



TOWN OF PAONIA
214 GRAND AVENUE
REGULAR TOWN BOARD MEETING AGENDA
TUESDAY, MAY 23, 2023 6:30 PM
[HTTPS://US02WEB.ZOOM.US/J/83847575336](https://us02web.zoom.us/j/83847575336)
MEETING ID: 838 4757 5336
ONE TAP MOBILE
17193594580

Public Participation: 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

Correspondence Received

Approval of Agenda

Announcements

Public Comment

Any topic not included on the agenda, 3-minute time limit.

Consent Agenda

[Minutes](#)

[May 9, 2023 Regular Meeting](#)

[May 15, 2023 Special Meeting](#)

[Disbursements](#)

Staff Reports

Actions & Presentations

Other Items

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

[1. Water Moratorium Update- Respec](#)

[2. Consideration of a revision of the ordinance to allow restaurants with a Liquor License and a sidewalk permit to allow patrons to consume alcohol at outdoor dining tables – Ed Vaughn & Lindsay Cusack](#)

[3. Consideration and Approval of Resolution 2023-06 Requiring two signatories on bank and credit card accounts.](#)

[4. Consideration and Approval of 2023-04: Revision of 2021-01 Retail Marijuana; removal of medical marijuana license requirement](#)

[5. Consideration and approval of extension to Interim Town Administrator contract](#)

6. Consideration and [approval of Revised Town Organization Chart](#)

7. [Consideration and approval of Resolution 2023-07: Appointing an Officer - Town Treasurer](#)

[8. Consideration and approval of the Hazard mitigation plan](#)

9. Update on Town Administrator hiring process

Executive Sessions

Executive Session, under C.R.S. Section 24-6-402(4)(b), for a conference with the Town's Water Attorney for the purpose of receiving legal advice on specific legal questions regarding the Town's water rights.

Mayor & Trustee Reports

Mayors Report

Parks and Public Safety Report- Trustee's Knutson and Stelter

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.

Town of Paonia



Correspondence Received

Samira V

From: Leslie
Sent: Monday, May 15, 2023 11:03 AM
To: Samira V; Bill Brunner
Subject: RE: Comments before tonight's exec session

Dear Mr. Brunner, to be clear, when you email a board member the Town will include your email under correspondence received as it is a public document.

Leslie Klusmire
 Interim Town Administrator
 Town of Paonia, Colorado

"Every time you are tempted to react in the same old way, ask if you want to be a prisoner of the past or a pioneer of the future." — Deepak Chopra

Please consider the environment before printing this e-mail.

Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.

From: Samira V <SamiraV@townofpaonia.com>
Sent: Monday, May 15, 2023 11:01 AM
To: Bill Brunner <bill@paoniairon.com>
Cc: Leslie <leslie@townofpaonia.com>
Subject: RE: Comments before tonight's exec session

The email address has been corrected to Mmacinnis@townofpaonia.com, you can email Trustee MacInnis directly now.

Have a nice day,

Samira M Vetter

Paonia Town Clerk
 (970) 527-4101
townofpaonia.colorado.gov

We must all learn not only to not fear change, but to embrace it enthusiastically and, perhaps even more important, encourage and drive it. – Tony Hsieh

From: Bill Brunner <bill@paoniairon.com>
Sent: Monday, May 15, 2023 10:49 AM
To: Samira V <SamiraV@townofpaonia.com>; Mary B <maryb@townofpaonia.com>; R. Stelter
 [REDACTED]; Thomas M <ThomasM@townofpaonia.com>; Dave K <DaveK@townofpaonia.com>;

Paige S <paiges@townofpaonia.com>; John V <JohnV@townofpaonia.com>; Leslie <leslie@townofpaonia.com>

Subject: Comments before tonight's exec session

Samira

Please forward this to Morgan Macinnis as <mmacinnis@townofpoania.com> is rejected by your mail system and gorks the transmission.

Also please forward to the finance director and Town Treasurer, as I believe those positions are currently occupied.

Of course, please print a couple of copies to be available should any members of the public chance to attend tonight's meeting.

Finally please include this in it's entirety as correspondence in the next packet.

Thanks

Bill



To: All Paonia Officials:

It has been announced there is unauthorized activity in Town's financial records including violations of law. The books are a mess. This is serious stuff. A cursory examination of Interim Administrator Klusmyer's reports and State Statutes reveal a plethora of possible offenses, from petty to felony, all warranting investigation and/or referral to the District Attorney. By your oath you must investigate. What role did the previous administrator play? Now we see why the finance officer needed an assistant. Of course they were over worked, they were keeping two sets of books! Did the new assistants have any inkling? How could the auditors not know and report this? What about the previous Treasurer? The finance committee? Who knew what when and what did they do? The public needs to know you are seeking answers and you are not.

Simply relying on statements of the Interim Administrator that there is no indication of fraud and therefore nothing to see here is highly irresponsible.

As you proceed with your continuing series of executive sessions (noticed in violation of the Open Meetings Law), please consider it is a violation of the Criminal Code to use money or power to influence the decision of a public official. Would it therefore be a bribe to offer a public official money to quit, resign their dual position as Treasurer or leave quietly in the face of unlawful activity? If such a deal helped sweep infractions of the law under the rug, how would this not be collusion and conspiring to obstruct justice? Of course you realize a settlement agreement involving public funds is public record. What if the actual point of your discussions in executive session is strategizeing containment of a scandal?

Most importantly, how can the Town's accounts ever again be certified to be true and accurate to the level required by law without first conducting a forensic audit? Who is this associate of the Administrator attempting to re-constitute the books? Do you place any value on public trust?

Obliviously, this is not legal advice and the following passages, almost randomly cut and pasted from Colorado Revised Statutes, are offered simply as information you may, in you esteemed wisdom, wish to consider.

Thank you

Bill Brunner

cc: others

ps emphasis has been added

Colorado Revised Statutes 2022
 TITLE 29
 GOVERNMENT - LOCAL
 GENERAL PROVISIONS
 ARTICLE 1
 Budget and Services
 PART 1
 LOCAL GOVERNMENT BUDGET LAW OF COLORADO

29-1-102. Definitions. As used in this part 1, unless the context otherwise requires

(2) "Basis of budgetary accounting" means *any one* of the following methods of measurement of timing when revenue and other financing sources and expenditures and other financing uses are recognized for budget purposes:

- (a) Cash basis (when cash is received and disbursed);
- (b) Modified accrual basis (when revenue and other financing sources are due and available and when obligations or liabilities are incurred for expenditures and other financing uses, except for certain stated items such as, but not limited to, prepaids, inventories of consumable goods, and interest payable in a future fiscal year); or
- (c) Encumbrance basis (the modified accrual basis, but including the recognition of encumbrances).

(5) "*Certified*" means a written statement by a member of the governing body or a person appointed by the governing body that the document being filed is a true and accurate *copy* of the action taken by the governing body.

(6) "*Division*" means the division of local government in the department of local affairs

(8) (a) "*Expenditure*" means *any use of financial resources* of the local government *consistent with its basis of accounting for budget purposes* for the provision or acquisition of goods and services for operations, debt service, capital outlay, *transfers, or other financial uses.*

29-1-109. Changes to budget - transfers - supplemental appropriations.

(1) (a) If, after adopting the budget and making appropriations, *the governing body of a* local government deems it necessary, it *may transfer appropriated moneys between funds* or between spending agencies within a fund, as determined by the original appropriation level, in accordance with the procedures established in subsection (2) of this section.

2) (a) Any *transfer*, supplemental appropriation, or revised appropriation made pursuant to this section shall be ***made only by ordinance or resolution*** which complies with the notice provisions of section 29-1-106.

(b) *For transfers*, such ordinance or resolution shall set forth in full the ***amounts to be transferred and shall be documented in detail in the minutes of the meeting*** of the governing body. A certified copy of such ordinance or resolution shall be transmitted immediately to the affected spending agencies and the officer or employee of the local government whose duty it is to draw warrants or orders for the payment of money and to keep the record of expenditures as required by section 29-1-114. A ***certified copy*** of such ordinance or resolution ***shall be filed with the division.***

29-1-115. Violation is malfeasance - removal. Any member of the governing body of any local government or any officer, employee, or agent of any spending agency who knowingly or willfully fails to perform any of the duties imposed upon him by this part 1 or who knowingly and willfully violates any of its provisions is guilty of malfeasance in office, (aka official misconduct)

Colorado Criminal Code, C.R.S. Section § 18

C.R.S. § 18-8-405 - Second degree official misconduct(1) A public servant commits second degree official misconduct if he knowingly, arbitrarily, and capriciously: (a) Refrains from performing a duty imposed upon him by law; or(b) Violates any statute or lawfully adopted rule or regulation relating to his office.(2) Second degree official misconduct is a petty offense.

C.R.S. § 18-8-405 ... and, upon conviction thereof, the court shall enter judgment that such officer so convicted shall be removed from office. Any elector of the local government may file an affidavit regarding suspected malfeasance with the district attorney, who shall investigate the allegations and prosecute the violation if sufficient cause is found. It is the duty of the court rendering any such judgment to cause immediate notice of such removal to be given to the proper officer of the local government so that the vacancy thus caused may be filled

4.3. **Abuse of Records C.R.S. 18-8-114** Abuse of records involves changing or destroying public records or entering false information into a public record. Abuse of public records is a ***class 2 misdemeanor***. The penalties for abuse of public records in Colorado include up to 120 days in jail and/or a fine of up to \$750.

Section 18-8-406 - Issuing a false certificate.

A person commits a ***class 6 felony***, if, being a public servant authorized by law to make and issue ***official certificates*** or other official written instruments, he ***makes and issues such an instrument containing a statement which he knows to be false.***

Colorado's presumptive class 6 felony penalties are one year to 18 months in state prison and/or \$1,000 to \$100,000 in fines. There is also a mandatory parole ...

Malfeasance in Office Law and Legal Definition Malfeasance in office refers to an unlawful act carried out while acting under one's official capacity. Malfeasance in office affects the performance of a person's official duty (*which induces a duty to take action upon knowing of an other's failure to perform such a duty*). It is also known as official misconduct.

LOCAL GOVERNMENT AUDIT LAW

29-1-601. Short title. This part 6 shall be known and may be cited as the "Colorado Local Government Audit Law".

29-1-602. Definitions.

(1) "All funds and activities" means all financial activities of the reporting local government as those activities are defined by generally accepted accounting principles for governments

29-1-605. Contents of report. (1) All reports on audits of local governments shall contain at least the following:

(c) Full disclosure by the auditor of violations of state or local law which come to his attention.

Town of Paonia

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Consent Agenda

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
May 09, 2023

RECORD OF PROCEEDINGS

Mayor Bachran calls the meeting to order 6:30 pm

Roll Call

PRESENT

Mayor Mary Bachran

Trustee/Mayor Pro-Tem Thomas Markle

Trustee Dave Knutson

Trustee Paige Smith

Trustee John Valentine

Trustee Rick Stelter

Correspondence Received

No Comments Made

Approval of Agenda

Trustee Smith makes a motion, Seconded by Trustee Knutson, to approve the agenda.

Motion carries unanimously.

Announcements

Proclamation National Police Week May 14 - 20, 2023

Recognition of Town of Paonia Staff Member Jordan Redden

Flooding Update

Mayor Bachran reads the proclamation for National Police Week and thanks the Paonia Police Department for their service to the community.

Trustee Valentine talks about the rejuvenated Tree Board and the tree pruning class, Tom Wells, gave for our Public Works Department. Mr. Wells will be giving another class, to the public on May 20 at 10 am. The Tree Board also plans on doing a Sick Tree Day again this year and the Arbor Day Tree Planting will be at Poulos Park on May 23rd at 9 am.

The Town recognizes Public Works employee Jordan Redden for passing his D1 Water certification test with a high grade. Congratulations Jordan!

Paolo Bacigalupi, local award-winning author, on May 7th made it into the Sunday New York Times Crossword Puzzle. Congratulations!

Police Chief Matt Laiminger gave a flood update with photos and the most recent update about the reopening of Hiway 133.

Sandbags are available- Call Town Hall (970) 527-4101 Monday- Friday
Weekends- Call Delta Dispatch (970) 874-2015

Paonia River Park and Boat Ramp are open and trails are closed due to wash out.

Please stay away from the water, the banks are dangerous and crumble easily. Be prepared, check town website for links to resources and info and please check on your neighbors and see if they need help.

Public Comment

T. Meck- Thanks the Police Department for their service and tells a nice story about Officer Kramer stopping by their yard sale and asking where the good stuff was. They all appreciated laughing and chatting with him.

Consent Agenda

Trustee Smith makes a motion, Seconded by Trustee Knutson, to approve the consent agenda.

Trustee Knutson provides the name of District Ranger Levi Broyles to the Clerk for the minutes.

The motion carries unanimously.

Staff Reports

Interim Town Administrator

Interim Administrator Klusmire gives her report via Zoom due to travelling and illness.

Trustee Smith asks about the status of spring meters being ordered and installed.

Interim Administrator Klusmire states that they are the next step, and the purchase is planned in the phases of grant money arriving.

Police Chief

Welcome to Officer Thomas Seely, who has passed his Police Academy training and entered his field training phase at the Department.

Public Works Director

Trustee Smith asks about the ramp on the stage at the park and asks when it is going to be repaired since it is in the budget.

Interim Administrator Klusmire responds that some of the smaller project work has been delayed due to the unexpected sewer collapse repair but that she believes it is still being planned.

Actions & Presentations

Other Items

1. Request of approval and sanction of the 16th annual Pickin' at the Park and waiver of fees by the Town of Paonia as a 'Legacy Event' - Rob Miller

Rob Miller makes a presentation about the 16th annual Pickin at the Park and asks again that the Board consider establishing Legacy Events and waiving the park fees for those events.

Public Comment:

S. Watson: You have since done the budget and since it wasn't budgeted for, it needs to be paid for. Everyone needs to pull their weight.

A. DeLuca: NFVCC President. One point that was made last year is that the events were free to the public and expenses are high because of that.

Trustee Smith asks if the fees are the same and Town Clerk Vetter clarifies that the only changes made to the Special Event packet were the changes to the Street Closure Permit Application that the Board approved with Ordinance 2023- 03.

Trustee/ Mayor Pro-Tem Markle says his recollection was that the Board wanted a defined criteria to establish Legacy Events so that other events could apply for the distinction as well.

Trustee Knutson makes a motion, Seconded by Trustee Smith, that Pickin' in the Park, Mountain Harvest Festival, Cherry Days and the BMW Rally be exempted for this year from the park fees for their events.

The motion carries unanimously.

Trustee Smith makes a motion, Seconded by Trustee Stelter that the staff draft a definition of Legacy Events.

The motion carries unanimously.

2. Consider letters of interest and appoint Trustee to vacant seat on Town Board

Trustee Knutson asks the Board if they can decide on a clear process ahead of time so that the appointment process is fair.

The Trustees agree that they can ask the candidates questions as long as each are asked the same ones.

Question one: Describe a time where you took a position on an issue and then received evidence that changed your mind or disproved your viewpoint and what did you do?

Question two: What changes need to take place with the Town Council?

Mayor Bachran invites the candidates to come introduce themselves.

Morgan MacInnis, introduces himself as a Town resident, business owner and teacher. He is interested in representing the voices in the town that maybe aren't being heard/represented by the demographic on the Board right now.

Tamie Meck introduces herself as a Paonia resident, DCI reporter, former Board member who feels that her resignation from the Board before is something she wished she had dealt with differently and would like a chance to work on the Board again under different circumstances.

Jane Poulos introduces herself as a lifetime Paonia resident and would love to give back to the community that has been so good to her, can be a voice for the under-represented. She has a lot of council experience and worked as an ombudsman with the nursing homes, the Chamber of Commerce, and was part of a revitalization team for Paonia with Briscoe, Gall, Peterson.

Town Clerk Vetter collected the votes and read them aloud.

Morgan MacInnis received the votes of Trustee Stelter, Trustee/Mayor Pro-Tem Markle and Trustee Valentine

Tamie Meck received a vote from Trustee Smith.

Mary Jane Poulos received a vote from Trustee Knutson.

Trustee MacInnis was appointed to the Board of Trustees and was sworn in by Town Clerk Vetter before taking his seat with the Board.

3. Approval of expense to repair Police Department air conditioner.

Chief Laiminger gave a summary of the quote and reasons he is requesting the repair including the amount of gear his Officers wear and the evidence room.

