



TOWN OF PAONIA
TUESDAY, JUNE 25, 2019
SPECIAL TOWN BOARD MEETING AGENDA
6:30 PM

Roll Call

Approval of Agenda

Announcements

Recognition of Visitors & Guests

Consent Agenda

1. Minutes: May 28, 2019
Minutes: June 11, 2019

Mayor's Report

Staff Reports

2. Town Administrators Report
3. Public Works Report
4. Police Department Report
5. Town Treasurer Report

Disbursements

New Business

6. US House Subcommittee on Energy & Minerals Leasing Reform Legislation
7. Midweek Market Proposal
8. Requested Discussion - Fence Height
9. Parks Master Planning Grant - Great Outdoors Colorado
10. Employee Health Plan Renewal
11. Clark Avenue Sewer Line Bid Review

Committee Reports

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

Adjournment

I. RULES OF PROCEDURE

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

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

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

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

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

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

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

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

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

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

item or issue(s) under discussion. The speaker should offer factual information and refrain from obscene language and personal attacks.

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

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

II. CONSENT AGENDA

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

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

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

III. EXECUTIVE SESSION

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

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

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

IV. SUBJECT TO AMENDMENT

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

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

AGENDA SUMMARY FORM



Roll Call

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Approval of Agenda

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Announcements

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Visitors & Guests

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Consent Agenda

Summary:

Notes:

Minutes: May 25, 2019

Minutes: June 11, 2019

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
May 28, 2019

RECORD OF PROCEEDINGS

Roll Call

PRESENT

Mayor Charles Stewart
Mayor Pro-Tem Chelsea Bookout
Trustee Mary Bachran
Trustee William Bear
Trustee Karen Budinger
Trustee Samira Hart
Trustee Dave Knutson

Approval of Agenda

Motion made by Trustee Hart, Seconded by Mayor Pro-Tem Bookout to amend agenda removing Clark Avenue Sewer-line Bid Award. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

Announcements

Administrator Knight is on vacation and out of the office until June 9th.

Recognition of Visitors & Guests

None.

Consent Agenda

The Board of Trustees were given five (5) minutes to review draft minutes from May 14, 2019. Trustee Knutson requested the removal of Consent Agenda Kid's Pasta Project Special Event Permit. Corrections noted for draft April 23rd minutes.

Consent Agenda – Work Session and Regular Minutes April 23, 2019
Consent Agenda – Regular Minutes May 14, 2019
Paonia Liquors, LLC - License Renewal

Motion made by Trustee Bachran, Seconded by Trustee Hart to approve consent agenda as amended. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

Removed Consent Agenda Item - Special Event Permit - Kids Pasta Project - Edesia Kitchen Discussion ensued regarding the liquor license approval time, ending at 10pm. Edesia variance requires events stop service at 9pm. The liquor license must include the time for clean-up following the event. Clerk Ferguson will remind the event holder of the 9pm ending requirement.

Motion by Trustee Bear seconded by Trustee Knutson to approve Kids Pasta Project Special Event Permit at Edesia Kitchen. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

Mayor's Report

Proclamation - Colorado Bike Month

Mayor Stewart read the Colorado Bike Month proclamation for the record.

Proclamation – Rural Philanthropy Days

Mayor Stewart read the Rural Philanthropy Days proclamation for the record declaring June 12-14, 2019 as Rural Philanthropy Days.

Staff Reports

Administrator's Report

In the absence of Administrator Knight Clerk Ferguson provided information regarding upcoming events and projects to the Board of Trustees.

Public Works Report

Spring Clean-up completed today. Most successful event.
Spilling approximately 700,000 gallons at 1mg plant.
Spilling approximately 200,000 gallons at 2mg plant.
Parks preparation continues. Difficult to mow in rainy weather.

Trustee Bear noted the parks look unkempt.

Police Department Report

Last day of school was May 24th.
Received only positive feedback regarding the SRO program.
The Paonia community Back the Badge presentation is set for June 19th.
Up over 100 incidents from this time last year.
Officer Vassel beginning bike training soon.

Town Treasurer Report

Reviewed payroll and disbursements.

Reviewed April fund balances.

Audit activity continues.

Continuing to investigate refinancing of existing USDA loan, including a request for additional funds for Stahl, Highway 133, and Price Road sewer line extension. Plan to bring before the Board at a future meeting.

Disbursements

Motion to approve disbursements as presented.

Motion made by Trustee Budinger, Seconded by Trustee Hart.

Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

Unfinished Business

Ordinance 2019-04 Municipal Code Modification and Addition to Chapter 6, Article 1. – Alcoholic Beverage Licenses; an Ordinance Permitting Alcohol Beverage Tastings

Mayor Stewart read the title and opening statement for Ordinance 2019-04 for the record. This is the second reading of the ordinance.

Motion to approve the second reading of 2019-04, Municipal Code Modification and Addition to Chapter 6, Article 1. – Alcoholic Beverage Licenses; an Ordinance Permitting Alcohol Beverage Tastings.

Motion made by Trustee Bear, Seconded by Trustee Hart.

Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson

Colorado Code Consulting Contract – Collaborative Update of Building Code

Mayor Stewart noted concern with the proposed contract fee sections and requested clarification for paragraph 6 of the contract.

Motion made to table the contract to the next meeting.

Motion made by Trustee Hart, Seconded by Trustee Bachran.

Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

North Fork Ambulance District - Lease

Trustee Knutson recused himself from discussion and voting on this item, noting conflict of interest having worked as a consultant for the ambulance district.

Mayor Stewart provided an overview of the existing lease agreement and history of the NFAA location. Trustee Bear questioned the lease length of twenty (20) years and the rental amount.

Attorney Nerlin disclosed that J. David Reed PC serves as attorney for the NFAA but has made it clear that in respect to this agreement the firm represents the Town. A perpetual lease is in place and under negotiation with Hotchkiss as well.

Treasurer King noted 2 observations – the approval of a 5.25 mill levy and some consideration for managing the agreement and relationship with new NFAA should be considered.

Discussion ensued regarding lease length and fee.

Michelle Pattison - Second Street - asked if the low rent amount would be considered an in-kind contribution.

Bill Brunner - Second Street - Believes as a citizen it is not fair to give them free rent after the vote to increase their budget.

Motion to amend leases length to ten (10) years and five (5) year renewal periods after. Motion made by Trustee Bear, Seconded by Trustee Hart.
Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart.

Main amended motion carried. Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart.

New Business

Colorado Detours, LLC – Commercial Use of Public Property

Jo Ann Jarreau was present on behalf of Colorado Detours, LLC. Ms. Jarreau presented the materials included in the packet requesting use of the Twin Lakes property to load and unload vehicles and carriages for guided tours.

Ms. Jarreau noted the benefits to the Town and commercial businesses in Paonia and added concern with the costs for use of the property, adding that they believe the costs would be prohibitive to the start-up business.

Discussion ensued regarding a license agreement, the maintenance and upkeep of the property, the tour route, and fees associated.

Motion to approve a fee of \$10 a day to be reviewed at 60 days following commencement of tours.

Motion made by Trustee Knutson, Seconded by Trustee Hart.

Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

Motion to schedule follow-up and review of the license agreement at next regular meeting and to approve events until next Board meeting at \$10 per day.

Motion made by Trustee Bookout, seconded by Trustee Hart.

Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

A five (5) minute recess was called.

Water Incident After Action Report - Review and Acceptance

Mayor Stewart noted the receipt of the after-action report and the need to set a special meeting for public discussion for water related issues.

Discussion ensued regarding setting the special meeting for public discussion.

Motion to set special meeting for Monday, June 24, 2019 at 6pm.

Motion made by Trustee Bear, Seconded by Trustee Budinger.

Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

Bill Brunner - suggested the Town invite WestWater Engineering to the after-action meeting.

Business Licensing - Discussion

Trustee Knutson provided an overview of the reasons for the need for a business license or tracking mechanism for a nominal business license/registration and fee.

Discussion ensued regarding the benefits and drawbacks of business licensing from the commercial user and Town staff side.

Treasurer King recommended the Board seriously consider implementing business licensing.

Michelle Pattison – Second Street - questioned how a new requirement at the Town level would differ from the State sales tax license and suggested businesses be incentivized by registering and being included on the Town website.

Mary DiFranco – Seventh Street - believes regulations can be cumbersome and stated she would be in support if the process was considerate of time to fill out paperwork.

Kathy Briggs - concerned regulations could become extensive.

Monica Foguth - suggested a fee scale based upon in-town residents and out-of-town residents.

Discussion ensued regarding process to put in to effect resolution vs. ordinance.

Trustee Hart suggested the Town be in front of the issue and suggests the Town address it now and move forward.

Motion to direct Town Attorney to prepare a draft ordinance for business licensing for Town of Paonia.

Motion made by Trustee Hart, Seconded by Trustee Budinger.

Trustee Knutson - suggested the Board have an additional meeting for discussion and ideas prior to ordinance drafting.

Motion to amend main motion by Trustee Knutson, Seconded by Trustee Bachran.

Motion to continue discussion at next meeting.

Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

Short-Term Rental – (Airbnb, VRBO) – Discussion

Trustee Hart provided an overview of the need for a discussion regarding short-term rentals in Town. Trustee Knutson added a list of benefits and issues for homeowners and brick and mortar businesses.

The Governmental Affairs Committee is looking for Board direction.

Discussion ensued regarding short-term rental issues and lack of long-term rentals.

Ann Marie Gambino - Second Street – Realtor – stated taxes are being paid through the rental websites. In Durango they are licensed and only so many are available.

Town does not have a lodging tax but VRBO's are required to have and pay a sales tax.

Patrick McCarney - noted that AirBnB collects sales tax as do other companies, but renter to owner transactions and are harder to track. Suggested coming up with a balance.

Kathy Briggs noted it is easier to keep up maintenance on a short-term rental vs. a long-term rental and that short-term rentals attract tourists.

Monica Foguth - noted long-term rentals are difficult and there are demands, but thinks it is important to create space for those who work hard and want to live here as well. There needs to be a balance.

Mary DiFranco - stated it was a surprise to hear there is a long-term rental shortage when she had a property sit open because of a no pet requirement.

JoAnn Jarreau - Orchard Avenue - encouraged the Board to look at the master plan to discuss community planning in general.

Current Town Code restricts rooming houses to R-2 by special review and no commercial use in residential zones.

Trustee Hart stated there are multiple different viewpoints and believes the Board and community could find a balance.

Committee Reports

Finance & Personnel

None.

Public Works/Utilities/Facilities

Met May 20th to discuss:

Lining of 2mg tank.

Park tree trimming.

Meter installation.

Road annexations.

Alternative ways to deal with 2nd and Grand drainage issues near Ollies ice cream.

Reviewing trees along sidewalks.

Miner Wall Plaza dedication re-scheduled to July 4th.

Governmental Affairs/Public Safety

None.

Space to Create

Moving forward with master plan.

Tree Board

None.

Adjournment

Motion made by Trustee Hart, Seconded by Trustee Bachran.

Voting Yea: Mayor Pro-Tem Bookout, Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Hart, Trustee Knutson.

Meeting adjourned at 9:15pm

J. Corinne Ferguson, Town Clerk

Charles Stewart, Mayor

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
June 11, 2019

RECORD OF PROCEEDINGS

Roll Call

PRESENT

Mayor Charles Stewart
Trustee Mary Bachran
Trustee William Bear
Trustee Karen Budinger
Trustee Dave Knutson

ABSENT

Mayor Pro-Tem Chelsea Bookout
Trustee Samira Hart

Approval of Agenda

Motion to approve agenda as presented.
Motion made by Trustee Bear, Seconded by Trustee Bachran.
Voting Yea: Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson.

Announcements

Trustee Bachran announced being chosen, along with Elaine Brett - to attend the National Endowment of the Arts Institute for creative place-making. Will be attending in Washington D.C.

Recognition of Visitors & Guests

Miner's Plaza Memorial Wall Update

Dave Bradford - committee member for the Miners Plaza Memorial Wall presented an update to the Board. The dedication originally planned for Memorial Day has been rescheduled for the Cherry Days events, July 4th, tentatively at 11:15am, following the parade. An update regarding the engraving, process, tracking and placement of brick faces, and dedication was given.

Deborah Spiegel - Orchard Avenue - asking the Board to re-visit the new fence ordinance, specifically the difference between a solid fence and open/chain-link fence. Pamela Jackson concurred with the request and showed an image of the iron fence she wants at her home.

Motion to place fence ordinance discussion on the next agenda.
Motion made by Trustee Knutson, Seconded by Trustee Bachran.
Voting Yea: Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson.

Consent Agenda

Motion to approve consent agenda.
Motion made by Trustee Bear, Seconded by Trustee Budinger.
Voting Yea: Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson.

Bob Bushta – informed the Board of the schedule change for Cherry Days, noting that Down Town Days are the day after the 4th of July instead of the day before.

Mayor's Report

Requested direction from the Board regarding setting a work session for short-term rentals discussion.
Motion made to schedule a work session for 5pm at the first regular Board meeting in July to discuss short-term rentals.
Motion made by Trustee Knutson, Seconded by Trustee Bachran.
Voting Yea: Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson

Staff Reports

Administrator's Report
Received completed annexation petition that will be before the Board in July due to notice requirements.
Provided information regarding the current stand pipe card reader and the deficit between expenses and revenues. The item will be on the agenda soon.

Motion made to refer the stand pipe card reader to Public Works Committee to review and bring recommendations back to the Board.
Motion made by Trustee Bachran, Seconded by Trustee Knutson.
Voting Yea: Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson.

Motion made to direct Public Works Director Loberg and Administrator Knight to research and bring ideas to the next committee meeting.
Motion made by Trustee Bear, Seconded by Trustee Knutson.
Voting Yea: Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson.

Public Works Report

Street Cleaning underway.
Striping and crosswalks to be completed before July 4th.
Replacement of street signs beginning.
Tree trimming in right-of-way continues.
Spilling 430,000 a day at 1mg.
Spilling 160,000 a day at 2mg.

Production is down due to consumer conservancy.
Both storage tanks are full.

Police Department Report

Back the Badge June community meeting is the 19th for community presentation.
92 incidents in two-weeks.
Drone purchase for marijuana enforcement finalized this week.

Town Treasurer Report

Disbursements reviewed.
Payroll reviewed.
Audit continues and is going well.
Working on information regarding Stahl and Price Road Sewer project.

Disbursements

Motion to approve disbursements as presented.
Motion made by Trustee Budinger, Seconded by Trustee Knutson.
Voting Yea: Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson.

Unfinished Business

Colorado Detours, LLC – Commercial Use of Public Property
Mayor Stewart provided a brief update regarding the request from Colorado Detours, LLC to use the Twin Lakes property for a staging area for carriage tours. A licensing agreement was presented. The Sixty (60) day limit is to allow the LLC and the Town an opportunity to assess income, impact and fees.

Motion made to approve the agreement as presented.
Motion made by Trustee Bear, Seconded by Trustee Knutson.
Voting Yea: Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson.

Colorado Code Consulting Contract – Collaborative Update of Building Code
Mayor Stewart provided a brief history of the proposed agreement with Colorado Code Consulting.

Discussion ensued regarding cost-sharing.

Motion to approve Colorado Code Consulting contract as presented.
Motion made by Trustee Bachran, Seconded by Trustee Budinger.

Motion to amend main motion, making the contract contingent upon cost sharing with Three (3) other jurisdictions.

Motion made by Trustee Knutson, Seconded by Trustee Knutson Budinger.
Voting Yea: Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson.

Main amended motion carried.

Business Licensing – Continued Discussion

Mayor Stewart updated the Board regarding the sample ordinances provided by Attorney Nerlin. Administrator Knight stated he would be prepared to report at the next meeting and provided a list of benefits and needs regarding licensing to the Town and community.

Discussion ensued regarding different types of business registering, remaining business friendly, keeping the process simple, costs associated with the applications as well as use of excess funds.

Deborah Spiegel - Oak Avenue - questioned which businesses would be required to be licensed, specifically regarding multiple office buildings and home occupations.

Michelle Pattison - 2nd Street - agreed with voluntary registration and incentives for registering.

Thomas Markle - 2nd Street - questioned if the Town staff have the time to give to complete the process. Questions the benefit. And believes it is unfair to require a business that is out-of-town but receives mail in Town to register.

Clerk Ferguson stated the time is available to make the program work and listed several reasons why the staff believes it is an important function of government.

Motion to direct Administrator Knight and Attorney Nerlin to draft an ordinance for business registrations and bring to the Board for review.

Motion made by Trustee Bachran, Seconded by Trustee Knutson.

Voting Yea: Trustee Bachran, Trustee Budinger, Trustee Knutson.

Voting Nay: Trustee Bear.

New Business

Special Review – Ruppert/Hunter – Home Occupation Application

Mayor Stewart recused himself from chairing the Board for the special review - due to conflict of interest, as a direct neighbor. Trustee Bear, as member of Planning Commission, is willing to chair in a temporary fashion.

Motion made to appoint Trustee Bear as chair for the special hearing.

Motion made by Trustee Knutson, Seconded by Trustee Budinger.

Trustee Bachran, Trustee Budinger, Trustee Knutson.

Trustee Bear assumed the chair for the special hearing.

Hearing opened at 7:47pm.

Jeff Ruppert provided information regarding the civil structural engineering home-based business run out of at 337 Main Avenue.

Public Questions: None.
Board Questions: None.

Chairman Bear noted one neighbor noted concern with potential parking issues at the planning commission meeting. The business owners have no expectation for more than Two (2) clients and one (1) employee.

Hearing closed at 7:49pm

Motion made to approve the home occupation request for 337 Main Avenue.
Motion made by Trustee Budinger, Seconded by Trustee Knutson.
Voting Yea: Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson.

Green Belt Addition - Acceptance of Annexation Petition

Mayor Stewart provided information regarding the process of accepting of petition and annexation resolution.

Motion made to accept the Greenbelt Annexation Petition as presented.
Motion made by Trustee Budinger, Seconded by Trustee Bear.
Voting Yea: Trustee Bachran, Trustee Bear, Trustee Budinger.
Voting Nay: Trustee Knutson.

Resolution 2019-10 Initiating Annexation Proceedings

Motion made to adopt Resolution 2019-10, initiating annexation proceedings for Greenbelt Addition.
Motion made by Trustee Bear, Seconded by Trustee Bachran.
Voting Yea: Trustee Bachran, Trustee Bear, Trustee Budinger.
Voting Nay: Trustee Knutson.

Home Occupation Application Process - Discussion

Mayor Stewart explained why he believes the home occupation process should be revised, whether administrative, or eliminating the planning commission review and recommendation.

Administrator Knight added he believes the process is too cumbersome but does believe there is a need for public notice. Administrator Knight does not recommend a strictly administrative review, and suggested a 30-day review, notice mailing, and Board of Trustee review for final approval.

Trustee Knutson stated he doesn't agree to take planning out of the process.

Motion made to direct Administrator Knight and Attorney Nerlin to bring a draft ordinance amendment to the Board for review.
Motion made by Trustee Bear, Seconded by Trustee Knutson.
Voting Yea: Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson.

Committee Reports

Finance & Personnel

None.

Public Works/Utilities/Facilities

None.

Governmental Affairs/Public Safety

None.

Space to Create

Will be presenting at Rural Philanthropy Days.

Gates Foundation grant given to Arts Space for pre-development costs.

Tree Board

None.

Adjournment

Motion made to adjourn.

Motion made by Trustee Knutson, Seconded by Trustee Bachran.

Voting Yea: Trustee Bachran, Trustee Bear, Trustee Budinger, Trustee Knutson.

Meeting adjourned at 8:10pm.

