



TOWN OF PAONIA
214 GRAND AVENUE
REGULAR TOWN BOARD MEETING AGENDA
TUESDAY, OCTOBER 10, 2023 6:30 PM
[HTTPS://US02WEB.ZOOM.US/J/82464534265](https://us02web.zoom.us/j/82464534265)
MEETING ID: 824 6453 4265

Public Participation: Must raise hand and be recognized by the Mayor, come to the podium and state your name and the street on which you live. Time limit is 3 minutes, one time per item. Direct all comments to the Mayor. No responses will be made by staff or Board during the meeting. No derogatory or demeaning statements or public displays. Please be respectful.

Roll Call

Approval of Agenda

Announcements

Public Comment

Any topic not included under Actions & Presentations, 3-minute time limit.

Consent Agenda

September 12, 2023 Regular Meeting Minutes
 September 26, 2023 Regular Meeting Minutes
 October 06, 2023 Emergency Meeting Minutes

Disbursements

EDFOODYO LLC Liquor License Renewal

Staff Reports

Town Administrator- Verbal Report
[Police](#) Department Staff Report September 2023
[Police](#) Department Blotter
 Public Works Director

Actions & Presentations

Public comments must be related to the agenda item, 3-minute time limit.

1. Consideration and Approval of Resolution 2023-16 Opposing Proposition HH
2. Approval to Submit a WaterSmart Water Strategy Planning Grant
3. Ratification of Approval for Emergency Sewer Line repairs at Emergency Meeting
4. Ratification of Approval to Allow BLM Workers to Camp in Apple Valley Park While Working on Trail System, at Emergency Meeting

5. Approval of Memorandum of Understanding with the Department of Revenue for Retail Marijuana Sales Tax Access

Executive Session

Executive Session, pursuant to C.R.S. Section 24-6-402, subsections (4)(e) and (4)(f), for discussion of a personnel matter that does not involve any employee who has requested discussion of the matter in open session, any member of this body or any elected official, the appointment of any person to fill an office of this body or of an elected official, or personnel policies that do not require the discussion of matters personal to a particular employee; and for purposes of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators; relative to the terms and conditions of the Police Chief's employment with the Town, and the obligations of a certain former Town employee under a training reimbursement agreement with the Town.

Mayor & Trustee Reports

Adjournment

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

I. RULES OF PROCEDURE

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

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

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

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

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

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

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

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

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

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

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

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

II. CONSENT AGENDA

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

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

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

III. EXECUTIVE SESSION

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

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

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

IV. SUBJECT TO AMENDMENT

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

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

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
September 12, 2023

RECORD OF PROCEEDINGS

Mayor Bachran calls the meeting to order at 6:30 pm.

Roll Call

- PRESENT
- Mayor Mary Bachran
- Mayor Pro-Tem Dave Knutson
- Trustee Paige Smith
- Trustee John Valentine
- Trustee Rick Stelter
- Trustee Morgan MacInnis

Approval of Agenda

Trustee Smith asks a question about Tree Board appointments and suggests due to citizen comments that they extend the application time.

Town Attorney Cotten-Baez is asked for his opinion on renewing appointments for committees.

Trustee Smith makes a motion, seconded by Trustee Stelter, to approve the agenda.

The motion carries unanimously.

Announcements

September is Suicide Prevention Awareness Month Proclamation

Mayor Bachran reads the proclamation aloud before signing it.

Trustee Stelter announces a COVID Outbreak in Delta County and encourages people to wash hands, social distance and consider masks with symptoms.

Trustee Knutson announces that a decision was released on BLM and expresses his thanks for the transparency and response to public comment on the Jumbo Mountain Travel Plan.

Trustee Smith thanks community member Christina Patterson for coordinating the beautiful mural of peonies next to Town Hall.

Public Comment

J. Nall: Project Engineer for 133 Bridge Project gave an update on the repairs and completion date.

C. Simon: Tri-County Health Network, thanks Paonia for Proclamation.

N. Leger: Citizens for a Healthy Community makes a comment about BLM rulemaking in progress and asking Board of Trustees to send a comment letter.

P. Kolbenschlag: makes comment on climate change and crisis in the Gunnison Basin and North Fork Valley.

S. Watson: comments about community buy in for committees.

J. Roth: comments about boards and committees and availability.

Consent Agenda

Trustee Stelter makes a motion, seconded by Mayor Pro-Tem Knutson to approve the consent agenda.

The motion carries unanimously.

Staff Reports

Town Administrator

Town Administrator Wynn reports on his successful family move and gives some basic information and promises a more thorough report at the next meeting.

Paonia Police Department

Police Chief Laiminger requests careful and courteous driving for the bridge project and adds detail to his written report.

Public Works

Public Works Director Heiniger reports that Public Works is tackling some large projects, hydrant flow testing and painting, Apple Valley Park retaining wall fixed and shed removed, installing railings for dangerous spots on Paonia Ditch, temporary caps were installed on the walls around the Miner's Statue at Town Park while we wait for granite for permanent repair.

Actions & Presentations

01. Swearing in of Deputy Clerk, Ruben Santiago

Deputy Clerk Santiago is sworn in by Town Clerk Vetter.

02. Board Appointment to the Vacant Trustee Seat

Kathy Swartz introduces herself as an interested community member in the vacant Trustee seat.

Trustee Knutson makes a motion, seconded by Trustee Smith, to appoint Kathy Swartz to the Board of Trustees.

Trustee Swartz was given the oath of office by Town Clerk Vetter.

03. Appointment to the Planning Commission by the Board of Trustees

The only applicant to this position withdrew their application so no appointment was made.

04. Appointment to the Paonia Tree Board by the Board of Trustees

Board discussion ensued over protocol, policies and the appearance of seats not being available for the public to serve.

Public Comment:

S. Zeiman: comment on multiple interested parties just in the room.

C. Patterson: comment on transparency for boards and committees

S. Watson: comment on make-up of Tree Board and Ordinance.

S. Patterson: comment on action to appointment tonight

Trustee Smith makes a motion to advertise the open seat and have applications in by first meeting in October.

Motion dies for lack of a second.

Board discussion: rewriting the ordinance, Arbor Day, sick tree day, matrix rewrite, term limits, duties, responsibilities, and how to fix omissions.

Town Administrator Wynn makes a suggestion how to solve the problem.