Trustee Smith asks if the cost will come out of the police budget.

Interim Administrator Klusmire answers that for now, yes it will, but once the funds are restructured it will be spread out a bit more.

Trustee/Mayor Pro-Tem Markle states he has no question about the need but would like more itemization costs in the quote ie: cost of labor, model number etc. As a Board member with fiscal responsibility not asking these questions can be very expensive and he would like to see the breakdown before approval.

Trustee Smith asks if it could be approved contingent on a more itemized estimate.

Trustee Knutson makes a motion to approve, Seconded by Trustee Valentine, to approve the estimate as written.

Voting Aye: Trustee Stelter, Trustee Valentine and Trustee Knutson

Voting Nay: Trustee Smith and Trustee/ Mayor Pro-Tem Markle.
The motion carries.

4. Consideration and adoption of Ordinance 2023-04 - Clarifying the Water Moratorium in response to Referendum Petition on Ordinance 2023-02.

Town Attorney Cotton- Baez provides some background to the new clarification ordinance and says that there are still some issues that Mr. Brunner is taking with the language, and he is not sure if it can be settled tonight but he is open to Board input.

Interim Town Administrator Klusmire asks that the issue be explained more thoroughly for the benefit of Trustee MacInnis.

The Town Attorney explains the issue more thoroughly covering the process of adopting Ordinances, Referendum petitions, special elections and the issues of definitions that are causing issues.

Trustee Knutson asks about the deadlines they face with a Special Election.

Trustee/ Mayor Pro-Tem Markle states he would like to hear the language that is still insufficient and why, directly from the Petitioners.

W. Brunner: Talks about Paragraph (G): doesn't prohibit a kitchen and a bathroom: he feels this presents the loophole of adding a household unit and no way to prevent the rental of the unit and creating an ADU. He also talks about the wording in Ordinance 2023-04 that will rescind Ordinance 2023-02 making the referendum petition moot.

Trustee Valentine calls Point of Order: going off the topic of the question asked.

The Interim Town Administrator and the Town Attorney give an explanation of paragraph (G) but clarify that the issue it is specifically written for, isn't a current issue in Paonia so it isn't specifically needed.

W. Brunner: reads the next paragraph and how it rescinds anything before it and feels there should be more consistency in the language and asks Town Attorney to explain Section (F).

Town Attorney Cotton-Baez explains that Town has not kept great records and the moratorium Ordinance is also trying to set some consistency, which is why it is set up as a presumption, which falls under the owner's burden of proof. This enables a simple rejection to overcome the presumption, which leaves only an appeal to the Board.

Trustee/Mayor Pro-Tem Markle asks if the wording was changed to 'alteration' instead of installation, if that would solve the problem with the language.

W. Brunner responds that if 'kitchen' was removed from Section (G), it wouldn't define a living unit and he would feel better about it. Also, doesn't like the language limiting to a 'structure' as it creates a loophole. He would like to take (G) out and 13-1-13 (3). He also says that the Board needs to demand accountability and performance from the Administration.

Trustee Stelter calls Point of Order for lack of use of titles and not directing comments to the Mayor.

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Knutson, for a five-minute break.

The motion carries unanimously.

The meeting resumes in 5 minutes.

W. Brunner: asks to change "structure" to 'commercial or household unit'.

Town Attorney Cotton-Baez offers wording that Mr. Brunner agrees with.

W. Brunner turns the discussion to service lines and definitions of 'taps'.

Interim Town Administrator explains the reason for meters being required in the ordinance instead of taps and the damage to the physical line if you require a tap for every unit.

W. Brunner: asks a hypothetical question about an R-2 unclaimed tap with a 3/4-inch service line and what is to stop them from upsizing the tap. Interim Administrator explains how she would interpret the code to respond to that question.

W. Brunner: asks about the unused purchased taps and how they fit into this ordinance. He then suggests changing the word 'structures' and take out 'kitchen' from Section (G).

Trustee/ Mayor Pro-Tem Markle suggests changing 'structure' to 'commercial and household unit' and eliminating 'private' in the definitions.

Town Attorney Cotton-Baez suggests some fine tuning of words from the legal perspective.

Public Comment:

S. Watson: asks about whether this applies to outside of town and water companies as well.

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Smith, to approve Ordinance 2023- 04 with the following amendments: Section 1, part (G) stricken, section 1 subsection (a) part (3), remove 'private' and 1 part (a) change 'lawful structure' to 'commercial or household unit', Section 1 part (a) definition 3 service line meaning and strike 'pit'.

Trustee Knutson declares he likes the way the discussion is going and the process that Trustee/ Mayor Pro-Tem Markle has used.

The motion carries unanimously.

5. Board direction regarding Signatories on Town bank accounts and credit cards.

Interim Town Administrator Klusmire explains that the town needs a policy, she suggests needing two signers, one from the Board and one from the Staff. If the Board will give direction, then staff can craft a resolution.

Trustee Knutson makes a motion, Seconded by Trustee Stelter, that any bank account or credit card account opened have two signatures and one be a Trustee and one be a staff member.

Public Comment:

W. Brunner asks questions about the state statutes surrounding the creation of funds.

The motion carries unanimously.

Request to submit a Revitalizing Main Streets grant to CDOT for \$250,000 for additional funds to complete the 5th and Grand intersection project.

Mayor Bachran offers background and reason why this is a needed grant alongside others.

Trustee Knutson gives an explanation for the newest member of the Board, Trustee MacInnis, that the Board likes to see these grants ahead of time so they know the whole fiscal picture before a grant submission.

Trustee/ Mayor Pro-Tem Markle asks questions about the estimate amount.

Trustee Smith makes a motion, Seconded by Trustee Valentine, to approve the mayor submitting the grant proposal.

The motion carries unanimously.

Town Administrator recruitment process and update including discussion and decisions about pay range, preliminary interviews, and Interim Administrator.

The Personnel committee, Trustee's Smith and Valentine, report that they have nine applicants. Trustee Smith suggests that herself, Trustee Valentine and Interim Administrator Klusmire go through the resumes and poll the Trustees about availability for interviews.

Trustee Knutson asks about the caliber of candidates compared to the other two rounds of recruitment.

Trustee Markle makes a motion, Seconded by Trustee Stelter, that the Personnel Committee continue with the recruitment process.

The motion carries unanimously.

Trustee Knutson reminds the Board that he will be out of town May 31 to June 12th.

A brief discussion continues about raising the high end of the salary, the negotiation process, timeline for submittal and attracting applicant's vs retaining them.

6. Board review of draft letter regarding Gunnison Energy's latest development plan

Trustee Knutson presents the Development Plans issues and his comments on it.

Discussion covers abandoned wells and pads, budgeted finances for dealing with those issues and the Towns historical precedent for commenting on specific wells.

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Smith, to send the letter as written.

Voting Aye: Trustee Smith, Trustee/ Mayor Pro-Tem Markle, Trustee Knutson and Trustee MacInnis

Voting Nay: Trustee Stelter and Trustee Valentine

The motion carries.

7. Consideration and approval of draft comments on Jumbo Mountain Trail.

Trustee Knutson presents and explains that he had no input and encourages the Board to make suggestions and edits because he feels it is important that they be involved in the process.

Trustee/ Mayor Pro-Tem disagrees saying that the BLM (Bureau of Land Management) is very public facing and probably has a much better idea than they do of what the public wants.

Trustee MacInnis agrees with Trustee/Mayor Pro-Tem Markle about the BLM having a better idea and suggests that without reaching out to the public they shouldn't be so quick to take a stand.

Trustee Valentine states that his experience with the BLM has been that they do not listen to the public.

Public Comment:

S. Watson: Disagrees with the paragraph in the letter that points to equestrians being an issue since she believes a bigger issue is dogs off leash and out of control mountain bikers.

Mayor Bachran doesn't think the Town should do a proposed alternative. She likes the County Commissioner's letter and agrees with Trustee MacInnis that the Board of Trustees needs more engagement with the public.

Trustee Smith states that the parking issues in Apple Valley need to be considered as well as the impact on parking, roads, and infrastructure.

Trustee Knutson asks for clarification from the Town Attorney for the new Trustee about the difference between public opinion as an individual vs. a Trustee.

The Town Attorney explains that it is important to clarify that even though you are a member of the Board of Trustees, you are sharing an individual opinion and it doesn't reflect the opinion of the Board.

Trustee Smith thinks it would be better for Ms. Kilbane to address the whole Board instead of just one committee, to share the issues.

Trustee Smith makes a motion, Seconded by Trustee/ Mayor Pro-Tem Markle, that Trustee Knutson reach out to Ms. Kilbane and requesting her to come to a meeting so she can describe what she is looking for to the Board.

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Stelter to extend the meeting until 10 pm.

Motion carries unanimously.

Main motion:

Motion carries unanimously.

Executive Sessions

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Knutson, to go into Executive Session, pursuant to C.R.S. Section 24-6-402(4)(f)(I), for the purposes of discussing a personnel matter concerning employees who have not requested that the matter be discussed in an open meeting, specifically pertaining to compensation and potential promotions.

The motion carries unanimously.

Trustee Knutson asks Mayor Bachran to have the Town Attorney explain to Trustee MacInnis the differences between a regular meeting and Executive Session.

Executive Session Begins at 9: 25 pm.

Exec Session ends at 9:52 pm.

Trustee Knutson makes a motion, Seconded by Trustee Stelter to authorize the Interim Town Administrator to implement a new organizational chart, create new job descriptions and salaries.

The motion carries unanimously.

Mayor & Trustee Reports

Trustee Markle gives a summary of Community Water Committee meetings and will try to get some presentations together soon.

Adjournment

Meeting adjourns at 9:57 pm.

Samira M Vetter, Town Clerk

Mary Bachran, Mayor

DRAFT

Minutes
Special Town Board Meeting
Town of Paonia, Colorado
May 15, 2023

RECORD OF PROCEEDINGS

Mayor Bachran calls the meeting to order at 5:30 pm

Roll Call

PRESENT

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

Approval of Agenda

Motion made by Trustee Stelter, Seconded by Trustee Knutson, to approve the agenda.

Motion carries unanimously.

Trustee Knutson makes a motion, Seconded by Trustee Stelter, to add appointment of Mayor Pro-Tem to the next regular meeting agenda including committee appointments.

Trustee Knutson explains that he feels some comments made at the last meeting did not reflect well on the Town and that the Board should also begin to look at a transition person for the role of Mayor Pro-Tem.

Trustee/ Mayor Pro-Tem Markle says he appreciates Trustee Knutson's position and input received from Interim Administrator Klusmire and says the recording of the meeting should show he was not denigrating anyone.

Mayor Bachran brings the conversation back to the specific motion.

Voting Aye: Trustee/ Mayor Pro-Tem Markle, Trustee Stelter, Trustee Valentine, Trustee Knutson, Trustee MacInnis

Voting Nay: Trustee Smith

The motion carries.

Interim Administrator Klusmire gives a summary of emails received from community member W. Brunner that contained orders to staff, accusations of crime against staff and other false claims. She encourages the Town to stand up for itself by speaking out against false information and to protect its staff from bullying and harassment.

Mayor Bachran reads a statement prepared by Town Attorney Nick Cotton-Baez, who was unable to attend the meeting, addressing misinformation and defending rules, law and procedures used by the Town.

Trustee Stelter asks for a record to be made that he has received an attempted ex-parte communication from Mr. Brunner at his private email address. It has not been opened and will be deleted unopened. Trustee Stelter also states that he wants to be clear that his private email is just that, private, and Town business should always be sent to his Town email so that the Town has a record of any communications.

Trustee MacInnis suggests that the Boards time may be better served through communicating the facts to the community at large instead of focusing on one person who seems to not care to hear them.

Trustee Knutson states for the record his full support and confidence in the current staff and the trajectory that the Town is on. He suggests continuing to move forward and not getting caught up with responses to one citizen.

Trustee Smith states that while she agrees with everything that has been said she does have a problem with the fact that this discussion is being had while it is not on the agenda and Mr. Brunner wasn't there.

Interim Administrator Klusmire points out that the statements being made are a direct response to Mr. Brunner's emails about this specific meeting. She does agree that more conversation needs to be had about how to better reach and communicate with the public and how to productively deal with citizens behaving like this.

Trustee/ Mayor Pro-Tem Markle states that the Board should do as they said they would in statements and just ignore the statements made. They have all taken an oath to uphold the Constitution which includes free speech and need to let people say what they want to say as long as it isn't illegal. He feels this is a waste of the Boards time.

Interim Administrator Klusmire responds that while she understands Trustee/ Mayor Pro-Tem Markle's point and realizes that it has been the Board's policy in the past to ignore these things, it goes against her professional ethics to do so. She clarifies that people can say whatever they want however they cannot bully, harass and make demands of the staff and she will do her best to prevent that and protect the staff. If the Board would like to make a formal direction for her not to speak out, that it would need to be in a vote.

Mayor Bachran points out that Resolution 2017-10 Board Rules of Procedure requires factual information and no personal attacks.

Actions & Presentations

Executive Session

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee MacInnis, to go into Executive Session pursuant to C.R.S. 24-6-402(4)(e), for the purpose of determining positions, developing strategy and instructing negotiators relative to an employment separation agreement with the Finance Director/Treasurer.

The motion carries unanimously.

Executive Session begins: 5:56 pm

Executive session ends: 6:20 pm

Present at the Executive Session were Mayor Bachran, Trustee/Mayor Pro-Tem Markle, Trustee Smith, Trustee Valentine, Trustee Knutson, Trustee MacInnis, Trustee Stelter, and Interim Administrator Klusmire.

No concerns about the content of executive session were stated.

Other Items

1. Consideration and Approval of Employment Separation Agreement

Trustee Knutson makes a motion, Seconded by Trustee Stelter to approve the Employment Separation Agreement, have the mayor sign it and to have it become public when done.

Voting Aye: Trustee Stelter, Trustee Smith, Trustee Valentine, Trustee Knutson and Trustee MacInnis.

Voting Nay: Trustee/ Mayor Pro-Tem Markle
The motion carries.

