, 2020 | Election Day 7:00 p.m. | *Available 24 Hours |

AGENDA SUMMARY FORM

| | |
|---|-------------------------------|
|  | Main Avenue Culvert Bid Award |
|---|-------------------------------|

Summary:
 Bid presentation and Board approval for the Main Avenue culvert replacement.

Notes:
 Three bids were received in the amounts of:

 \$23,915 – Dales Quality Construction Services
 \$22,550 – Tribble & Sons Construction, LLC
 \$20,200 – Roop Excavating, LLC

 Staff and Public Works Committee recommends the award to Roop Excavating in the amount of \$20,200.

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

The Town of Paonia is requesting bids for the replacement of approximately 80' of culvert pipe that runs under the 200 block of Main Ave. that carries water for the Paonia Ditch Company.

Contractor: Dale's Quality Construction Services

Mobilization: \$ 3,000.00

Exporting of Existing materials: \$ 1,800.00
(Old culvert, asphalt, and any other unusable materials)

Install 80 feet of Town supplied concrete culvert: \$ 2,200.00

Install Town supplied concrete block: \$ 600.00

3/4 inch screen rock: (45 Ton) \$ 1,440.00
Base material

3/4 inch road base: (165 Ton) \$ 5,775.00

Equipment Time: \$ 6,500.00

Labor: \$ 2,000.00

Site Restoration: \$ 600.00

TOTAL: \$ 23,915.00

All new material needs to be set to grade for the Paonia Ditch Company and needs to be compact to 95% for paving.

The Town of Paonia is requesting bids for the replacement of approximately 80' of culvert pipe that runs under the 200 block of Main Ave. that carries water for the Paonia Ditch Company.

Contractor: Tribble & Sons Construction LLC

Mobilization: \$ 2,500.00

Exporting of Existing materials: \$ 1200.00

(Old culvert, asphalt, and any other unusable materials)

Install 80 feet of Town supplied concrete culvert: \$ 2,700.00

Install Town supplied concrete block: \$ 300.00

3/4 inch screen rock: (45 Ton) \$ 1305.00

Base material

3/4 inch road base: (165 Ton) \$ 5,445.00

Equipment Time: \$ 5800.00

Labor: \$ 1,800.00

Site Restoration: \$ 1,500.00

TOTAL: \$ 22,550.00

All new material needs to be set to grade for the Paonia Ditch Company and needs to be compact to 95% for paving.

The Town of Paonia is requesting bids for the replacement of approximately 80' of culvert pipe that runs under the 200 block of Main Ave. that carries water for the Paonia Ditch Company.

Contractor: Roop Excavating LLC.

Mobilization: \$ 1,000.00

Exporting of Existing materials: \$ 1,500.00

(Old culvert, asphalt, and any other unusable materials)

Install 80 feet of Town supplied concrete culvert: \$ 2,500.00

Install Town supplied concrete block: \$ 500.00

3/4 inch screen rock: (45 Ton) \$ 1,200.00

Base material

3/4 inch road base: (165 Ton) \$ 5,000.00

Equipment Time: \$ 5,000.00

Labor: \$ 2,500.00

Site Restoration: \$ 1,000.00

TOTAL: \$ 20,200.00

All new material needs to be set to grade for the Paonia Ditch Company and needs to be compact to 95% for paving.

ORDINANCE NO. 2020 – TBD

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
PAONIA, COLORADO, CREATING AN ADVISORY WATER
COMMITTEE OF THE TOWN**

RECITALS:

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

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

WHEREAS, in an effort to provide direction and administrative assistance to both the Town’s Board of Trustees and the Town’s Department of Public Works, there shall be an amendment to the Municipal Code of the Town creating an Advisory Water Committee; and

WHEREAS, pursuant to Section 2-2-90 of the Town Municipal Code (the “Town Code”), the Board shall create and appoint members to such boards and commissions as may now or hereafter exist.

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

Section 1. Legislative Findings.

The foregoing Recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Board of Trustees.

Section 2. Addition to the Town Code.