J. Corinne Ferguson, Town Clerk

Charles Stewart, Mayor

AGENDA SUMMARY FORM



Mayor's Report

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Administrator's Report

Summary:

Notes:

Vote:

Trustee Bachran:

Trustee Bear:

Trustee Bookout:

Trustee Budinger:

Trustee Hart:

Trustee Knutson:

Mayor Stewart:

AGENDA SUMMARY FORM



Public Works Report

Summary:

Notes:

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Police Report

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Treasurer's Report

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

ACCOUNT ANALYSIS 2019

BANK	ACCOUNT	2017	JAN	FEB	MAR	APR	MAY	JUNE	X
OPERATING ACCOUNTS									
FSBC		PREV BAL	21,553.27	39,623.29	166,389.36	433,399.88	536,991.10	87,982.54	
OPS		CKS/DR	330,245.06	923,661.44	164,774.69	115,900.28	724,808.42		
		DEP/CR	348,315.08	1,050,427.51	431,785.21	219,491.50	275,799.86		
		END BAL	39,623.29	166,389.36	433,399.88	536,991.10	87,982.54	87,982.54	X
		RATE	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
FSB		PREV BAL	25.00	17,443.28	20,120.65	25.00	25.00	25.00	
PAYROLL		CKS/DR	36,405.68	34,775.39	60,657.73	36,527.71	65,326.60		
		DEP/CR	53,823.96	37,452.76	40,562.08	36,527.71	65,326.60		
		END BAL	17,443.28	20,120.65	25.00	25.00	25.00	25.00	X
		RATE	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
RESESTRICTED FUND ACCOUNTS									
FSBC-858		PREV BAL	25.00	25.00	25.00	25.00	25.00	25.00	
GRANT		CKS/DR	-	-	-	-	-	-	
PASS-THRU		DEP/CR	-	-	-	-	-	-	
		END BAL	25.00	25.00	25.00	25.00	25.00	25.00	X
		RATE	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
FSBC (FCNB)-0571		PREV BAL	25.00	25.00	573,935.77	35.77	35.77	184,814.15	
INTERNAL		CKS/DR	-	-	573,900.00	-	400,000.00		
GRANTS		DEP/CR	-	573,910.77	-	-	584,778.38		
		END BAL	25.00	573,935.77	35.77	35.77	184,814.15	184,814.15	X
		RATE	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
FSB		PREV BAL	58,045.59	58,057.91	58,069.04	58,081.37	58,093.30	58,105.63	
WWTP		CKS/DR	-	-	-	-	-	-	
		DEP/CR	-	-	-	-	-	-	
		INT/CR	12.32	11.13	12.33	11.93	12.33		
		END BAL	58,057.91	58,069.04	58,081.37	58,093.30	58,105.63	58,105.63	X
		RATE	0.10%	0.10%	0.10%	0.10%	0.10%	0.10%	
FSBC (FCNB)		PREV BAL	27,490.77	(5.63)	4.37	2,674.81	2,675.14	2,675.48	
CONSERV		CKS/DR	27,500.77						
TRUST		DEP/CR	-	10.00	2,670.30				
		INT/CR	4.37		0.14	0.33	0.34		
		END BAL	(5.63)	4.37	2,674.81	2,675.14	2,675.48	2,675.48	X
		RATE	0.08%	0.08%	0.08%	0.08%	0.08%	0.08%	
FSBC		PREV BAL	88,410.06	72,533.31	72,547.22	72,562.62	72,577.53	72,592.94	
SPACE TO		CKS/DR	15,899.05						
CREATE		DEP/CR	-						
		INT/CR	22.30	13.91	15.40	14.91	15.41		
		END BAL	72,533.31	72,547.22	72,562.62	72,577.53	72,592.94	72,592.94	X
		RATE	0.15%	0.15%	0.15%	0.15%	0.15%	0.15%	
FSBC		PREV BAL	9,500.00	14,000.00	23,650.00	25,100.00	6,892.00	7,217.00	
PARK		CKS/DR	200.00			22,408.00			
CONTRIBUTION		DEP/CR	4,700.00	9,650.00	1,450.00	4,200.00	325.00		
		INT/CR	-						
		END BAL	14,000.00	23,650.00	25,100.00	6,892.00	7,217.00	7,217.00	X
		RATE	0.08%	0.08%	0.08%	0.08%	0.08%	0.00%	

WJK 6/24/19

ACCOUNT ANALYSIS 2019

BANK	ACCOUNT	2017	JAN	FEB	MAR	APR	MAY	JUNE	X	
INVESTMENT ACCOUNTS										
FSB	PREV BAL		8,327.91	817.94	88,734.07	48,187.59	11,664.69	164,647.02		
MMKT	CKS/DR		19,510.00	594,009.02	40,562.08	36,527.71	37,026.35			
RESERVE	DEP/CR		12,000.00	681,922.96	-	-	190,000.00			
	INT/CR		0.03	2.19	15.60	4.81	8.68			
	END BAL		817.94	88,734.07	48,187.59	11,664.69	164,647.02	164,647.02	X	
RATE			0.15%	0.08%	0.05%	0.08%	0.150%	0.150%		
COLO	PREV BAL		1,046,107.26	798,462.12	800,058.92	1,376,155.77	1,379,054.09	1,782,050.01		
TRUST	CKS/DR		250,000.00	-	-	-	-			
PLUS+	DEP/CR		-	-	573,900.00	-	400,000.00			
INVESTMENT	INT/CR		2,354.86	1,596.80	2,196.85	2,898.32	2,995.92			
	END BAL		798,462.12	800,058.92	1,376,155.77	1,379,054.09	1,782,050.01	1,782,050.01		
AVG RATE			1.51%	0.92%	0.94%	1.01%	2.06%	2.14%	X	
FSBC	PREV BAL		600,831.78	600,831.78	0.00	0.00	0.00	0.00		
12MO	CKS/DR		-	601,629.23	-	-	-			
CD-1936	DEP/CR		-	-	-	-	-			
	INT/CR		-	797.45	-	-	-			
	END BAL		600,831.78	0.00	0.00	0.00	0.00	0.00	X	
AVG RATE			0.55%	CLOSED	0.00%	0.00%	0.00%	0.00%		
FSBC	PREV BAL		400,964.56	400,964.56	400,964.56	200,492.84	200,492.84	200,492.84		
18MO	CKS/DR		-	-	200,864.56	-	-			
CD-2143	DEP/CR		-	-	-	-	-			
	INT/CR		-	-	392.84	-	-			
	END BAL		400,964.56	400,964.56	200,492.84	200,492.84	200,492.84	200,492.84	X	
AVG RATE			0.55%	0.55%	0.55%	0.55%	0.55%	0.55%		
LINE-OF-CREDIT										
FSBC	PREV BAL		-	(50,000.00)	(50,002.15)	-	-	-		
LOC	CKS/DR		50,000.00	-	-	-	-			
\$200,000.00	DEP/CR		-	-	50,002.15	-	-			
	INT/CR		-	(2.15)	-	-	-			
	END BAL		(50,000.00)	(50,002.15)	-	-	-	-	X	
AVG RATE										
FSBC	PREV BAL		-	-	-	-	-	-		
LOC	CKS/DR		-	-	-	-	-			
	DEP/CR		-	-	-	-	-			
	INT/CR		-	-	-	-	-			
	END BAL		-	-	-	-	-	-	X	
AVG RATE										
			CLOSED							
	TOTAL PREV BAL		2,261,306.20	1,952,778.56	2,154,496.81	2,216,740.65	2,268,526.46	2,560,627.61		
	TOTAL CKS/DR		729,760.56	2,154,075.08	1,040,759.06	211,363.70	1,227,161.37	-		
	TOTAL DEP/CR		418,839.04	2,353,374.00	1,100,369.74	260,219.21	1,516,229.84	-		
	TOTAL INT/CR		2,393.88	2,419.33	2,633.16	2,930.30	3,032.68	-		
	TOTAL 2019 ACCOUNTS		1,952,778.56	2,154,496.81	2,216,740.65	2,268,526.46	2,560,627.61	2,560,627.61		
	TOTAL 2018 ACCOUNTS		2,243,850.59	2,643,430.19	2,609,936.21	2,758,682.91	2,787,133.34	2,909,775.06		
	TOTAL 2017 ACCOUNTS		1,916,629.29	1,856,495.51	1,837,973.49	2,027,530.45	2,363,845.59	2,079,469.54		
	TOTAL 2016 ACCOUNTS		987,595.88	1,322,980.68	1,116,198.52	1,523,989.77	1,917,756.35	1,967,252.20		
	TOTAL 2015 ACCOUNTS		1,653,400.33	1,907,317.22	2,079,530.21	2,000,000.74	1,759,581.96	1,718,267.39		
	TOTAL 2014 ACCOUNTS		2,036,560.85	2,012,766.27	2,053,803.28	2,046,353.56	2,069,077.88	2,002,370.22		
	TOTAL 2013 ACCOUNTS		2,361,290.03	2,369,419.89	2,376,310.46	2,323,916.46	2,320,709.32	2,286,978.98		
	TOTAL 2012 ACCOUNTS		2,362,402.55	2,256,299.75	2,246,468.64	2,213,216.49	2,202,233.11	2,152,976.82		
	2018 VS 2019		(291,072.03)	(488,933.38)	(393,195.56)	(490,156.45)	(226,505.73)	(349,147.45)		

AS OF:	5/31/2019	2019	2019	2019	2019	2019	2019	2019	2019	2019
ACCT NO	DESCRIPTION	MAY	APRIL	MARCH	CUR YTD	5	REMAINING	ORIG	% OF	REMAINING
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	MO R-BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
ADMINISTRATION										
10-3101	PROPERTY TAXES	8,455.74	23,121.07	8,046.06	78,692.98	70,396.30	8,296.68	100,999.00	77.91%	(22,306.02)
14-31-03	SALES TAX - TOWN	-	10,194.98	11,106.22	35,259.54	27,287.50	7,972.04	65,490.00	53.84%	(30,230.46)
10-3108	PENALTY & INTEREST	3.26	-	4.56	7.82	187.50	(179.68)	450.00	1.74%	(442.18)
10-3109	DELINQUENT TAX	-	-	0.29	0.29	41.67	(41.38)	100.00	0.29%	(99.71)
10-32-01	LIQUOR LICENSES	725.00	550.00	350.00	1,950.00	1,875.00	75.00	4,500.00	43.33%	(2,550.00)
12-32-04	SPECIAL REVIEWS	1,393.85	362.35	1,100.89	4,155.79	833.33	3,322.46	2,000.00	207.79%	2,155.79
10-35-04	INTEREST INCOME	665.84	383.87	801.72	3,207.70	5,333.33	(2,125.63)	12,800.00	25.06%	(9,592.30)
10-35-05	LATE CHARGES	1,310.00	690.00	552.00	4,021.47	3,125.00	896.47	7,500.00	53.62%	(3,478.53)
10-35-06	OTHER INCOME	157.90	32.80	43.45	239.15	208.33	30.82	500.00	47.83%	(260.85)
10-35-15	REFUND OF EXPENDITURES	-	376.25	150.46	4,614.29	-	4,614.29	-	0.00%	4,614.29
10-35-16	RESTITUTION	689.08	5,073.00	491.45	6,744.48	1,250.00	5,494.48	3,000.00	224.82%	3,744.48
		13,400.67	40,784.32	22,647.10	138,893.51	110,537.97	28,355.54	197,339.00	70.38%	(58,445.49)
10-41-01	MAYOR & TRUSTEES	-	-	1,800.00	1,800.00	3,000.00	1,200.00	7,200.00	25.00%	(5,400.00)
10-41-03	SALARIES & WAGES	2,876.87	1,917.91	1,925.40	10,521.70	10,646.49	124.79	25,551.57	41.18%	(15,029.87)
10-41-04	EMPLOYER FICA	171.78	114.52	228.39	741.45	846.33	104.88	2,031.19	36.50%	(1,289.74)
10-41-05	EMPLOYER MEDICARE	40.17	26.78	53.42	173.39	197.93	24.54	475.04	36.50%	(301.65)
10-41-06	UNEMPLOYMENT TAX	8.61	5.74	5.72	31.45	31.95	0.50	76.68	41.01%	(45.23)
10-41-07	HEALTH INSURANCE	382.18	191.08	-	955.33	1,532.77	577.44	3,678.65	25.97%	(2,723.32)
10-41-08	PENSION	142.74	95.16	95.16	515.74	548.28	32.54	1,315.87	39.19%	(800.13)
10-41-10	WORKMENS COMPENSATION	-	-	-	213.00	145.83	(67.17)	350.00	60.86%	(137.00)
	CONTRACT LABOR	-	-	-	-	2,083.33	2,083.33	5,000.00	0.00%	(5,000.00)
10-41-15	OFFICE SUPPLIES	825.40	204.01	605.85	2,158.25	1,472.92	(685.33)	3,535.00	61.05%	(1,376.75)
10-41-16	OPERATING SUPPLIES	45.92	40.90	17.90	262.91	458.33	195.42	1,100.00	23.90%	(837.09)
10-41-17	POSTAGE	143.85	-	283.50	769.76	104.17	(665.59)	250.00	307.90%	519.76
10-41-20	LEGAL SERVICES	4,823.50	2,886.00	1,384.50	12,377.35	31,250.00	18,872.65	75,000.00	16.50%	(62,622.65)
	ELECTION	-	-	-	-	-	-	-	0.00%	-
10-41-21	AUDIT & BUDGET EXPENSE	-	-	-	-	2,708.33	2,708.33	6,500.00	0.00%	(6,500.00)
10-41-25	TOWN HALL EXPENSE	1,268.11	725.69	836.99	4,599.51	4,937.50	337.99	11,850.00	38.81%	(7,250.49)
10-41-26	TRAVEL & MEETINGS	395.21	893.43	76.13	1,499.57	2,916.67	1,417.10	7,000.00	21.42%	(5,500.43)
10-41-27	INSURANCE & BONDS	-	-	-	5,437.66	2,208.33	(3,229.33)	5,300.00	102.60%	137.66
10-41-28	UTILITIES	460.75	290.75	504.06	2,501.80	2,250.00	(251.80)	5,400.00	46.33%	(2,898.20)
10-41-29	TELEPHONE	138.43	143.89	422.88	973.37	791.67	(181.70)	1,900.00	51.23%	(926.63)
10-41-30	PUBLISHING & ADS	53.79	43.65	51.11	345.00	1,333.33	988.33	3,200.00	10.78%	(2,855.00)
10-41-31	DUES & SUBSCRIPTIONS	3,132.00	262.99	-	7,597.99	3,468.75	(4,129.24)	8,325.00	91.27%	(727.01)
10-41-33	DATA PROCESSING	432.50	974.94	316.72	4,811.95	3,875.00	(936.95)	9,300.00	51.74%	(4,488.05)
10-41-43	CULTURAL EVENTS	-	2,500.00	-	5,000.00	2,083.33	(2,916.67)	5,000.00	100.00%	-
10-41-44	HUMAN SERVICES	-	-	1,000.00	5,000.00	2,416.67	(2,583.33)	5,800.00	86.21%	(800.00)
10-41-90	TREASURER'S FEE	180.04	492.15	171.36	1,675.18	916.67	(758.51)	2,200.00	76.14%	(524.82)
	MISCELLANEOUS	-	-	-	-	-	-	-	-	-
		15,521.85	11,809.59	9,779.09	69,962.36	82,224.58	12,262.22	197,339.00	35.45%	(127,376.64)
		(2,121.18)	28,974.73	12,868.01	68,931.15	28,313.39	16,093.32	-	-	68,931.15
	BEGINNING RESERVE				28,641.07	28,641.07	28,641.07	28,641.07		28,641.07
	INCOME	13,400.67	40,784.32	22,647.10	138,893.51	110,537.97	28,355.54	197,339.00		(58,445.49)
	EXPENDITURE	15,521.85	11,809.59	9,779.09	69,962.36	82,224.58	12,262.22	197,339.00		(127,376.64)
	ADJUSTMENT									
	NET CHANGE	(2,121.18)	28,974.73	12,868.01	68,931.15	28,313.39	16,093.32	-		68,931.15
	ENDING RESERVE				97,572.22	56,954.46	44,734.39	28,641.07		97,572.22

AS OF:	5/31/2019	2019	2019	2019	2019	2019	2019	2019	2019	2019
ACCT NO	DESCRIPTION	MAY	APRIL	MARCH	CUR YTD	5	REMAINING	ORIG	% OF	REMAINING
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	MO R-BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
BUILDING										
12-31-03	SALES TAX - TOWN	-	-	-	-	-	-	-	-	-
12-32-03	BUILDING PERMITS	2,309.70	6,447.30	687.50	12,347.35	23,718.75	(11,371.40)	56,925.00	21.69%	(44,577.65)
		2,309.70	6,447.30	687.50	12,347.35	23,718.75	(11,371.40)	56,925.00	21.69%	(44,577.65)
12-43-03	SALARIES & WAGES	257.43	171.62	170.37	942.66	959.85	17.19	2,303.65	40.92%	(1,360.99)
	CONTRACT LABOR	6,014.00	5,698.00	3,025.00	17,765.00	20,833.33	3,068.33	50,000.00	35.53%	(32,235.00)
12-43-04	EMPLOYER FICA	15.96	10.64	10.56	58.44	59.76	1.32	143.42	40.75%	(84.98)
12-43-05	EMPLOYER MEDICARE	3.72	2.48	2.47	13.63	13.98	0.34	33.54	40.64%	(19.91)
12-43-06	UNEMPLOYMENT TAX	0.78	0.52	0.51	2.85	2.89	0.04	6.94	41.07%	(4.09)
12-43-07	HEALTH INSURANCE	0.22	0.11	-	0.55	188.55	188.00	452.52	0.12%	(451.97)
12-43-08	PENSION	12.69	8.46	8.46	46.53	45.80	(0.73)	109.93	42.33%	(63.40)
12-43-10	WORKMENS COMPENSATION	-	-	-	522.00	-	(522.00)	-	-	522.00
12-43-15	OFFICE SUPPLIES	286.18	-	-	286.18	208.33	(77.85)	500.00	57.24%	(213.82)
12-43-16	OPERATING SUPPLIES	-	-	-	-	-	-	-	-	-
12-43-17	POSTAGE	-	-	-	-	20.83	20.83	50.00	0.00%	(50.00)
12-43-20	LEGAL SERVICES	-	78.00	117.00	195.00	1,041.67	846.67	2,500.00	7.80%	(2,305.00)
12-43-23	VEHICLE EXPENSE	-	-	-	-	-	-	-	-	-
12-43-26	TRAVEL & MEETINGS	-	-	-	-	-	-	-	-	-
12-43-27	INSURANCE & BONDS	-	-	-	598.52	343.75	(254.77)	825.00	72.55%	(226.48)
12-43-30	PUBLISHING & ADS	-	-	-	54.91	-	(54.91)	-	-	54.91
12-43-31	DUES & SUBSCRIPTIONS	-	135.00	-	135.00	-	(135.00)	-	-	135.00
	MISCELLANOUS	-	-	-	-	-	-	-	-	-
		6,590.98	6,104.83	3,334.37	20,621.27	23,718.75	3,097.48	56,925.00	36.23%	(36,303.73)
		(4,281.28)	342.47	(2,646.87)	(8,273.92)	-	(14,468.88)	-	-	(8,273.92)
	BEGINNING RESERVE				-	-	-	-	-	-
	INCOME	2,309.70	6,447.30	687.50	12,347.35	23,718.75	(11,371.40)	56,925.00		(44,577.65)
	EXPENDITURE	6,590.98	6,104.83	3,334.37	20,621.27	23,718.75	3,097.48	56,925.00		(36,303.73)
	ADJUSTMENT									
	NET CHANGE	(4,281.28)	342.47	(2,646.87)	(8,273.92)	-	(14,468.88)	-		(8,273.92)
	ENDING RESERVE				(8,273.92)	-	(14,468.88)	-		(8,273.92)