Adjournment

Meetings adjourns at 6:24 pm

Samira M Vetter, Town Clerk

Mary Bachran, Mayor

Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
05/23	05/23/2023	0	46	Dependable Lumber, Inc.	16-0201	505.41
05/23	05/23/2023	0	48	Don's Market	16-0201	1,079.30
05/23	05/23/2023	0	50	Duckworks Auto Parts Inc	16-0201	1,418.47
05/23	05/23/2023	0	39	Delta County Independent (DCI)	10-0201	198.05
05/23	05/23/2023	0	40	Delta County Memorial Hospital	14-0201	265.00
05/23	05/23/2023	0	56	Delta County Landfill	80-0201	1,873.25
05/23	05/23/2023	0	122	Paonia Auto Parts	80-0201	469.16
05/23	05/23/2023	0	152	Southwestern Systems, Inc	70-0201	2,591.35
05/23	05/23/2023	0	491	WINSUPPLY COMMERCIAL CHARGE	60-0201	2,489.74
05/23	05/23/2023	0	566	Simmons Lock & Key Delta	10-0201	80.00
05/23	05/23/2023	0	645	Mail Services, LLC.	80-0201	534.94
05/23	05/23/2023	0	161	UNCC	70-0201	65.79
05/23	05/23/2023	0	162	Oldcastle SW Group Inc	70-0201	18,098.96
05/23	05/23/2023	0	163	US Bank	60-0201	385.00
05/23	05/23/2023	0	125	Paonia Farm & Home Supply Inc	20-0201	180.97
05/23	05/23/2023	0	145	Robert's Enterprises Inc	80-0201	102.00
05/23	05/23/2023	0	156	TDS Telecom	70-0201	471.76
05/23	05/23/2023	0	499	Phonz +	10-0201	2,289.68
05/23	05/23/2023	0	763	Mesa County Health Dept Labs	60-0201	200.00
05/23	05/23/2023	0	14	Bolinger & Queen Inc	60-0201	622.14
05/23	05/23/2023	0	931	Roop Excavating LLC	70-0201	29,994.55
05/23	05/23/2023	0	960	Gambles of Hotchkiss, Inc	16-0201	23.99
05/23	05/23/2023	0	1092	Ferguson Waterworks #1116	70-0201	86.82
05/23	05/23/2023	0	1126	Browns Hill Engineering & Controls	60-0201	1,710.00
05/23	05/23/2023	0	1245	Archuleta, Benny	60-0201	1,500.00
05/23	05/23/2023	0	1268	All Copy Products Inc	10-0201	694.00
05/23	05/23/2023	0	1277	Kelly PC	70-0201	8,796.90
05/23	05/23/2023	0	1282	Cooleys Heating & Cooling Inc	14-0201	3,072.78
05/23	05/23/2023	0	1284	Cedar Creek Supply LLC	60-0201	1,401.25
05/23	05/23/2023	0	1297	PHOENIX RISING RESOURCES LLC	10-0201	7,080.01
05/23	05/23/2023	0	1304	Grand Junction Winwater	70-0201	2,415.56
05/23	05/23/2023	0	1306	Phyllis Velez	10-0201	25.00
05/23	05/23/2023	0	1307	Bruin Waste	16-0201	1,043.25
Grand Totals:						91,745.08

Report Criteria:

Report printed and checks created

Due Date	Vendor Number	Name	Invoice Number	Net Due Amount	Pay	Payment Amount	Discount Amount	Remittance
04/30/2023	568	Simmons Lock & Key Delta	5029	80.00	Y	80.00	.00	
05/11/2023	1288	All Copy Products Inc	50246861	324.69	Y	324.69	.00	Vendor Address
05/23/2023	1282	Cooleys Heating & Cooling Inc	687	3,072.78	Y	3,072.78	.00	Vendor Address
05/23/2023	40	Delta County Memorial Hospita	78685A12	265.00	Y	265.00	.00	Vendor Address
05/23/2023	156	TDS Telecom	5-2023	471.76	Y	471.76	.00	Vendor Address
05/23/2023	183	US Bank	6896919	385.00	Y	385.00	.00	Vendor Address
05/24/2023	46	Dependable Lumber, Inc.	2304-2765	9.79	Y	9.79	.00	Vendor Address
05/24/2023	162	United Companies Inc	1514641	944.48	Y	944.48	.00	2
05/25/2023	14	Bolinger & Queen Inc	118346	509.70	Y	509.70	.00	Vendor Address
05/25/2023	125	Paonia Farm & Home Supply I	163012	180.97	Y	180.97	.00	Vendor Address
05/25/2023	931	Rcop Excavating LLC	1518	29,994.55	Y	29,994.55	.00	Vendor Address
05/26/2023	39	Delta County Independent (DCI)	11022824-	35.00	Y	35.00	.00	Vendor Address
05/26/2023	46	Dependable Lumber, Inc.	2304-2767	19.56	Y	19.56	.00	Vendor Address
05/26/2023	46	Dependable Lumber, Inc.	2304-2768	3.49	Y	3.49	.00	Vendor Address
05/26/2023	46	Dependable Lumber, Inc.	2304-2768	41.98	Y	41.98	.00	Vendor Address
05/26/2023	46	Dependable Lumber, Inc.	2304-2768	15.27	Y	15.27	.00	Vendor Address
05/26/2023	46	Dependable Lumber, Inc.	2304-2769	41.98	Y	41.98	.00	Vendor Address
05/26/2023	162	United Companies Inc	1515106	3,516.64	Y	3,516.64	.00	2
05/27/2023	48	Don's Market	01-180312	11.99	Y	11.99	.00	Vendor Address
05/27/2023	1092	Ferguson Waterworks #1118	1419422	86.82	Y	86.82	.00	Vendor Address
06/27/2023	1304	Grand Junction Winwater	068892-01	2,415.56	Y	2,415.56	.00	Vendor Address
05/28/2023	48	Don's Market	02-147126	62.66	Y	62.66	.00	Vendor Address
05/28/2023	152	Southwestern Systems, Inc	203163	651.85	Y	651.85	.00	Vendor Address
05/28/2023	162	United Companies Inc	1515741	2,565.66	Y	2,565.66	.00	2
05/28/2023	491	Winwater Corp	06886701	74.18	Y	74.18	.00	WINSUPPLY COM
05/28/2023	491	Winwater Corp	06888201	2,415.56	Y	2,415.56	.00	WINSUPPLY COM
05/30/2023	56	Delta County Landfill	4302023	1,873.25	Y	1,873.25	.00	Vendor Address
05/30/2023	48	Don's Market	04302023	984.00	Y	984.00	.00	Vendor Address
05/30/2023	50	Duckworks Auto Parts Inc	8899-0430	1,111.30	Y	1,111.30	.00	Vendor Address
05/30/2023	122	Paonia Auto Parts	8198-0331	255.22	Y	255.22	.00	Vendor Address
05/30/2023	151	UNCC	22304107	65.79	Y	65.79	.00	Vendor Address
05/31/2023	1126	Browns Hill Engineering & Cont	1007	1,710.00	Y	1,710.00	.00	Vendor Address
05/31/2023	48	Dependable Lumber, Inc.	2305-2775	25.06	Y	25.06	.00	Vendor Address
05/31/2023	1277	Kelly PC	04302023	8,796.90	Y	8,796.90	.00	Vendor Address
05/31/2023	499	Phonz +	14945	2,269.68	Y	2,269.68	.00	Vendor Address
05/31/2023	1306	Phyllis Velez	31540004	25.00	Y	25.00	.00	Vendor Address
05/31/2023	162	United Companies Inc	10243772	275.83	Y	275.83	.00	2
05/31/2023	162	United Companies Inc	10243773	283.57	Y	283.57	.00	2
05/31/2023	162	United Companies Inc	10243773	282.85	Y	282.85	.00	2
05/31/2023	162	United Companies Inc	10243774	282.85	Y	282.85	.00	2
05/31/2023	162	United Companies Inc	10243775	282.85	Y	282.85	.00	2
05/31/2023	162	United Companies Inc	10243776	285.73	Y	285.73	.00	2
05/31/2023	162	United Companies Inc	10243776	277.82	Y	277.82	.00	2
05/31/2023	162	United Companies Inc	10243777	280.33	Y	280.33	.00	2
05/31/2023	162	United Companies Inc	10243778	279.08	Y	279.08	.00	2
05/31/2023	162	United Companies Inc	10243778	266.32	Y	266.32	.00	2
05/31/2023	162	United Companies Inc	1515973	2,797.23	Y	2,797.23	.00	2
06/01/2023	46	Dependable Lumber, Inc.	2305-2776	8.49	Y	8.49	.00	Vendor Address
06/01/2023	46	Dependable Lumber, Inc.	2305-2778	5.29	Y	5.29	.00	Vendor Address
06/01/2023	46	Dependable Lumber, Inc.	2305-2778	.70	Y	.70	.00	Vendor Address
06/01/2023	46	Dependable Lumber, Inc.	2305-2778	38.97	Y	38.97	.00	Vendor Address
06/01/2023	46	Dependable Lumber, Inc.	2305-2778	12.99	Y	12.99	.00	Vendor Address
06/02/2023	1307	Bruin Waste	1421776	317.25	Y	317.25	.00	Vendor Address

Due Date	Vendor Number	Name	Invoice Number	Net Due Amount	Pay	Payment Amount	Discount Amount	Remittance
06/02/2023	1307	Bruin Waste	1421779	726.00	Y	726.00	.00	Vendor Address
06/02/2023	46	Dependable Lumber, Inc.	2305-2779	10.99	Y	10.99	.00	Vendor Address
06/02/2023	162	United Companies Inc	1516493	2,111.28	Y	2,111.28	.00	2
06/03/2023	46	Don's Market	01-180946	20.65	Y	20.65	.00	Vendor Address
06/03/2023	763	Mesa County Health Dept Labs	1056-23	20.00	Y	20.00	.00	Vendor Address
06/03/2023	763	Mesa County Health Dept Labs	1057-23	20.00	Y	20.00	.00	Vendor Address
06/03/2023	763	Mesa County Health Dept Labs	467-23	20.00	Y	20.00	.00	Vendor Address
06/03/2023	763	Mesa County Health Dept Labs	468-23	20.00	Y	20.00	.00	Vendor Address
06/03/2023	763	Mesa County Health Dept Labs	483-23	20.00	Y	20.00	.00	Vendor Address
06/03/2023	763	Mesa County Health Dept Labs	484-23	20.00	Y	20.00	.00	Vendor Address
06/03/2023	763	Mesa County Health Dept Labs	770-23	20.00	Y	20.00	.00	Vendor Address
06/03/2023	763	Mesa County Health Dept Labs	771-23	20.00	Y	20.00	.00	Vendor Address
06/03/2023	763	Mesa County Health Dept Labs	821-23	20.00	Y	20.00	.00	Vendor Address
06/03/2023	763	Mesa County Health Dept Labs	822-23	20.00	Y	20.00	.00	Vendor Address
06/03/2023	162	United Companies Inc	1512596	1,226.93	Y	1,226.93	.00	2
06/03/2023	162	United Companies Inc	1516757	2,139.51	Y	2,139.51	.00	2
06/04/2023	14	Bolinger & Queen Inc	119253	112.44	Y	112.44	.00	Vendor Address
06/04/2023	46	Dependable Lumber, Inc.	2305-2783	32.44	Y	32.44	.00	Vendor Address
06/04/2023	46	Dependable Lumber, Inc.	2305-2784	14.78	Y	14.78	.00	Vendor Address
06/04/2023	46	Dependable Lumber, Inc.	2305-2785	7.98	Y	7.98	.00	Vendor Address
06/04/2023	50	Duckworks Auto Parts Inc	11044-410	52.22	Y	52.22	.00	Vendor Address
06/04/2023	122	Paonia Auto Parts	399908	84.45	Y	84.45	.00	Vendor Address
06/04/2023	152	Southwestern Systems, Inc	203167	1,939.50	Y	1,939.50	.00	Vendor Address
06/07/2023	46	Dependable Lumber, Inc.	2305-2787	11.58	Y	11.58	.00	Vendor Address
06/07/2023	46	Dependable Lumber, Inc.	2305-2787	23.96	Y	23.96	.00	Vendor Address
06/07/2023	645	Mail Services, LLC.	188338	534.94	Y	534.94	.00	Vendor Address
06/07/2023	122	Paonia Auto Parts	399977	17.53	Y	17.53	.00	Vendor Address
06/07/2023	122	Paonia Auto Parts	399990	76.80	Y	76.80	.00	Vendor Address
06/07/2023	145	Robert's Enterprises Inc	453-05082	102.00	Y	102.00	.00	Vendor Address
06/08/2023	46	Dependable Lumber, Inc.	2305-2790	5.70	Y	5.70	.00	Vendor Address
06/08/2023	46	Dependable Lumber, Inc.	2305-2790	110.96	Y	110.96	.00	Vendor Address
06/08/2023	46	Dependable Lumber, Inc.	2305-2790	17.99	Y	17.99	.00	Vendor Address
06/09/2023	39	Delta County Independent (DCI	8DFD59D	163.05	Y	163.05	.00	Vendor Address
06/09/2023	46	Dependable Lumber, Inc.	2305-2794	45.46	Y	45.46	.00	Vendor Address
06/09/2023	50	Duckworks Auto Parts Inc	11044-410	254.95	Y	254.95	.00	Vendor Address
06/09/2023	960	Gambles of Hotchkiss, Inc	261308	23.99	Y	23.99	.00	Vendor Address
06/10/2023	1284	Cedar Creek Supply LLC	INV-0143	1,401.25	Y	1,401.25	.00	Vendor Address
06/10/2023	122	Paonia Auto Parts	400106	35.16	Y	35.16	.00	Vendor Address
06/11/2023	1268	All Copy Products Inc	50250928	369.31	Y	369.31	.00	Vendor Address
06/13/2023	1245	Archuleta, Benny	ARCH5-1-	1,500.00	Y	1,500.00	.00	Vendor Address
06/14/2023	1297	PHOENIX RISING RESOURC	CAINV-00	7,080.01	Y	7,080.01	.00	Vendor Address
Totals:				91,746.08		91,746.08	.00	

Number of invoices to be fully paid:	94
Number of invoices to be partially paid:	0
Number of invoices with no payment:	0
Total number of invoices listed:	94
Total checks from invoices selected:	33
Total adjustment checks:	0
Total adjusted invoices:	0
Total negative checks not created:	0

Cash Requirements Summary

Date	Net Due Amount	Payment Amount	Discount Taken
04/30/2023	80.00	80.00	.00
05/11/2023	324.69	324.69	.00
05/23/2023	4,194.54	4,194.54	.00
05/24/2023	954.27	954.27	.00
05/25/2023	30,685.22	30,685.22	.00
05/26/2023	3,673.92	3,673.92	.00
05/27/2023	2,514.37	2,514.37	.00
05/28/2023	5,769.91	5,769.91	.00
05/30/2023	4,289.56	4,289.56	.00
05/31/2023	18,421.10	18,421.10	.00
06/01/2023	66.44	66.44	.00
06/02/2023	3,165.52	3,165.52	.00
06/03/2023	3,587.09	3,587.09	.00
06/04/2023	2,243.81	2,243.81	.00
06/07/2023	766.81	766.81	.00
06/08/2023	134.65	134.65	.00
06/09/2023	487.45	487.45	.00
06/10/2023	1,436.41	1,436.41	.00
06/11/2023	369.31	369.31	.00
06/13/2023	1,500.00	1,500.00	.00
06/14/2023	7,080.01	7,080.01	.00
	91,745.08	91,745.08	.00

Report Criteria:

Includes the following check types:

Manual, Payroll, Supplemental, Termination, Void

Includes unprinted checks

Pay Period Date	Check Issue Date	Check Number	Payee	Payee ID	GL Account	Amount	Department
05/12/2023	05/19/2023	50081	Jones, Cynthia	1001	09-0102	130.14-	Administration
05/12/2023	05/19/2023	50082	Mojarro-Lopez, Amanda	1003	09-0102	1,391.13-	Administration
05/12/2023	05/19/2023	50083	Wuollet, Candice C	1004	09-0102	295.52-	Administration
05/12/2023	05/19/2023	50084	Webster, Samira	1005	09-0102	1,637.95-	Administration
05/12/2023	05/19/2023	50085	Santiago, Ruben	1006	09-0102	1,380.92-	Administration
05/12/2023	05/19/2023	50086	Katzer, JoAnn	1010	09-0102	1,160.04-	Police Department
05/12/2023	05/19/2023	50087	Huffman, Julie J	1012	09-0102	507.92-	Police Department
05/12/2023	05/19/2023	50088	Laiminger, Matt	1020	09-0102	1,726.18-	Police Department
05/12/2023	05/19/2023	50089	Henderson, Garrett W	1021	09-0102	1,605.17-	Police Department
05/12/2023	05/19/2023	50090	Hinyard, Patrick	1022	09-0102	1,858.44-	Police Department
05/12/2023	05/19/2023	50091	Gilliam, William J	1023	09-0102	1,569.44-	Police Department
05/12/2023	05/19/2023	50092	Kramer, Lance W	1024	09-0102	1,513.31-	Police Department
05/12/2023	05/19/2023	50093	Seeley, Thomas J	1025	09-0102	1,267.27-	Police Department
05/12/2023	05/19/2023	50094	Heiniger, Cory	1050	09-0102	1,912.15-	Public Works
05/12/2023	05/19/2023	50095	Erickson, Jason C	1051	09-0102	1,820.09-	Public Works
05/12/2023	05/19/2023	50096	Reich, Dennis	1052	09-0102	1,418.67-	Public Works
05/12/2023	05/19/2023	50097	Cecil, Raymond Cole	1053	09-0102	1,342.37-	Public Works
05/12/2023	05/19/2023	50098	Byrge, Rodney A	1055	09-0102	1,586.34-	Public Works
05/12/2023	05/19/2023	50099	Rose, Clinton A	1056	09-0102	1,080.72-	Public Works
05/12/2023	05/19/2023	50100	Walton, Matthew	1063	09-0102	516.76-	Public Works
05/12/2023	05/19/2023	50101	Redden, Jordan	1070	09-0102	2,152.04-	Public Works
05/12/2023	05/19/2023	50102	Garcia, Jeremiah	1071	09-0102	1,623.81-	Public Works
05/12/2023	05/19/2023	50103	Heinigor Burum, Derek J	1072	09-0102	1,521.15-	Public Works
05/12/2023	05/19/2023	50104	Bachran, Mary A	1300	09-0102	184.70-	Governmental
05/12/2023	05/19/2023	50105	Knutson, David A	1301	09-0102	92.35-	Governmental
05/12/2023	05/19/2023	50106	Valentine, John C	1302	09-0102	92.35-	Governmental
05/12/2023	05/19/2023	50107	Smith, Paige W	1303	09-0102	92.35-	Governmental
05/12/2023	05/19/2023	50108	Stelter, Rick	1304	09-0102	92.35-	Governmental
05/12/2023	05/19/2023	50109	Markle, Thomas	1305	09-0102	92.35-	Governmental
05/12/2023	05/19/2023	50110	Weber, David	1306	09-0102	92.35-	Governmental
05/12/2023	05/19/2023	50111	Taylor, Matthew	9221059	09-0102	819.26-	Public Works
05/12/2023		908301830	Void				
05/12/2023		908301831	Void				
Grand Totals:						32,813.59-	
						33	

check Weber removed

Two checks issued for Tr. Markle SMU

Sam - setting up for Auto draft.