Trustee Stelter makes a motion, seconded by Trustee MacInnis. to reappoint Paula Martin until January 2024

Voting Yea: Mayor Pro-Tem Knutson, Trustee Valentine, Trustee Stelter, Trustee MacInnis, Trustee Swartz

Voting Nay: Trustee Smith

The motion carries.

Trustee Knutson makes a motion, seconded by Trustee Stelter, to take a five-minute recess.

Motion carries unanimously.

The meeting resumes at 8:02 pm

Trustee Smith makes a motion, seconded by Trustee MacInnis, to have the Town Administrator clarify 2-7-20 of the Paonia Municipal Code: Membership; Terms of the Tree Board.

The motion carries unanimously.

Trustee Smith makes a motion, seconded by Trustee Valentine, to also clarify 2-7-30 to clarify private versus public right of way.

Voting Aye: Trustee Smith, Trustee Valentine, Trustee Stelter, Trustee Swartz, Trustee MacInnis

Abstained: Mayor Pro-Tem Knutson

The motion carries.

05. Consideration of \$25,000 match for a DOLA Admin Grant for Municipal Code Rewrite

Town Administrator Wynn provides background on the project and thoughts behind the code rewrite and process.

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee Stelter, to approve the Town Administrator to submit an Admin Grant request to DOLA with the understanding that a minimum of \$25,000 will be required as a match from the Town to complete a Municipal Code Rewrite

Board discussion includes budget year, amendments, line items, RFP's, RFQ's

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee Smith, to put out an RFQ for the Code Rewrite.

NCB asks that the Board consider the working relationship of RFQ's with the Town of Paonia and the Town Attorney.

Voting Yea: Mayor Pro-Tem Knutson, Trustee Valentine, Trustee Stelter, Trustee MacInnis and Trustee Swartz

Voting Nay: Trustee Smith

The motion carries.

06. Consideration of Ordinance 2023 - 06 Amending Chapter 8 Article 1 of the Town Code and Adopting Traffic Schedules

Town Administrator Wynn provides background on the citizen driven look at the traffic code, speeds, signage, crosswalks and safety schedules.

Public Comment:

S. Watson: comments on the attention to detail in the Ordinance and OHV's.

Board discussion: wording in ordinance, enforceability, differences in laws to each vehicle, parking restrictions comments and questions, future hopes for parking issues, police and public works on board, getting the word out, traffic studies, different, clarification of additions.

07. Consideration of Approval: Resolution 2023-15 Authorized Signatories

Motion made by Trustee Stelter, Seconded by Trustee Smith, to approve Resolution 2023-15 Authorized Signatories.

The motion carries unanimously.

Trustee Valentine makes a motion, seconded by Trustee MacInnis to extend the meeting to 9:45 pm.

The motion carries unanimously.

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee Stelter to go into Executive Session, pursuant to C.R.S. Sections 24-6-402(4)(a) and (4)(e)(I), for the purposes of considering the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest, and determining positions, developing strategy and instructing negotiators relative to matters that may be subject to negotiation; specifically pertaining to a proposed amendment to the existing tower lease with SBA Communications concerning Town-owned property located on Cemetery Circle Drive.

Motion carries unanimously.

Executive Session begins: 9:01pm

Executive Session ends: 9:33 pm

Attending the Executive Session were Mayor Bachran, Mayor Pro-Tem Knutson, Trustees Smith, Trustee Valentine, Trustee MacInnis, Trustee Swartz, Trustee Stelter, Town Administrator Wynn and Town Attorney Cotten-Baez.

No concerns were stated for the record.

Mayor & Trustee Reports

Housing Project Update from Urban Rural Continuum

Trustees shared some of the hot topics from the work session for fellow Trustees unable to attend and the public.

Town Clerk Vetter made a note that the Work Session was available to view on the town's YouTube page.

Adjournment

The meeting adjourns at 9:40 pm.

Samira M Vetter, Town Clerk

Mary Bachran, Mayor

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
September 26, 2023

RECORD OF PROCEEDINGS

Roll Call

PRESENT
Mayor Mary Bachran
Mayor Pro-Tem Dave Knutson
Trustee Paige Smith
Trustee John Valentine
Trustee Rick Stelter
Trustee Kathy Swartz

ABSENT
Trustee Morgan MacInnis

Approval of Agenda

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee Swartz to approve the agenda.
Motion carries unanimously.

Announcements

Mayor Bachran announces the addition of two questions/comments boxes; one in the community room, the other in the front office. The Mayor also expressed gratitude for the successful Mountain Harvest Festival event.

Public Comment

No Public Comments

Consent Agenda

Town Administrator Wynn states that there was one disbursement (Bruin Waste) that he did not approve, due to having questions on it. He will speak with Public Works Director Heiniger and get clarification on it before approving.

Trustee Smith questions the payment to CIRSA for bonds because it was her understanding that bonds were the responsibility of those bonded, not CIRSA. Town Attorney Cotton-Baez explained that the Town’s insurance policy does contain the same coverage and serves the same purpose.

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee Swartz to approve the Consent Agenda

Motion carries unanimously.

Staff Reports

Town Administrator Wynn explains that only the Departmental Scorecard is prepared because he didn't furnish a Town Administrator report for September but will do a larger report for October.

Departmental Scorecard highlights;

- New Meter Radio Reading integration completed.
- Local fiscal recovery firms and ARPA funding, report to US Treasury is done.
- Up and running with new ADP timekeeping system.
- Completed CEBT Staff training.

Actions & Presentations

Consideration of Approval of the Planning Commission Recommendation to Approve V-23-02-Blue Sage Variance Request

Town Administrator Wynn explains overview of special meeting held on 9/21/2023. Goes through details of that meeting and items discussed. Recommends approval of variance.

Public comments:

S. Watson: asks questions about parking, special reviews and bike racks

D. Muzikar: Director of Blue Sage, provides background on the project.

B. Coutermarsh: statement in support.

J. Hunt: Statement in support.

M. Barns: Blue Sage Board; statement about parking.

Community Member: Statement in support

Board discussion includes questions and answers about roof drainage, gutters, comments and statements made at public hearing of Planning Commission and agreement letters.