AS OF:	5/31/2019	2019	2019	2019	2019	2019	2019	2019	2019	2019
ACCT NO	DESCRIPTION	MAY	APRIL	MARCH	CUR YTD	5	REMAINING	ORIG	% OF	REMAINING
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	MO R-BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
LAW ENFORCEMENT										
14-31-02	S.O. AUTO TAXES	1,769.65	1,094.26	1,360.20	7,294.02	6,958.33	335.69	16,700.00	43.68%	(9,405.98)
14-31-03	SALES TAX - TOWN	12,310.53	10,194.98	11,106.22	47,570.08	60,666.67	(13,096.59)	145,600.00	32.67%	(98,029.92)
14-31-04	SALES TAX - COUNTY	9,646.44	8,211.21	8,249.26	35,840.40	42,500.00	(6,659.60)	102,000.00	35.14%	(66,159.60)
14-31-06	CIGARETTE TAX	92.76	106.98	101.10	525.22	500.00	25.22	1,200.00	43.77%	(674.78)
14-32-06	VIN INSPECTIONS	130.00	150.00	100.00	485.00	500.00	(15.00)	1,200.00	40.42%	(715.00)
14-33-02	MOTOR VEHICLE - \$1.50	236.38	202.13	155.00	997.61	1,041.67	(44.06)	2,500.00	39.90%	(1,502.39)
14-33-03	MOTOR VEHICLE - \$2.50	332.50	299.38	243.34	1,491.67	1,458.33	33.34	3,500.00	42.62%	(2,008.33)
14-34-01	COURT FINES	-	-	-	200.00	41.67	158.33	100.00	200.00%	100.00
14-34-02	POLICE FINES	2,623.00	1,525.00	1,444.07	7,968.07	8,541.67	(573.60)	20,500.00	38.87%	(12,531.93)
14-34-03	MISCELLANEOUS FINES-BONDS	5.00	-	645.35	695.35	500.00	195.35	1,200.00	57.95%	(504.65)
	SCHOOL (SRO)	-	-	-	10,000.00	8,333.33	1,666.67	20,000.00	50.00%	(10,000.00)
14-34-05	DOG TAGS	95.00	45.00	80.00	510.00	166.67	343.33	400.00	127.50%	110.00
14-34-50	PD Grant	-	9,305.63	-	9,305.63	3,958.33	5,347.30	9,500.00	97.95%	(194.37)
		27,241.26	31,134.57	23,484.54	122,883.05	135,166.67	(12,283.62)	324,400.00	37.88%	(201,516.95)
14-42-02	JUDGE	300.00	300.00	300.00	1,500.00	1,500.00	-	3,600.00	41.67%	(2,100.00)
14-42-03	SALARIES & WAGES	22,224.79	14,765.89	15,390.75	79,153.53	83,695.60	4,542.07	200,869.45	39.41%	(121,715.92)
14-42-04	EMPLOYER FICA	78.09	137.72	155.29	483.84	757.97	274.13	1,819.12	26.60%	(1,335.28)
14-42-05	EMPLOYER MEDICARE	311.73	208.55	222.78	1,120.29	1,235.30	115.01	2,964.73	37.79%	(1,844.44)
14-42-06	UNEMPLOYMENT TAX	67.58	45.20	47.08	241.98	255.58	13.60	613.39	39.45%	(371.41)
14-42-07	HEALTH INSURANCE	3,672.50	1,834.13	4.23	9,174.88	11,885.08	2,710.20	28,524.20	32.17%	(19,349.32)
	PENSION	288.87	189.76	143.84	766.49	1,605.73	839.24	3,853.76	19.89%	(3,087.27)
14-42-10	WORKMENS COMPENSATION	-	-	-	9,286.00	3,083.33	(6,202.67)	7,400.00	125.49%	1,886.00
14-42-11	FPPA PENSION	1,638.93	947.18	952.27	5,391.15	5,594.81	203.66	13,427.55	40.15%	(8,036.40)
14-42-12	FPPA D & D	573.63	331.50	333.28	1,886.88	1,888.25	1.37	4,531.80	41.64%	(2,644.92)
14-42-15	OFFICE SUPPLES	-	53.30	-	53.30	781.25	727.95	1,875.00	2.84%	(1,821.70)
14-42-16	OPERATING SUPPLIES	51.22	132.71	(165.58)	1,810.98	2,220.83	409.85	5,330.00	33.98%	(3,519.02)
14-42-17	POSTAGE	-	-	-	-	52.08	52.08	125.00	0.00%	(125.00)
14-42-20	LEGAL SERVICES	195.00	-	-	195.00	625.00	430.00	1,500.00	13.00%	(1,305.00)
14-42-22	REPAIRS & MAINTENANCE	-	-	-	-	104.17	104.17	250.00	0.00%	(250.00)
14-42-23	VEHICLE EXPENSE	609.21	619.46	489.13	6,203.45	4,937.50	(1,265.95)	11,850.00	52.35%	(5,646.55)
14-42-26	TRAVEL & MEETINGS	-	176.91	917.68	3,551.33	1,458.33	(2,093.00)	3,500.00	101.47%	51.33
14-42-27	INSURANCE & BONDS	-	-	-	16,065.57	6,394.17	(9,671.40)	15,346.00	104.69%	719.57
14-42-28	UTILITIES	177.12	97.60	199.10	997.92	833.33	(164.59)	2,000.00	49.90%	(1,002.08)
14-42-29	TELEPHONE	200.95	208.03	205.02	1,153.30	1,070.83	(82.47)	2,570.00	44.88%	(1,416.70)
14-42-30	PUBLISHING & ADS	-	-	-	141.90	41.67	(100.23)	100.00	141.90%	41.90
14-42-31	DUES & SUBSCRIPTIONS	-	-	-	1,560.00	1,822.92	262.92	4,375.00	35.66%	(2,815.00)
14-42-33	Data Processing	364.70	364.70	364.70	6,817.76	3,072.92	(3,744.84)	7,375.00	92.44%	(557.24)
14-44-01	VET FEES	-	-	-	-	208.33	208.33	500.00	0.00%	(500.00)
	MISCELLANEOUS	-	-	8.07	8.07	41.67	33.60	100.00	8.07%	(91.93)
		30,754.32	20,412.64	19,567.64	147,563.62	135,166.67	(12,396.95)	324,400.00	45.49%	(176,836.38)
		(3,513.06)	10,721.93	3,916.90	(24,680.57)	-	113.34	-	-	(24,680.57)
	BEGINNING RESERVE				62,473.03	62,473.03	62,473.03	62,473.03		62,473.03
	INCOME	27,241.26	31,134.57	23,484.54	122,883.05	135,166.67	(12,283.62)	324,400.00		(201,516.95)
	EXPENDITURE	30,754.32	20,412.64	19,567.64	147,563.62	135,166.67	(12,396.95)	324,400.00		(176,836.38)
	ADJUSTMENT									
	NET CHANGE	(3,513.06)	10,721.93	3,916.90	(24,680.57)	-	113.34	-		(24,680.57)
	ENDING RESERVE				37,792.46	62,473.03	62,586.37	62,473.03		37,792.46

AS OF: 5/31/2019		2019	2019	2019	2019	2019	2019	2019	2019	
ACCT NO	DESCRIPTION	MAY	APRIL	MARCH	CUR YTD	5	REMAINING	ORIG	% OF	REMAINING
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	MO R-BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
PARKS										
16-31-03	SALES TAX-TOWN	12,310.53	-	-	12,310.53	27,523.33	(15,212.80)	66,056.00	18.64%	(53,745.47)
16-33-07	SEVERANCE TAX	-	-	-	-	2,937.50	(2,937.50)	7,050.00	0.00%	(7,050.00)
16-33-08	MINERAL LEASING	-	-	-	-	2,500.00	(2,500.00)	6,000.00	0.00%	(6,000.00)
16-35-01	RENTS & ROYALTIES	335.00	660.00	695.00	1,850.00	2,458.33	(608.33)	5,900.00	31.36%	(4,050.00)
16-35-09	PARK CONTRIBUTIONS	200.00	4,225.00	1,550.00	16,775.00	9,333.33	7,441.67	22,400.00	74.89%	(5,625.00)
		12,845.53	4,885.00	2,245.00	30,935.53	44,752.50	(13,816.97)	107,406.00	28.80%	(76,470.47)
16-46-03	SALARIES & WAGES	3,009.03	1,870.77	2,011.47	11,096.13	11,265.69	169.56	27,037.66	41.04%	(15,941.53)
16-46-04	EMPLOYER FICA	177.50	110.35	119.75	657.03	698.40	41.37	1,676.16	39.20%	(1,019.13)
16-46-05	EMPLOYER MEDICARE	41.51	25.81	28.00	153.67	163.34	9.67	392.01	39.20%	(238.34)
16-46-06	UNEMPLOYMENT TAX	9.02	5.61	5.93	32.81	33.79	0.98	81.10	40.46%	(48.29)
16-46-07	HEALTH & LIFE INSURANCE	540.72	270.15	-	1,351.17	1,460.93	109.76	3,506.24	38.54%	(2,155.07)
16-46-08	PENSION	119.44	77.54	77.54	386.80	465.76	78.96	1,117.83	34.60%	(731.03)
16-46-10	WORKMENS COMPENSATION	-	-	-	2,297.00	197.92	(2,099.08)	475.00	483.58%	1,822.00
16-46-15	OFFICE SUPPLIES	33.92	-	-	33.92	41.67	7.75	100.00	33.92%	(66.08)
16-46-16	OPERATING SUPPLIES	574.94	193.47	205.77	1,400.69	1,979.17	578.48	4,750.00	29.49%	(3,349.31)
16-46-17	POSTAGE	-	-	-	-	41.67	41.67	100.00	0.00%	(100.00)
16-46-20	LEGAL	-	-	-	-	208.33	208.33	500.00	0.00%	(500.00)
16-46-22	REPAIRS & MAINTENANCE	7,452.33	1,359.00	-	31,219.33	15,362.50	(15,856.83)	36,870.00	84.67%	(5,650.67)
16-46-23	VEHICLE EXPENSE	310.41	-	-	310.41	208.33	(102.08)	500.00	62.08%	(189.59)
16-46-24	RENTALS	-	-	-	-	833.33	833.33	2,000.00	0.00%	(2,000.00)
16-46-25	SHOP EXPENSE	237.28	-	-	237.28	739.58	502.30	1,775.00	13.37%	(1,537.72)
16-46-27	INSURANCE & BONDS	-	-	-	3,667.25	1,458.33	(2,208.92)	3,500.00	104.78%	167.25
16-46-28	UTILITIES	565.33	421.39	679.08	3,147.51	3,000.00	(147.51)	7,200.00	43.72%	(4,052.49)
16-46-29	TELEPHONE	8.79	8.79	8.80	43.98	41.67	(2.31)	100.00	43.98%	(56.02)
16-46-30	PUBLISHING & ADS	3.00	-	-	3.00	10.42	7.42	25.00	12.00%	(22.00)
16-46-32	FEES & PERMITS	-	100.00	648.45	748.45	291.67	(456.78)	700.00	106.92%	48.45
16-46-42	CONTRACT SERVICES	-	-	-	-	833.33	833.33	2,000.00	0.00%	(2,000.00)
	MISCELLANEOUS	-	-	-	(4,000.00)	5,416.67	9,416.67	13,000.00	-30.77%	(17,000.00)
		13,083.22	4,442.88	3,784.79	52,786.43	44,752.50	(8,033.93)	107,406.00	49.15%	(54,619.57)
		(237.69)	442.12	(1,539.79)	(21,850.90)	-	(5,783.04)	-		(21,850.90)
	BEGINNING RESERVE				36,481.58	36,481.58	36,481.58	36,481.58		36,481.58
	INCOME	12,845.53	4,885.00	2,245.00	30,935.53	44,752.50	(13,816.97)	107,406.00		(76,470.47)
	EXPENDITURE	13,083.22	4,442.88	3,784.79	52,786.43	44,752.50	(8,033.93)	107,406.00		(54,619.57)
	ADJUSTMENT									
	NET CHANGE	(237.69)	442.12	(1,539.79)	(21,850.90)	-	(5,783.04)	-		(21,850.90)
	ENDING RESERVE				14,630.68	36,481.58	30,698.54	36,481.58		14,630.68

AS OF: 5/31/2019		2019	2019	2019	2019	2019	2019	2019	2019	2019
ACCT NO	DESCRIPTION	MAY	APRIL	MARCH	CUR YTD	5	REMAINING	ORIG	% OF	REMAINING
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	MO R-BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
STREETS										
20-31-03	SALES TAX-TOWN	-	-	-	-	7,376.67	(7,376.67)	17,704.00	0.00%	(17,704.00)
20-31-05	FRANCHISE TAX	7,089.37	9,114.22	7,997.57	24,429.38	24,302.08	127.30	58,325.00	41.88%	(33,895.62)
20-32-02	MISCELLANEOUS PERMITS	300.00	270.00	530.00	1,495.00	625.00	870.00	1,500.00	99.67%	(5.00)
20-33-01	HIGHWAY USERS TAX	3,822.60	3,509.44	4,153.65	15,979.46	20,062.50	(4,083.04)	48,150.00	33.19%	(32,170.54)
20-33-10	ROAD & BRIDGE	543.59	1,486.39	517.26	5,058.95	2,666.67	2,392.28	6,400.00	79.05%	(1,341.05)
20-35-02	MOTOR FUEL TAX REFUNDS	-	274.26	-	559.49	541.67	17.82	1,300.00	43.04%	(740.51)
		11,755.56	14,654.31	13,198.48	47,522.28	55,574.58	(8,052.30)	133,379.00	35.63%	(85,856.72)
20-45-03	SALARIES & WAGES	4,219.53	2,616.68	2,807.75	15,562.60	15,533.04	(29.56)	37,279.30	41.75%	(21,716.70)
20-45-04	EMPLOYER FICA	248.83	154.37	166.91	921.31	963.03	41.72	2,311.28	39.86%	(1,389.97)
20-45-05	EMPLOYER MEDICARE	58.18	36.11	39.03	215.44	225.23	9.78	540.54	39.86%	(325.10)
20-45-06	UNEMPLOYMENT TAX	12.62	7.87	8.30	46.03	46.60	0.57	111.84	41.16%	(65.81)
20-45-07	HEALTH INSURANCE	749.22	374.27	-	1,872.03	1,988.17	116.14	4,771.60	39.23%	(2,899.57)
20-45-08	PENSION	163.91	106.30	106.30	529.10	622.68	93.58	1,494.44	35.40%	(965.34)
20-45-10	WORKMENS COMPENSATION	-	-	-	2,540.50	1,541.67	(998.83)	3,700.00	68.66%	(1,159.50)
20-45-15	OFFICE SUPPLIES	-	-	-	-	62.50	62.50	150.00	0.00%	(150.00)
20-45-16	OPERATING SUPPLIES	1,562.51	109.10	1.38	1,943.46	104.17	(1,839.29)	250.00	777.38%	1,693.46
20-45-17	POSTAGE	-	-	-	-	41.67	41.67	100.00	0.00%	(100.00)
20-45-20	LEGAL & ENG SERVICES	-	1,845.00	-	1,845.00	2,083.33	238.33	5,000.00	36.90%	(3,155.00)
20-45-22	REPAIRS & MAINTENANCE	2,883.52	4,504.18	2,685.16	13,822.86	7,222.92	(6,599.94)	17,335.00	79.74%	(3,512.14)
20-45-23	VEHICLE EXPENSE	580.73	1,131.60	285.12	3,427.47	3,833.33	405.86	9,200.00	37.26%	(5,772.53)
20-45-24	RENTALS	-	-	-	-	1,041.67	1,041.67	2,500.00	0.00%	(2,500.00)
20-45-25	SHOP EXPENSE	923.17	634.63	180.52	2,487.26	1,666.67	(820.59)	4,000.00	62.18%	(1,512.74)
20-45-27	INSURANCE & BONDS	-	-	-	5,593.26	2,166.67	(3,426.59)	5,200.00	107.56%	393.26
20-45-28	UTILITIES	1,737.51	1,623.74	1,784.25	8,765.17	8,750.00	(15.17)	21,000.00	41.74%	(12,234.83)
20-45-43	STREET LIGHTING	-	-	-	-	-	-	-	-	-
20-45-29	TELEPHONE	13.79	13.79	13.80	68.98	66.67	(2.31)	160.00	43.11%	(91.02)
20-45-30	PUBLISHING & ADS	3.00	-	-	3.00	10.42	7.42	25.00	12.00%	(22.00)
20-45-31	DUES & SUBSCRIPTIONS	-	-	-	-	229.17	229.17	550.00	0.00%	(550.00)
20-45-42	SNOW REMOVAL	5,900.00	-	292.20	18,774.46	7,375.00	(11,399.46)	17,700.00	106.07%	1,074.46
	MISCELLANOUS	-	-	-	-	-	-	-	-	-
		19,056.52	13,157.64	8,370.72	78,417.93	55,574.58	(22,843.35)	133,379.00	58.79%	(54,961.07)
		(7,300.96)	1,496.67	4,827.76	(30,895.65)	-	14,791.04	-	-	(30,895.65)
	BEGINNING RESERVE				123,576.13	123,576.13	123,576.13	123,576.13		123,576.13
	INCOME	11,755.56	14,654.31	13,198.48	47,522.28	55,574.58	(8,052.30)	133,379.00		(85,856.72)
	EXPENDITURE	19,056.52	13,157.64	8,370.72	78,417.93	55,574.58	(22,843.35)	133,379.00		(54,961.07)
	ADJUSTMENT									
	NET CHANGE	(7,300.96)	1,496.67	4,827.76	(30,895.65)	-	14,791.04	-		(30,895.65)
	ENDING RESERVE				92,680.48	123,576.13	138,367.17	123,576.13		92,680.48