Sec. 2-10-10 to Sec. 2-10-50 of the Town Code is added as follows:

Sec. 2-10-10. – Creation.

A Water Committee, in accordance with C.R.S § 31-35-501 et. seq., referred to in this Article as the “Committee” is hereby created.

Sec. 2-10-20. – Organization.

1. The Committee shall have no less than three (3) nor more than five (5) members; one (1) membership shall be filled by a current member of the Board of Trustees; one (1) membership shall be filled by a representative from the Town’s Public Works Department or Administrative staff, and not less than one (1) nor more than three (3) memberships shall be members of the public.

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

3. The terms of the three (3) Committee appointees shall be fixed and designated by the Mayor with two Committee members serving for two (2) years and one member serving for three (3) years from the time of appointment, with the terms of office staggered. The term for the member of the Board of Trustees shall continue until his/her successor is duly elected and qualified, at which time an elected member of the Board shall be designated to serve on the Water Committee for a term coincident with his/her term of office as a member of the Board of Trustees. The staff member shall serve at the pleasure of the Town administrator, who may modify the staff member appointment or term as required to meet demands on staff time and workload.

Sec 2-10-30. – Purpose of the Committee.

The Committee is created for the following purposes:

1. To study and recommend to the Board of Trustees amendments to the sections of Municipal Code that address the Town of Paonia water system, including but not limited to Sec. 13 Article 1 of the Town Code.
2. To study and recommend to the Board of Trustees actions based on any written reports, infrastructure analysis and any engineering studies commissioned by the Town of Paonia related to the Town's water system and supply both in and out of Town.
3. To provide a regularly scheduled forum for any recipient of water from the Town's water system to participate in discussions specific to the water system, including but not limited to maintenance, repairs, rates, and management.
4. To consider, investigate, make findings, report and recommend on any special matter or question coming within the scope of its work to the Town's Public Works Department and/or to the Board of Trustees.
5. To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall permit the Committee direct decision-making powers, such powers expressly being reserved by the Board of Trustees.

Sec 2-10-40 - Appointment of Officers

The Committee shall elect its Chair from among its membership and create and fill such other of its offices as it may determine. The term of such office for each officer, including that of the Chair, shall be for two (2) years. The Committee may hold at least one (1) regular meeting each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which records shall be kept in accordance with the Colorado Open Records Act, with the Town the Custodian of Records.

Sec 2-10-50 – Power and Duties

In addition to adhering to its purpose and enumerated under Sec. 2-10-30 of the Town Code, the Committee shall have all the powers and perform each and all of the duties specified by C.R.S. § 31-35-504, together with any other duties or authority which may hereafter be conferred upon them by the Board of Trustees.

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 6. 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.

THIS SECTION LEFT INTENTIONALLY BLANK

Section 7. Effective Date.

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

INTRODUCED, READ AND REFERRED to public hearing before the Board of Trustees for the Town of Paonia, Colorado, on the ___ day of _____, 2020.

TOWN OF PAONIA

By: _____
MARY BACHRAN, Mayor

ATTEST:

J. CORINNE FERGUSON, Town Clerk

HEARD AND FINALLY ADOPTED by the Town of Paonia Board of Trustees for the Town of Paonia, Colorado, on the ___ day of _____, 2020.

TOWN OF PAONIA

By: _____
MARY BACHRAN, Mayor

ATTEST:

J. CORINNE FERGUSON, Town Clerk

AGENDA SUMMARY FORM

| | |
|---|--|
|  | <p>Resolution 2020 – TBD Resolution 2020-TBD Marijuana Ballot Language</p> |
|---|--|

Summary:
 Resolution of proposed taxation language regarding retail marijuana sales within the Town of Paonia.