COPY - Original Invoice

Worldwide Headquarters . Columbus, Georgia 31999
 1.800.99.AFLAC (1.800.992.3522)
 aflac.com

Invoice Copy
 05/16/2023

Invoice Number: 168519
 Account Number: [REDACTED]
 Premium Due Date: 04/15/2023
 Amount Billed: \$192.48
 Amount Remitting: \$192.48
 Billing Period: March
 Number of Deductions: 2
 Deduction Frequency: 26
 Billing Mode: MONTHLY

Account Name: TOWN OF PAONIA
 Address: ATTN SAMIRA VETTER
 PO BOX 460
 PAONIA, CO 814280460

Date Prepared: 03/25/2023
 Billing Frequency: MONTHLY

** Highlighted lines indicate that the premium amount being remitted was adjusted and/or a Change Request was submitted for the employee.

The Premium amount billed for some policies may not reflect the number of deductions indicated above if the policies were issued during the billing period

Policy	Policy Type	CT	Dept.	Employee/Member#	Name	RM	Premium Due	Employee Sub-total	Adjusted Premium	Adjusted Sub-Total	CR
[REDACTED]	[REDACTED]	I			JONES, CINDY		\$40.80	\$40.80			
[REDACTED]	[REDACTED]	I			JONES, CINDY		\$30.60	\$30.60			
[REDACTED]	[REDACTED]	I			JONES, CINDY		\$24.48	\$24.48	\$ 95.88	\$ 95.88	
[REDACTED]	[REDACTED]	F			MOJARRO, AMANDA M		\$46.44	\$46.44			
[REDACTED]	[REDACTED]	F			MOJARRO, AMANDA M		\$50.16	\$50.16	\$ 96.60	\$ 96.60	
Total Amount Billed							\$192.48	Amount Due	\$192.48		

LEGEND		
COVERAGE TYPE (CT)	REMARKS (RM)	CHANGE REQUEST (CR)
I = Individual F = Family S = Single-Parent Family P = Primary-Spouse	CV = Pending Conversion PA = Policy is Paid Ahead PC = Policy is Pending Conversion and is Paid Ahead	A = Add Spouse/Child H = Name Change O = Other C = Cancel Coverage I = Delete person from policy R = Retired D = Deceased L = On Leave T = Insured Terminated/Left Employment E = Never Employed Here M = No Deduction Taken W = Transfer to another account F = Family Medical Leave Y = Military Leave

Paid by Bank acct



COPY - Original Invoice

Worldwide Headquarters . Columbus, Georgia 31999
1.800.99.AFLAC (1.800.992.3522)
aflac.com

Invoice Copy
05/16/2023

Invoice Number: 528327
Account Number: [REDACTED]
Premium Due Date: 05/15/2023
Amount Billed: \$192.48
Amount Remitting: \$192.48
Billing Period: April
Number of Deductions: 2
Deduction Frequency: 26
Billing Mode: MONTHLY

Account Name: TOWN OF PAONIA
Address: ATTN SAMIRA VETTER
PO BOX 460
PAONIA, CO 814280460

Date Prepared: 04/25/2023
Billing Frequency: MONTHLY

** Highlighted lines indicate that the premium amount being remitted was adjusted and/or a Change Request was submitted for the employee.

The Premium amount billed for some policies may not reflect the number of deductions indicated above if the policies were issued during the billing period

Policy	Policy Type	CT	Dept.	Employee/Member#	Name	RM	Premium Due	Employee Sub-total	Adjusted Premium	Adjusted Sub-Total	CR
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	JONES, CINDY		\$40.80	\$40.80			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	JONES, CINDY		\$30.60	\$30.60			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	JONES, CINDY		\$24.48	\$24.48	\$ 95.88	\$ 95.88	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	MOJARRO, AMANDA M		\$46.44	\$46.44			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	MOJARRO, AMANDA M		\$50.16	\$50.16	\$ 96.60	\$ 96.60	
Total Amount Billed							\$192.48	Amount Due	\$192.48		

LEGEND		
COVERAGE TYPE (CT)	REMARKS (RM)	CHANGE REQUEST (CR)
I = Individual F = Family S = Single-Parent Family P = Primary-Spouse	CV = Pending Conversion PA = Policy is Paid Ahead PC = Policy is Pending Conversion and is Paid Ahead	A = Add Spouse/Child H = Name Change O = Other C = Cancel Coverage I = Delete person from policy R = Retired D = Deceased L = On Leave T = Insured Terminated/Left Employment E = Never Employed Here M = No Deduction Taken W = Transfer to another account F = Family Medical Leave Y = Military Leave

Online Billing Electronic Payment Confirmation

Hello TOWN OF PAONIA

Your payment has been submitted and will be applied to your Aflac invoice when received.

Account number: [REDACTED]

Invoice number: 168519

Billing Period: March

Amount Billed: 192.48

Payment Date: 05/16/2023

Payment amount: 192.48

Bank Account Type: [REDACTED]

Bank Routing Number: [REDACTED]

Bank Account Number: [REDACTED]

We appreciate your business

Thank you

Aflac

**IF YOU HAVE ANY QUESTIONS ABOUT YOUR STATEMENT,
PLEASE E-MAIL onlineServices@aflac.com OR CALL 1-800-99-AFLAC(1-800-992-3522).**

Online Billing Electronic Payment Confirmation

Hello TOWN OF PAONIA

Your payment has been submitted and will be applied to your Aflac invoice when received.

Account number: [REDACTED]

Invoice number: 528327

Billing Period: April

Amount Billed: 192.48

Payment Date: 05/16/2023

Payment amount: 192.48

Bank Account Type: [REDACTED]

Bank Routing Number: [REDACTED]

Bank Account Number: [REDACTED]

We appreciate your business

Thank you
Aflac

IF YOU HAVE ANY QUESTIONS ABOUT YOUR STATEMENT,
PLEASE E-MAIL onlineServices@aflac.com OR CALL 1-800-99-AFLAC(1-800-992-3522).



THE HARTFORD
P O BOX 783690
PHILADELPHIA PA 19178-3690

Invoice #: 857901758529

Customer #: [REDACTED]

Policy #: [REDACTED]

CINDY JONES
TOWN OF PAONIA
PO BOX 460
PAONIA CO 81428

Direct Pay

INSURANCE PREMIUM STATEMENT

IMPORTANT MESSAGES:

BILLING PERIOD: 05/01/2023-05/31/2023

- ▶ To view employee and adjustment details and to make enrollment changes, log in to your account at www.employerview.com
- ▶ Enrollment changes noted on this invoice will not be processed. They must be sent to:
Fax: 1-888-701-8234 or Email: list.bill@thehartford.com
- ▶ Be sure to pay your total amount due by your payment due date to avoid risk of cancellation.

No longer need this coverage? Be sure to contact your Hartford Representative and request cancellation.

ACCOUNT SUMMARY	
Previous Balance	\$230.15
Payment(s)	\$-230.15
Current Premium	\$230.15
AMOUNT DUE	\$230.15
PAYMENT DUE DATE:	05/15/2023

The Hartford® is The Hartford Financial Services Group, Inc. and its subsidiaries, including underwriting companies Hartford Life and Accident Insurance Company and Hartford Fire Insurance Company. Home Office is Hartford, CT. The Hartford is the administrator for certain group benefits business written by Aetna Life Insurance Company and Talcott Resolution Life Insurance Company (formerly known as Hartford Life Insurance Company). © 2019 The Hartford

**** PAYMENT COUPON • DETACH AND REMIT WITH PAYMENT ****

Invoice #: 857901758529
Customer #: [REDACTED]
Policy #: [REDACTED]

AMOUNT DUE:	\$230.15
AMOUNT ENCLOSED:	\$ <input type="text"/>

PAYMENT DUE DATE: 05/15/2023

MAIL PAYMENT TO:

THE HARTFORD
PO BOX 783690
PHILADELPHIA PA 19178-3690

ATTENTION:

CINDY JONES
TOWN OF PAONIA
PO BOX 460
PAONIA CO 81428

PAYMENT OPTIONS

Pay Online* at: www.employerview.com

*registration required for e-billed customers

Enroll in Auto-Pay

Automatically withdraws list bill premium payments from your bank account when they are due, ensuring payments are never late. Enroll at www.employerview.com.

Send Payment, Payment Coupon to:

THE HARTFORD
PO BOX 783690
PHILADELPHIA, PA 19178-3690

Send Overnight Payment and Payment Coupon to:

THE HARTFORD
LOCKBOX 3890, MAC Y1372-045
401 MARKET STREET
PHILADELPHIA, PA 19106

Send an ACH/Wire Electronic Fund Transfer (EFT):

1. Not registered?

Send email request to
BRCTeam@hartfordlife.com

Provide your policy name and customer number from your billing statement.

2. Initiate payment to:

Wells Fargo Bank, Philadelphia, PA
The Hartford
ABA # 121000248
Acct # 2014207995465

The following information is required with each individual EFT payment:
Customer Name, Customer Number and Invoice Number

For detailed payment calculation instructions, visit www.employerview.com.

PAYMENT PROCESSING

Payments will be applied in the following order:

1. Past due balance on inactive policies
2. Past due balance on active policies
3. Current account charges

GRACE PERIOD

Premium payments are due and payable in full by the Payment Due Date. Payments must be received within your policy's designated Grace Period, as noted in your contract, to avoid risk of cancellation due to non-payment.

RIGHT TO AUDIT

The Hartford reserves the right to audit billing records and premium accounting practices.

OTHER REQUESTS

Do not include address changes and cancellation requests with your payment. Send these requests to one of the following.

Email: gbdcustomerservice@thehartford.com

Fax: (866) 427-8329

Phone: Monday – Friday 8 a.m. – 8 p.m., EST

(800) 523-2233 (for fully insured policies)

Be sure to contact your Hartford Representative for cancellation requests



Business Insurance
Employee Benefits
Auto
Home

Invoice #: 857901758529

Customer #: [REDACTED]

Policy #: [REDACTED]

BILLING PERIOD: 05/01/2023-05/31/2023

ACCOUNT DETAIL - CURRENT PREMIUM

Legend: * - Personal Health Application Required S - Spouse C - Child WAIVE - Premium Waiver Applied
PEND - Late Entrant PHA Required **BOLD** - Employee Record Modified YES - Active Spouse and/or Child Coverage

This invoice reflects enrollment on record at The Hartford at the time the invoice generated. It does not guarantee, nor certify, employee coverage. Eligibility for benefits is maintained by the Employer.

COVERAGE	# OF INSUREDS	VOLUME	RATE	RATE DEFINITION	PREMIUM DUE
Experience Group Name: TOWN OF PAONIA					
Policy #: [REDACTED]					
LIFE	15	150,000.00 X	0.1750	PER \$1000	\$26.25
SUPPLEMENTAL LIFE 0 - 24	0	0.00 X	0.0880	PER \$1000	\$0.00
SUPPLEMENTAL LIFE 25 - 29	0	0.00 X	0.0600	PER \$1000	\$0.00
SUPPLEMENTAL LIFE 30 - 34	0	0.00 X	0.0640	PER \$1000	\$0.00
SUPPLEMENTAL LIFE 35 - 39	0	0.00 X	0.0880	PER \$1000	\$0.00
SUPPLEMENTAL LIFE 40 - 44	1	50,000.00 X	0.1320	PER \$1000	\$6.60
SUPPLEMENTAL LIFE 45 - 49	0	0.00 X	0.2120	PER \$1000	\$0.00
SUPPLEMENTAL LIFE 50 - 54	1	50,000.00 X	0.3410	PER \$1000	\$17.05
SUPPLEMENTAL LIFE 55 - 59	1	50,000.00 X	0.5150	PER \$1000	\$25.75
SUPPLEMENTAL LIFE 60 - 64	0	0.00 X	0.7340	PER \$1000	\$0.00
SUPPLEMENTAL LIFE 65 - 69	0	0.00 X	1.0630	PER \$1000	\$0.00
SUPPLEMENTAL LIFE 70 - 74	0	0.00 X	1.7950	PER \$1000	\$0.00
SUPPLEMENTAL LIFE 75 - 111	0	0.00 X	4.8440	PER \$1000	\$0.00
TOTAL SUPPLEMENTAL LIFE	3	150,000.00			\$49.40
AD/D	15	150,000.00 X	0.0370	PER \$1000	\$5.55
SUPPLEMENTAL AD/D	3	150,000.00 X	0.0370	PER \$1000	\$5.55
SHORT TERM DISABILITY	15	7,792.80 X	0.1840	PER \$10 WKLY BENEFIT	\$143.40
Experience Group Subtotal =					\$230.15

EMPLOYEE DETAIL

Employee detail displays Benefit Amount or Covered Salary and Premium Due.

Experience Group Name: TOWN OF PAONIA

Policy #: [REDACTED]

INSURED NAME EMPLOYEE ID	LIFE (000)	SUPP LIFE (000)	AD/D BASIC (000)	AD/D SUPP (000)	STD	TOTAL PREMIUM
Byrge R	10		10		480	
xxx-xx-4046	1.75		.37		8.83	\$10.95
Cecil R	10		10		360	
xxx-xx-9507	1.75		.37		8.82	\$8.74
Edwards R	10		10		368.4	
1	1.75		.37		6.78	\$8.90
Garcia J	10		10		528	
xxx-xx-2776	1.75		.37		9.72	\$11.84
Heiniger C	10		10		744	
xxx-xx-8821	1.75		.37		13.69	\$15.81
Henderson G	10		10		720	
xxx-xx-9941	1.75		.37		13.25	\$15.37
Hinyard P	10	50	10	50	420.96	
4	1.75	6.6	.37	1.85	7.75	\$18.32
Jones C	10	50	10	50	658.32	
5	1.75	25.75	.37	1.85	12.11	\$41.83
Katzer J	10		10		480	
xxx-xx-2271	1.75		.37		8.83	\$10.95
Kramer L	10		10		480	
xxx-xx-1206	1.75		.37		8.83	\$10.95
Lalinger M	10		10		840	
xxx-xx-8821	1.75		.37		15.46	\$17.58
Mojarro-lope	10		10		365.52	
8	1.75		.37		6.73	\$8.85
Redden J	10		10		528	
xxx-xx-4194	1.75		.37		9.72	\$11.84
Reich D	10	50	10	50	411.6	
9	1.75	17.05	.37	1.85	7.57	\$28.59
Vetter S	10		10		408	
xxx-xx-2490	1.75		.37		7.51	\$9.63

Current Premium = \$230.15

Town of Paonia



Water Moratorium Update
RESPEC (formerly JDS Hydro)



EXTERNAL MEMORANDUM

To: Cory Heiniger
Public Works Director
Town of Paonia
214 Grand Avenue
Paonia, CO 81428

cc: Project Central File W0333.22002

From: Douglas E. Schwenke
Principal Engineer
RESPEC
5540 Tech Center Drive, Suite 100
Colorado Springs, CO 80919

Date: May 19, 2023

Subject: Tap Moratorium

This memorandum serves as an engineering opinion on the existing Town of Paonia (Town) tap moratorium. The following criteria were considered in assessing the necessity for the tap moratorium:

- / Water supply versus demand
- / Infrastructure health

WATER SUPPLY VERSUS DEMAND

The Town's raw water is sourced from a network of springs. These springs are piped to an Upper Facility (Lamborn) or Lower Facility (Clock) where flow is metered and recorded by facility operators. For the sake of this memorandum, the volume of water that reaches each facility is considered 'firm yield'. Not all water produced by each spring (spring production) reaches these facilities. Water rights limit how much water is allowed to be diverted and used by the Town, and some water "spills" before reaching either facility because of the condition of spring collection systems and pipelines.