AS OF:	5/31/2019	2019	2019	2019	2019	2019	2019	2019	% OF	REMAINING
ACCT NO	DESCRIPTION	MAY	APRIL	MARCH	CUR YTD	5	REMAINING	ORIG	BUDGET	BUDGET
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	MO R-BUDGET	BUDGET	BUDGET		BUDGET
STREET-CAPITAL IMPROVEMENT										
22-31-05	IMPACT FEE	3,727.07	3,671.70	3,443.76	17,837.89	18,010.42	(172.53)	43,225.00	41.27%	(25,387.11)
22-35-04	SALES TAX - TOWN	-	-	-	-	6,979.17	(6,979.17)	16,750.00	0.00%	(16,750.00)
22-33-01	HIGHWAY USER TAX	-	-	-	-	2,083.33	(2,083.33)	5,000.00	0.00%	(5,000.00)
		3,727.07	3,671.70	3,443.76	17,837.89	27,072.92	(9,235.03)	64,975.00	27.45%	(47,137.11)
22-45-22	REPAIRS & MAINTENANCE	-	-	-	-	27,072.92	27,072.92	64,975.00	0.00%	(64,975.00)
22-45-99	TRANSFER	-	-	-	-	-	-	-	-	-
		-	-	-	-	27,072.92	27,072.92	64,975.00	0.00%	(64,975.00)
		3,727.07	3,671.70	3,443.76	17,837.89	-	(36,307.94)	-	-	17,837.89
	BEGINNING RESERVE				19,415.89	19,415.89	19,415.89	19,415.89		19,415.89
	INCOME	3,727.07	3,671.70	3,443.76	17,837.89	27,072.92	(9,235.03)	64,975.00		(47,137.11)
	EXPENDITURE	-	-	-	-	27,072.92	27,072.92	64,975.00		(64,975.00)
	ADJUSTMENT									
	NET CHANGE	3,727.07	3,671.70	3,443.76	17,837.89	-	(36,307.94)	-		17,837.89
	ENDING RESERVE				37,253.78	19,415.89	(16,892.05)	19,415.89		37,253.78
BRIDGE										
24-35-04	INTEREST INCOME	1,238.85	1,209.62	444.82	3,690.74	1,041.67	2,649.07	2,500.00	147.63%	1,190.74
24-35-13	BRIDGE REVENUE	-	-	40,000.00	40,000.00	123,958.33	(83,958.33)	297,500.00	13.45%	(257,500.00)
		1,238.85	1,209.62	40,444.82	43,690.74	125,000.00	(81,309.26)	300,000.00	14.56%	(256,309.26)
24-45-22	REPAIRS & MAINTENANCE	-	-	-	-	125,000.00	125,000.00	300,000.00	0.00%	(300,000.00)
		-	-	-	-	125,000.00	125,000.00	300,000.00	0.00%	(300,000.00)
		1,238.85	1,209.62	40,444.82	43,690.74	-	(206,309.26)	-	-	43,690.74
	BEGINNING RESERVE				93,910.77	93,910.77	93,910.77	93,910.77		93,910.77
	INCOME	1,238.85	1,209.62	40,444.82	43,690.74	125,000.00	(81,309.26)	300,000.00		(256,309.26)
	EXPENDITURE	-	-	-	-	125,000.00	125,000.00	300,000.00		(300,000.00)
	NET CHANGE	1,238.85	1,209.62	40,444.82	43,690.74	-	(206,309.26)	-		43,690.74
	ENDING RESERVE				137,601.51	93,910.77	(112,398.49)	93,910.77		137,601.51
SIDEWALK										
26-30-01	SIDEWALK REVENUE	2,566.02	2,565.20	2,564.71	12,816.47	14,750.00	(1,933.53)	35,400.00	36.20%	(22,583.53)
		2,566.02	2,565.20	2,564.71	12,816.47	14,750.00	(1,933.53)	35,400.00	36.20%	(22,583.53)
26-45-15	OFFICE SUPPLIES	-	-	-	-	-	-	-		-
26-45-20	LEGAL SERVICES	-	-	-	-	208.33	208.33	500.00	0.00%	(500.00)
26-45-22	REPAIRS & MAINTENANCE	-	-	-	-	14,500.00	14,500.00	34,800.00	0.00%	(34,800.00)
26-45-30	PUBLISHING & ADS	-	-	-	-	41.67	41.67	100.00	0.00%	(100.00)
26-49-99	TRANSFERS	-	-	-	-	-	-	-		-
		-	-	-	-	14,750.00	14,750.00	35,400.00	0.00%	(35,400.00)
		2,566.02	2,565.20	2,564.71	12,816.47	-	(16,683.53)	-	-	12,816.47
	BEGINNING RESERVE				3,658.62	3,658.62	3,658.62	3,658.62		3,658.62
	INCOME	2,566.02	2,565.20	2,564.71	12,816.47	14,750.00	(1,933.53)	35,400.00		(22,583.53)
	EXPENDITURE	-	-	-	-	14,750.00	14,750.00	35,400.00		(35,400.00)
	NET CHANGE	2,566.02	2,565.20	2,564.71	12,816.47	-	(16,683.53)	-		12,816.47
	ENDING RESERVE				16,475.09	3,658.62	(13,024.91)	3,658.62		16,475.09

AS OF: 5/31/2019		2019	2019	2019	2019	2019	2019	2019	2019	
ACCT NO	DESCRIPTION	MAY	APRIL	MARCH	CUR YTD	5	REMAINING	ORIG	% OF	REMAINING
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	MO R-BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
SPACE2CREATE										
32-35-01	BOETTCHER GRANT	-	-	-	-	62,500.00	(62,500.00)	150,000.00	0.00%	(150,000.00)
32-35-02	DOLA GRANT	7,453.19	-	-	7,453.19	-	-	-	-	7,453.19
32-35-05	INTEREST	15.41	14.91	15.40	81.93	-	81.93	-	-	81.93
32-35-09	S2C CONTRIBUTIONS	-	-	-	-	-	-	-	-	-
		7,468.60	14.91	15.40	7,535.12	62,500.00	(62,418.07)	150,000.00	5.02%	(142,464.88)
32-50-17	POSTAGE	-	-	-	-	-	-	-	-	-
32-50-22	STUDIES	-	-	-	15,000.00	82,208.24	67,208.24	197,299.77	7.60%	(182,299.77)
32-50-26	TRAVEL & MEETINGS	2,180.87	-	-	2,180.87	-	(2,180.87)	-	-	2,180.87
32-50-30	PUBLISHING & ADS	-	-	-	-	-	-	-	-	-
		2,180.87	-	-	17,180.87	82,208.24	65,027.37	197,299.77	8.71%	(180,118.90)
		5,287.73	14.91	15.40	(9,645.75)	(19,708.24)	(127,445.44)	(47,299.77)		37,654.02
	BEGINNING RESERVE				79,219.43	79,219.43	79,219.43	79,219.43		79,219.43
	INCOME	7,468.60	14.91	15.40	7,535.12	62,500.00	(62,500.00)	150,000.00		(150,000.00)
	EXPENDITURE	2,180.87	-	-	17,180.87	82,208.24	65,027.37	197,299.77		(180,118.90)
	NET CHANGE	5,287.73	14.91	15.40	(9,645.75)	(19,708.24)	(127,527.37)	(47,299.77)		30,118.90
	ENDING RESERVE	5,287.73	14.91	15.40	69,573.68	59,511.19	(48,307.94)	31,919.66		109,338.33
CONSERVATION TRUST FUND										
40-38-01	CONSERVATION TRUST-REV.	-	-	2,670.30	2,670.30	3,333.33	(663.03)	8,000.00	33.38%	(5,329.70)
40-38-02	INTEREST	0.34	0.33	0.14	5.18	6.25	(1.07)	15.00	34.53%	(9.82)
		0.34	0.33	2,670.44	2,675.48	3,339.58	(664.10)	8,015.00	33.38%	(5,339.52)
40-46-20	EXPENDITURES-CONS. TRUST	-	-	-	-	3,339.58	3,339.58	8,015.00	0.00%	(8,015.00)
		-	-	-	-	3,339.58	3,339.58	8,015.00	0.00%	(8,015.00)
		0.34	0.33	2,670.44	2,675.48	-	(4,003.69)	-		2,675.48
	BEGINNING RESERVE	-	-	-	-	-	-	-		-
	INCOME	0.34	0.33	2,670.44	2,675.48	3,339.58	(664.10)	8,015.00		(5,339.52)
	EXPENDITURE	-	-	-	-	3,339.58	3,339.58	8,015.00		(8,015.00)
	NET CHANGE	0.34	0.33	2,670.44	2,675.48	-	(4,003.69)	-		2,675.48
	ENDING RESERVE	0.34	0.33	2,670.44	2,675.48	-	(4,003.69)	-		2,675.48
CAPITAL IMPROVEMENT										
50-31-03	SALES TAX - CAP IMP	12,310.53	10,194.98	11,106.22	47,570.07	60,666.67	(13,096.60)	145,600.00	32.67%	(98,029.93)
50-31-06	MISCELLANEOUS INCOME	637.50	637.50	637.50	3,187.50	3,187.50	-	7,650.00	41.67%	(4,462.50)
		12,948.03	10,832.48	11,743.72	50,757.57	63,854.17	(13,096.60)	153,250.00	33.12%	(102,492.43)
50-70-20	CAPITAL OUTLAY	3,581.36	26.94	2,292.77	66,543.61	60,666.67	(5,876.94)	145,600.00	45.70%	(79,056.39)
50-70-99	Transfer Out	-	-	-	-	-	-	-		-
		3,581.36	26.94	2,292.77	66,543.61	60,666.67	(5,876.94)	145,600.00	45.70%	(79,056.39)
		9,366.67	10,805.54	9,450.95	(15,786.04)	3,187.50	(7,219.65)	7,650.00		(23,436.04)
	BEGINNING RESERVE				288,189.61	288,189.61	288,189.61	288,189.61		288,189.61
	INCOME	12,948.03	10,832.48	11,743.72	50,757.57	63,854.17	(13,096.60)	153,250.00		(102,492.43)
	EXPENDITURE	3,581.36	26.94	2,292.77	66,543.61	60,666.67	(5,876.94)	145,600.00		(79,056.39)
	NET CHANGE	9,366.67	10,805.54	9,450.95	(15,786.04)	3,187.50	(7,219.65)	7,650.00		(23,436.04)
	ENDING RESERVE				272,403.57	291,377.11	280,969.96	295,839.61		264,753.57

AS OF:	5/31/2019	2019	2019	2019	2019	2019	2019	2019	% OF	REMAINING
ACCT NO	DESCRIPTION	MAY	APRIL	MARCH	CUR YTD	5	REMAINING	ORIG	BUDGET	BUDGET
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	MO R-BUDGET	BUDGET	BUDGET		BUDGET
WATER										
60-36-01	WATER CHARGES-RECEIVED	60,076.29	62,175.83	54,698.35	289,767.90	318,833.33	(29,065.43)	765,200.00	37.87%	(475,432.10)
60-36-02	WATER TAPS	15,000.00	-	500.00	15,500.00	8,750.00	6,750.00	21,000.00	73.81%	(5,500.00)
60-36-03	SALES & SERVICES	575.00	655.00	150.00	1,480.00	333.33	1,146.67	800.00	185.00%	680.00
60-36-04	STANDBY TAP FEES	6,980.50	3,141.95	3,131.29	19,691.42	18,750.00	941.42	45,000.00	43.76%	(25,308.58)
60-36-05	WATER TANK MONEY	534.00	235.00	-	1,404.00	1,041.67	362.33	2,500.00	56.16%	(1,096.00)
60-36-09	PENALTIES	50.00	245.00	345.00	1,060.00	2,291.67	(1,231.67)	5,500.00	19.27%	(4,440.00)
60-36-12	RENTS	-	-	-	-	416.67	(416.67)	1,000.00	0.00%	(1,000.00)
	MISCELLANEOUS	(0.01)	-	-	(0.01)	-	(0.01)	-	-	(0.01)
		83,215.78	66,452.78	58,824.64	328,903.31	350,416.67	(21,513.36)	841,000.00	39.11%	(512,096.68)
60-50-02	TRUSTEES/ADMIN SALARIES	42.00	-	300.00	342.00	500.00	158.00	1,200.00	28.50%	(858.00)
60-50-03	SALARIES & WAGES	18,704.66	12,399.78	12,610.90	68,758.71	80,627.25	11,868.54	193,505.39	35.53%	(124,746.68)
60-50-04	EMPLOYER FICA	1,102.11	730.40	777.04	4,084.00	5,029.90	945.90	12,071.75	33.83%	(7,987.75)
60-50-05	EMPLOYER MEDICARE	257.77	170.83	181.74	955.19	1,176.35	221.16	2,823.23	33.83%	(1,868.04)
60-50-06	UNEMPLOYMENT TAX	56.11	37.19	37.41	204.86	280.13	75.27	672.32	30.47%	(467.46)
60-50-07	HEALTH INSURANCE	3,417.10	1,707.66	-	8,539.23	11,162.58	2,623.35	26,790.19	31.87%	(18,250.96)
60-50-08	PENSION	838.55	558.08	558.08	2,992.97	3,836.64	843.67	9,207.93	32.50%	(6,214.96)
60-50-10	WORKMENS COMPENSATION	-	-	-	5,252.50	2,166.67	(3,085.83)	5,200.00	101.01%	52.50
60-50-15	OFFICE SUPPLIES	112.61	82.99	46.18	241.78	208.33	(33.45)	500.00	48.36%	(258.22)
60-50-16	OPERATING SUPPLIES	356.44	7,504.53	164.87	9,329.40	8,062.50	(1,266.90)	19,350.00	48.21%	(10,020.60)
60-50-17	POSTAGE	234.88	315.12	301.46	1,093.97	1,666.67	572.70	4,000.00	27.35%	(2,906.03)
60-50-20	LEGAL & ENG SERVICES	-	175.50	-	609.02	12,750.00	12,140.98	30,600.00	1.99%	(29,990.98)
60-50-21	AUDIT	-	-	-	-	5,416.67	5,416.67	13,000.00	0.00%	(13,000.00)
60-50-22	REPAIRS & MAINTENANCE	19,877.60	14,164.81	349.90	54,615.60	73,647.92	19,032.32	176,755.00	30.90%	(122,139.40)
60-50-23	VEHICLE EXPENSE	502.68	1,050.09	285.18	3,901.95	4,166.67	264.72	10,000.00	39.02%	(6,098.05)
60-50-24	RENTALS	-	-	-	-	1,250.00	1,250.00	3,000.00	0.00%	(3,000.00)
60-50-25	SHOP EXPENSE	983.71	197.86	592.58	2,568.00	1,875.00	(693.00)	4,500.00	57.07%	(1,932.00)
60-50-26	TRAVEL & MEETINGS	-	-	-	1,129.33	1,458.33	329.00	3,500.00	32.27%	(2,370.67)
60-50-27	INSURANCE & BONDS	133.00	958.15	42,969.86	68,075.49	8,333.33	(59,742.16)	20,000.00	340.38%	48,075.49
60-50-28	UTILITIES	2,360.47	1,890.90	2,129.38	10,903.00	9,583.33	(1,319.67)	23,000.00	47.40%	(12,097.00)
60-50-29	TELEPHONE	355.66	393.09	312.89	1,569.78	1,583.33	13.55	3,800.00	41.31%	(2,230.22)
60-50-30	PUBLISHING & ADS	3.00	-	-	3.00	458.33	455.33	1,100.00	0.27%	(1,097.00)
60-50-31	DUES & SUBSCRIPTIONS	-	-	-	1,835.00	83.33	(1,751.67)	200.00	917.50%	1,635.00
60-50-32	FEES & PERMITS	47.57	266.35	20.00	3,569.37	4,583.33	1,013.96	11,000.00	32.45%	(7,430.63)
60-50-33	DATA PROCESSING	1,478.68	698.68	698.68	4,792.85	2,500.00	(2,292.85)	6,000.00	79.88%	(1,207.15)
60-50-40	MISCELLANEOUS	-	-	-	-	104.17	104.17	250.00	0.00%	(250.00)
60-50-44	Norris Retirement	1,680.00	1,680.00	1,680.00	8,400.00	8,400.00	-	20,160.00	41.67%	(11,760.00)
60-50-50	Water Power Authority Loan	-	-	-	86,937.95	79,687.50	(7,250.45)	191,250.00	45.46%	(104,312.05)
60-50-51	Drinking Water Revolving Fund	-	11,671.70	-	11,673.85	9,729.17	(1,944.68)	23,350.00	50.00%	(11,676.15)
60-50-71	PASS-THRU	2,011.71	1,959.54	1,734.89	9,286.35	10,127.50	841.15	24,306.00	38.21%	(15,019.65)
	MISCELLANEOUS	-	-	-	-	-	-	-	-	-
	Transfers	-	-	-	-	-	-	-	-	-
		54,556.31	58,613.25	65,751.04	371,665.15	350,454.92	(21,210.23)	841,091.81	44.19%	(469,426.66)
		28,659.47	7,839.53	(6,926.40)	(42,761.84)	(38.25)	42,723.59	(91.81)		42,670.03
	BEGINNING RESERVE				1,373,279.00	1,373,279.00	1,373,279.00	1,373,279.00		
	INCOME	83,215.78	66,452.78	58,824.64	328,903.31	350,416.67	(21,513.36)	841,000.00		(512,096.68)
	EXPENDITURE	54,556.31	58,613.25	65,751.04	371,665.15	350,454.92	(21,210.23)	841,091.81		(469,426.66)
	NET CHANGE	28,659.47	7,839.53	(6,926.40)	(42,761.84)	(38.25)	(303.13)	(91.81)		(42,670.02)
	ENDING RESERVE				1,330,517.16	1,373,240.75	1,372,975.87	1,373,187.19		

AS OF:	5/31/2019	2019	2019	2019	2019	2019	2019	2019	% OF	REMAINING
ACCT NO	DESCRIPTION	MAY	APRIL	MARCH	CUR YTD	5	REMAINING	ORIG	BUDGET	BUDGET
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	MO R-BUDGET	BUDGET	BUDGET		BUDGET
SEWER										
70-37-01	SEWER CHARGES - RECEIVED	39,121.67	39,087.77	39,024.82	195,218.08	195,375.00	(156.92)	468,900.00	41.63%	(273,681.92)
70-37-04	SEWER TAPS	13,000.00	500.00	500.00	14,000.00	6,250.00	7,750.00	15,000.00	93.33%	(1,000.00)
70-37-05	SEWER RENTAL PROPERTY	-	-	-	-	-	-	-	-	-
70-37-09	Interest Income	1,353.61	1,321.57	1,371.08	6,667.32	4,791.67	1,875.65	11,500.00	57.98%	(4,832.68)
		53,475.28	40,909.34	40,895.90	215,885.40	206,416.67	9,468.73	495,400.00	43.58%	(279,514.60)
70-51-02	TRUSTEES/ADMIN SALARIES	21.00	-	300.00	321.00	500.00	179.00	1,200.00	26.75%	(879.00)
70-51-03	SALARIES & WAGES	13,449.85	8,920.24	9,049.85	49,287.96	52,921.09	3,633.13	127,010.62	38.81%	(77,722.66)
70-51-04	EMPLOYER FICA	794.57	526.85	563.92	2,939.32	3,273.81	334.49	7,857.15	37.41%	(4,917.83)
70-51-05	EMPLOYER MEDICARE	185.85	123.23	131.86	687.45	774.60	87.15	1,859.03	36.98%	(1,171.58)
70-51-06	UNEMPLOYMENT TAX	40.35	26.76	26.79	147.00	197.01	50.01	472.83	31.09%	(325.83)
70-51-07	HEALTH INSURANCE	2,181.46	1,090.28	-	5,451.45	7,113.85	1,662.40	17,073.23	31.93%	(11,621.78)
70-51-08	PENSION	601.87	401.12	401.12	2,148.38	2,563.39	415.01	6,152.14	34.92%	(4,003.76)
70-51-10	WORKMENS COMPENSATION	-	-	-	1,452.50	708.33	(744.17)	1,700.00	85.44%	(247.50)
70-51-15	OFFICE SUPPLIES	112.60	50.54	-	163.14	208.33	45.19	500.00	32.63%	(336.86)
70-51-16	OPERATING SUPPLIES	205.48	1,548.60	6.89	4,476.30	15,166.67	10,690.37	36,400.00	12.30%	(31,923.70)
70-51-17	POSTAGE	151.83	150.78	367.72	670.33	1,145.83	475.50	2,750.00	24.38%	(2,079.67)
70-51-20	LEGAL & ENG SERVICES	10,138.75	-	17,553.74	27,692.49	3,979.17	(23,713.32)	9,550.00	289.97%	18,142.49
70-51-21	AUDIT	-	-	-	-	1,666.67	1,666.67	4,000.00	0.00%	(4,000.00)
70-51-22	REPAIRS & MAINTENANCE	5,965.97	2,534.01	753.84	23,975.87	27,364.58	3,388.71	65,675.00	36.51%	(41,699.13)
70-51-23	VEHICLE EXPENSE	592.20	687.17	244.19	2,953.73	3,541.67	587.94	8,500.00	34.75%	(5,546.27)
70-51-24	RENTALS	-	-	-	-	416.67	416.67	1,000.00	0.00%	(1,000.00)
70-51-25	SHOP EXPENSE	956.24	59.80	126.98	1,870.53	958.33	(912.20)	2,300.00	81.33%	(429.47)
70-51-26	TRAVEL & MEETINGS	-	-	-	-	833.33	833.33	2,000.00	0.00%	(2,000.00)
70-51-27	INSURANCE & BONDS	100.00	-	-	6,819.88	2,833.33	(3,986.55)	6,800.00	100.29%	19.88
70-51-28	UTILITIES	163.62	5,445.99	3,036.81	11,897.78	15,416.67	3,518.89	37,000.00	32.16%	(25,102.22)
70-51-29	TELEPHONE	119.74	139.08	98.01	574.63	697.92	123.29	1,675.00	34.31%	(1,100.37)
70-51-30	PUBLISHING & ADS	87.91	-	-	87.91	20.83	(67.08)	50.00	175.82%	37.91
70-51-31	DUES & SUBSCRIPTIONS	-	-	-	-	83.33	83.33	200.00	0.00%	(200.00)
70-51-32	FEES & PERMITS	395.60	1,213.33	-	2,143.20	4,666.67	2,523.47	11,200.00	19.14%	(9,056.80)
70-51-33	DATA PROCESSING	580.89	580.89	580.89	3,314.00	9,375.00	6,061.00	22,500.00	14.73%	(19,186.00)
70-51-41	WRITEOFF-UNCOLLECTABLE	-	-	-	-	104.17	104.17	250.00	0.00%	(250.00)
70-51-43	Gaging Station	-	-	-	-	1,625.00	1,625.00	3,900.00	0.00%	(3,900.00)
70-51-51	Rural Development P&I	-	-	-	-	42,708.33	42,708.33	102,500.00	0.00%	(102,500.00)
70-51-54	Debt Reserve	-	-	-	-	-	-	-	-	-
70-51-71	PASS THRU	1,173.65	1,172.64	1,170.75	5,856.56	5,552.08	(304.48)	13,325.00	43.95%	(7,468.44)
	MISCELLANOUS	-	-	-	-	-	-	-	-	-
70-59-90	DEPRECIATION	-	-	-	-	-	-	-	-	-
		38,019.43	24,671.31	34,413.36	154,931.41	206,416.67	51,485.26	495,400.00	31.27%	(340,468.59)
		15,455.85	16,238.03	6,482.54	60,953.99	-	(42,016.52)	-	-	60,953.99
	BEGINNING RESERVE				883,405.92	883,405.92	883,405.92	883,405.92		883,405.92
	INCOME	53,475.28	40,909.34	40,895.90	215,885.40	206,416.67	9,468.73	495,400.00		(279,514.60)
	EXPENDITURE	38,019.43	24,671.31	34,413.36	154,931.41	206,416.67	51,485.26	495,400.00		(340,468.59)
	ADJUSTMENT									
	NET CHANGE	15,455.85	16,238.03	6,482.54	60,953.99	-	(42,016.52)	-		60,953.99
	ENDING RESERVE				944,359.91	883,405.92	841,389.40	883,405.92		944,359.91