Trustee Smith suggests that language be added on page 40 of the parking agreement to make it clear that the town is not requiring payment for spaces because this is a Non-Profit. Secondly, to add language that if the Blue Sage is having a large event during regular business hours, they will notify the Town office, since the back lot is used by employees, town staff, and shoppers.

Mayor Pro-Tem Knutson states that comments parallel to what we heard in the Planning Commission Meeting on 9/21/2023.

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee Stelter, to approve V-23-02 as recommended.

Motion carries unanimously.

Consideration of Approval for a Letter of Support for the Wilder Bunch- 2024 CPW Non-Motorized Trail Maintenance/Stewardship Application

Town Administrator Wynn provides background on the group providing the maintenance and recommends approval for a letter of support and adding a 2024 budget line item, 10-46-75 Parks and Recreation Grant Projects of \$2,500.

Ben Graves, Development Director of The Nature Connection, discusses the Wilder Bunch group and funding and explains how their funding works through the year and why they are requesting financial support.

Trustee Swartz comments on the Wilder Bunch and has been impressed with the work they have done.

Trustee Stelter makes a motion, seconded by Trustee Smith, for approval of Non-Motorized Trail Maintenance for Fiscal Years 2024 and a grant budget of \$2,500.

Motion carries unanimously.

Appointment to the Planning Commission by the Board of Trustees

The applicants, Susan Pagano and Suzanne Watson, briefly introduce themselves and express their interest in serving on the Planning Commission

Town Attorney Cotton-Baez clarifies that Planning Commission appointments should be made by the Mayor as stated in the Code.

Town Administrator Wynn explains that the Town is in a critical phase and feels that someone with Land Use and Municipal Code experience would be beneficial.

Trustee Smith concurs with Town Administrator Wynn and suggests Susan Watson for appointment.

Mayor Bachran states that based on her experience and the recommendations, she agrees and appoints Ms. Watson to the Planning Commission.

Consideration of Support Letter Regarding NEPA Phase 2 Rulemaking

Natasha Leger, Executive Director of Citizens for a Healthy Community, provides and explanation of the proposed rulemaking and why she would like the Town to send a letter. Ms. Leger also suggests some changes to be made in the letter provided before it is sent.

Trustee Smith suggests corrections to the first page, third paragraph and other minor corrections of the letter.

Mayor Bachran states that there are a few type errors to be corrected. But other than that, it is a good letter.

Mayor Pro-Tem Knutson feels the letter is too technical and doesn't sound like 'us' (Paonia). He does not feel as though it is in line with previous letters the Town has sent and that the letter needs more input on how it impacts the town.

It is pointed out that the letter deadline is September 29, 2023.

Trustee Stelter states this is a complex issue and the amount of detail is appropriate. He adds that the Town needs to express concern about a possible ecological disaster and the fragility of our water sheds.

Trustee Swartz expresses appreciation of Trustee Smith and Ms. Leger's efforts.

Trustee Swartz makes a motion, seconded by Trustee Valentine, to approve a new draft letter with minor changes to the Council on Environmental Quality.

Motion carries unanimously.

Consideration of Approval of Matching The rate Increase for Employee Medical **Benefits**

Town Administrator Wynn explains that the increase is only 5% and goes over increase numbers.

Board discussion includes standard costs of employees/Town, differences in Local vs State, number of employees, different plan selections and deductions.

Town Administrator Wynn goes on to explain there is no increase for dental/vision.

Trustee Smith makes a motion, seconded by Trustee Swartz, that the town continues to buy 100% of Employee Only PPO7 plan and contribute a percentage for the increase of other classifications and plans to equal a total contribution of 60% towards increases.

Motion carries unanimously.

Request of NFPPRD for Construction Workers to Camp in Town Park while completing improvements to the Skate Park. The Construction Workers would also like access to the Teen Center for access to the showers and the kitchen.

Town Administrator Wynn explains he is bringing this issue to the board, due to not being sure he had the authority to make this decision.

Public Comments:

C. Patterson: questions who should be making the decisions.

S. Watson: comments about safety concerns.

Board discussion includes indoor vs outdoor, administrative decision vs Board decision, delegation of authority, management decisions, camping needs and scheduling conflicts.

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee Stelter, to approve the request for construction workers to camp in Town Park and to grant them access to the Teen Center for showers, kitchen, and camping.

Motion carries unanimously.

Mayor & Trustee Reports

None

Adjournment

Mayor Bachran adjourns the meeting at 7:43 PM.

Ruben Santiago, Deputy Clerk

Mary Bachran, Mayor

Minutes
Emergency Town Board Meeting
Town of Paonia, Colorado
October 06, 2023

RECORD OF PROCEEDINGS

Mayor Bachran calls meeting to order at 9 am

Roll Call

PRESENT

- Mayor Mary Bachran
- Mayor Pro-Tem Dave Knutson
- Trustee Paige Smith
- Trustee John Valentine
- Trustee Morgan MacInnis

ABSENT

- Trustee Rick Stelter
- Trustee Kathy Swartz

Approval of Agenda

Trustee Smith makes a motion, seconded by Trustee MacInnis, to approve the agenda. Motion carries unanimously.

Actions & Presentations

1. Consideration of Approval for Emergency Sewer Line repairs

Town Administrator Wynn provides a summary of the 200 + feet of sewer pipe, that collapsed on the 300 block of Main Street and the bids to replace it and the addition of a proper sized manhole. Three companies were asked to bid, one refused and two, K& D and Roop Excavation responded.

Public Comment:

L. Hunter: asks questions about the location of the collapse.

Board discussion:

service lines, itemized bids and what materials included, agreement, sewer line locations on Main, Town rights-of-way, record-keeping of the two companies, reimbursements, ask for better invoicing, both great contractors that do quality work.

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee MacInnis, to approve the quote for repairs from Roop Excavating with a not-to-exceed price up to \$75,000.00.

The motion carries unanimously.

2. Consideration of Approval to Allow BLM Workers to camp in Apple Valley Park while Working on Trail System.

Front range group coming to work on BLM trails, only be here Friday 10/06 and Saturday 10/07. BLM is providing portalet for workers.

Trustee Smith makes a motion, seconded by Trustee MacInnis, to approve the workers camping in Apple Valley Park on Friday October 6th and October 7th, 2023.

Motion carries unanimously.

Adjournment

The meeting adjourns at 9:16 am.