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

DEVOR & PLUMHOFF, LLC
Attorneys and Counselors at Law

Bo James Nerlin
bo@coloradowestlaw.com

MEMORANDUM

To: Board of Trustees, Town of Paonia
From: Bo James Nerlin
Re: Marijuana Ballot Question
Date: 8/6/2020
CC: Ms. Corinne Ferguson

Enclosed with this memorandum is Resolution 2020___ authorizing the submittal of a ballot question or questions to the voters of the Town of Paonia regarding the licensing and taxing of retail and medical marijuana. The Government Affairs and Public Safety (“GAPS”) Committee has developed the following ballot questions but is seeking additional direction from the Board of Trustees as to if the Town should present two separate questions or present the issue as one question. The GAPS Committee would also like direction as to if there should be a limitation on the allocation of the funds, for streets and sidewalks, or to be applied to the general fund. The following are the questions that the GAPS committee has agreed upon:

Presented as Two Questions

- i. Shall the establishment and operation of retail and medical marijuana stores be permitted in the Town of Paonia, Colorado subject to the requirements of the Colorado Retail Marijuana Code and regulations set by the Board of Trustees?
- ii. Shall the Town of Paonia levy an occupational tax of \$5.00 per sales transaction, effective January 1, 2021 on the sale of retail and medical marijuana and marijuana products within the Town of Paonia, with the resulting tax revenue used for infrastructure repair and improvements, including but not limited to Town streets, sidewalks, curb, gutter, drainage, landscaping, lighting and streetscape amenities, through 2025, and thereafter allocated annually by the Board of Trustees?

Presented as a Single Question

Shall the establishment and operation of retail and medical marijuana stores be permitted in the Town of Paonia, Colorado subject to the requirements of the Colorado Retail Marijuana Code and regulations set by the Board of Trustees; and shall the Town of Paonia levy an occupational tax of \$5.00 per sales transaction, effective January 1, 2021, on the sale of retail and medical marijuana and marijuana products within the Town of Paonia, with the resulting tax revenue used for infrastructure repair and improvements including but not limited to Town streets, sidewalks, curb, gutter,

drainage, landscaping, lighting and streetscape amenities, and sidewalks through 2025, and thereafter allocated annually by the Board of Trustees?

Alternative language for allocation to the general fund

...shall the Town of Paonia levy an occupational tax of \$5.00 per sales transaction, effective January 1, 2021 on the sale of retail and medical marijuana and marijuana products within the Town of Paonia, with the resulting tax revenue applied to the general fund and allocated annually by the Board of Trustees?

In developing the foregoing, the GAPS committee reached the following conclusions:

1. The Committee's preference is to seek voter approval regarding retail and medical marijuana, and other marijuana licensing may be allowed at a later date by the Board of Trustees; and,
2. It is easier to explain to the voters and thereafter collect by the Town a flat per transaction tax.

Provided the Board reaches a consensus, the appropriate ballot language can then be submitted into Resolution 2020-____. This can be done at either Board of Trustees Meeting on August 11 or August 25.

**TOWN OF PAONIA
RESOLUTION NO. 2020 – TBD**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, AUTHORIZING THE SUBMISSION OF BALLOT QUESTIONS TO THE VOTERS OF THE TOWN OF PAONIA CONCERNING THE ESTABLISHMENT OF MARIJUANA FACILITIES WITHIN THE TOWN OF PAONIA, THE PERMITTING AND LICENSING OF SUCH FACILITIES, AND THE IMPOSITION OF AN OCCUPATION TAX ON SALES OF MARIJUANA AND MARIJUANA PRODUCTS IN THE TOWN OF PAONIA

WHEREAS, the Town of Paonia (the "Town"), is a duly organized and existing statutory municipality of the State of Colorado, created and operating pursuant to the Colorado Revised Statutes; and

WHEREAS, the members of the Board of Trustees of Paonia (the "Board") have been duly elected and qualified; and

WHEREAS, Amendment 64 allows local governments to adopt licensing procedures and regulations governing certain aspects of the operation of marijuana establishments. The Amendment further allows for local governments to prohibit the operation of marijuana establishments by the adoption of an ordinance or by an initiated or referred measure placed before the qualified voters of the Town of Paonia; and

WHEREAS, the Town of Paonia has vested authority in the Board of Trustees to authorize ballot questions to the voters of the Town of Paonia; and

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval for any new tax, tax rate increases, mill levy above that for the prior year, the creation of debt and for spending above the limits established by TABOR; and

WHEREAS, the Board of Trustees deems it necessary to request direction from the voters of the Town of Paonia regarding the allowance of Medical Marijuana Facilities and Retail Marijuana Facilities within the Town of Paonia; and

WHEREAS, the Board of Trustees finds it to be in the best interests of the Town of Paonia to request the voters to approve an increase in taxes through the imposition of an occupational tax on marijuana and marijuana products in the event that the voters determine that Medical Marijuana Facilities and/or Retail Marijuana Facilities should be allowed within the Town.