AS OF: 5/31/2019		2019	2019	2019	2019	2019	2019	2019	2019	2019
ACCT NO	DESCRIPTION	MAY	APRIL	MARCH	CUR YTD	5	REMAINING	ORIG	% OF	REMAINING
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	MO R-BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
GARBAGE										
80-30-02	GARBAGE FEES - RECEIVED	18,056.98	17,983.82	17,937.08	89,832.04	87,166.67	2,665.37	209,200.00	42.94%	(119,367.96)
80-30-03	X-Trash	63.00	295.00	199.00	935.00	625.00	310.00	1,500.00	62.33%	(565.00)
		18,119.98	18,278.82	18,136.08	90,767.04	87,791.67	2,975.37	210,700.00	43.08%	(119,932.96)
80-52-02	CONTRACT LABOR	1,348.50	-	-	5,098.50	-	(5,098.50)	-		5,098.50
80-52-03	SALARIES & WAGES	8,921.01	5,841.82	5,924.65	32,386.21	35,991.25	3,605.04	86,379.01	37.49%	(53,992.80)
80-52-04	EMPLOYER FICA	527.50	345.15	357.86	1,921.23	2,231.46	310.23	5,355.50	35.87%	(3,434.27)
80-52-05	EMPLOYER MEDICARE	123.36	80.69	83.70	449.26	521.88	72.62	1,252.50	35.87%	(803.24)
80-52-06	UNEMPLOYMENT TAX	26.76	17.53	17.65	96.43	107.98	11.55	259.14	37.21%	(162.71)
80-52-07	HEALTH INSURANCE	1,554.88	777.21	-	3,886.20	4,536.23	650.03	10,886.95	35.70%	(7,000.75)
80-52-08	PENSION	350.43	233.44	233.44	1,254.35	1,473.71	219.36	3,536.90	35.46%	(2,282.55)
80-52-10	WORKMEN'S COMP	-	-	-	4,672.50	3,250.00	(1,422.50)	7,800.00	59.90%	(3,127.50)
80-52-15	OFFICE SUPPLIES	112.60	50.54	-	163.14	187.50	24.36	450.00	36.25%	(286.86)
80-52-16	OPERATING SUPPLIES	168.18	92.92	27.54	388.79	562.50	173.71	1,350.00	28.80%	(961.21)
80-52-17	POSTAGE	75.91	75.40	150.74	302.05	416.67	114.62	1,000.00	30.21%	(697.95)
80-52-20	LEGAL SERVICES	-	-	-	-	208.33	208.33	500.00	0.00%	(500.00)
80-52-21	AUDIT	-	-	-	-	1,666.67	1,666.67	4,000.00	0.00%	(4,000.00)
80-52-22	REPAIRS & MAINTENANCE	-	-	-	-	52.08	52.08	125.00	0.00%	(125.00)
80-52-23	VEHICLE EXPENSE	3,029.47	895.92	530.63	5,133.25	5,750.00	616.75	13,800.00	37.20%	(8,666.75)
80-52-25	SHOP EXPENSE	233.56	35.85	12.92	932.50	177.08	(755.42)	425.00	219.41%	507.50
80-52-26	TRAVEL & MEETINGS	1,536.88	-	-	1,536.88	-	(1,536.88)	-		1,536.88
80-52-27	INSURANCE & BONDS	16.62	-	-	3,978.52	1,875.00	(2,103.52)	4,500.00	88.41%	(521.48)
80-52-28	UTILITIES	243.64	49.84	290.37	1,135.75	1,354.17	218.42	3,250.00	34.95%	(2,114.25)
80-52-29	TELEPHONE	23.79	23.79	23.79	118.95	52.08	(66.87)	125.00	95.16%	(6.05)
80-52-30	PUBLISHING & ADS	3.00	-	-	3.00	41.67	38.67	100.00	3.00%	(97.00)
80-52-33	DATA PROCESSING	109.89	109.89	109.89	659.34	9,916.67	9,257.33	23,800.00	2.77%	(23,140.66)
80-52-41	WRITEOFF-UNCOLLECTABLE	-	-	-	-	104.17	104.17	250.00	0.00%	(250.00)
80-52-42	LANDFILL FEES	3,259.50	2,598.75	2,076.25	10,543.75	14,314.58	3,770.83	34,355.00	30.69%	(23,811.25)
80-52-43	Clean Up Day	-	-	-	-	416.67	416.67	1,000.00	0.00%	(1,000.00)
80-52-71	PASS THRU	541.71	539.52	538.12	2,694.98	2,583.33	(111.65)	6,200.00	43.47%	(3,505.02)
	MISCELLANEOUS	-	-	-	-	-	-	-		-
		22,207.19	11,768.26	10,377.55	77,355.58	87,791.67	10,436.09	210,700.00	36.71%	(133,344.42)
		(4,087.21)	6,510.56	7,758.53	13,411.46	-	(7,460.71)	-		13,411.46
	BEGINNING RESERVE				313,615.48	313,615.48	313,615.48	313,615.48		313,615.48
	INCOME	18,119.98	18,278.82	18,136.08	90,767.04	87,791.67	2,975.37	210,700.00		(119,932.96)
	EXPENDITURE	22,207.19	11,768.26	10,377.55	77,355.58	87,791.67	10,436.09	210,700.00		(133,344.42)
	ADJUSTMENT									
	NET CHANGE	(4,087.21)	6,510.56	7,758.53	13,411.46	-	(7,460.71)	-		13,411.46
	ENDING RESERVE				327,026.94	313,615.48	306,154.77	313,615.48		327,026.94

AS OF:	5/31/2019	2019	2019	2019	2019	2019	2019	2019	2019	
ACCT NO	DESCRIPTION	MAY	APRIL	MARCH	CUR YTD	5	REMAINING	ORIG	% OF	
		ACTUAL	ACTUAL	ACTUAL	ACTUAL	MO R-BUDGET	BUDGET	BUDGET	BUDGET	
OVERALL SUMMARY										
ADMINISTRATION		13,400.67	40,784.32	22,647.10	138,893.51	110,537.97	28,355.54	197,339.00		(58,445.49)
BUILDING		2,309.70	6,447.30	687.50	12,347.35	23,718.75	(11,371.40)	56,925.00		(44,577.65)
LAW ENFORCEMENT		27,241.26	31,134.57	23,484.54	122,883.05	135,166.67	(12,283.62)	324,400.00		(201,516.95)
PARKS		12,845.53	4,885.00	2,245.00	30,935.53	44,752.50	(13,816.97)	107,406.00		(76,470.47)
STREETS		11,755.56	14,654.31	13,198.48	47,522.28	55,574.58	(8,052.30)	133,379.00		(85,856.72)
STREET CAPITAL IMPROVEMENT		3,727.07	3,671.70	3,443.76	17,837.89	27,072.92	(9,235.03)	64,975.00		(47,137.11)
BRIDGE		1,238.85	1,209.62	40,444.82	43,690.74	125,000.00	(81,309.26)	300,000.00		(256,309.26)
SIDEWALK		2,566.02	2,565.20	2,564.71	12,816.47	14,750.00	(1,933.53)	35,400.00		(22,583.53)
SPACE2CREATE		7,468.60	14.91	15.40	7,535.12	62,500.00	(62,418.07)	150,000.00		(142,464.88)
CONSERVATION TRUST FUND		0.34	0.33	2,670.44	2,675.48	3,339.58	(664.10)	8,015.00		(5,339.52)
CAPITAL IMPROVEMENT		12,948.03	10,832.48	11,743.72	50,757.57	63,854.17	(13,096.60)	153,250.00		(102,492.43)
WATER		83,215.78	66,452.78	58,824.64	328,903.31	350,416.67	(21,513.36)	841,000.00		(512,096.68)
SEWER		53,475.28	40,909.34	40,895.50	215,885.40	206,416.67	9,468.73	495,400.00		(279,514.60)
GARBAGE		18,119.98	18,278.82	18,136.08	90,767.04	87,791.67	2,975.37	210,700.00		(119,932.96)
TOTAL REVENUE		250,312.67	241,840.68	241,002.09	1,123,450.74	1,310,892.14	(194,894.59)	3,078,189.00		(1,954,738.25)
ADMINISTRATION		15,521.85	11,809.59	9,779.09	69,962.36	82,224.58	12,262.22	197,339.00		(127,376.64)
BUILDING		6,590.98	6,104.83	3,334.37	20,621.27	23,718.75	3,097.48	56,925.00		(36,303.73)
LAW ENFORCEMENT		30,754.32	20,412.64	19,567.64	147,563.62	135,166.67	(12,396.95)	324,400.00		(176,836.38)
PARKS		13,083.22	4,442.88	3,784.79	52,786.43	44,752.50	(8,033.93)	107,406.00		(54,619.57)
STREETS		19,056.52	13,157.64	8,370.72	78,417.93	55,574.58	(22,843.35)	133,379.00		(54,961.07)
STREET CAPITAL IMPROVEMENT		-	-	-	-	27,072.92	27,072.92	64,975.00		(64,975.00)
BRIDGE		-	-	-	-	125,000.00	125,000.00	300,000.00		(300,000.00)
SIDEWALK		-	-	-	-	14,750.00	14,750.00	35,400.00		(35,400.00)
SPACE2CREATE		2,180.87	-	-	17,180.87	82,208.24	65,027.37	197,299.77		(180,118.90)
CONSERVATION TRUST FUND		-	-	-	-	3,339.58	3,339.58	8,015.00		(8,015.00)
CAPITAL IMPROVEMENT		3,581.36	26.94	2,292.77	66,543.61	60,666.67	(5,876.94)	145,600.00		(79,056.39)
WATER		54,556.31	58,613.25	65,751.04	371,665.15	350,454.92	(21,210.23)	841,091.81		(469,426.66)
SEWER		38,019.43	24,671.31	34,413.66	154,931.41	206,416.67	51,485.26	495,400.00		(340,468.59)
GARBAGE		22,207.19	11,768.26	10,377.55	77,355.58	87,791.67	10,436.09	210,700.00		(133,344.42)
TOTAL EXPENDITURES		205,552.05	151,007.34	157,671.33	1,057,028.23	1,299,137.74	242,109.51	3,117,930.58		(2,060,902.35)
ADMINISTRATION		(2,121.18)	28,974.73	12,868.01	68,931.15	28,313.39	16,093.32	-		68,931.15
BUILDING		(4,281.28)	342.47	(2,646.87)	(8,273.92)	-	(14,468.88)	-		(8,273.92)
LAW ENFORCEMENT		(3,513.06)	10,721.93	3,916.90	(24,680.57)	-	113.34	-		(24,680.57)
PARKS		(237.69)	442.12	(1,539.79)	(21,850.90)	-	(5,783.04)	-		(21,850.90)
STREETS		(7,300.96)	1,496.67	4,827.76	(30,895.65)	-	14,791.04	-		(30,895.65)
STREET CAPITAL IMPROVEMENT		3,727.07	3,671.70	3,443.76	17,837.89	-	(36,307.94)	-		17,837.89
BRIDGE		1,238.85	1,209.62	40,444.82	43,690.74	-	(206,309.26)	-		43,690.74
GENERAL FUND		(12,488.25)	46,859.24	61,314.59	44,758.74	28,313.39	(231,871.43)	-		44,758.74
SIDEWALK		2,566.02	2,565.20	2,564.71	12,816.47	-	(16,683.53)	-		12,816.47
SPACE2CREATE		5,287.73	14.91	15.40	(9,645.75)	(19,708.24)	(127,445.44)	(47,299.77)		37,654.02
CONSERVATION TRUST FUND		0.34	0.33	2,670.44	2,675.48	-	(4,003.69)	-		2,675.48
CAPITAL IMPROVEMENT		9,366.67	10,805.54	9,450.95	(15,786.04)	3,187.50	(7,219.65)	7,650.00		(23,436.04)
WATER		28,659.47	7,839.53	(6,926.40)	(42,761.84)	(38.25)	(303.13)	(91.81)		(42,670.02)
SEWER		15,455.85	16,238.03	6,482.54	60,953.99	-	(42,016.52)	-		60,953.99
GARBAGE		(4,087.21)	6,510.56	7,758.53	13,411.46	-	(7,460.71)	-		13,411.46
ENTERPRISE FUND		40,028.11	30,588.12	7,314.67	31,603.61	(38.25)	(49,780.36)	(91.81)		31,695.43
NET		44,760.62	90,833.34	83,330.76	66,422.51	11,754.39	(437,004.10)	(39,741.58)		106,164.10

AGENDA SUMMARY FORM



Disbursements

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

FSBC OPS DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC OPS BALANCE		160,232.28
ACCOUNTS PAYABLE	6/08/2019-6/21/2019	(61,528.29)
TRANSFER TO SUMMIT		(50,000.00)
PAYROLL TAXES	6/21/2019	(18,255.12)
BALANCE AFTER PAYMENT		30,448.87

FSBC SUMMIT DISBURSEMENT SUMMARY		
DESCRIPTION	DATES	AMOUNT
CURRENT FSBC SUMMIT BALANCE		331,242.74
TRANSFER FROM OPS		50,000.00
TRANSFER TO NEW CD		(250,000.00)
CURRENT FSBC PAYROLL BALANCE		25.00
PAYROLL (DIRECT DEPOSIT)	6/21/2019	(21,139.01)
BALANCE AFTER PAYMENT		110,128.73

FSBC INTERNAL GRANT BALANCE	
BALANCE	35.77
CD TOTAL	35.77

FSBC LOC BALANCE		
FSBC CD#1 @ 2.00%	GENERAL	250,000.00
FSBC CD#2 @ 0.55%	GENERAL	200,492.84
CD TOTAL		450,492.84
LOC DRAW		
BALANCE AVAILABLE SECURING LOC		450,492.84

CREDIT CARD		
CHASE	6/24/2019	NEXT MEETING
CITIBANK	6/25/2019	-
TOTAL		-

COLOTRUST - GENERAL	
	580,779.88
TOTAL	580,779.88
COLOTRUST RESTRICTED - SEWER PROPERTY	
TOTAL	519,749.34
COLOTRUST RESTRICTED - SEWER LOAN RESERVE	
TOTAL	104,727.50
COLOTRUST - BRIDGE RESTRICTED	
TOTAL	576,793.29

GRANT FUNDS IN PROCESS	
TOTAL	-

BANK BALANCES		
	FSBC	COLOTRUST
AS OF: 6/20/19		
WWTP	58,105.63	580,779.88
SPACE-TO-CREATE	72,592.94	519,749.34
INT GRANT	35.77	104,727.50
PAYROLL	21,164.01	576,793.29
SUMMIT	310,103.73	
OPS	145,016.83	
CONS.TRUST	2,675.48	
PASS THRU	25.00	
PARK CONTRIBUTIONS	8,392.00	
CD#1	CLOSED	
CD#2	200,492.84	
	818,604.23	1,782,050.01
		2,600,654.24

Due Date	Vendor Number	Vendor Name	Invoice Number	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Pay	Partial Pmt Amt	Part Pmt Disc Amt
06/25/2019	1043	Advance Plumbing	0576	90.00	.00	.00	90.00	OK		
06/25/2019	1043	Advance Plumbing	0577	90.00	.00	.00	90.00	✓		
06/25/2019	987	Black Hills Energy	6/2019	369.61	.00	.00	369.61	✓		
06/25/2019	14	Bolinger & Queen I	58085	327.06	.00	.00	327.06	✓		
06/25/2019	14	Bolinger & Queen I	58091	21.80	.00	.00	21.80	✓		
06/25/2019	14	Bolinger & Queen I	58107	76.66	.00	.00	76.66	✓		
06/25/2019	673	City Of Grand Junc	2019-000261	125.00	.00	.00	125.00	✓		
06/25/2019	1048	Colorado Code Co	11839	3,474.00	.00	.00	3,474.00	✓		
06/25/2019	43	Delta Montrose Ele	06-2019-S	2,704.49	.00	.00	2,704.49	✓		
06/25/2019	43	Delta Montrose Ele	6-2019-P	2,276.78	.00	.00	2,276.78	✓		
06/25/2019	48	Don's Market	04-450471	347.96	.00	.00	347.96	✓		
06/25/2019	50	Duckworks Auto P	11044-30909	50.49	.00	.00	50.49	✓		
06/25/2019	986	Elevate Fiber	66210_2717	500.40	.00	.00	500.40	✓		
06/25/2019	1092	Ferguson Waterwo	0992701	770.40	.00	.00	770.40	✓		
06/25/2019	645	Mail Services, LLC	1689142	382.00	.00	.00	382.00	✓		
06/25/2019	737	Ricoh USA Inc	31957926	127.42	.00	.00	127.42	✓		
06/25/2019	931	Roop Excavating L	052819-0530	21,565.95	.00	.00	21,565.95	✓		
06/25/2019	152	Southwestern Syst	202513	13,416.00	.00	.00	13,416.00	✓		
06/25/2019	1087	Stahly, Lester	060119-0614	762.50	.00	.00	762.50	✓		
06/25/2019	162	United Companies	1296377	4,733.42	.00	.00	4,733.42	✓		
06/25/2019	165	Valley Machine LL	3796	43.20	.00	.00	43.20	✓		
06/25/2019	175	WestWater Engine	1-525.18.01B	5,484.28	.00	.00	5,484.28	✓		
06/25/2019	1094	Whitener Appraisal	05292019	800.00	.00	.00	800.00	✓		
06/25/2019	491	Winwater Corp	049208-01	224.08	.00	.00	224.08	✓		
06/25/2019	491	Winwater Corp	050579-00	580.03	.00	.00	580.03	✓		
06/25/2019	491	Winwater Corp	050861-00	1,736.86	.00	.00	1,736.86	✓		
06/25/2019	491	Winwater Corp	050864-00	295.60	.00	.00	295.60	✓		
06/25/2019	491	Winwater Corp	050887-00	152.30	.00	.00	152.30	✓		
Grand Totals:			28	61,528.29	.00	.00	61,528.29			