In previous correspondence regarding the Town's tap moratorium, limited data were identified as one obstacle to providing an engineering opinion. Specifically, we requested additional firm yield and water treatment plant outflow (i.e. volume of treated water) data. Since March 2022, Town operators have recorded daily the volume of water reaching the Upper Lamborn Facility and intermittently recorded flows at the Lower Clock Facility. **Table 1** presents a summary of this data.

5540 TECH CENTER DRIVE
SUITE 100
COLORADO SPRINGS, CO 80919
719.227.0072



Table 1. Demand Versus Supply Analysis 2017–2019 and 2022–2023

	2017	2018	2019	2022–2023
Metered Flow	Acre-Feet	Acre-Feet	Acre-Feet	Acre-Feet
Lamborn Water Treatment Plant Inflow	512.05	579.52	528.60	459.26 ^(a)
Lamborn Water Treatment Plant Outflow ^(b)	460.33	460.33	460.33	450.73
Inflow - Outflow Difference (Spill)	169.63	192.02	175.10	8.52
Customer Demand	263.93	298.83	272.49	241.18
Water Treatment Plant Outflow - Demand Difference	196.41	161.51	187.85	201.41
% Difference	42.67	35.08	40.81	46.49
Clock Inflow	—	—	—	175.61 ^(c)

- (a) Reduced volume into the water treatment plant may be attributed to spring water purposely spilled at the source.
- (b) Water treatment plant outflow between 2016 and 2020 based on a single data point over 5 years.
- (c) Clock inflow data were taken over 10 months between May 2022 and March 2023.

In Table 1, % Difference depicts unaccounted water after treatment. A fraction of this unaccounted water is spilled water from the finished-water tank overflow. The remaining unaccounted water is other losses within the distribution system (e.g., pipe leaks, unmetered water, and meter error). Public Works staff implemented an American Water Works Association (AWWA) program to identify water losses within the distribution system, identify leaks, and reduce the volume of unaccounted water. It also changed operations of the treatment facility in November 2022 to prevent overflow from the finished water storage tank. Some unaccounted water is typical and a continuous area of focus in data collection for a public water system. In addition to improved metering and data collection at each facility, the Colorado Division of Water Resources manages spring production data, and the metering of these spring flows also needs improvement. The Town is working to secure funding for improved spring metering and engaged its water rights attorney to confirm the Town’s allocation of raw spring water, the latter being a substantial effort given the complexity of the Town’s water rights.

INFRASTRUCTURE HEALTH

Critical infrastructure improvements were suggested as a starting point for lifting the tap moratorium. RESPEC company, LLC collaborated with Public Works staff to develop a phased approach to capital improvements that prioritizes those critical to lifting the tap moratorium. This initial Phase I Capital Improvement Plan (CIP) includes:

- / Recoating the 2-million-gallon finished-water storage tank at the Upper Lamborn Facility
- / Repairing the 1-million-gallon finished water storage tank at the Lower Clock Facility
- / Replacing an 8-inch steel water main on the west loop into Town
- / Installing new raw water spring meters
- / Installing an additional pressure-reducing valve (PRV)

The Town is actively working to secure funding for these projects from the State of Colorado Drinking Water Revolving Fund, with a target time frame for securing loan funds in early 2024. With the completion of CIP Phase I improvements and confidence in the water supply, the Town will be able to consider additional water services on a case-by-case basis. As planning for the geographical service area evolves, additional infrastructure limitations may be identified, and improvements needed, to support specific water service requests.

Town of Paonia



Consideration of a revision of the ordinance to allow restaurants with a Liquor License and a sidewalk permit to allow patrons to consume alcohol at outdoor dining tables.

TOWN OF PAONIA
REQUEST TO BE PLACED ON AGENDA
PO Box 460
Paonia, CO 81428
970/527-4101
Paonia@townofpaonia.com



Here are things you need to know:

Formal Board agenda items should be matters of substance for the Board to consider. Examples include: Presentations to the Board seeking support or wishing to inform the Board of plans that affect the Town, Committees presenting their goals and accomplishments, Items that need Board approval to proceed.

Submitting an agenda request does not guarantee placement on an agenda. The Mayor will determine if this is an appropriate item for consideration on the Board of Trustees' formal agenda.

Should this request be denied, the requester may present their item in writing to the Board under correspondence received or by making a verbal comment within the established time limit at the beginning of a regular meeting.

Please complete the following information and return this form no later than Tuesday, two weeks prior to the Board meeting to the Town Hall at 214 Grand Avenue. If the regular meeting is on the Tuesday the 28th, the request must be received before 5pm on Tuesday the 14th.

If your issue is placed on the agenda, be aware that your presentation is limited to 5 minutes.

Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.
Regular Board meetings are scheduled for the second and fourth Tuesdays of each month.

Subject: Up to 6 words (example: Town Park, Potholes, Open Meetings, etc.)
Liquor License/sidewalk ordinance

Name of Requester or Presenter:

Representing: (Group or Agency name, or Self) Ed Vaughn and Lindsay Cusack

Date of submittal: 5/2/23

Date of Requested Board Meeting: (Insert Board Meeting date) asap/next

Specific request:

We will be requesting that the board consider a change to ordinance to allow restaurants who hold a liquor license and a sidewalk permit to allow patrons to consume alcohol beverages at restaurant's outdoor dining tables.

Describe the problem that requires resolution* or the topic(s) to be presented:

***The Problem**

- What is the problem that needs to be addressed?
- Please start with defining the problem, not describing the solution.
- Please explain briefly why it is essential that the Town address this problem.
- This section should be no more than 4-5 sentences long.

The current town ordinance does not allow patrons of restaurants or other establishments holding a liquor license and sidewalk permit to drink beverages containing alcohol at a restaurants tables located on the sidewalk. This results in unhappy patrons and loss of business. We believe it is essential that the town consider amending the ordinance to support local businesses that do not have a private patio area and for resident enjoyment of such businesses. Many, many towns have found a way to allow this while still respecting the safety and well-being of all residents.

Recommendation (Please state your recommendation here, along with the main points needed for approval of your request, at most 50 words.) Example: The Paonia Association recommends the Board pass an ordinance preventing elk from standing in the road.

We recommend that the town of Paonia amend the relevant ordinance to allow service of alcohol at designated sidewalk tables of establishments who hold a liquor license, a sidewalk permit for such tables, and a sidewalk permit from the state liquor licensing board, provided that the area is clearly delineated/cordoned and monitored. Or, that it be allowed by board approval on a case by case basis.

What staff member have you spoken to about this? Please summarize your discussion: Amanda and Mary to understand if current ordinance would allow and to understand the necessary steps to bring to board.

Contact information:

Name: Lindsay Cusack and Ed Vaughn-- nido
Physical Address: 201 Grand Avenue
Mailing Address: [REDACTED]
E-mail: edfoodyo@gmail.com
Daytime Phone: [REDACTED]

[Print Form](#)

[Email Form](#)

Office Use Only:
Received: 5/3/23
Approved for Agenda: 5/16/23
Board Meeting Date: 5/23/23

Sec. 10-7-70. Open container.

It shall be unlawful for any person to:

- (1) Drink, consume or permit the drinking or consumption of any alcoholic beverage or any fermented malt beverage in any street, alley, road, highway, sidewalk, public automobile parking lot, store, school or other public place that does not have a liquor license, or inside vehicles while upon streets, alleys, roads, highways or public automobile parking lots.
- (2) Have in his or her possession and under his or her control any open container or any container on which the seal has been broken containing alcoholic beverage or any fermented malt beverage in any street, alley, road, highway, sidewalk, public automobile parking lot, store, school or other public place that does not have a liquor license, or inside vehicles while upon streets, alleys, roads, highways or public automobile parking lots.

(Ord. No. 2-9-82, § 6-2, 1982; Ord. No. 94-01, § 6-2, 1994; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 10-7-80. Permit for public consumption and possession.

Upon application by any person, group or organization, the Chief of Police or the Town Clerk, for the Board of Trustees, may issue a permit allowing the consumption of any alcoholic beverage and allowing the possession of any open container of any beverage described in Section 10-7-70 above; provided that:

- (1) Such permit shall be issued only for a designated area.
- (2) The permit shall be valid for a period not to exceed forty-eight (48) hours.
- (3) The Chief of Police, for the Board of Trustees, or the Board of Trustees shall have determined that the permit is necessary for conducting a public event or celebration and that adequate provision has been made for police supervision and area maintenance.

(Ord. No. 2-9-82, § 6-3, 1982; Ord. No. 94-01, § 6-3, 1994; Ord. No. 2014-04, § 1, 1-13-2015)

Regulation 47-302. Changing, Altering, or Modifying Licensed Premises.

Basis and Purpose. The statutory authority for this regulation includes, but is not limited to, subsections 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(D), and 44-3-202(2)(a)(I)(R), C.R.S. The purpose of this regulation is to establish procedures for a licensee seeking to make material or substantial alterations to the licensed premises, and provide factors the licensing authority must consider when evaluating such alterations for approval or rejection.

- A. After issuance of a license, the licensee shall make no physical change, alteration or modification of the licensed premises that materially or substantially alters the licensed premises or the usage of the licensed premises from the latest approved plans and specifications on file with the state and local licensing authorities without application to, and the approval of, the respective licensing authorities. For purposes of this regulation, physical changes, alterations or modifications of the licensed premises, or in the usage of the premises requiring prior approval, shall include, but not be limited to, the following:
1. Any increase or decrease in the total size or capacity of the licensed premises.
 2. The sealing off, creation of or relocation of a common entryway, doorway, passage or other such means of public ingress and/or egress, when such common entryway, doorway or passage alters or changes the sale or distribution of alcohol beverages within the licensed premises.
 3. Any substantial or material enlargement of a bar, relocation of a bar, or addition of a separate bar. However, the temporary addition of bars or service areas to accommodate seasonal operations shall not require prior approval unless the additional service areas are accompanied by an enlargement of the licensed premises.
 4. An outside service area located on a property owned by a municipality, a city and county, or the unincorporated area of a county, and that the licensee possesses in accordance with subsection (B)(2) of this regulation, may be approved by the state and local licensing authorities upon the annual filing of a modification of premises application, due at the time of initial application or at the time of renewal, on a form approved by the State Licensing Authority, and payment of the associated modification of licensed premises fee as set forth in Regulation 47-506, provided that:
 - a. The proposed outside service area located on property owned by the municipality, city and county, or unincorporated areas of a county, is immediately adjacent to the licensed premises;
 - b. The licensed premises, as temporarily modified, will comprise a definite contiguous area;
 - c. Plans and specifications identifying the outside service area, including dates of seasonal operation (if applicable), accompany the form and fee;
 - d. Licensees shall maintain records of the dates alcohol service occurs on the outside service area if such space is used seasonally or sporadically, and must provide records to the Division upon request; and
 - e. All outside service areas are closed to motor vehicle traffic by physical barriers during all times that alcohol service occurs.

5. Any material change in the interior of the premises that would affect the basic character of the premises or the physical structure detailed in the latest approved plans and specifications on file with the state and local licensing authorities. However, the following types of modifications will not require prior approval, even if a local building permit is required: painting and redecorating of premises; the installation or replacement of electric fixtures or equipment, plumbing, refrigeration, air conditioning or heating fixtures and equipment; the lowering of ceilings; the installation and replacement of floor coverings; the replacement of furniture and equipment; and any non-structural remodeling where the remodel does not expand or reduce the existing area designed for the display or sale of alcohol beverage products.
 6. The destruction or demolition, and subsequent reconstruction, of a building that contained the retailer's licensed premises shall require the filing of new building plans with the local licensing authority, or in the case of manufacturers and wholesalers, with the state licensing authority. However, reconstruction shall not require an application to modify the premises unless the proposed plan for the newly-constructed premises materially or substantially alters the licensed premises or the usage of the licensed premises from the plans and specifications detailed in the latest approved plans and specifications on file with the state and local licensing authorities.
 7. Nothing herein shall prohibit a licensee from modifying its licensed premises to include in the licensed premises a public thoroughfare, if the following conditions are met:
 - a. The licensee has been granted an easement for the public thoroughfare for the purpose of transporting alcohol beverages;
 - b. The public thoroughfare is authorized solely for pedestrian and non-motorized traffic;
 - c. The inclusion of the public thoroughfare is solely for the purpose of transporting alcohol beverages between licensed areas, and no sale or consumption will occur on or within the public thoroughfare; and
 - d. Any other conditions as established by the local licensing authority.
 8. The addition of a noncontiguous location to the licensed premises of a winery licensed pursuant to sections 44-3-402 or 44-3-403, C.R.S.
 9. Modification of the licensed premises to include a communal outdoor dining area, subject to the requirements of section 44-3-912, C.R.S., and Regulation 47-1103.
- B. In making its decision with respect to any proposed changes, alterations or modifications, the licensing authority must consider whether the premises, as changed, altered or modified, will meet all of the pertinent requirements of the Colorado Liquor or Beer and Wine Codes and related regulations. Factors to be taken into account by the licensing authority shall include, but not be limited to, the following:
1. The reasonable requirements of the neighborhood and the desires of the adult inhabitants.
 2. The possession, by the licensee, of the changed premises by ownership, lease, rental or other arrangement.
 3. Compliance with the applicable zoning laws of the municipality, city and county or county.

4. Compliance with the distance prohibition in regard to any public or parochial school or the principal campus of any college, university, or seminary.
 5. The legislative declaration that the Colorado Liquor and Beer and Wine Codes are an exercise of the police powers of the state for the protection of the economic and social welfare and the health, peace, and morals of the people of this state.
- C. If permission to change, alter or modify the licensed premises is denied, the licensing authority shall give notice in writing and shall state grounds upon which the application was denied. The licensee shall be entitled to a hearing on the denial if a request in writing is made to the licensing authority within fifteen (15) days after the date of notice.
- D. This regulation shall be applicable to the holder of a manufacturer's license as specifically defined in Section 44-3-402, C.R.S., or a limited winery defined in section 44-3-403, C.R.S., only if the physical change, alteration, or modification involves any increase or decrease in the total size of the licensed premises, including the addition of a noncontiguous location to the licensed premises of a winery licensed pursuant to sections 44-3-402 or 44-3-403, C.R.S. Except, any change, alteration, or modification of a sales room, shall be reported in accordance with subsection (A).
- E. The state licensing authority shall not impose any additional fees for the processing or review of an application for a modification of premises for the holder of a manufacturer's license, except for applications to modify the premises through the addition of a noncontiguous location to the licensed premises of a winery licensed pursuant to sections 44-3-402 or 44-3-403, C.R.S.
- F. Regulation 47-302 as modified will take effect at 12:01 a.m. on March 1, 2023.

Regulation 47-303. License Renewal.

Basis and Purpose. The statutory authority for this regulation includes, but is not limited to, subsections 44-3-202(1)(b), 44-3-202(2)(a)(I)(C), 44-3-202(2)(a)(I)(D), 44-3-202(2)(a)(I)(R), 44-3-302, 44-3-501, and 44-4-105, C.R.S. The purpose of this regulation is to clarify and establish procedures and deadlines for a licensee that is applying to renew its license in accordance with section 44-3-302, C.R.S.

- A. No one other than the license holder, or their duly-authorized representative, may file an application to renew the license with local and state licensing authorities.
- B. At least ninety (90) days before the expiration date of an existing license, the State Licensing Authority shall notify the licensee of the expiration date by sending notice to the most recently provided email address and/or mailing address for the licensee.
- C. A complete renewal application shall include evidence that the licensee remains in possession of the licensed premises by ownership, lease, rental, or other arrangement at the time of application. An agreement that may lapse within the new license year neither automatically disqualifies the licensee from renewing, nor automatically invalidates the license. However, this provision does not preclude the state or local licensing authority from initiating any action as provided by law to suspend or revoke a license for loss of possession of the licensed premises.
- D. Nothing herein authorizes a licensee to purchase, sell, or serve alcohol beverages with an expired license, except as authorized in subparagraphs E, F(2), and G(3) of this regulation. Licensed privileges are not restored until and unless the applicable requirements of subparagraph F(2) and/or G(3) of this regulation are met.