Samira M Vetter, Town Clerk

Mary Bachran, Mayor



**TOWN OF PAONIA
BOARD OF TRUSTEES MEETING
STAFF REPORT**

AGENDA ITEM:	Consent Agenda - EDFOODYO LLC Liquor License Renewal
SUBMITTED BY:	Samira Vetter, Town Clerk
DATE:	October 10, 2023
BACKGROUND:	<ul style="list-style-type: none">- All forms have been filled out and required documents have been submitted to the Town Clerk.- All fees have been paid to the Town and a receipt has been submitted showing payment made to the Department of Revenue- Public Works has no issues or concerns with the liquor license renewal- Police Department has no issues or concerns with the liquor license renewal- The Administrative/ Clerks offices have no issues with the liquor license renewal
BUDGET:	\$ 175.00 in Revenue to 10-32-01
RECOMMENDATION:	To approve the renewal of EDFOODYO LLC Liquor License
ATTACHMENT:	Liquor license renewal application packet

Submit to Local Licensing Authority

**NIDO
 40160 MATHEWS LANE
 Paonia CO 81428**

Fees Due	
Renewal Fee	625.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$ 75.00
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$ 700.00

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.

Colorado Beer and Wine License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name EDFOODYO LLC		Doing Business As Name (DBA) NIDO	
Liquor License # 03-17793	License Type Hotel & Restaurant (city)		
Sales Tax License Number 39196342-0003	Expiration Date 12/18/2023	Due Date 11/03/2023	
Business Address 201 GRAND AVENUE Paonia CO 81428			Phone Number 9705271056
Mailing Address [REDACTED] Paonia CO 81428		Email	
Operating Manager	Date of Birth	Home Address	Phone Number
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <u>3/31/2027</u>			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input checked="" type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

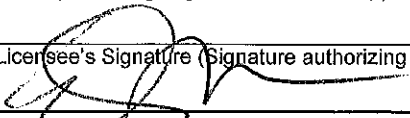
Tax Check Authorization, Waiver, and Request to Release Information

I, Edgar Vaughn am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of ed food yo 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 its duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>Edgar Vaughn / ed food yo LLC</u>		Social Security Number/Tax Identification Number [REDACTED]	
Address [REDACTED]			
City <u>Paonia</u>		State <u>CO</u>	Zip <u>81428</u>
Home Phone Number [REDACTED]		Business/Work Phone Number <u>970 527-1056</u>	
Printed name of person signing on behalf of the Applicant/Licensee			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed <u>9/27/23</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).

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

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

Affirmation & Consent I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.		
Type or Print Name of Applicant/Authorized Agent of Business <i>EDGAR VAUZAN</i>	Title <i>owner</i>	
Signature <i>[Signature]</i>	Date <i>9/27/23</i>	
Report & Approval of City or County Licensing Authority The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules. Therefore this application is approved.		
Local Licensing Authority For		Date
Signature	Title	Attest

Payment Receipt Confirmation**Your payment was successfully processed.****Receipt Contact Information**

Contact Name	Liquor Enforcement Division	Contact Url	https://sbg.colorado.gov/contact-the-liquor-and-tobacco-enforcement-division
Contact Email	dor_liqlicensing@state.co.us	Contact Address	1707 Cole Blvd., Suite 300 Lakewood, CO 80401
Contact Phone	303-205-2300		

Transaction Summary*Receipt Confirmation*

Description	Amount
DOR Liquor Enforcement Division Payment	\$700.00
Service Fee	\$1.00
TOTAL	\$701.00

This online service is provided by a 3rd party working in partnership with the state of Colorado. The price of items purchased through this service includes revenue used to develop, maintain, and enhance the state's official web portal, Colorado.gov.

Customer Information

Customer Name	Lindsay Cusck	Receipt Date	10/3/2023
Company Name	edfoodyo LLC	Receipt Time	09:46:33 AM MDT
Local Reference ID			

Payment Information

RECEIPT

Town of Paonia

214 Grand Avenue
Paonia CO 81428
970-527-4101

NO. **360498**

DATE _____

RECEIVED FROM

Ed Food Co LLC

PAID
OCT - 3 2023

\$ 175

FOR

*One Hundred Seventy Five
Liquor Renewal*

TOWN OF PAONIA
2023

DOLLARS

AMOUNT OF ACCOUNT		
THIS PAYMENT	<i>175</i>	
BALANCE DUE		

- CASH *475*
- CHECK
- CREDIT CARD
- MONEY ORDER

BY 



Paonia Police Department

DEPARTMENT BRIEFING: SUMMARY OF PROGRESS

09/01/2023

- Harvest Fest was completed with minimal disruptions. Thank you to everyone involved and to the community for a safe weekend.
- New bodycams are being issued and training completed. However, we are only contracted for five bodycams, and we have six sworn officers. We are awaiting a cost estimate to add a sixth camera to our contract.
- The department service technician completed updated training on sealing and expunging records. The department's procedures moving forward will represent best practices.
- The department is in the process of updating and designing a new tow sheet that represents current requirements. Working with local tow companies and increased parking complaints has been the catalyst for an updated tow sheet.
- The department took delivery of the administrative vehicle it had purchased in 2022. However, upon arrival the vehicle had significant hail damage from a storm on the front range. A CIRSA claim has been opened and follow-up is occurring.

Paonia Police Department

Law Incident Table, by Date and Time

Date Occurred: 09/01/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
13:13:48	Information	120 4TH ST, Paonia, CO	PPD	DIST3	CLO
Total Incidents for this Date: 1					

Date Occurred: 09/02/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
18:00:18	AGENCY ASSIST	MATHEWS LN, Paonia, CO	PPD	PPD	CLO
Total Incidents for this Date: 1					

Date Occurred: 09/03/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
17:21:23	Traffic Stop	100 NIAGARA AVE, Paonia, CO	PPD	DIST3	CAA
Total Incidents for this Date: 1					

Date Occurred: 09/05/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:13:49	CITIZEN ASSIST	214 GRAND AVE, Paonia, CO	PPD	PPD	CLO
13:59:23	TRESPASS	299 SAMUEL WADE RD & PRICE RD, Paonia, CO	PPD	PPD	CAA
Total Incidents for this Date: 2					