Cash Requirements Summary

Date	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Net Cumulative Amount
06/25/2019	61,528.29	.00	.00	61,528.29	61,528.29
Grand Totals:					
	61,528.29	.00	.00	61,528.29	

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

Transmittal Number	Name	Invoice Number	Pay Per Date	Pay Code	Description	GL Account	Amount
2							
2	IRS Tax Deposit		06/14/2019	74-00	Federal Tax Deposit Social Security	10-0216	1,213.82
2	IRS Tax Deposit		06/14/2019	74-00	Federal Tax Deposit Social Security	10-0216	1,213.82
2	IRS Tax Deposit		06/14/2019	75-00	Federal Tax Deposit Medicare Pay P	10-0216	384.16
2	IRS Tax Deposit		06/14/2019	75-00	Federal Tax Deposit Medicare Pay P	10-0216	384.16
2	IRS Tax Deposit		06/14/2019	76-00	Federal Tax Deposit Federal Withhold	10-0216	1,660.72
Total 2:							<u>4,856.68</u>
4							
4	Aflac		05/31/2019	63-01	Aflac Pre-Tax Pay Period: 5/31/2019	10-0225	120.18
4	Aflac		05/31/2019	63-02	Aflac After Tax Pay Period: 5/31/2019	10-0225	24.90
4	Aflac		06/14/2019	63-01	Aflac Pre-Tax Pay Period: 6/14/2019	10-0225	120.18
4	Aflac		06/14/2019	63-02	Aflac After Tax Pay Period: 6/14/2019	10-0225	24.90
Total 4:							<u>290.16</u>
6							
6	Colorado Dept of Labor		04/05/2019	98-00	SUTA State Unemployment Tax Pay	10-0218	72.42
6	Colorado Dept of Labor		04/19/2019	98-00	SUTA State Unemployment Tax Pay	10-0218	74.00
6	Colorado Dept of Labor		05/03/2019	98-00	SUTA State Unemployment Tax Pay	10-0218	73.03
6	Colorado Dept of Labor		05/17/2019	98-00	SUTA State Unemployment Tax Pay	10-0218	75.64
6	Colorado Dept of Labor		05/31/2019	98-00	SUTA State Unemployment Tax Pay	10-0218	73.16
6	Colorado Dept of Labor		06/14/2019	98-00	SUTA State Unemployment Tax Pay	10-0218	74.82
6	Colorado Dept of Labor		06/14/2019	98-00	SUTA	10-0218	.03-
Total 6:							<u>443.04</u>
9							
9	Colorado Dept of Revenue		05/31/2019	77-00	State Withholding Tax Pay Period: 5/3	10-0217	667.00
9	Colorado Dept of Revenue		06/14/2019	77-00	State Withholding Tax Pay Period: 6/1	10-0217	680.00
Total 9:							<u>1,347.00</u>
31							
31	Mutual of Omaha		06/14/2019	51-01	Group# MOORetirement Plan Pay P	10-0220	491.53
31	Mutual of Omaha		06/14/2019	51-01	Group# MOORetirement Plan Pay P	10-0220	839.42
31	Mutual of Omaha		06/14/2019	51-02	Group# MOO Loan Payment Pay Pe	10-0220	129.07
Total 31:							<u>1,460.02</u>
33							
33	FPPA - Fire & Police Pensi		06/14/2019	50-00	FPPA Pay Period: 6/14/2019	10-0219	740.22
33	FPPA - Fire & Police Pensi		06/14/2019	50-00	FPPA Pay Period: 6/14/2019	10-0219	563.98
33	FPPA - Fire & Police Pensi		06/14/2019	90-00	Death & Disability Pay Period: 6/14/2	10-0219	197.40
Total 33:							<u>1,501.60</u>
70							
70	Rocky Mountain HMO		05/31/2019	60-01	RMHMO - Employee Only Pay Period	10-0223	434.21
70	Rocky Mountain HMO		05/31/2019	60-01	RMHMO - Employee Only Pay Period	10-0223	3,473.98
70	Rocky Mountain HMO		05/31/2019	60-03	RMHMO - Employee + Family Pay Pe	10-0223	343.44

MR 6/24/19

Transmittal Number	Name	Invoice Number	Pay Per Date	Pay Code	Description	GL Account	Amount
70	Rocky Mountain HMO		05/31/2019	60-03	RMHMO - Employee + Family Pay Pe	10-0223	2,747.60
70	Rocky Mountain HMO		05/31/2019	60-04	RMHMO - Vision Pay Period: 5/31/20	10-0223	33.58
70	Rocky Mountain HMO		06/14/2019	60-01	RMHMO - Employee Only Pay Period	10-0223	434.21
70	Rocky Mountain HMO		06/14/2019	60-03	RMHMO - Employee + Family Pay Pe	10-0223	343.44
70	Rocky Mountain HMO		06/14/2019	60-04	RMHMO - Vision Pay Period: 6/14/20	10-0223	33.58
70	Rocky Mountain HMO		06/14/2019	60-01		10-0223	.06-
Total 70:							<u>7,843.98</u>
71							
71	The Harford		05/31/2019	65-01	Group#013307460001 Hartford Basic	10-0226	27.56
71	The Harford		05/31/2019	65-02	Group#013307460001 Hartford Suppl	10-0226	29.38
71	The Harford		06/14/2019	65-02	Group#013307460001 Hartford Suppl	10-0226	29.38
Total 71:							<u>86.32</u>
73							
73	Delta Dental of Colorado		05/31/2019	60-05	Dental RMHMO - Dental Pay Period:	10-0223	213.12
73	Delta Dental of Colorado		06/14/2019	60-05	Dental RMHMO - Dental Pay Period:	10-0223	213.12
73	Delta Dental of Colorado		06/14/2019	60-05	Dental	01-0223	.08
Total 73:							<u>426.32</u>
Grand Totals:							<u><u>18,255.12</u></u>

Report Criteria:

Unpaid transmittals included
 Begin Date: ALL
 End Date: ALL

Employee Number	Name	85-00 Net Pay Emp Amt
1308	Bachran, Mary A	277.05
1302	Bear Jr., William A	277.05
1054	Beardslee, Dominic D	1,199.10
1303	Bookout, Chelsea A	277.05
1305	Budinger, Karen A	277.05
1052	Edwards, Roger	872.33
1002	Ferguson, J. Corinne	1,397.54
1020	Ferguson, Neil	1,684.27
1309	Hart, Samira M	277.05
1022	Hinyard, Patrick	1,021.12
1001	Jones, Cynthia	1,618.03
1100	King, Ross C	277.05
1000	Knight, Kenneth D	1,945.73
1310	Knutson, David A	277.05
1010	Kolman, Bradley K	277.05
1050	Loberg, Travis	2,100.51
1003	Mojarro-Lopez, Amanda	1,014.97
1025	Patterson, Taffine A	873.09
1055	Redden, Jordan	541.98
1051	Reich, Dennis	933.56
1300	Stewart, Charles G	554.10
1026	Vassel, Andrew C	1,024.43
1056	Voight, Steven P	1,171.10
1024	Winnett, Lorin E	970.75

Grand Totals:

24 21,139.01

*Rec'd
6/18/19*

AGENDA SUMMARY FORM



US House Subcommittee on Energy & Minerals Leasing Reform
Legislation

Summary:
Peter Kolbensschlag requested discussion.

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

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

Here are things you need to know:

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

Please complete the following information and return this form no later than the Wednesday prior to the Board meeting to the above address or bring it to the Town Hall at 214 Grand Avenue. Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m. Regular Board meetings are scheduled for the second and fourth Tuesdays of each month.

Name of person making presentation: Pete Kolbenschlag

Organization, if speaking on behalf of a group: self

Is this a request for Board action? **Yes**

Please provide a summary of your comments:

 Hello, I would like the board to consider supporting federal oil and gas leasing reform legislation, which just received its first hearing in committee on June 20. I am testifying at this hearing. The bill, HR 3225 makes numerous common-sense reforms, including mandating a minimum of 90 days for comment on oil and gas leasing proposals, shortening the length of lease terms, requiring better up-front planning, and increasing transparency. I have attached my written testimony and a letter from VOGA as an example. A similar letter from the Town of Paonia can be submitted as part of this committee's official record prior to June 30.

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

 I asked Ken Knight about this before I came to DC, but had not provided enough notice so he asked me to resubmit, and Corrine sent me this application.

Contact information:

Name: __Pete Kolbenschlag__ Mailing Address: 229 HWY
133/Paonia 81428

E-mail: pete@mountainweststrategies.com Daytime

Phone: __970-261-0678 ____

Oil and Gas Leasing Reforms

Sec. 401 – Leasing Process – Amends Section 17 of the Mineral Leasing Act to improve the onshore oil and gas leasing system and assure receipt of fair market value for lands leased for oil and gas. The amendments include:

- Requirements for sealed bids rather than oral auctions of leases;
- A maximum of 3 lease sales per year per state;
- A requirement that no field office can hold more than one lease sale per year;
- The elimination of non-competitive leasing;
- Authority for the Secretary to evaluate the resource potential of lease tracts and rejects bids that are below the estimated fair market value based on that potential;
- Shortening the primary lease term to 5 years;
- Requiring leaseholders to have the demonstrated capability to explore and produce oil and gas, in order to discourage speculation; and
- Adding terms to all leases to preserve the Government’s flexibility to control or prohibit activities that pose serious and unacceptable impacts to other values.

Sec. 402 – Transparency & Landowner Protections – Requires parties to disclose their identity when nominating and bidding on federal minerals, and requires the Secretary to notify surface land owners and holders of commercial use permits when oil and gas leases are offered on lands which would affect their property or permits. Also requires a surface use agreement between the operator and the surface landowner (if not the federal government), and provides additional safeguards for private surface owners overlying federal minerals. Also requires public notice and comment whenever lease stipulations are proposed to be waived or subject to an exception or modification.

Sec. 403 – Lease Stipulations – Requires a revision of the DOI-USDA MOU developed under Section 363 of EPACT to allow for more protective stipulations.

Sec. 404 – Master Leasing Plans – Requires the Secretary to develop Master Leasing Plans (MLPs) for any area where the four criteria under BLM Instructional Memorandum (IM) No. 2010-117 are met:

- A substantial portion of the area to be analyzed in the MLP is not currently leased;
- There is a majority Federal mineral interest;
- The oil and gas industry has expressed a specific interest in leasing, and there is a moderate or high potential for oil and gas confirmed by the discovery of oil and gas in the general area; and
- Additional analysis or information is needed to address likely resource or cumulative impacts if oil and gas development were to occur where there are.

Also provides general authority for MLPs in other areas, and requires the Secretary to respond to petitions requesting the development on new MLPs.

Sec. 405 – Parcel Review – Codifies the leasing reforms established in BLM IM 2010-117, such as:

- Interdisciplinary review of potential parcels;
- Site visits;
- Stipulation consistency;
- 90-day public notice of lease sales; and
- Enhanced NEPA requirements.

Sec. 406 – Acreage Limitation – Tightens the per-state oil and gas leasing acreage limitation by eliminating the language added by Section 352 of EPACT that exempts producing and unitized or communitized leases from counting against that limitation.

Sec. 407 – Land Management – Requires BLM and USFS to continue to manage lands under lease for multiple-use until a company begins operations on the lease.

Sec. 408 – Oil Shale – Prohibits commercial oil shale leasing until technical and economic feasibility is established through the existing R&D program.

Sec. 427 – Transparency in Lease Management – Requires the Secretary to publish the identity of each oil and gas lease holder and operator on a public website, as well as all lease transfers and lease suspensions. Also requires all previous lessees and operators to be identified.

Sec. 428 – Lease Cancellation for Improper Issuance – Clarifies that DOI can cancel leases under the MLA if those leases have been improperly issued.

New Section – Require Require BLM to charge a cost-recovery fee to each person/entity that submits an oil and gas expression of interest. The fee would be equal to the amount that BLM determines is necessary to cover the expenses associated with processing and reviewing the EOI.



PO Box 614
Hotchkiss, CO 81419

DATE: June 19, 2019

Rep. Alan Lowenthal, Chair
Rep. Paul Gosar, Ranking Member
House Subcommittee on Energy and Minerals
1324 Longworth House Office Building
Washington, DC 20515

Reps Lowenthal and Gosar:

On behalf of Valley Organic Growers Association we are writing to offer our support for the Restoring Community Input and Public Protections in Oil and Gas Leasing Act of 2019, HR 3225.

Valley Organic Growers Association is a membership based non profit organization focused on promoting sustainable agriculture in Western Colorado. Founded in 1992, we have over 120 members that produce vegetables, fruit, wine, meat, dairy products, eggs, flowers, wool, and value added products such as jam, prepared meals, and canned foods. We depend on the clean water that runs through the North Fork of the Gunnison River in order to irrigate our organic farms and provide water to our livestock. As an organization we focus on agricultural education, farm tours, promoting our members, and protecting our beautiful agricultural land so that our farmers can continue to thrive for many generations.

Oil and gas leasing and development carries with it many potential impacts that bring risks to our local farmers, ranchers, orchardists, vintners, and agricultural related businesses, including loss of public land access, potential for industrial development that directly displaces and disrupts other uses and current economic activity including hunting, recreation, livestock grazing, and secure wildlife habitat.

In order to properly and fully consider these things, adequate time is necessary to properly consider proposed oil and gas leases, to allow our members time to offer input and information, and to provide meaningful comment to the relevant land management agencies. This is why we support HR 3225.

In particular we support provisions for greater time for public and stakeholder input, shorter lease terms to ensure the agency is always using the best, most current information, and the requirement that other resources be given proper consideration when deciding which of our public lands are suitable for this activity and which are best managed for the many other public and environmental benefits they offer.

Our public lands are very important to Valley Organic Growers Association and our farmers and we both appreciate and expect the opportunity to participate fully in their management. HR 3225 is important legislation that would better ensure that farmers, ranchers, community members and agricultural organizations such as VOGA are able to provide that input and to better ensure the needs of our growers and food producers are being met.

Thank you for your consideration, and we urge that this subcommittee support and mark up this legislation, and to support its passage into law.

Respectfully,

A handwritten signature in blue ink, appearing to read "Emily Hartnett".

Emily Hartnett
Board President, Valley Organic Growers Association
PO Box 614, Hotchkiss, CO 81419
vogaco@gmail.com

Written testimony, Pete Kolbenschlag H.R. 3225

Restoring Community Input and Public Protections in Oil and Gas Leasing Act of 2019

Introduction

My name is Pete Kolbenschlag, and I come from Colorado's North Fork Valley in Delta County. We've always been an orchard and farming town, from when the first white settlers arrived -- and even before then, it was an agricultural area for the Ute. The first settlers brought the first orchard trees into the valley in 1881, and it's been known as a source of high-quality fruit ever since. Fifteen years after those settlers arrived, North Fork fruit was already winning ribbons at the World's Fair back east. The ditch I live on has water rights dating to 1893, and, as anyone who knows the West knows, those rights are a precious thing. The Valley's heritage is in agriculture, and its oldest enterprise was bringing irrigation water to it.

We have also been a coal mining community since the early days. At first just farmers' mines, shallow adits for heating fuel and for the orchards, to keep the spring frosts at bay. Around the beginning of the 20th Century, coal companies moved in. So we have a history of not only feeding America but helping to power it, too. People here are rightfully proud of this heritage.

The North Fork is the kind of community that has a real sense of, and pride in, place. People here identify with the landscape, the community, and our past. But we are looking to the future as well. We have learned over the past 120 years that an extractive-based economy is not the best way to succeed over time. Being yoked to a boom and bust development regime is a liability.

So, I am honored to speak here today to provide my input on this important comprehensive energy reform legislation, and to bring insight from my little community of a few thousand people in rural Colorado. I am speaking on my own behalf, but I'm carrying the input from many residents and organizations in the North Fork. In drafting these comments, I spoke with board members of ditch companies, local government officials, farm associations, small business owners, conservation groups and citizens.

We are a well-organized valley, and we know how to advocate for our interests. But, too often, it is difficult to advance our vision for the future when the system is rigged to favor industry interests. In order to succeed, we need to have our voices heard, and we need the opportunity to fully engage on land use decisions that affect our lives, our heritage, and our livelihoods -- including and especially oil and gas leasing.

That's why I am here today to support the Restoring Community Input and Public Protections in Oil and Gas Leasing Act -- H.R. 3225 -- which would ensure better transparency and balance in the federal oil and gas leasing program. This would benefit communities like mine.

About the North Fork Valley

The watershed of the North Fork of the Gunnison River, for which the valley is named, along with its adjacent neighbor the Smith Fork, comprise a wonderful mix of private, state, and public lands. Federal agencies include the National Park Service, Bureau of Land Management, and Bureau of Reclamation, and the US Forest Service -- all of which all manage lands or facilities within the immediate vicinity. The area includes a national park, a national recreation area, a BLM national conservation area, state wildlife areas and two state parks. It's an important landscape all around - for farming and ranching, for recreation and tourism, and for wildlife. Hunting lands here are some of the state's most prized units.

The management decisions on public lands are critically important to the economies and livelihoods of those that live in the valley that they surround. Where and how mineral leasing and development happens has outsized impacts on our clean air and water, on our wildlife and -- ultimately -- on the growing economies like outdoor recreation, tourism, and an evolving agricultural industry that are the future of our valley.

This vital link between the health of the valley and public lands management is not new. In a 1904 report regarding the Gunnison Forest Reserve, federal officials wrote:

”The value of the forest as a protection cover is clearly shown by the experience of the people of the North Fork Valley. Several years ago the ditches which drew their supply from the North Fork became very short in their supply. The fruit growers, on investigating, found that the herders who were running large bands of sheep on the watershed of the river were setting a great many fires that destroyed the forest cover... This expensive object lesson thoroughly convinced the farmers and fruit growers of the importance of forest cover to prolong stream flow and it seems unnecessary to give further evidence in this report.”¹

The protection of our public lands - and their close bond with the health of our watersheds - has been a top concern since the founding of our small communities.

The North Fork’s largest agricultural association--the Valley Organic Growers Association--supports H.R. 3225. VOGA represents over 100 family farms and livestock ranches. Its membership runs from multi-generational to young farmers just starting out. VOGA support these reforms as a way for the government to provide an even-handed process. H.R. 3225 is respectful of ranchers’ and farmers’ long days and busy schedules, allowing for meaningful engagement on local public lands and their water supplies, just as their predecessors have done for over 100 years.