NOW THEREFORE, it is hereby resolved by the Board of Trustees of the Town of Paonia that:

1. The Board of Trustees incorporates the foregoing recitals.
2. The State of Colorado's General Election is set for November 3, 2020, pursuant to and in accordance with the state laws governing elections.

3. The Board hereby directs the Town Administrator, Clerk and Attorney to take all administrative actions necessary to effectuate the provisions of this Resolution, to coordinate an election with Delta County, and enter into an intergovernmental agreement for the same. The Election shall be conducted in accordance with applicable state law and regulations.
4. The Board hereby directs and declares that at the November 3, 2020 Election there shall be submitted to the eligible electors of the Town of Paonia two Ballot Issues in substantially the following form:
 - i. Shall the establishment and operation of retail and medical marijuana stores be permitted in the Town of Paonia, Colorado subject to the requirements of the Colorado Retail Marijuana Code and regulations set by the Board of Trustees?
 - ii. Shall the Town of Paonia levy an occupational tax of \$5.00 per sales transaction, effective January 1, 2021 on the sale of retail and medical marijuana and marijuana products within the Town of Paonia, with the resulting tax revenue used for infrastructure repair and improvements, including but not limited to Town streets, sidewalks, curb, gutter, drainage, landscaping, lighting and streetscape amenities, through 2025, and thereafter allocated annually by the Board of Trustees?
5. If, during the Election, a majority of the eligible electors voting in the Election approve the Ballot Issues set forth above, the Board of Trustees of the Town of Paonia shall be authorized to proceed with all necessary and appropriate actions to adopt regulations permitting Medical Marijuana Facilities and/or Retail Marijuana Facilities and to levy the increased taxes in accordance with the Ballot Issues approved by the voters.
6. Any sales tax increase or sales tax of marijuana products will be approved only to the extent that such Retail Marijuana Facilities are permitted in the Town of Paonia. Should only the ballot question permitting Medical Marijuana Facilities and/or Retail Marijuana Facilities be approved by the voters, the Board of Trustees may adopt regulations for permitting such facilities that include application, permit or other fees sufficient to offset the costs of such permitting.
7. Pursuant to C.R.S. § 1-11-203.5, any election contest arising out of a Ballot Issue or Ballot Question concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five (5) days after the title of the Ballot Issue or Ballot Question is set.
8. If any part or provision of this Resolution is determined by the appropriate court to be unenforceable or invalid, that determination shall not affect, impair or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions are severable.

9. All acts, orders and resolutions, or parts thereof, of the Town of Paonia that are inconsistent or in conflict with this Resolution are hereby superseded or repealed to the extent of the inconsistency or conflict.

10. The provisions of this Resolution shall take effect immediately.

APPROVED AND ADOPTED this ____ day of _____, 20__.

TOWN OF PAONIA. COLORADO

By: _____
Mary Bachran, Mayor

ATTEST:

By: _____
J. Corinne Ferguson, Town Clerk



AGENDA SUMMARY FORM

| | |
|---|-----------------------|
|  | No Items For Approval |
|---|-----------------------|

Summary:

Notes:

Possible Motions:
Motion by: _____ 2nd: _____ vote: _____

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

AGENDA SUMMARY FORM

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

AGENDA SUMMARY FORM

| | |
|---|---|
|  | Finance & Personnel Governmental Affairs & Public Safety Public Works-Utilities-Facilities Space to Create Tree Board |
|---|---|

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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

AGENDA SUMMARY FORM

| | |
|---|-------------|
|  | Adjournment |
|---|-------------|

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

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