Date Occurred: 09/06/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
11:34:00	Parking Problem	729 2ND ST; PFD FIRE, Paonia, CO	PPD	PPD	CLO
16:58:28	Traffic Stop	200 BOX ELDER AVE, Paonia, CO	PPD	PPD	CAA
19:23:03	DRUG VIOLATION	332 4TH St, PAONIA TOWN PARK, Paonia, CO	PPD	PPD	CJA
Total Incidents for this Date: 3					

Date Occurred: 09/07/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:50:24	Wanted Person	321 OAK AVE, Paonia, CO	PPD	PPD	CAA
11:43:49	CITIZEN ASSIST	4TH St / GRAND AVE, Paonia, CO	PPD	PPD	CLO
22:07:25	Traffic Stop	100 3RD ST, Paonia, CO	PPD	PPD	CAA
Total Incidents for this Date: 3					

Date Occurred: 09/08/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
14:06:05	Information	218 RIO GRANDE AVE, Paonia, CO	PPD	PPD	CLO

Total Incidents for this Date: 1

Date Occurred: 09/09/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:09:33	Parking Problem	200 MAIN AVE, Paonia, CO	PPD	PPD	CLO
10:15:11	AGENCY ASSIST	50 SAMUEL WADE RD, Paonia, CO	PPD	DIST3	CLO

Total Incidents for this Date: 2

Date Occurred: 09/10/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
17:05:21	Information	1625 MEADOWBROOK BLVD; PAONIA CARE AND REHABILITATION, Paonia, CO	PPD	PPD	CLO
23:06:31	Information	600 Block of 2nd St., Paonia, CO	PPD	PPD	CLO

Total Incidents for this Date: 2

Date Occurred: 09/11/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
09:26:26	Traffic Stop	108 1ST ST & MAIN AVE, Paonia, CO	PPD	PPD	CAA
13:40:14	Information	109 NIAGARA AVE, Paonia, CO	PPD	PPD	CLO
16:11:51	Information	519 BOX ELDER AVE, Paonia, CO	PPD	PPD	CLO

Total Incidents for this Date: 3

Date Occurred: 09/12/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
14:30:48	Information	301 MINNESOTA AVE, Paonia, CO	PPD	PPD	CLO

Total Incidents for this Date: 1

Date Occurred: 09/13/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
09:15:39	CRIM MISCHIEF	334 OAK AVE, Paonia, CO	PPD	PPD	CLO
10:42:23	HARASSMENT	206 OAK AVE, Paonia, CO	PPD	PPD	DA

Total Incidents for this Date: 2

Date Occurred: 09/14/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
08:00:12	Information	1625 MEADOWBROOK BLVD; PAONIA CARE AND REHABILITATION, Paonia, CO	PPD	PPD	CLO

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
14:51:26	AGENCY ASSIST	HWY 92 & HWY 133, ,	PPD		CLO
15:51:21	Information	9 3RD ST, Paonia, CO	PPD	PPD	CLO
Total Incidents for this Date: 3					

Date Occurred: 09/16/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
22:17:06	Traffic Stop	50 3RD ST, Paonia, CO	PPD	PPD	CAA
Total Incidents for this Date: 1					

Date Occurred: 09/17/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
08:58:44	AGENCY ASSIST	282 HIGHWAY 133; STOP N SAVE, Paonia, CO	PPD	DIST3	CLO
Total Incidents for this Date: 1					

Date Occurred: 09/18/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
09:27:06	THEFT	427 SAMUEL WADE RD, Paonia, CO	PPD	PPD	ACT
13:46:09	SEX OFFENSE	846 GRAND AVE; PAONIA K8, Paonia, CO	PPD	PPD	ACT
17:43:14	Parking Problem	99 3RD ST & MAIN AVE, Paonia, CO	PPD	PPD	CLO
20:11:06	Traffic Stop	199 CLARK AVE & 2ND ST, Paonia, CO	PPD	PPD	CLO
Total Incidents for this Date: 4					

Date Occurred: 09/21/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
09:47:51	Parking Problem	708 4TH ST; PAONIA TOWN PARK, Paonia, CO	PPD	PPD	CLO
12:10:06	UNATTEND DEATH	207 RIO GRANDE AVE, Paonia, CO	PPD	PPD	ACT
12:49:40	SUSPICIOUS	328 BOX ELDER AVE, Paonia, CO	PPD	PPD	CLO
13:38:36	CITIZEN ASSIST	214 GRAND AVE, Paonia, CO	PPD	PPD	CLO
15:56:59	Information	218 RIO GRANDE AVE, Paonia, CO	PPD	PPD	CLO
22:27:46	TRESPASS	50 SAMUEL WADE RD, Paonia, CO	PPD	DIST3	CAA
Total Incidents for this Date: 6					

Date Occurred: 09/22/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
15:55:29	Information	600 Block of 2ND St, Paonia, CO	PPD	PPD	CLO
15:58:28	SHOPLIFTING	213 2ND ST; DONS SUPERMART, Paonia, CO	PPD	PPD	CAA
22:34:45	Wanted Person	328 BOX ELDER AVE, Paonia, CO	PPD	PPD	CAA
Total Incidents for this Date: 3					

Date Occurred: 09/23/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
09:13:53	Parking Problem	230 GRAND AVE, Paonia, CO	PPD	PPD	ACT
21:55:23	TrafficAccident	333 GRAND AVE, Paonia, CO	PPD	PPD	CLO
Total Incidents for this Date: 2					

Date Occurred: 09/24/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:06:40	SUSPICIOUS	52 PAN AMERICAN AVE, Paonia, CO	PPD	PPD	CLO
17:58:21	AGENCY ASSIST	14604 PEONY LN, Paonia, CO	PPD	DIST3	CLO
Total Incidents for this Date: 2					

Date Occurred: 09/25/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
13:26:56	CITIZEN ASSIST	214 GRAND AVE; PPD, Paonia, CO	PPD	PPD	ACT
Total Incidents for this Date: 1					

Date Occurred: 09/26/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
12:04:00	AGENCY ASSIST	3RD St / NIAGARA AVE, Paonia, CO	PPD		CLO
Total Incidents for this Date: 1					