- G. This regulation is repealed, effective July 1, 2025, and any takeout and delivery permit then in effect shall be deemed to have expired, without further action by the state or local licensing authorities.
- H. A person issued a license under sections 44-3-402 or 44-3-407, C.R.S., and that operates a sales room may sell alcohol beverage through delivery pursuant to section 44-3-911, C.R.S., and the requirements of this regulation. This paragraph (H) is repealed effective January 2, 2022.

Regulation 47-1102. Compliance with Public Health Orders and Executive Orders Issued During Disaster Emergencies

Basis and Purpose. The statutory authority for this regulation includes, but is not limited to, at subsections 44-3-202(1)(b), 44-3-202(2)(a)(I)(L), 44-3-202(2)(a)(I)(M), 44-3-202(2)(a)(I)(R), 44-3-601, and 24-4-104(4)(a)C.R.S. In accordance with the legislative declaration of section 44-3-102, C.R.S., the Colorado Liquor Code is deemed an exercise of the police powers of the State of Colorado for the protection of the economic and social welfare and the health, peace, and morals of the people of the State of Colorado. Regulation of the manufacture, distribution, and sale of alcohol beverages is regulated by the Colorado Liquor Code as a matter of statewide concern. The purpose of this regulation is to exercise proper regulation and control over the manufacture, distribution and sale of alcohol beverages, promoting the social welfare, the health, peace and morals of the people of the State, when public health orders are issued and during disaster emergencies.

- A. All licensees, and their agents, servants and employees, shall comply with any and all applicable executive orders issued by the Governor pursuant to the Governor's disaster emergency powers under section 24-33.5-704, C.R.S., relating to businesses which manufacture, distribute, and sell alcohol beverages and operation of their licensed premises.
- B. All licensees, and their agents, servants and employees, shall comply with any applicable public health orders relating to businesses which manufacture, distribute, and sell alcohol beverages and the operation of their licensed premises. For purposes of this Regulation 47-1102, licensees shall comply with all public health orders issued by the Colorado Department of Public Health and Environment ("CDPHE") and any public health orders issued by the county or municipality in which the licensed premises is located which contain more protective standards; except if the licensed premises is located in a county that obtained approval from CDPHE for a variance from the requirements of any applicable CDPHE public health orders, then the licensee shall comply with the county's approved variance.
- C. A violation of this regulation by a licensee, or by any of the agents, servants, or employees of a licensee, may result in disciplinary action, including, if warranted based on the circumstances threatening public health and safety, license revocation, pursuant to section 44-3-601(1), C.R.S., and/or summary suspension of a license pursuant to section 44-3-601(2) and Regulation 47-602. In assessing the appropriate disciplinary action, the licensing authority shall consider any aggravating and mitigating factors, as set forth in Regulation 47-603(G).

Regulation 47-1103. Communal Outdoor Dining Areas.

Basis and Purpose. The statutory authority for this regulation includes, but is not limited to, subsections 44-3-103(11.5), 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), 44-3-202(2)(a)(I)(F), 44-3-202(2)(a)(I)(L), 44-3-202(2)(a)(I)(M), 44-3-202(2)(a)(I)(R), 44-3-601, 44-3-912(6), and 24-4-104(4)(a), C.R.S. The purpose of this regulation is to address requirements for the operation of communal outdoor dining areas.

- A. No licensee shall sell or serve alcohol beverages in a communal outdoor dining area unless
 1. The licensee obtains a permit from the state licensing authority and pays the permitting fee established in regulation 47-506; and

2. The state and local licensing authorities have approved both attaching the license to the communal outdoor dining area and a modification of licensed premises pursuant to Regulation 47-302 that includes the communal outdoor dining area.
 3. A retail food establishment that does not have a liquor license may also serve food in a communal outdoor dining area approved under this regulation 47-1103.
- B. A communal outdoor dining area must be within 1000 feet of the permanent licensed premises of each of the licensees associated with the communal outdoor dining area. This distance shall be computed by direct measurement from the nearest property line of the land used for the communal outdoor dining area to the nearest portion of the building in which the permanent licensed premises is located, using a route of direct pedestrian access.
- C. If allowed by the local licensing authority, all licensees who wish to be associated with a communal outdoor dining area may submit a joint application to modify their licensed premises to include the communal outdoor dining area. Each licensee is responsible for paying the modification of the licensed premises fee set forth in Regulation 47-506.
- D. All licensees associated with a communal outdoor dining area pursuant to this Regulation 47-1103 must adopt and agree to a security and control plan for the communal outdoor dining area that is approved by the state and local licensing authorities. The security and control plan shall ensure:
1. Any retail food establishments associated with the communal outdoor dining area that does not hold a liquor license acknowledges and agrees that alcohol beverages will be sold in the communal outdoor dining area only by, and under the control of, the licensees associated with the communal outdoor dining area;
 2. One or more licensees will supervise or provide security within the communal outdoor dining area during all hours of operation to ensure compliance with this Regulation 47-1103 and all relevant requirements of article 3 of title 44 and the Colorado liquor rules;
 3. All licensees associated with the communal outdoor dining area agree they are jointly responsible for complying with this Regulation 47-1103 and all relevant requirements of article 3 of title 44 and the Colorado liquor rules; and
 4. All licensees have obtained and will maintain a properly endorsed general liability and liquor liability insurance policy that includes the communal outdoor dining area and is reasonably acceptable to the state and local licensing authorities.
- E. A licensee associated with a communal outdoor dining area shall not:
1. Permit customers to leave the communal outdoor dining area with any alcohol beverage except as permitted under Regulation 47-918;
 2. Permit customers to bring food into the communal outdoor dining area that was purchased outside of the communal outdoor dining area;
 3. Permit takeout or delivery orders to be ordered from or delivered to the communal outdoor dining area;
 4. Sell, serve, or permit consumption of alcohol beverages in the communal outdoor dining area during hours the licensed premises cannot sell alcohol under article 3 of title 44 or the limitations imposed by the local licensing authority;

5. Sell, serve, dispose of, exchange, or deliver, or permit the sale, serving, giving, or procuring of an alcohol beverage to a visibly intoxicated person or to a known drunkard;
 6. Sell, serve, dispose of, exchange, or deliver, or permit the sale, serving, or giving of an alcohol beverage to a person under twenty-one years of age;
 7. Permit a visibly intoxicated person to remain within the communal outdoor dining area without an acceptable purpose; or
 8. Permit a person to consume an alcohol beverage within the communal outdoor dining area unless it was purchased within the communal outdoor dining area from a licensee associated with the communal outdoor dining area.
- F. Licensees associated with a communal outdoor dining area shall promptly remove all alcohol beverages from the communal outdoor dining area at the end of the hours of operation.
- G. This Regulation 47-1103 does not apply to a special event permit issued under article 5 of title 44 unless the permit holder desires to use an existing communal outdoor dining area and agrees in writing to the requirements of article 3 of title 44 and the local licensing authority concerning the communal outdoor dining area.
- H. A violation of section 44-3-912, C.R.S., or this regulation by a licensee, or by any of the agents, servants, or employees of a licensee, may result in disciplinary action, up to and including license revocation, pursuant to section 44-3-601(1), C.R.S., and may result in summary suspension of a license pursuant to section 44-3-601(2) and Regulation 47-602.
1. If the licensee responsible for the violation cannot be identified, each attached licensee is deemed jointly responsible and subject to discipline for the violation.

Editor's Notes

History

Regulations 47-304, 47-428, 47-600, 47-906, 47-912, 47-918 eff. 06/30/2008.

Regulations 47-302, 47-416 eff. 07/01/2008.

Regulations 47-316, 47-320, 47-322, 47-432 eff. 03/30/2009.

Regulation 47-432 emer. rule eff. 06/22/2009.

Regulation 47-432 emer. rule eff. 08/28/2009.

Regulation 47-432 eff. 11/20/2009.

Regulation 47-323 emer. rule eff. 10/28/2010.

Regulations 47-008, 47-904, 47-914, 47-924, 47-930 emer. rules eff. 01/10/2011; repealed regulations 47-002, 47-004, 47-006 emer. rules eff. 01/10/2011.

Regulation 47-323 emer. rule eff. 02/25/2011.

Regulation 47-323 eff. 03/03/2011.

Regulations 47-002, 47-004, 47-006, 47-008, 47-904, 47-914, 47-924, 47-930 emer. rule eff. 03/03/2011; expired eff. 07/01/2011.

Regulations 47-100, 47-200, 47-300, 47-302, 47-303, 47-307, 47-308, 47-309, 47-312, 47-314, 47-316, 47-322, 47-326, 47-408, 47-410, 47-412, 47-414, 47-418, 47-605, 47-900, 47-913, 47-1000, 47-1002, 47-1004, 47-1006, 47-1008, 47-1010, 47-1012, 47-1014, 47-1016, 47-1018, 47-1020 eff. 05/30/2012.

Regulation 47-408.A.1 eff. 01/30/2013.

Town of Paonia



Resolution 2023-06

Signatories on Bank and credit card accounts

RESOLUTION 06-2023

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA DESIGNATING AUTHORIZED SIGNATURES ON APPLICATIONS OF NEW OR CHANGES TO BANK AND CREDIT ACCOUNTS

WHEREAS, the Town Board believes it would be appropriate and in accordance with proper auditing, bookkeeping, and accounting standards for the purpose of maintaining best practices for municipal financial external controls to require a combination of staff and elected official signatures on all applications to set up new or changes to bank and credit accounts.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the town of Paonia, Colorado, that:

Section 1. All applications for bank accounts or credit accounts shall require the following signatures:

1. Leslie Klusmire (Interim Town Administrator) or Samira Vetter (Town Clerk); AND
2. Mary Bachran (Mayor) or Thomas Markle (Mayor - pro tem)

Section 2. All such setting up new accounts or changes to accounts shall henceforth require a combination of one of the persons listed in paragraph #1 and one of the persons listed in paragraph #2 above.

THIS RESOLUTION WAS READ, PASSED, AND ADOPTED by the Board of Trustees of the Town of Paonia on this 23rd day of May, 2023.

Mary Bachran, Mayor

ATTEST:

Samira Vetter, Town Clerk

Town of Paonia



Ordinance 2023-04:Revision of 2021-01
Retail Marijuana, removal of medical
marijuana license requirement



Town Board Staff Report

Subject: Ordinance 2023-04

Author: Samira Vetter

Representing: Town Clerk

Date: 5/19/2023

Staff Recommendation: Approve Ordinance 2023-04 Revision

We currently have 3 retail marijuana stores in town, and one has a medical marijuana license. The store with a medical marijuana license is no longer selling medical marijuana due to it not being sustainable as a business and is not planning to renew the license when it expires.

The way the Ordinance 2021- 01 is set up now, the requirement that there be a medical Marijuana license could cause an undue financial and business hardship for one of the other already established stores to have to apply for that license and make sure their space is compliant with regulations for both retail and medical sales which includes the requirement for, separated inventories and storage spaces, record-keeping, point of sales, entrances and even marketing age restrictions.

ORDINANCE NO. 2023-04

AN ORDINANCE AMENDING ARTICLE 4 OF CHAPTER 6 OF THE PAONIA MUNICIPAL CODE CONCERNING THE REGULATION AND LICENSING OF MEDICAL AND RETAIL MARIJUANA STORES

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

WHEREAS, municipalities are authorized, pursuant subsection 16(5)(f) of Article XVIII of the Colorado Constitution and the Colorado Marijuana Code, Article 10 of Title 44, C.R.S., within their respective jurisdictions to prohibit state licensing of marijuana establishments; to engage in local licensing of marijuana establishments; to regulate the time, place and manner in which marijuana establishments may operate; and to limit the total number of marijuana establishments; and

WHEREAS, pursuant to Ordinance No. 2021-01, the Town adopted regulations concerning the licensing of medical and retail marijuana stores, which limit the maximum number of licenses issued to marijuana establishments within the Town to six (6) at no more than (3) locations, and qualify that at least one (1) of such locations must be licensed to sell marijuana; and

WHEREAS, there is no longer a location within Town that is licensed to sell medical marijuana; and

WHEREAS, under current regulations, the Town would be required to mandate that one (1) of its current retail marijuana license holders obtain a license to sell medical marijuana; and

WHEREAS, the Town Board finds that such a mandate would be unjust as it would require significant investment on the part of the selected license holder; and

WHEREAS, the Town Board, therefore, desires by this Ordinance to amend Article 4 of Chapter 6 of the Paonia Municipal Code to remove the requirement that at least one (1) of the Town’s marijuana establishments be licensed to sell medical marijuana.

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

Section 1. Subsection (I) of Section 6-4-20 of the Paonia Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

I. “Marijuana License Cap” is the maximum licenses issued by the Town at any one time being no more than one (1) retail and/or medical marijuana store per commercial block, and no more than six (6) total licenses, and not more than three (3) total locations. ~~At least one location shall be licensed to sell medical marijuana.~~

Section 2. Subsection (H)(4) of Section 6-4-100 of the Paonia Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

4. In no event shall there be more than six (6) total licenses, at three (3) locations, issued by the Town. ~~There shall be at least one Medical Marijuana Store.~~

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 4. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. This Ordinance shall take effect thirty (30) days after adoption and publication.

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this 23rd day of May, 2023.

**TOWN OF PAONIA, COLORADO,
a Colorado municipal corporation**

By: _____
Mary Bachran, Mayor

ATTEST:

Samira Vetter, Town Clerk

**TOWN OF PAONIA, COLORADO
ORDINANCE NO. 2021-01**

**AN ORDINANCE OF THE TOWN OF PAONIA, COLORADO AMENDING THE
PAONIA MUNICIPAL CODE CHAPTER SIX ARTICLE 4 CONCERNING THE
REGULATION AND LICENSING OF MEDICAL AND RETAIL MARIJUANA STORES
AND REPEALING ARTICLE 3 CONCERNING PROHIBITING MEDICAL
MARIJUANA STORES**

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

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

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

WHEREAS, at the Special Election held on November 3, 2020 , a majority of the voters of Paonia approved the following two ballot questions:

TOWN OF PAONIA BALLOT ISSUE 2C

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?

TOWN OF PAONIA BALLOT ISSUE 2D

SHALL TOWN OF PAONIA TAXES BE INCREASED BY \$200,000.00 ANNUALLY IN THE FIRST FISCAL YEAR, AND SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER, WITH THE LEVY OF 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?

Published: June 2, 2021 in the Delta County Independent In effect: July 3, 2021

Which now must be implemented subject to zoning restrictions set forth in the Municipal Code and the licensing and other limitations, location restrictions and regulations provided for in this ordinance.

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

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

**ARTICLE 4
PAONIA MARIJUANA CODE**

Sections:

- 6-4-10 Purpose and legislative intent**
- 6-4-20 Defined terms**
- 6-4-30 Effective date; applicability**
- 6-4-40 Local licensing authority**
- 6-4-50 Relationship to Colorado Retail Marijuana Code; other laws**
- 6-4-60 Unlawful acts**
- 6-4-70 Classes of licensing authorized**
- 6-4-80 Screening and response to state license applications**
- 6-4-90 Licensing requirements—provisions applicable to all licenses**
- 6-4-100 Location restrictions and license restrictions**
- 6-4-110 Signs and advertising**
- 6-4-120 Denial for good cause**
- 6-4-130 Transfer of ownership**
- 6-4-140 Change of location; modification of premises**
- 6-4-150 Term of licenses; renewals**
- 6-4-160 Suspension or revocation of license**
- 6-4-170 Operating fees and License Term**
- 6-4-180 Public nuisance**
- 6-4-190 Occupational Tax on the sale of Marijuana**
- 6-4-200 Penalty**

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

6-4-20 Defined terms.

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

A. "Applicant" is an agent under written authority, who applies on behalf of a domestic entity as defined under C.R.S. § 7-90-102(13) to operate a retail and/or medical marijuana store, so long as the written authority is signed by all controlling owners with more than twenty-five percent ownership interest in the domestic entity or its sub entities or an individual, if applying prior to forming a domestic entity.

B. "Block" is piece of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space and not traversed by a through street. For the purpose of this ordinance, Block shall also include two sides of a municipal street. By way of example, there shall be only one retail and/or medical marijuana store for the 300 block of 2nd Street.

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

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

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

F. "Retail Marijuana Store" is an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers, as set forth in Section 16 of XVIII of the Colorado Constitution.

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

H. "Land Development Regulations" means the zoning and land use regulations as adopted and updated periodically by the Town of Paonia pursuant to Chapter 16 of the Municipal Code.