H.R. 3225 reforms are also important for protecting our emerging economies, including tourism and agritourism, for which the North Fork is renowned. Called “Colorado’s Farm to Table Capital,” the valley includes the state’s highest concentration of organic farms.

¹ U.S. Department of Agriculture: Bureau of Forestry, “The Proposed Gunnison Forest Reserves Report,” 1904. Online at www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5378337.pdf

The North Fork Valley is also one of only two federally-designated wine grape growing regions, or American Viticultural Areas, in the state. The West Elk AVA is comprised of more than one dozen wineries and includes the highest wine grape arbors (and wineries) in North America, at nearly 8,000 feet.² Wineries, and the markets and agritourism farms worry that the bucolic charm that brings tourists and business, along with the quality of the water that feeds arbors and farms, could be impacted by expanding oil and gas development in the watersheds above and public lands surrounding them. These businesses certainly expect a federal government that actively seeks out and considers their input prior to making decisions that could so greatly impact them, which is why the West Elk AVA is also a supporter of H.R. 3225.

Tourism is not limited to the wineries and farm-markets, but includes a growing creative industry attracted to quality-of-life, the vibrant rural community, and the stunning beauty of the area's public lands. The North Fork is a state-designated Colorado Creative District. The highway that links it with the rest of the state, known as the West Elk Scenic Loop and a state scenic byway, is designated as Colorado's Creative Corridor.³

Many tourist-oriented businesses are concerned that further industrialization of the public lands, and more heavy industrial traffic on the roads will be a detriment to their livelihoods. They, too, expect a federal process that ensures adequate time to review documents, fully consider proposals, and to engage in a fair and even-handed process.

Tourism in Colorado is also driven by proximity to outstanding outdoor recreation, and here the public lands are not only the backdrop and foreground to our lives and businesses, making wineries, scenic drives, and the creative industry here all possible -- but are themselves both prized and productive in terms of supporting a multi-million dollar recreation economy.

² Forbes, "Wine in Colorado: Where Cool Climate Grapes are the New Hot," May 25, 2016. Online at www.forbes.com/sites/cathyhuyghe/2016/05/25/where-cool-climate-grapes-are-the-new-hot-wine-in-colorado-believe-it/#25fb45045af9

³ Colorado Field Guide, "Colorado Creative Corridor." At www.colorado.com/fieldguide/colorado-creative-corridor

One recent study found that outdoor recreation in Colorado's Third Congressional District, where I live, brings in over \$2 billion dollars every year to local coffers.⁴ The hunting units on the public lands surrounding the valley are among the most sought-after in Colorado -- and provide the type of remote, backcountry experience that most hunters can only dream about, and that many are willing to pay top dollar for - bringing robust business to local outfitters, main street businesses, and everyone between. Hunters and guides and all who care about recreation on public lands should be afforded a meaningful opportunity to field check and otherwise consider potential impacts to the public lands they rely on and utilize, before they are considered for opening to industrial development.

More Transparency, More Input

The National Environmental Policy Act at its core is a “transparency statute.” It is meant, in part, to ensure that certain federal decisions are made with public oversight at every step. This is required both as a fundamental check on agency plans from the actual seat of government--We, the People, and it is meant to provide real-world input on the analysis that undergirds decisions.

Too often, however, the BLM and US Forest Service have short-circuited this process in ways that undermine the intent and spirit of the law. Poorly communicated planning processes with inadequate and abbreviated opportunities for public comment result in management that doesn't match with public needs nor meaningfully reflect public input.

I encourage this committee to mark up this legislation, which would allow more public oversight, as a matter of good and even-handed government, and because it can provide useful information to help keep poorly-planned proposals from ending up in costly litigation.

⁴ Outdoor Industry Association, “Outdoor Recreation Thriving in Colorado’s 3rd Congressional District with \$2.19 Billion in Annual Resident Spending,” April 27, 2018. Online at <https://outdoorindustry.org/press-release/outdoor-recreation-thriving-colorados-3rd-congressional-district-2-19-billion-annual-resident-spending/>

More robust work up front, better transparency around the leasing process, an end to noncompetitive leasing, and shorter lease terms, can all help keep parcels from going to sale that never belong there in the first place. And let's be clear, although we may hear today how careful the agency is in what it does, including when deciding which lands to lease or not, that is not how it happens, in too many cases, on-the-ground.

There are lots of examples of public lands that the BLM put up for leasing, and then had to withdraw, defer, or suspend due to poor underlying or project-level analysis, and ignoring local community input. It's not a short list. Some reversals have happened before the lands are leased - which is preferable - and some of the reversals happen only after litigation such as in the Roan Plateau and Thompson Divide in Colorado

To name just a few, the BLM has attempted to offered leases under the Paonia Reservoir Dam; a couple hundred feet uphill from the water well (on private property) supplying the adjacent winery; and, on the steep barren slopes surrounding the high school's athletic field. The BLM even tried to lease highly erodible selenium-rich shales, where the agency itself was part of a multi-jurisdictional task force spending millions of taxpayer dollars to prevent selenium from degrading water quality. That task force recommended the area not be leased for oil and gas development.⁵

Luckily for the North Fork and the American public, the Paonia Dam was not leased, nor the lands surrounding Hotchkiss High School. In fact, all of the aforementioned examples were pulled before the lease sale because a more adequate comment period allowed locals with actual on-the-ground knowledge, as well as officials from state and other federal agencies, to bring the conflicts to the BLM's attention. Under the current administration, which has moved to shorten comment time and to cut public input opportunities, we worry such ill-advised leasing schemes would proceed and the fight would just move to court. Where it sucks up time, money, and public funds.

⁵ U.S. Bureau of Reclamation, Selenium Management Program "Program Formulation Document Gunnison River Basin, Colorado," December 2011. Online www.usbr.gov/uc/wcao/progact/smp/docs/Final-SMP-ProgForm.pdf

Lately the BLM has been losing in court a lot, although it hasn't slowed it down that much. Outside of sage grouse habitat, leasing under ancient, inadequate land use plans and in places it doesn't belong proceeds apace. Leasing under these conditions, where stronger plan-based surface protections are clearly needed, puts our public lands at risk. This also points to the wisdom of having a better process at the front-end and more transparency throughout. Like the reforms being proposed in H.R. 3225.

Under the current system, once leased, public lands can remain in an uncertain state for a decade or longer, like "zombie leases" that won't go away, that the BLM refuses to kill. Zombie leases can hang over public lands like Damocles' Sword, fomenting uncertainty for local businesses, preventing other public uses or management updates, and always carrying a risk that a favorite hunting ground, a hiking trail, or family picnic spot might be ruined by a new industrial operation.

The current leasing system holds our communities hostage; the fact that BLM has acknowledged that the drilling potential for most of the valley is "very low" makes this situation all the more confounding and ripe for reform. The provision in H.R. 3225 to shorten lease terms is critical to addressing this problem.

July 4th weekend is Cherry Day's in the North Fork Valley, among Colorado's longest-running community events, a genuine expression of Americana that exists only in the memories of elders in much of the nation. People there have a pride of place. It runs deep and its multi-generational. Our town governments, like most small towns, are just regular folks that sit through long meetings on tedious subjects because they care about the businesses and people there.

In Paonia, the valley's largest town, the council meets every two weeks. Shortened comment periods are a direct affront to these local governments, and to the home-grown grass-roots governance they represent.

Like most Americans, what the people of the North Fork want is fairness and an even-handed approach to making these decisions based on the best current information and with an eye toward sustainability and stewardship.

The reforms found in H.R. 3225, such as meaningful review of leasing decisions including a 90-day period to file comments and protests and shorter lease terms (to encourage agency's to always consider current information), are not complicated or extreme. But too often politics can make even the simplest things a protracted mess. I urge this committee to avoid that, and to support H.R. 3225 and the non-partisan, sensible reforms it enables.

The North Fork is a transitioning community that seeks to self-determine our future. Since 2012, we have successfully fought several lease sales that relied on a 30-year-old stale land use plan, and developed a community-based alternative for the BLM's ongoing revision of that plan. Since the earliest days of our founding, we have been a farming community engaged with the management of our public lands, and advocating for the protection of their critical resources, and the values we find there. As a community, the North Fork has provided comments every chance we can.

We are an engaged community, and an American community that are eager to participate and be involved with helping our public agencies manage our public lands. But we expect a fair and even-handed process that allows for updated information to be part of the process, no matter what the proposal being considered. For issues like oil and gas, that brings significant impacts and can cause disruption and harm to our communities and business, that bar must be even higher. H.R. 3225 makes many important inroads toward those ends, and it deserves this full committee's support.

###

AGENDA SUMMARY FORM



Midweek Market Proposal

Summary:

A request for discussion of closing Grand Avenue for a mid-week market/farmer's market on the 200 block of Grand Avenue and in Poulos Park.

Notes:

Possible Motions:

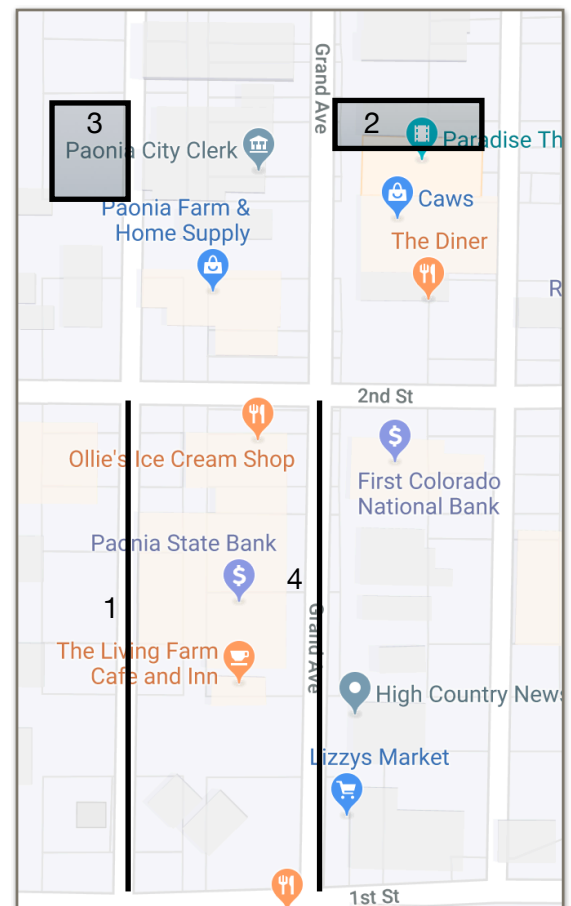
Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

Midweek Market

Town Proposal

- To the city of Paonia
 - We are delighted to present this project and excited that you share our views in the importance of creating a sustainable food system in our community. We look forward to working together in bringing a new and innovative farmers' market to Paonia.
 - The primary purpose of the Paonia Midweek Market will be to offer community residents and patrons the access to fresh, local, and organic produce. It will create an inviting environment conducive to a strong neighborhood and mutually beneficial interaction among all participants in the Paonia Community.
- Goals
 - Connect our local producers to the community. Increase foot traffic in the downtown core area. Helps to create thriving economic diversity and increases community building opportunities.
- Location
 - A regular weekly event downtown brings people in and increases local revenue. Some options include:
 1. In the alley way in between grand ave and main street, between 1st and 2nd street.
 2. 8 vendors or fewer the event could be held in Poulos park.
 3. Town Parking lot behind town hall.
 4. Downtown between 1st and 2nd street on grand would be the ultimate goal. It is a vibrant location and there are other retail opportunities for shoppers. There exists multiple places to gather before and after the event.
 - We may consider an inside location downtown for



Sunday, May 19, 2019

winter. The VoTech building could be used for this purpose.

- Event Date and Time
 - Wednesday Nights begins 530pm-730pm event concludes at 8pm.
 - Looking to the future we would like to have the market transition into an evening gathering with wine, beer, & live music.

- Money
 - It would be convenient to keep track of money spent and earned with a separate town account for the mid-week market.
 - Checks Payable to Town with Memo indicating that it is from the farmers market.
 - Mid-week market organizers would submit invoices for spending.
 - The mid-week market goal is to be self sustaining not profit producing.

- Let's Make This Happen!
 - We hope to work with you to organize a Midweek Market in Paonia. If you have additional questions that have not been answered by this document, please feel free to contact us:
 - Michelle Pattison mpattison@gmail.com
 - Monica Foguth monicafoguth@gmail.com

Corinne Ferguson

From: Dave K
Sent: Wednesday, June 19, 2019 3:25 PM
To: Monica F
Cc: Ken Knight; Sam H; Michelle Pattison; Corinne Ferguson
Subject: Re: Midweek Market

Hi Monica and Michelle, I've checked in with Hays Drug and with Indigo Autumn and neither has any problem with your proposal providing that there is no disruption of parking, such as closing off the street or designating specific parking places for your event. You could try a pilot by seeing Corinne this week to get a park use permit and updating the Council in Tuesday about your plans (we don't need to approve it or have it as an agenda item), it's just good practice to keep the Town informed.

Thanks
Dave

Dave Knutson
[REDACTED]

On Jun 12, 2019, at 2:53 PM, Monica F [REDACTED] wrote:

It is no problem to add that line to the Vendors Instructions.
Warmly,
Monica

On Mon, Jun 10, 2019 at 11:34 AM Ken Knight <kdknight@townofpaonia.com> wrote:

The one item that I would add to the Vendor Instructions is an item 5:

Provide a sales tax certificate and acknowledge that all appropriate sales taxes will be collected and remitted to the State Department of Revenue.

Now for most food vendors this won't be necessary, but for other vendors, who's products are subject to sales tax, it would be required.

For normal 'large event licenses' we require the sponsoring organization to ensure that sales taxes are collected and remitted by the vendors (and provide a list of said vendors to the Town) and if we find they have not been, their ability to sponsor such events is revoked.

Ken Knight

Paonia Town Administrator

970-527-4101 Office

970-778-7486 Cell

From: Monica F [REDACTED] <[REDACTED]>
Sent: Monday, June 10, 2019 9:00 AM
To: Dave K <DaveK@townofpaonia.com>
Cc: Ken Knight <kdknight@townofpaonia.com>; Sam H <samh@townofpaonia.com>; Michelle Pattison [REDACTED]
Subject: Re: Midweek Market

Hi Dave,

Okay that sounds good :) I will include Michelle, she was instrumental in putting the proposal together. I think we could go with Poulos Park to test it out. I look forward to hearing how the downtown merchants feel.

Warmly,

Monica

On Mon, Jun 10, 2019 at 8:12 AM Dave K <DaveK@townofpaonia.com> wrote:

Hi Monica, Sorry for the delay in getting back to you about this. You've done a nice job on the proposal. I'm wondering if the three of us could use email to hammer out details between now and the next council meeting on June 25? My first thought is to start small and use Poulos Park. I'll check in with a few downtown merchants about it.

Dave Knutson
[REDACTED]

--

Warmly,

Monica Foguth
Phone (Text) : [REDACTED]

--

Warmly,

Monica Foguth

Phone (Text) : [REDACTED]

Paonia Mid-Week Market

Vendors Instructions

- Welcome to the Paonia Mid-Week Market! Thank you for sharing your good or services with the community. Our goal is to create a fun event for neighbors to collaborate and share their garden gems, specially crafted items, or personal services.
 - Market organizers work as volunteers and any extra money goes to the town. Please consider volunteering. We have volunteer opportunities starting at as little as 20 minutes that you can do at home!
 - Four hours of volunteer time earns you a free booth at the market.
- Your booth space will be 10 X 10 and will correspond with a number on the map you are given.
- Please bring a 13 gal. standard kitchen trash can with you to take away with you when you are done with the market. If you would like to put out recycling please do so! We ask you to do this so we can keep booth costs down by not paying for trash service. Please pickup any trash immediately in front of your stall upon departing the market.
- Market is at 530pm-730pm on Wednesday if you are a produce vendor.
- Market extends to 9pm for all other vendors.
- Please consider donating an item, service, or gift card to the raffle we have for those who walk or bike.
- Please consider giving a discount to those who bring their own bag, cup or plate so that we can discourage wasteful single-use products! Even as little as 5 cent discounts can encourage earth friendly behavior.
- We encourage inter-market trade! Please get to know your fellow vendors, have fun, and if there is anything you need or have a suggestions don't be afraid to bring it to the organizers!

Vendor Waiver

Paonia Mid-Week Market Release of Liability

Liability Waiver: The Vendor and any of its employees, agents, or volunteers associated or to be associated with the activity for the 2019 Paonia Mid-Week Market, Shall waive and relinquish any and all claims that might result in any manner against the City of Paonia, their agents, public officers, officials or employees and authorized volunteers from said vendor and any of its employees, agents, or volunteers, except for acts caused by the willful and wanton misconduct by employees of the City of Paonia acting within the scope of their employment.

Hold Harmless: The Vendor and any of its employees, agents, or volunteers associated or to be associated with the activity for the 2019 Paonia Mid-Week Market, to indemnify and hold Harmless the City of Paonia, their agents, public officials, officers, employees and authorized volunteers, from and against any and all legal actions, claims damages, losses or expenses arising out of the 2019 Mid-Week Market or any activity associated with the conduct if the vendor's operations, including but not limited to claims for personal injury, disease or death, injury to or destruction of property, excluding claims caused by the willful commission or omission by employees of the City of Paonia acting within the scope of their employment. Further, the vendor agrees to indemnify the City of Paonia and any of its agents, public officers, officials or employees and authorized volunteers for any attorney fees and court costs incurred or to be incurred in defending actions brought against them as a result of the vendors use of public property.

I have read, understand and agree to the above paragraphs.

Signature

Date

2019 Paonia Mid-Week Market Application

Name: _____

Address: _____

City, State, & Zip: _____

Company Name: _____

Phone: _____ E-mail: _____

Best way to contact you? _____

Vendor Category: Produce/Floral: _____ Craft _____ Food _____ Other _____

Please list the item(s) you intend to sell at the 2019 Paonia Mid-Week Market. Please note with an asterisk (*) all items that you do not grow or produce yourself. Only items that have been listed may be sold. Changing or adding any of the items you have listed to sell will require advanced approval from Paonia Mid-Week Market Organizers.

For all items you do not grow or produce yourself, please provide information below where specific product was grown, crafted or processed (country/state/name of facility).

Paonia Mid-Week Market Vendor Fees

Rate	Business Resides in Delta County	Business Resides in a Different County	Sponsorship Plan
Each Week	\$10	\$20	\$40

- With a Sponsorship Package You Get:
 - Name of Organization on Advertising
 - Guaranteed place every week
 - Same booth place every week
 - Double Booth 20 X 10 space

2019 Vendor Fees:

_____ Individual (each date) \$10

_____ Individual Business Resides in a Different County (each date) \$20

_____ Individual Sponsorship Plan (each date) \$40

Make Check payable to

Please indicate date(s) you will be in attendance:

June	July	August	September
June 12 _____	July 3 _____	Aug 7 _____	Sept 4 _____
June 19 _____	July 10 _____	Aug 14 _____	Sept 11 _____
June 26 _____	July 17 _____	Aug 21 _____	
	July 24 _____	Aug 28 _____	
	July 31 _____		

By signing below, the undersigned agrees and affirms that:

1. They have the authority to apply their signature to this application on behalf of the applicant and:
2. The Vendor agrees to sell or offer for sale at the Paonia Mid-Week Market only such items as are listed on this application and approved by the Paonia Mid-Week Market organizers on the dates they have applied for, and;
3. All information provided in this application is correct and complete as to the best of their knowledge, and;
4. Acknowledges that they have read and understand the vendor rules and agree to abide by all rules that have been established for the operation of the Paonia Mid-Week market.

Signature

Date



Requested Discussion - Fence Height

Summary:
Community member requested discussion regarding the fence height and composition in the current ordinance.