Date Occurred: 09/27/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
10:18:01	VIN INSPECTION	214 GRAND AVE, Paonia, CO	PPD	PPD	CLO
14:15:09	CITIZEN ASSIST	214 GRAND AVE, Paonia, CO	PPD	PPD	CLO
15:44:28	Traffic Stop	199 3RD ST & GRAND AVE, Paonia, CO	PPD	PPD	CAA
23:32:57	Disturbance	45 pan american, Paonia, CO	PPD		CLO
Total Incidents for this Date: 4					

Date Occurred: 09/28/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
07:47:19	DOMESTIC	5 PAN AMERICAN AVE, Paonia, CO	PPD	PPD	CAA
18:34:35	Traffic Stop	499 5TH ST & BOX ELDER AVE, Paonia, CO	PPD	PPD	CAA
Total Incidents for this Date: 2					

Date Occurred: 09/29/23

<u>Time</u>	<u>Nature</u>	<u>Address</u>	<u>Agency</u>	<u>Loctn</u>	<u>Dsp</u>
16:21:47	CITIZEN ASSIST	214 GRAND AVE; PPD, Paonia, CO	PPD	PPD	ACT
16:27:53	HARASSMENT	446 VISTA DR, Paonia, CO	PPD	PPD	ACT
Total Incidents for this Date: 2					

Total reported: 54

Report Includes:

All dates between `00:00:01 09/01/23` and `00:00:01 09/30/23`, All agencies matching `PPD`, All disposition's, All natures, All location codes, All cities



**TOWN OF PAONIA
BOARD OF TRUSTEES MEETING
STAFF REPORT**

AGENDA ITEM:	#1 Consideration of Approval of Resolution 2023-16 Opposing Proposition HH
SUBMITTED BY:	Stefen Wynn, Town Administrator
DATE:	October 10, 2023
BACKGROUND:	<p>The General Assembly referred Proposition HH to voters through SB 23-303 for the November 2023 election. If approved by voters, this measure will impact 2024 budgets for local governments, specifically property tax revenues.</p> <p>CML opposes Proposition HH because of the unnecessary constraints on municipal authority to provide appropriate localized property tax relief, and the restriction of municipal tax revenue.</p>
BUDGET:	
RECOMMENDATION:	To approve Resolution 2023-16 Opposing Proposition HH
ATTACHMENT:	Resolution 2023-16

RESOLUTION NO. 2023-16

A RESOLUTION OPPOSING PROPOSITION HH AND URGING VOTERS TO VOTE “NO” THEREON

WHEREAS, the Town of Paonia (the “Town”) relies on property tax revenue to provide certain services funded through property tax revenue; and

WHEREAS, the Town annually prepares a budget and certifies a property tax mill levy through an open and public process under existing law; and

WHEREAS, by Senate Bill 23-303, the Colorado General Assembly referred to voters Proposition “HH” that, among other things, would:

- lower property taxes compared to what would be owed under current law by temporarily lowering the assessment rates for residential and certain types of nonresidential property, applying value reductions for certain types of residential properties, and by creating new property tax exemptions;
- impose a limit on the growth of property tax revenue for certain local governments (excluding school districts and home rule local governments) unless the governing body votes to exceed the limit after a public hearing, without providing any opportunity for reimbursement of revenues lost due to the limit;
- permit the state to retain money that would be otherwise refunded to taxpayers under the Taxpayer’s Bill of Rights to be used for education, partial reimbursements to local governments for reduced property tax revenue, and rental assistance programs; and

WHEREAS, the Board of Trustees finds that Proposition HH would unnecessarily constrain the ability of the Board of Trustees to control its budget and to provide locally-appropriate property tax relief; and

WHEREAS, the long-term fiscal impact of Proposition HH on the Town is unclear and will cause uncertainty in the Town’s budgeting process; and

WHEREAS, the complexity of Proposition HH may impose unnecessary administrative burdens on the Town; and

NOW, THEREFORE, the Board of Trustees of the Town of Paonia opposes Proposition HH and strongly urges a vote of “NO” this November.

Resolved this ____ of 2023.

Mary Bachran, Mayor

Attest:

Samira Vetter, Town Clerk

APPROVED AS TO FORM:

By: /s/ Nicolas Cotton-Baez
Kelly PC, Town Attorney



Town Board Staff Report

Subject: Request to submit a WaterSMART Water Strategy Planning Grant

Author: Mayor Bachran

Date: October 10, 2023

Specific request: Approve submission of \$250,000 WaterSMART grant

Summary

While the Town has submitted grants and loan applications to make multiple improvements on the water systems, we still need a comprehensive plan covering our system from the source of the springs to the taps. The WaterSMART grant request is for funding to create a plan which will cover all the points of our entire water system, to analyze and prioritize needs from the watershed down through the delivery system in Town. It will include in the process the USFS, BLM, the water companies, ditch companies and ranchers who also use the watershed. Further, this is the first step in obtaining other WaterSMART grants.

Funding Source and Fiscal Impact

We are asking for up to \$250,000 in grant funds. We will need to match that amount. Irene Hoiby of the Bureau of Reclamation stated that we could use the grant we received from the CWCB for the Hydrogeology study as matching funds for this grant.

Possible Motion

I move to approve the Town applying for the WaterSMART Water Strategy Planning Grant in an amount up to \$250,000.



**TOWN OF PAONIA
BOARD OF TRUSTEES MEETING
STAFF REPORT**

AGENDA ITEM:	# 3 and #4 Ratification of Approval for Emergency Sewer Line Repairs & Ratification of Approval to Allow BLM Workers to Camp in Apple Valley Park While Working on Trails Systems - from 10/06/23 Emergency Meeting
SUBMITTED BY:	Samira Vetter, Town Clerk
DATE:	October 10, 2023
BACKGROUND:	An Emergency Meeting was held on October 6th, 2023 at 9 am to deal with a sewer collapse repair and a park camping request. The draft minutes are attached and the decisions need to be ratified at this regular meeting.
BUDGET:	
RECOMMENDATION:	<p>1. To approve the quote for repairs from Roop Excavating with a not-to-exceed price up to \$75,000.00.</p> <p>&</p> <p>2. To approve the workers camping in Apple Valley Park on Friday October 6th and October 7th, 2023.</p>
ATTACHMENT:	Staff Report and quotes for 10/06/23 Emergency Meeting Draft Minutes for 10/06/23 Emergency Meeting