I. "Marijuana License Cap" is the maximum licenses issued by the Town at any one time being no more than one (1) retail and/or medical marijuana store per commercial block, and no more than six (6) total licenses, and not more than three (3) total locations. At least one location shall be licensed to sell medical marijuana.

J. "Medical Marijuana Store" is a person licensed to operate a business under C.R.S. § 44-10-104, as amended, that sells medical marijuana to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the Colorado Constitution, but is not a primary caregiver.

K. "Spot Zoning" The granting to a particular parcel or parcels of land a classification concerning its use that differs from the classification of other land in the immediate adjacent area.

6-4-30 Effective date; applicability.

This Article 4 shall be effective thirty (30) days after final adoption and publication in the newspaper of public record; and shall govern all applications submitted to the state licensing authority for licensing of any retail and/or medical marijuana store in the Town under the Colorado Retail Marijuana Code on and after that date.

6-4-40 Local licensing authority.

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

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

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

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

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

6-4-60 Unlawful acts.

A. It shall be unlawful for any person to operate any retail and/or medical marijuana store in the Town without a license duly issued therefor by the state licensing authority under the Colorado Retail Marijuana Code and compliance with any and all applicable state laws.

B. It shall be unlawful for any person to operate any retail and/or medical marijuana store in the Town without a license duly issued therefor by the Board of Trustees under this Article 4 and compliance with any and all applicable Town laws.

C. It shall be unlawful for any person to engage in any form of business or commerce involving the storage, sale, distribution or consumption of marijuana other than those forms of businesses and commerce that are expressly contemplated by Sections 14 and 16 of Article XVIII of the Colorado Constitution and/or the Colorado Retail Marijuana Code.

D. It shall be unlawful for any licensed retail and/or medical marijuana store to sell, serve, distribute, or initiate the transport of retail and/or medical marijuana or retail and/or medical marijuana products at any time other than between the hours of 8:00 a.m. and 12:00 a.m. daily.

6-4-70 Classes of licensing authorized.

The Board, may issue and grant to the applicant a local license from any of the following classes, and the Town hereby authorizes the issuance of the licenses of the following classes by the state licensing authority within the Town, subject to the provisions, limitations and restrictions set forth in this Article 4:

- A. Retail marijuana store.
- B. Medical marijuana store.

(Note: A Retail Marijuana Store may be located on the same licensed premises as a Medical Marijuana Store and may be operated by the same licensee, subject to compliance with all state requirements and the requirements of this Town Marijuana Code, and the issuance of a state license allowing for such co-location.)

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

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

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

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

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

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

B. Application forms and supplemental materials. All applications for local licensing shall be made upon forms provided by the Town and shall include such supplemental materials as required by the Colorado Retail Marijuana Code and rules adopted pursuant thereto, including by way of example: proof of possession of the licensed premises, disclosures related to ownership of the proposed business, fingerprints of the applicants, building plans, and security plans. To the extent any of the foregoing supplemental materials have been included with the applicant's state license application and forwarded to the Town by the state licensing authority, the Town Clerk may rely upon the information forwarded from the state without requiring re-submittal of the same materials in conjunction with the local license application. The Town

may, at the Town’s discretion, require additional documentation associated with the application as may be necessary to enforce the requirements of the Colorado Retail Marijuana Code and this Article 4.

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

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

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

F. Background checks and determination of good character and state residency. Prior to the issuance of any local license, the Board of Trustees shall make a finding as to the good moral character of the applicant and compliance with state residency requirements in accordance with the standards and procedures set forth in the Colorado Retail Marijuana Code, pursuant to C.R.S. 44-10-307. In so doing, the Board may incorporate into its findings any findings as to good character and residency previously made by the state licensing authority and rely upon such findings in making its determination. The Board shall not be required to perform a criminal background check if the state licensing authority has already performed a criminal background check on the applicant.

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

- 1. Any land use approval, if applicable;

- 2. State sales tax license; or
- 3. Building, mechanical, plumbing, electrical or permit(s).

6-4-100 Location restrictions and license restrictions

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

B. Distance from schools. No retail and/or medical marijuana store license shall be granted with respect to a proposed licensed premise that would be located within five hundred (500) feet of any school that existed at the time of the filing of a complete application for a retail and/or medical marijuana store license with the Town Clerk.

C. Distance from certain childcare facilities. No retail and/or medical marijuana store license shall be granted with respect to a proposed licensed premises that would be located within five hundred (500) feet of any licensed residential child care facility, as defined in Title 26 of the Colorado Revised Statutes, that existed at the time of the filing of a complete application for a retail and/or medical marijuana store license with the Town.

D. No mobile facilities and restrictions regarding deliveries.

1. No retail and/or medical marijuana store shall be located in a movable or mobile vehicle or structure.

2. No retail and/or medical marijuana or marijuana product shall be delivered in the Town unless under the following restrictions;

(i) such delivery is by a retail and/or medical marijuana store licensed by the state to another retail and/or medical marijuana store licensed by the state and the Town, and such delivery is specifically permitted by the Colorado Retail Marijuana Code; or

(ii) such delivery is by a retail and/or medical marijuana store licensed by the Town and also license by the state with a retail marijuana transporter license pursuant to C.R.S. 44-10-605 or a medical marijuana transporter license pursuant to C.R.S. 44-10-505.

3. All sales and distribution of marijuana and marijuana products by a licensed retail and/or medical marijuana store shall occur only upon the licensed premises, unless delivered by a licensed retail and/or medical marijuana transporter. However, in no event shall any sale or distribution of a Town licensed retail and/or medical marijuana store shall occur outside the limits of the Town.

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

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

G. Any retail and/or medical marijuana licensee and location shall be in compliance with the Town’s formula business ordinance, Sec. 16-3-140 of the Town Code.

H. The number of licenses in the Town are limited as follows:

- 1. The total number of Retail Marijuana Store licenses combined is limited to three (3).
- 2. The total number of Medical Marijuana Store licenses combined is limited to three (3).
- 3. A licensee and a licensed facility can have both a Retail Marijuana Store license and a Medical Marijuana Store license. However, a licensee cannot hold more than one (1) Retail Marijuana Store license and not more than one (1) Medical Marijuana Store license.
- 4. In no event shall there be more than six (6) total licenses, at three (3) locations, issued by the Town. There shall be at least one Medical Marijuana Store.
- 5. There shall be a maximum of one licensed facility per Block. The Town shall endeavor to prohibit Spot Zoning or the concentration of licenses.

I. All licensees shall put their license(s) to use within sixty (60) days of issuance. Should a license not be put to use sixty (60) days after the issuance date, the license shall be forfeited and revert to the Town. The Town Clerk is granted the authority to effectuate the forfeiture and return of any unused licenses.

6-4-110 Signs and advertising.

A. Any person or premises licensed as a retail and/or medical marijuana store shall comply with all Town ordinances regulating signs and advertising. In addition, no licensed retail and/or medical marijuana store shall use any advertising material that is misleading, deceptive,

or false, or that, as evidenced either by the content of the advertising material or by the medium or the manner in which the advertising is disseminated, is designed to appeal to minors.

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

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

1. Any sign located on the same zone lot as a retail and/or medical marijuana store which exists solely for the purpose of identifying the location of the retail and/or medical marijuana store and which otherwise complies with the Town's sign code, Chapter 18, Article 6 of the Town Municipal Code, and any other applicable Town laws and regulations; or

2. Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the Town; or

3. Advertising which is purely incidental to sponsorship of a charitable event by a retail and/or medical marijuana store or a retail and/or medical marijuana products manufacturer.

6-4-120 Denial for good cause.

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

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

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

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

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

6-4-130 Transfer of ownership.

Transfer of ownership of any local license issued pursuant to this Article 4 shall be governed by the standards and procedures set forth in the Colorado Retail Marijuana Code and any regulations adopted pursuant thereto, and the Board of Trustees shall administer transfers of local licenses in the same manner as the state licensing authority administers transfers of state licenses. A license must be held by the licensee for at least one year from the date of issuance by the Local Licensing Authority before it may be transferred.

6-4-140 Change of location; modification of premises.

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

6-4-150 Term of licenses; renewals.

Any local license issued pursuant to this Title shall be valid for a period of one (1) year from the date of issuance. Any renewal of the license shall be governed by the standards and procedures set forth in the Colorado Retail Marijuana Code and any regulations adopted pursuant thereto, and the Board of Trustees shall administer license renewals in the same manner as the state licensing authority administers renewals of state licenses. An application for renewal shall be made to Staff not less than sixty (60) days prior to the date of expiration and concurrent with the application for renewal filed with the state licensing authority, as required.

6-4-160 Suspension or revocation of license.

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

- 1. Fraud, misrepresentation, or a false statement of material fact contained in the license application;

2. A violation of any Town, State or Federal law or regulation, other than federal law or regulation concerning the production, transportation, possession, sale or distribution of marijuana that conflicts with Amendment 64;

3. A violation of any of the terms and conditions of the license, including any special conditions of approval imposed upon the license;

4. A violation of any of the provisions set forth in this ordinance; or

5. Cessations of operation at the center for more than thirty (30) days.

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

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

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

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

6-4-170 Operating Fees and License Term.

A. When the application is filed, the applicant shall pay to the Town the applicable application and other fees, as set forth by resolution.

B. Any renewal application filed late will be subject to a late fee and Staff has no authority to waive such late fee.

C. If an application is approved, the applicant shall pay an annual operating fee, if applicable, in such amount as may established from time to time by the Board of Trustees as adopted from time to time by Resolution.

D. Each license issued pursuant to Article 4 shall be valid for a period of one (1) year from the date of issuance and may be renewed as provided in Section 150.

E. All other fees shall be set by and may be subject to amendment via resolution.

F. All fees shall be non-refundable.

6-4-180 Public nuisance.

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

6-4-190 Occupational Tax on the sale of marijuana.

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

6-4-200 Penalty.

Failure to comply with the provisions of this Chapter 6, Article 4, shall constitute a violation, and in addition to being grounds for denial, suspension or revocation of a license, such violation may be punished by a civil penalty of not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), per violation. Each day of noncompliance may constitute a separate violation. Prosecution of a violation of this Chapter 6, Article 4 shall be by the Town Municipal Court.

Section 2. Severability.

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

Section 3. Repeal of Prior Ordinances.

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

Section 4. Ordinance Effect.

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

Section 5. Effective Date.

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

Published: June 2, 2021 in the Delta County Independent In effect: July 3, 2021

INTRODUCED, READ AND REFERRED before the Board of Trustees for the Town of Paonia, Colorado, on the 24th day of March, 2021.

HEARD AND FINALLY ADOPTED by the Town of Paonia Board of Trustees for the Town of Paonia, Colorado, on the 27th day of April, 2021.

TOWN OF PAONIA

By: 
Mary Bachran, Mayor

ATTEST:


Corinne Ferguson, Town Administrator/Clerk



Town of Paonia

75



Interim Town Administrator Contract Revision

**THIRD AMENDMENT TO INTERIM TOWN ADMINISTRATOR
INDEPENDENT CONTRACTOR AGREEMENT**

This **THIRD AMENDMENT TO INTERIM TOWN ADMINISTRATOR INDEPENDENT CONTRACTOR AGREEMENT** (“Third Amendment”) is made and entered into as of the 23rd day of May, 2023, by and between the **Town of Paonia**, a Colorado municipal corporation (“Town”), and **Sustainable Futures LLC**, a Colorado limited liability company (“Contractor” or “IA”) (sometimes referred to together as the “Parties”).

WHEREAS, the City and Contractor are parties to that certain Interim Town Administrator Independent Contractor Agreement, dated November 9, 2022, as amended by that certain First Amendment, dated January 7, 2023, and that certain Second Amendment, dated February 14, 2023 (the “Agreement”); and

WHEREAS, the Parties desire by this Third Amendment to extend the term of the Agreement, and authorize a greater level of remote work by the Contractor.

NOW THEREFORE, in consideration of the foregoing and the mutual promises contained herein and in the Original Agreement, the Parties agree as follows:

Section 1. The term of the Agreement is hereby extended through July 31, 2023.

Section 2. Section 12(E) of the Agreement is amended to read as follows (words added are double underlined; words deleted are ~~stricken through~~):

E. IA will provide approximately 30 hours per week on average (excluding travel time) as the Town needs in any given week, which hours may be more or less adjusted up or down as needed. IA agrees to virtually attend ~~be onsite for the~~ Regular Board meetings scheduled on the 2nd and 4th Tuesday evenings of the month. IA may perform all other work remotely unless otherwise directed by the BOT, or unless the IA determines working onsite is necessary or preferable on any given work day.

Section 3. The Agreement, as amended by the First Amendment, Second Amendment, and this Third Amendment, is hereby ratified and confirmed and shall remain in full force and effect and binding upon the Town and IA in accordance with its terms. Any capitalized term not defined herein shall have the meaning assigned to it in the (original) Agreement.

IN WITNESS WHEREOF the Parties have executed this Third Amendment on the date first above written.

SUSTAINABLE FUTURES LLC

TOWN OF PAONIA

By: _____
Leslie Klusmire, Principal

By: _____
Mary Bachran, Mayor

ATTEST:

Samira Vetter, Town Clerk

Town of Paonia



Approval of Organizational Chart

To: Mayor Mary Bachran and Board of Trustees
From: Leslie Klusmire, Interim Town Administrator
RE: REVISED Town of Paonia Organization Chart
Date: May 23, 2023

Cindy Jones resigned from her positions as Finance Director and Town Treasurer effective May 1, 2023.

My research indicates that the Town of Paonia does not need a full-time finance director and that a system that employs an outside expert governmental accounting and financial management professional to advise onsite finance staff dealing with day-to-day and monthly accounting as well as to lead an audit, budgeting, investment, and financial oversight would be a less expensive way (between \$50,000 and \$65,000 cheaper in current costs) for the Town to better attend to its financial responsibilities.

To that end, I have promoted Amanda Mojarro to Accountant, and she will serve as the day-to-day and monthly accounting specialist. Ruben Santiago was also promoted and serves as finance clerk. Ruben and Amanda retain their administrative and deputy clerk duties supervised by the Town Clerk. Amanda, as Accountant, now reports directly to the Town Administrator. She is working under the advice and direction of Professional Management Systems, mostly with Michelle Duran. Lorraine Trotter, president of that company, is also assisting the Town with financial management.

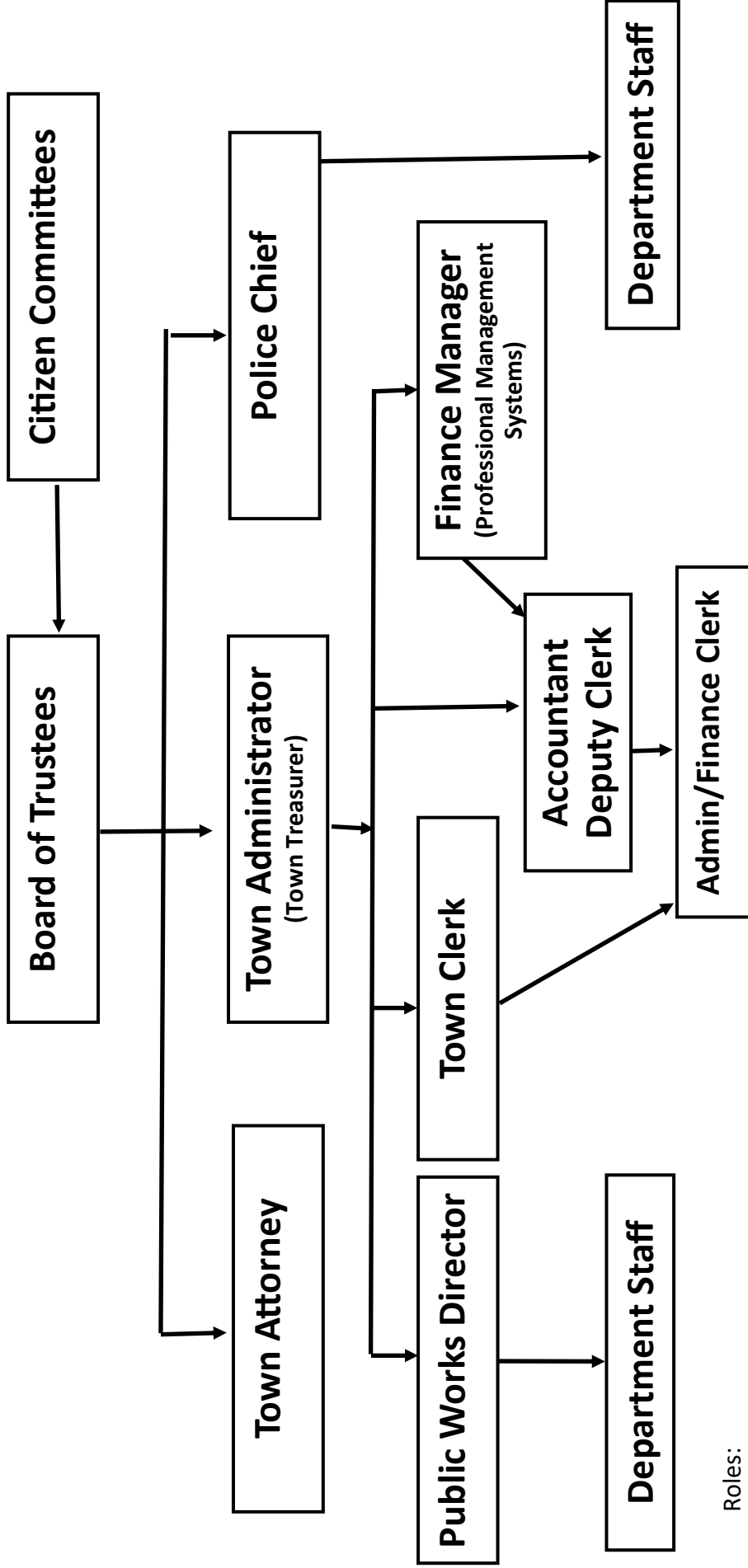
This organization chart reflects the changes I'm recommending. It does not show the internal structure of the Police and Public Works Department. I recommend that those department heads decide how they structure their departments with approval from the Town Administrator. These departments already have a structure, and only a significant revision would need future approval by the Town Administrator.