**TOWN OF PAONIA
BOARD OF TRUSTEES MEETING
STAFF REPORT**

AGENDA ITEM:	Agenda Item #1 Consideration of Approval for Emergency Sewer Line Repair
SUBMITTED BY:	Stefen Wynn, Town Administrator
DATE:	10.5.2023
BACKGROUND:	<p>On October 3, 2023, the Public Works Director notified the Town Administrator of a partial sewer collapse at the 300 Block of Main Street. The Public Works Department investigated further and found that intrusion from tree routes had caused the Vitrified Clay Pipe (VCP/VCT) to deteriorate in a few locations that impacted the flow of black water to manholes. The Town Administrator directed the Public Works Director to get quotes for an emergency repair, including when the selected contractor could mobilize to complete the work. The Public Works Director received two quotes to perform the work, and one refusal to bid due to missing the bidding window. There are a total of (5) services that need tied in; 203' of pipe replacement; a tie-in to 3rd Street in the middle of the roadway; replacing a 4' manhole and finish surface work to repair the roadway surface. There may be unknown conditions upon excavating that may require additional work or materials, such as clean screened fill suitable for compaction.</p>
BUDGET:	<p>70-51-22 Wastewater Repairs & Maintenance Fund - \$75,000 2023 Budget - \$120,782.21; 2023 Actual - \$357,503.46; Over Budget by \$236,721.25 with DOLA Tier I reimbursement due of \$137,756. After DOLA reimbursement, Over Budget by \$98,965.25 + \$75,000 for emergency repair = \$173,965.25 (Needs Budget Amendment). Overall Town reserves within the checking accounts are \$3,000,000; excluding Certificates of Deposits and funds within the ColoTrust.</p>
RECOMMENDATION:	<p>Two quotes for repair were received: 1) \$52,970.44 - Roop Excavating (clarified that concrete replacement is included and survey & asbuilt provided. 2) \$66,410 - KD Construction Recommended Motion: I move to approve the quote for repairs from Roop Excavating with a Not-To-Exceed Price up to \$75,000</p>
ATTACHMENT:	<p>Attachment A: KD Construction Quote Main Street Repair Attachment B: Roop Excavating Quote Main Street Repair</p>



KEVIN HOPKINS
President
kevin@kdconstructioninc.com

970-433-7533
507 Fruitvale Ct. Suite A.
Grand Junction, CO 81504

October 3, 2023

Town of Paonia
Attention: Cory

Re: Town of Paonia 3rd Street Sewer Replacement

Cory,

Per your request, K & D hereby proposes to install the following for the proposed price:

8" SDR35 – 203 LF
5 Service Tie-Ins at Main Line
3rd Street Tie-In
Labor & Material to Purchase and Install = \$35,090.00

4' Manhole – 1 EA
Labor & Material to Purchase and Install - \$10,450.00

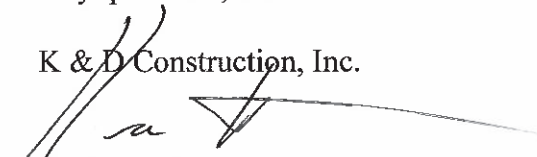
Mobilization/Demobilization
Traffic Control
Concrete Replacement – Curtis Concrete
Survey/As-Builts
Compaction Testing
Labor, Material & Subcontractor Costs - \$20,870.00

Total Cost - \$66,410.00

If unsuitable backfill material is encountered, the same price of \$45.00/Ton used on the Dorris Avenue Sewer Line will apply.

Any questions, let us know. Thanks

K & D Construction, Inc.



Kevin Hopkins
President



EXCAVATION QUOTE

Roop Excavating LLC.

P.O. Box 655 Paonia, CO 81428
(970) 234-0897
roopexcavating@hotmail.com

CLIENT

ATTN: Cory Heiniger
O: (970) 527-4101
Coryheiniger_PW@townofpaonia.c
214 Grand Ave.
Paonia, CO 81428

DESCRIPTION OF WORK

- Mobilize needed equipment to job location.
- Saw cut concrete and asphalt above sewer
- Demo asphalt two hundred and five linear feet above sewer main that needs to be replaced.
- Excavate to expose existing sewer main.
- Replace sewer main and manhole with new pipe and fittings.
- Replace concrete from manehole to 3RD St.
- Bed new sewer main pipe with ¾" screened rock.
- Backfill sewer main with native excavated material.
- Import and place ¾" road base for replacement asphalt prep.

TERMS & CONDITIONS

This quote does not include services, parts, or materials other than what is listed in this quote. Any additional or unplanned materials, parts or services will incur a change order for additional charges.

An interest charge of 1% will be applied to all invoices that are unpaid after 30 days following invoice.

This quote is valid for 14 days and is subject to change, based on rising supplies costs.

There will be a fuel surcharge of 3% on all equipment and trucking for every \$0.20 that fuel rises from when this quote is dated.

By signing this document you are agreeing to pay Roop Excavating LLC for all services rendered at the prices that are quoted.

****PLEASE NOTE** if unsuitable material is encountered that is intended for backfill use it will be \$45.00/TN to replace with imported aggregate.
NO concrete or asphalt cost is added into this quote.

WORK SITE LOCATION

Sewer Main Replacement
Main & 3RD

DATE OF QUOTE	VALID UNTIL	QUOTE NUMBER
10/5/23	10/19/23	2091
DOWN PAYMENT (25%)	PAYMENT DUE BY	CURRENT FUEL PRICE
\$0.00	Due Upon Receipt	\$4.44

	QTY.	UNIT	UNIT \$	TOTAL \$
Mobilization Fee				
Mobilization	1	LS	\$1,500.00	\$1,500.00
Excavation Permit	1	LS	\$50.00	\$50.00
Saw Cut	1	LS	\$500.00	\$500.00
Asphalt Demo	1	LS	\$500.00	\$500.00
Excavation & Labor	1	LS	\$25,375.00	\$25,375.00
Parts	1	LS	\$6,532.01	\$6,532.01
Manhole	1	LS	\$2,713.43	\$2,713.43
Concrete Replacement	1	LS	\$6,800.00	\$6,800.00
¾" Screened Rock	100	TN	\$45.00	\$4,500.00
¾" Road Base	100	TN	\$45.00	\$4,500.00
TOTAL:				\$52,970.44

CUSTOMER SIGNATURE	DATE

ROOP EXCAVATING MANAGER SIGNATURE	DATE

THANK YOU!

For questions concerning this quote, please contact us:

(970) 234-0897
roopexcavating@hotmail.com

Minutes
Emergency Town Board Meeting
Town of Paonia, Colorado
October 06, 2023

RECORD OF PROCEEDINGS

Mayor Bachran calls meeting to order at 9 am

Roll Call

PRESENT

- Mayor Mary Bachran
- Mayor Pro-Tem Dave Knutson
- Trustee Paige Smith
- Trustee John Valentine
- Trustee Morgan MacInnis

ABSENT

- Trustee Rick Stelter
- Trustee Kathy Swartz

Approval of Agenda

Trustee Smith makes a motion, seconded by Trustee MacInnis, to approve the agenda. Motion carries unanimously.

Actions & Presentations

1. Consideration of Approval for Emergency Sewer Line repairs

Town Administrator Wynn provides a summary of the 200 + feet of sewer pipe, that collapsed on the 300 block of Main Street and the bids to replace it and the addition of a proper sized manhole. Three companies were asked to bid, one refused and two, K& D and Roop Excavation responded.

Public Comment:

L. Hunter: asks questions about the location of the collapse.

Board discussion: service lines, itemized bids and what materials included, agreement, sewer line locations on Main, Town rights-of-way, record-keeping of the two companies, reimbursements, ask for better invoicing, both great contractor's that do quality work.

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee MacInnis, to approve the quote for repairs from Roop Excavating with a not-to-exceed price up to \$75,000.00.

The motion carries unanimously.

2. Consideration of Approval to Allow BLM Workers to camp in Apple Valley Park while Working on Trail System.

Front range group coming to work on BLM trails, only be here Friday 10/06 and Saturday 10/07. BLM is providing portalet for workers.

Trustee Smith makes a motion, seconded by Trustee MacInnis, to approve the workers camping in Apple Valley Park on Friday October 6th and October 7th, 2023.

Motion carries unanimously.

Adjournment

The meeting adjourns at 9:16 am.

Samira M Vetter, Town Clerk

Mary Bachran, Mayor

DRAFT



**TOWN OF PAONIA
BOARD OF TRUSTEES MEETING
STAFF REPORT**

AGENDA ITEM:	#5: Approval of Memorandum of Understanding with the Department of Revenue for Retail Marijuana Sales Tax Access
SUBMITTED BY:	Samira Vetter, Town Clerk
DATE:	October 10, 2023
BACKGROUND:	<p>Every year we must sign an MOU with the Department of Revenue to access the Retail Marijuana Sales Tax reports. Only one staff member can have access to the information and must sign the MOU each year due to the confidential nature of the information and requirements for the access.</p> <p>Due to all of the staff transition and restructuring this year and noting that we have a new Town Administrator who is the leading and experienced hand on both our budget preparation and revenue monitoring, I believe, for 2024 at least, he should have the access to this reporting system.</p>
BUDGET:	Retail Marijuana Sales Tax Revenue
RECOMMENDATION:	To approve Town Administrator, Stefen Wynn, signing the Retail Marijuana Sales Tax Memorandum of Understanding with the Department of Revenue for 2024
ATTACHMENT:	DOR RMS MOU

Memorandum of Understanding for Control of Confidential Data for State Retail Marijuana Sales Tax

Pursuant to §39-28.8-203 (1)(a)(IV) and §39-21-113 (4), C.R.S., each local government upon request and for the purpose of obtaining from the Colorado Department of Revenue (Department) confidential information concerning state retail marijuana sales taxes distributed to the local government by the Department, the local government of (municipality or county name) _____

Appoints (Name) _____ (Title) _____,

an employee of the local government, to receive this confidential information. The appointee, on behalf of the local government and on his or her own behalf, hereby agrees as follows:

A. Safeguarding Confidential Information:

1. To store and maintain confidential information in a secure place, physically and/or electronically.
2. To keep adequate records of what confidential information is received and the disposition thereof.
3. To restrict access to such information to persons whose duties and responsibilities require such access, and to make certain that confidential information is not disclosed to unauthorized persons.
4. The information obtained pursuant to this agreement shall be used only for the purpose of administration and distribution of the state retail marijuana retail sales tax distribution to the undersigned local government of the State of Colorado.
5. To NOT divulge or make known in any way, including but not limited to, publications such as budget documents or annual reports, any information which identifies or permits the identification of the amount of sales taxes collected or paid by an individual licensed vendor.
6. To keep confidential the local government's account number, user ID and computer password(s) issued by the Department, and to immediately provide written notification to the Department of any change in person designated in this Memorandum and/or the need for a new password for any reason.
7. To keep confidential the monthly report Web site address and the Department's local government support email address.
8. To allow the Department to review the adequacy of the safeguard measures established hereunder.
9. It is understood and agreed that if any of these safeguards are violated, the Department may refuse to furnish any additional information and/or may impose additional or alternative safeguard procedures. It is understood and agreed that violators of confidentiality statutes may be subject to criminal prosecution and removal from office.

B Maintaining Accurate Records:

1. The local government shall take an active role in identifying retailers within the boundaries, including, but not limited to, reviewing monthly Department reports to determine whether retailers are incorrectly excluded or included in Department reports and timely advising the Department of annexations or other changes in the jurisdiction involving retailers.
2. The local government shall contact said retailers who are not correctly identified in Department reports to determine whether such retailers should be included or excluded on monthly reports.
3. The local government shall timely notify the Department of corrected information or unresolved issues concerning said retailers.

Local Government	Date
Local Government Mailing Address	Appointee Phone Number
Appointee Name**	Title
Appointee Signature	Appointee Email***
Name of Chief Administrative Officer or Designee*	Title
Chief Administrative Officer or Designee Signature	Chief Administrative Officer or Designee Email

Department of Revenue Approval

By	Title Deputy Executive Director
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* Signature of the chief administrative officer or his/her designee who has authority to enter into contractual agreements on behalf of the local government. The person signing should be someone other than the appointee.
 ** I have read the Memorandum of Understanding on Control of Confidential Data as set forth above and I promise and agree to safeguard all confidential information received from the Department of Revenue under this agreement.
 *** Notification of matters related to the State Retail Marijuana Sales Tax Information System will be sent to this email address. The User ID and Password will also be sent to this email address.