The Town Attorney and I recommend that you appoint the Town Administrator as Town Treasurer. Because the Board appoints that position and the Town Administrator supervises the Finance Director, appointing any finance staff as town treasurer can present obstacles if supervisory problems arise. Most of the small towns I know of employ this structure because they want to keep the statutory appointment from influencing the ability of the Town Administrator to ensure the employees are fulfilling their job duties.

Should you choose to extend my contract, I would serve as Town Treasurer. When you hire a permanent, you'll want to reappoint that person as Town Treasurer. The state requires an appointment within 30 days of a Town Treasurer's resignation.

A resolution to appoint a new Town Treasurer is also on this meeting's agenda.

Town of Paonia Organization Chart (draft)



Roles:

- Board sets policies and priorities (the deciders!)
- Committees advise board about policies and priorities—they have no decision making or staff direction authority
- Town Administrator carries out Board direction and supervises Department Heads, except Police Chief
- Department Heads carry out Board policies and priorities at the direction of the Town Administrator and supervise their own staff.
- The Police Chief is a direct report to the Town Board and submits to the Town Administrator in matters pertaining to budget implementation authority.

Town of Paonia



Resolution 2023-07 Appointment of Officer -
Treasurer

**RESOLUTION 07-2023
A RESOLUTION OF THE
TOWN OF PAONIA, COLORADO,
REGARDING THE APPOINTMENT
OF OFFICER - Treasurer**

WHEREAS, CRS 31-4-304 provides that, after each regular election, the Board of Trustees shall appoint a Clerk, Treasurer, and Town Attorney; and

WHEREAS, the Paonia Municipal Code chapter 2, Article 3 Section 2-3-10 requires the appointment of officers by a vote of the Board of Trustees; and

WHEREAS, the Board of Trustees of the Town of Paonia, Colorado, is required to appoint officers to carry on the Business of the Town.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Paonia, Colorado, that the following persons are appointed.

Treasurer – Leslie Klusmire

APPROVED AND ADOPTED: May 23, 2023.

Mary Bachran, Mayor

ATTEST:

Samira M Vetter, Town Clerk

Town of Paonia



Hazard Mitigation Plan



Town Board Staff Report

Subject: Hazard Mitigation Plan Actions

Author: Jeremiah Garcia

Date: May 23, 2023

Specific request: Review and Approve Hazard Mitigation Plan Actions

Summary Recommendation

Review the attached Hazard Mitigation actions and approve their inclusion in the Delta County Hazard Mitigation Plan

Executive Summary

The Problem/Background/Intent

Delta County’s Hazard Mitigation Plan is due for update in 2023. Each municipality as well as the County must review their prior plans and consider new hazards and the actions they want to take to mitigate those hazards. The 2023 plan update presents an opportunity to review the previous actions and modify and add to, if desired.

Options/Alternatives for Town Board to Consider

The Board should review the attached material and identify any other hazards not listed and any actions they feel would also be appropriate. At the end of the review, the Board can choose to approve the plan for submission to Delta County for inclusion in the 2023 Delta County Hazard Mitigation Plan.

Funding Source and Fiscal Impact

None, possible grant applications to fund desired actions.

Attachments

Table of hazards and actions.

Hazard Mitigation Actions

Each municipality, fire protection district, the County and School District must complete and return the following by **May 30th**.

- Submit new Mitigation Actions for your jurisdiction
 - Remember participating jurisdictions must submit at least one (1) Mitigation Action per Hazard identified below. Mitigation Action Items can address more than one hazard, but each hazard must have at least one action item.
 - Dam Failure
 - Drought
 - Flood
 - Geologic Hazard (includes expansive soil, erosion, avalanche, landslide, rockfall danger)
 - Wildfire
 - Severe Weather
 - Remember
 - Involve your elected officials - council members, trustees, board members, etc. in the identification of mitigation action items.
 - Review master plans and capital improvement plans - is there something you have planned already that could help mitigate risk and you need funding for?
 - These are not a list of things that you must do in the next 5 years but a list of actions that if taken would mitigate the risk to natural/man-made disasters in your jurisdiction and the county that you would **like** to do if funding (such as through FEMA) was approved.

<https://mars.colorado.gov/mitigation/regional-and-local-hazard-mitigation-plans>

Program Overview

Why do we do Hazard Mitigation Planning?

- [Disaster Mitigation Act \(DMA\) of 2000 \(Public Law 106-390\)](#)
- Reduce natural hazards to people, property, infrastructure, opportunity to align efforts with other planning initiatives
- Identify short- and long-term strategies, resources, programs, policies, and funding sources to contribute to risk reduction and resiliency
- Pre- and Post-Disaster Grants Eligibility (PDM, FMA, HMGP, RFC, SRL)

How often do they have to be updated?

- Hazard Mitigation Plan (HMP) eligibility cycle is five (5) years
- Planning process generally takes one (1) year to complete
- Begin preparing for update 18-24 months in advance of HMP expiration date to avoid plan lapse
- Tasks: Organize Resources, Assess Risks, Develop HMP, Implement Mitigation Strategy, Monitor Progress

How are they approved?

- Must follow current FEMA requirements, 44 CFR 201.6 guides mitigation program
- Submit draft HMP to State for review (potential required revisions)
- State submits local HMP to FEMA for review (potential required revisions)
- APA (Approvable Pending Adoption) status granted by FEMA
- Local Adoption process by participating jurisdictions, seek resolutions within six-eight months of APA date and send all local adoptions to State
- State submits adoptions to FEMA for final approval, FEMA approval letter date begins five year eligibility timeline

Anything else?

- All local and Tribal governments may participate including counties, municipalities, and special districts
- Mitigation Action Categories: Local Planning & Regulations, Structure & Infrastructure Projects, Natural Systems Protection, Public Education & Awareness
- FEMA's guiding HMP principles: focus on the Mitigation Strategy, process is as important as the Plan itself, this is your community's Plan
-

Paonia's Action Plans

Hazard	Action	Partners
Wildfire	Media pre-filtration to remove post-wildfire water quality hazards (ash, PFAS)	
Wildfire	Homeowner fire hazard mitigation day for fire experts to advise homeowners on fire risks from outside vegetation.	
Wildfire	Assess Trees in Town for fire vulnerability, create GIS map.	
Drought/Fire	Source Water Protection Planning to include Watershed and forest management health nature-based climate projects; Prescribed burns, revegetation, expanded, exclosures, erosion control.	USFS, CRWA, CDPHE (SWAP)
Flooding	Create map using FEMA Flood layer and identify sewer assets in flood zone. Create ERP to monitor and respond to wastewater lagoon flooding.	
Geohazard	Procure sandbags and silt screens to protect town property from fluvial hazards.	
Severe Weather	Conduct Survey of vulnerable populations, where they are and their needs.	
Severe Weather	Set up an emergency center for cooling, warming, and clean air (for smoke).	

Severe Weather	Procure supplies and equipment for emergency centers - Generators, medical supplies, oxygen, air purifiers, water, food, portable heaters and Acs	North Fork Senior Connections, Hopewest Hospice, West elk Clinic, Delta Hospital, Creek Vista, Paonia Rehab, Senior Center, North Fork Ambulance, Hartmann, Bob Bushta, Michelle Compston
Severe Winter Weather	Procure back up generators for Water Treatment Plant, Wastewater Treatment plant, and Town Hall	
Wildfire	Install raw water bypass to distribution and create SOP for implementing "Fire emergency response and distribution restart-up plan"	CDPHE
Wildfire	Install outlets to allow firefighters to use spring pipeline water	USFS
Flooding	Erosion control for spring access roads.	
Multi-hazard	Trim trees around Utility Lines. Place lines underground, prioritizing main thoroughfares first.	
Dam Breach	Develop flood plan - Evacuation for flooded areas; transportation, shelter, supplies. Rescue contingency plan.	
Dam Breach	Advanced monitoring and alert system...	
Flooding	Update flood mapping to include stagnate pools for West Nile prevention.	
Multi-Hazard	Storm drainage, increase capacity of system to prepare for micro-bursts, increase size of belly pans.	

Town of Paonia



Mayor & Trustee Reports

Mayor's Report 5-23-23

Delta County Flood Coordination Meeting 5-8-23

- River below the Delta County Shop off Hwy 133 west of Hotchkiss is dangerous.
- While boat ramps are closed, people are moving the road closed signs and going in anyway
- Very, very limited travel to Somerset. Residents only and miners. People working in Carbondale and Glenwood need to use I-70.
- CDOT is planning to have a temporary 100 foot bridge in place over the collapse by the end of the month – hopefully
 - Should be fully rated for semi-trucks
- Paonia Reservoir is still spilling at capacity but filling anyway, gaining about 2.5 feet per day
- Google maps directing people coming from the east onto roads still covered with over 3 feet of snow. I-70 is the ONLY viable route at this time.

Delta County Hazard Mitigation Plan 5-10-23

- Update to 2018 plan
- Reviewed Mitigation Goals, Objective an Actions from the last plan
- FEMA Community Lifelines
- Climate Change Adaptation Considerations
 - Exposure
 - Risk & Onset
 - Adaptive Capacity
- Steps to create new goals, objective and action for new plan
- Criteria for FEMA funding and for plan

Delta County Flood Coordination Meeting 5-15-23

- Flood advisory for the city of Delta beginning Wednesday afternoon
- River stream gauge turned on in river below Paonia
https://waterdata.usgs.gov/nwis/uv?site_no=09134100&legacy=1
- Small business losses from the closure of Hwy 133 should be tracked, waiting for documentation on how to do that from county
- Aspinall unit release will increase the risk of flooding
- DMEA – keep a watch out for leaning power poles and report them immediately

CO Local Government Meeting 5-17-23

DOLA update

- baseline tool for research on affordable housing
 - <https://cdola.colorado.gov/proposition-123-concepts>
- Federal grants
 - Department of Transportation \$7.5 million

- resilience in pavement
- <https://www.grants.gov/web/grants/view-opportunity.html?oppld=348060>

CDPHE update Alberto Garcia

- end of public health emergency and end of covid services
- FAQ can be found at:
<https://drive.google.com/file/d/1UrSkT0qqnjdTjuRhkqpbdfWBnqjzoYVE/view>
- Brownfields presentation by Mark Rudolph

Colorado Resilience Office Marguerite Harden

- DOLA EIAF Funds with reduced matches
- Climate resilience challenge
- Applications open June 30, 2023
 - Must contact DOLA rep
 - Grants follow EIAF cycles
- Programs
 - Broadband
 - More Housing Now and Land Use Initiative
 - Main Street LIVE – Livability Investments for Vibrant Economies
 - Climate Resilience Challenge
 - Increase community level climate resilience
 - Planning for a changing climate
 - Mitigating and adapting to a changing climate
 - Grants for making a community climate action plan
 - 10% match, no limit on grant amount
 - Must address how to mitigate climate change
 - Adapt to climate change
 - Reduce climate related risks, impact and vulnerabilities

Public Safety and Parks Committee Meetings
Suggestions for Board action in Bold
5/16/23

Law Enforcement

Rick Stelter (Trustee Town of Paonia), Dave Knutson (Trustee Town of Paonia), and Chief Matt Laiminger

The Department is continues to closely monitor stream flows and is working with Public Works to prepare for possible flooding from this year’s snowpack. Chief Laiminger will work with Public Works Director Heiminger to place a sign at the River Park warning boaters about constraints on river rescue resources.

A citizen complaint about speed at the intersection of Rio Grande and Third was considered. The PPD will increase enforcement of the 25 mph speed limit, consider use of the electric speed monitor trailer, and weigh options for traffic calming. In addition a follow-up to issues with gravel on the K-8 sidewalk will be brought to school officials.

PPD is planning to purchase a drop box for excess pharmaceuticals which would allow citizens to anonymously drop excess prescription medications off.

Per comments at the last Town Council meeting regarding handicapped mobility in town, the **Board is asked to consider the following:**

- 1. Designating a route for mobility access to downtown such as the north side of 3rd street**
- 2. Designate handicapped parking at Town Park**
- 3. Consider a mid-block pedestrian zone on Grand Avenue from Town Hall to Poulos Park**

Officers have been present and doing positive community relations at the Arbol Farm Market.

There is a strong uptick of visitors and tourists which requires more load enforcement resources evidenced by the Festival at Big B’s.

Trustee Stelter recommended investigation of a “cadet” program to notify residents of code violations in Town and to enforce parking regulations on Grand Avenue.

Our Chief cited issues with contracts covering training reimbursements if an officer leaves prior to contract expiration. He plans to bring a proposal for best practices to the Board Meeting in June.

Parks Committee

Present: Rick Stelter (Trustee Town of Paonia), Dave Knutson (Trustee Town of Paonia), Tracy McCurdy (Citizen and Mountain Bike representative), Marissa Mommaerts (Phoenix Rising - Paonia General Plan Consultant), Karen Tarnow (Western Slope Conservation Center)

Tracy McCurdy summarized the recent agreement regarding biking access to Vista Drive out of Apple Valley Park. Lyn Howe and Geoff Rauch (landowners) agreed to allow access through their property and attached **a request for the Board to refer their questions to the Town Attorney regarding right-of-way or easement designation.** Tracy was able to work with local residents on crafting a solution that was supported by all involved parties in Creek Vista HOA and neighbors.

The Board is asked to approve use of Apple Valley Park for Jumbo trailhead parking and to consider the following:

- 1. **Fencing and trail preparation for the new easement through the Howe/Rauch property**
- 2. **A crosswalk and traffic signs for the Apple Valley Park entrance**
- 3. **Directional sign to Apple Valley on 3rd street**
- 4. **Make decisions to resolve parking issues at the top of Pan American and on Vista Drive**

Trustee Stelter suggests that resident parking only be allowed by the Board.

Delta County Administrator Robbie LaValley consulted with District Ranger, Levi Broyles to allow weekend overflow parking for Jumbo at the USFS parking lot near Apple Valley.

Karen noted the planned river festival scheduled for June 3 may be moved to Pleasure Park depending on flooding at Paonia River Park. She requested that Paonia Tree Board consider designation of hazard trees along both River Trails. The Nature Connection arranged for a certified crew of sawyers to take down these trees this summer.

Discussion then continued about issues in the Parking Lot at the River Park. Trustee Knutson agreed to contact the Mayor and Chairman Koontz about working on the lot.

The Pool, Park, and Recreation District is concerned about possible flooding of the Apple Valley pickle ball and tennis courts and requests that the Town consider mitigation with sandbags or a berm. Mayor Bachran has forwarded this request to the Town Administrator for staff action and response.