Notes:
The only changes made to the fence ordinance was the inclusion of a \$50 fence review fee and the decrease of six (6) inches from 3.5 to 3 feet on corner lots. To offset costs to the community, fence reviews are initially completed by the Town Clerk, and are only referred to the building official if out of the ordinary or for Clerk clarification.

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, AMENDING CHAPTER 18, ARTICLE 9, SECTION 10 TO THE TOWN OF PAONIA MUNICIPAL CODE

RECITALS:

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

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

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

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

Section 1. Legislative Findings.

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

Section 2. Amendment of Town Code.

Sec. 18-9-10 shall be repealed and amended to the Town Code as follows:

- (1) All fences and walls are subject to the applicable sections of the IBC.
- (2) Prior to the installation of a new fence, the property owner or their agent shall file for a fence review with the Town Building Official and shall pay the appropriate review fee as may be set by the Town Board of Trustees via resolution. The purpose of the Town requiring a fence review and fee is to allow the Town Building Official to inspect the proposed fence plan to confirm that it meets the provisions of the Town Code, the IBC, and that the fence does not encroach on a public right-of-way.
- (3) No fence, hedge or wall may extend beyond or across a property line unless it is done with the joint agreement of the abutting property owners. It shall be the responsibility of the property owner to locate all property lines.
- (4) No fence, hedge or wall shall encroach upon a public right-of-way or a public sidewalk.

- (5) No barbed wire, sharp-pointed or electrically charged fence shall be permitted in the R-1, R-2, R-3, MH, C-1 or C-2 Districts.
- (6) Fences, hedges or walls shall not exceed four (4) feet in height from the front edge of the house to the property line. Rear yard fences, hedges or walls shall not exceed six (6) feet in height in the R-1, R-2, R-3 or MH Districts. The height shall be measured at the finished grade on the side of the fence nearest the street or abutting property.
- (7) On corner lots, no fence, hedge or wall exceeding thirty-six (36) inches in height shall be placed in a triangular area formed by three (3) points as established by:
 - a. The intersection of the property lines at the corner (Point A); and
 - b. Points B and C measured thirty (30) feet along the property lines from Point A.

Section 3. Severability.

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

Section 4. Repeal of Prior Ordinances.

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

Section 5. Ordinance Effect.

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

Section 6. Effective Date.

This Ordinance shall take effect thirty days after publication.

INTRODUCED, READ AND REFERRED for second read before the Board of Trustees of the Town of Paonia, Colorado, on the 22nd day of January 2019.

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this 12th day of February 2019.

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

By:

_____ s/s _____
CHARLES STEWART, Mayor

ATTEST:

_____ s/s _____
J. CORINNE FERGUSON, Town Clerk

Corinne Ferguson

From: Dan Reardon <dreardon@coloradocode.net>
Sent: Monday, June 24, 2019 2:59 PM
To: Ken Knight; Corinne Ferguson
Subject: Re: Fences on street corners
Attachments: 20190624_124712.jpg

For what it's worth, I have attached a photo of a 36" high "open" fence at an intersection just a half-mile from our home. I just took that photo an hour ago.

When you get right up next to it the fencing parallel to the on-coming traffic appears solid - I can't see anything beyond the corner of the fence as far as oncoming traffic goes. What does it look like once the roses or the vines start to cover it, and who will be responsible to monitor it?

Food for thought.

Dan Reardon
Colorado Code Consulting, LLC
www.coloradocode.net
dreardon@coloradocode.net
1-970-275-4937

View Only - Free Access To Online Codes: <https://codes.iccsafe.org/public/collections/I-Codes>

From: Ken Knight <kdknight@townofpaonia.com>
Sent: Monday, June 24, 2019 10:57:59 AM
To: Corinne Ferguson
Cc: Dan Reardon
Subject: FW: Fences on street corners

Attached is the Ridgeway Fence Code – it has language that addresses the taller fences that are more open. I don't believe that it is very clear and I don't think we should be encouraging "chicken wire" fences, but I thought I'd pass this along.

Ken Knight
Paonia Town Administrator
970-527-4101 Office
970-778-7486 Cell

From: Jennifer Coates <jcoates@town.ridgeway.co.us>
Sent: Saturday, June 22, 2019 1:18 PM
To: Ken Knight <kdknight@townofpaonia.com>
Subject: FW: Fences on street corners

Hi Ken,
Our fence regs are attached.
Good luck,

Jen

From: CML Municipal Managers List <MGRLIST@LIST.CML.ORG> **On Behalf Of** Ken Knight
Sent: Wednesday, June 12, 2019 4:19 PM
To: MGRLIST@LIST.CML.ORG
Subject: [MGRLIST] Fences on street corners

Does anyone have an ordinance that differentiates between solid and picket fences on street corners? I think that the "open" fences still create a sight line problems but have people who want to change our ordinances to allow for 6-8 foot "open" fences on street corners.

Thanks,

Ken Knight
Paonia Town Administrator
970-527-4101 Office
970-778-7486 Cell

Visit www.cml.org Information > *Cities & Towns Make It Possible* for new ways to promote municipal services!



CHAPTER 6

SECTION 4

Fence, Hedge and Wall Regulations

Subsections:

- 6-4-1 Fence, Hedge And Wall Restrictions.
- 6-4-2 Enforcement.
- 6-4-3 Nonconforming Fences Or Walls.
- 6-4-4 Variances.

6-4-1 FENCE, HEDGE AND WALL RESTRICTIONS.

(A) (1) No fence, rail or freestanding wall shall exceed six (6) feet in height within the Town, except for those located within the I-1 and I-2 Light Industrial Districts which may not exceed eight (8) feet in height. (Ord 10-2008)

(2) In the Residential and Historic Residential Zoning Districts, fences, rails or freestanding walls located within the area between the property line and the front set back line may not exceed four (4) feet in height, except for fences designed and intended to exclude deer may be up to six (6) feet high if they are substantially transparent at sight angles up to 45 degrees from perpendicular to the faces of the fence, and are constructed out of a (a) mesh; (b) woven wire; (c) rails and pickets or similar components which have a width no greater than their depth. (Ord 10-2008)

(B) No fence, freestanding wall or hedge or other plantings shall be constructed or maintained on corner lots in a place or at a height which unreasonably creates a traffic hazard by obstructing vision from vehicles on abutting streets.

(C) Electrically charged fences are not allowed within the Town unless their location is made inaccessible to persons who would not know that the fence is electrified by virtue of another fence or structure.

(D) Barbed wire fences may be allowed only I-1 and I-2 Light Industrial Districts, and only if the barbed wire is a minimum of six feet above the ground. No barbed wire fence may be maintained in other districts unless necessary to confine livestock lawfully kept within the Town. (Ord 15-2006)

(E) All fences shall be maintained in good and safe condition.

6-4-2 ENFORCEMENT.

(A) It shall be unlawful for any person to violate any provision of this Section.

(B) Any violation of the provision of this Section is hereby declared to be a nuisance and may be

abated in accordance with law.

(C) In addition to any of the remedies the Town may have, it may maintain an action in a court of competent jurisdiction to enjoin any violation of, or compel compliance with, any of the provisions of this Section.

6-4-3 NONCONFORMING FENCES OR WALLS.

(A) Any fence or wall lawfully constructed and maintained in accordance with previously applicable regulations but not in conformity with these regulations, may be maintained in substantial conformity with its existing condition.

(B) Nonconforming fences or walls destroyed or removed for any reason, may be replaced only with a complying fence or wall.

(C) Nonconforming fences or walls for which a building permit had been issued under previous applicable regulations, may be constructed and maintained in accordance with such building permit as a nonconforming fence or wall.

6-4-4 VARIANCES.

(A) A variance to the provisions of Section 6-4 may be granted by the Board of Adjustment following the review procedure set out in Subsection 7-3-18 of the Ridgway Municipal Code, if it determines that the requirements of Subsections 7-3-16(A), (C), and (D) of the Ridgway Municipal Code are met. (Ord 16-1997)

(B) The fees and costs provided for in Subsection 7-3-20 of the Ridgway Municipal Code shall apply to any variance request. (Ord 16-1997)

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CHAPTER 18.68

GENERAL REGULATIONS

SECTIONS:

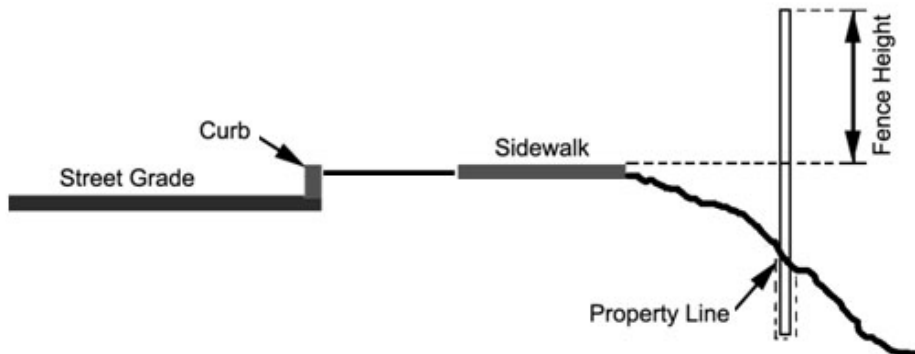
- 18.68.010 Fences.**
- 18.68.020 Vision Clearance Area.**
- 18.68.030 Access.**
- 18.68.040 Yard Requirements.**
- 18.68.050 Arterial Street Setback Requirements.**
- 18.68.070 Land Surveys.**
- 18.68.080 Commercial Excavation--Removal of Earth Products.**
- 18.68.090 Nonconforming Uses and Structures.**
- 18.68.100 Slope; Hillside Protection. Repealed in its entirety, Ord 2528, 7/5/89.**
- 18.68.110 Front Yard— General Exception.**
- 18.68.120 Utilities.**
- 18.68.130 Lot Size Requirements--General Exception.**
- 18.68.140 Accessory Buildings, Structures and Mechanical Equipment.**
- 18.68.150 Waiver of Right to Remonstrate and Consent to Participate in Costs of Improvements.**
- 18.68.160 Driveway Grades.**

SECTION 18.68.010 Fences.

Fences, walls, hedges and screen planting shall be subject to the following standards:

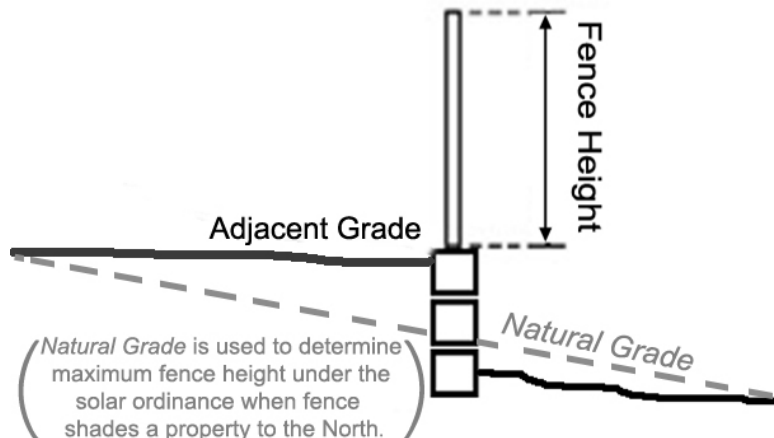
A. Height.

1. In any required front yard, provided they do not exceed three and one-half (3 ½) feet in height.
2. In any rear or side yard, provided they do not exceed six and one-half (6 ½) feet in height.
3. The height of fences or walls in rear or sideyard setback areas abutting a public street shall be four (4) feet or less if said fences or walls are within ten (10) feet of any public street except an alley.
4. The height of a fence is the vertical distance measured from the natural grade to the highest point of the fence, including the structural supports.
 - a) Below-Grade Lots. On lots that are not generally level with the adjacent street, height may be measured from the top of the adjacent sidewalk or curb, or, where curbs are absent, from the crown of the adjacent street plus six inches.



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- b) When fences are built on top of retaining walls, or one lot is markedly higher than an adjacent lot, height shall be measured from the highest adjacent grade, except that the solar access of adjacent properties to the north shall be maintained in accordance with AMC 18.70.



B. Construction.

1. The framework for newly constructed fences and walls shall face toward the builder's property, except where fences are jointly constructed.
2. Fences shall lean at an angle from the vertical plane no greater than five (5%) percent. In cases where this limitation is exceeded and a written complaint is received by the Planning Department, the property owner shall be notified, in writing, of the problem. The Planning Department shall take action only on the basis of a written complaint, or on its own action.
3. Fences shall not be constructed across any waterway or stream identified on the official maps adopted pursuant to Section 18.62.060. Fences shall not be constructed within any designated floodway. Fences within water resource protection zones shall be located and constructed in accordance with Section 18.63.060.B.3.

C. Materials

1. The use of barbed wire, razor wire, electrified wire and similar security fencing materials shall be limited as follows:
 - a) shall not be located adjacent to a sidewalk, a public way, or along the adjoining property line of another person;
 - b) shall not be erected or maintained at less than six and a half (6½) feet above grade;
 - c) may be located in commercial, employment or industrial lands if not visible from the public right of way, or with approval from the Community Development Director on properties deemed to be hazardous or in need of additional security.

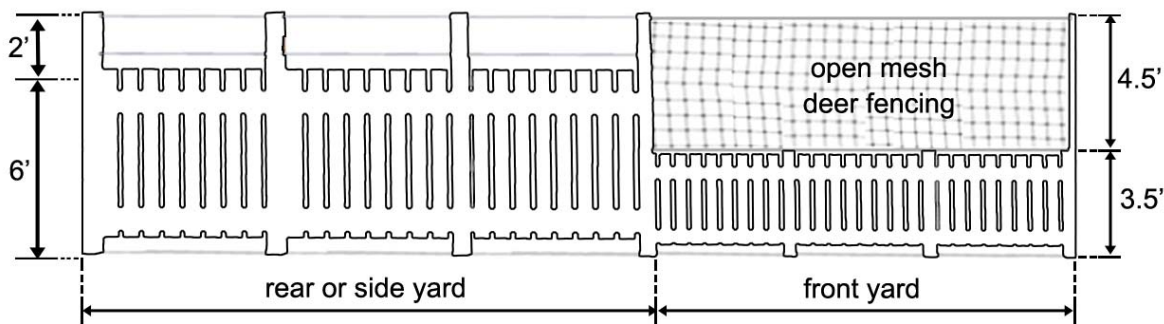
D. Deer Fencing

1. Deer fencing may be attached to a permitted front, side, or rear yard fences provided the area in excess of the allowable fence heights per 18.68.010 is designed and constructed to provide a clear view through the fence.
 - a) Within required front yards at least eighty five percent (85%) of the surface shall be unobstructed to both light and air when viewed perpendicular to the plane of the fence.

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- b) Within required side and rear yards at least eighty percent (80%), of the surface shall be unobstructed to both light and air when viewed perpendicular to the plane of the fence.
2. Deer fencing shall have a minimum height of six and a half feet (6 ½') and shall not exceed eight feet (8') above grade.
 3. Permitted deer fencing materials may include, woven wire fencing, field fence, "hog panels", wire strand or polypropylene mesh net that is open and visible through the material. Within front yards all mesh material shall have a minimum open diameter of one and a half (1 ½) square inches.
 4. Deer fencing shall be supported by structural supports, or tension wires, that run along the top of the fence to prevent sagging.
 5. Chain link fences shall not be considered to be deer fences under this section even if they meet the criteria above.

(Ord 3060, 5/17/2012)



SECTION 18.68.020 Vision Clearance Area.

Vision clearance areas shall be provided with the following distances establishing the size of the vision clearance area:

- A. In any R district, the minimum distance shall be twenty-five (25) feet or, at intersections including an alley, ten (10) feet.
- B. In all other districts except the C-1, E-1, and CM districts, the minimum distance shall be fifteen (15) feet or, at intersections, including an alley, ten (10) feet. When the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.
- C. The vision clearance area shall contain no plantings, fences, walls, structures, or temporary or permanent obstructions exceeding two and one-half (2 ½) feet in height, measured from the top of the curb, except that street trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.
- D. The vision clearance standards established by this section are not subject to the Variance section of this title. (Ord 2605, S1, 1990; Ord 3036, amended, 08/17/2010)

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SECTION 18.68.030 Access.

Each lot shall abut a minimum width of forty (40) feet upon a public street (other than an alley). This requirement may be decreased to twenty-five (25) feet on a cul-de-sac vehicle turn-around area. Except with an approved flag partition, no lot shall abut upon a street for a width of less than twenty-five (25) feet.

SECTION 18.68.040 Yard Requirements.

All yard measurements to and between buildings or structures or for the purpose of computing coverage or similar requirements shall be made to the building or nearest projection. Architectural projections may intrude eighteen (18) inches into required yards. Eaves and awnings may intrude three feet (3') into required yards. (Ord 2951, 07/01/2008; Ord 3060, amended 5/17/2012)

SECTION 18.68.050 Arterial Street Setback Requirements.

The setback from an arterial street shall be no less than twenty (20) feet, or the width required to install sidewalk and parkrow improvements, consistent with the City of Ashland Street Standards in Section 18.88.020.K, whichever is less. (Ord 2959, 8/1/2008; Ord 3036, amended, 08/17/2010, Ord 3054, amended 12/16/2011)

SECTION 18.68.070 Land Surveys.

Before any action is taken pursuant to this Title which would cause adjustments or realignment of property lines, required yard areas, or setbacks, the exact lot lines shall be validated by location of official survey pins or by a survey performed by a licensed surveyor.

SECTION 18.68.080 Commercial Excavation--Removal of Earth Products.

- A. Before a Conditional Use Permit for the commercial excavation and removal of earth products can be granted, plans and specifications showing the location of premises, grading plan, existing and proposed drainage, proposed truck access, and details of regrading and revegetation of the site shall be submitted to, and approved by, the Planning Commission.
- B. Any deviation from the plans as approved will serve as grounds to revoke the Conditional Use Permit.
- C. In reviewing the application, the Planning Commission may consider the most appropriate use of the land, distances from property lines, the protection of pedestrians and vehicles, the prevention of the collection and stagnation of water at all stages of the operation, and the rehabilitation of the land upon termination of operation.
- D. A bond may be required to ensure performance.
- E. Any expansion of a nonconforming commercial excavation shall require a Conditional Use Permit. An expansion is defined as removal of additional undisturbed topsoil or vegetation or otherwise enlarging the area which had been mined, commonly referred to as the quarry face or active quarry area. (Ord 2290 S2, 1984)

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SECTION 18.68.090 Nonconforming Uses and Structures.

- A. A non-conforming use or structure may not be enlarged, extended, reconstructed, substituted, or structurally altered, except as follows:
1. When authorized in accordance with the same procedure as provided in Conditional Use Chapter 18.104 and the criteria of Section 18.104.050(B and C), a nonconforming use may be changed to one of the same or a more restricted nature, except that a Conditional Use Permit need not be obtained when the use is changed to a permitted use within the zoning district.
 2. When authorized in accordance with the same procedure as provided in Conditional Use Chapter 18.104 and the criteria of Section 18.104.050(B and C), nonconforming structure may be enlarged, extended, reconstructed or the footprint modified, except that a Conditional Use Permit need not be obtained when the addition or extension meets all requirements of this Title.
 3. A non-conforming structure may be restored or rehabilitated if is not changed in size or shape, provided that the use of the structure is not changed except if in conformance with the procedures of Section 18.68.090.A.1 above.
 4. Nothing in this section shall be deemed to prevent the normal maintenance and repair of a non-conforming structure or its restoration to a safe condition when declared to be unsafe by any official charged with protecting public safety.
 5. A legal nonconforming structure or nonconforming use that is damaged to an extent of 50% or more of its replacement cost may be restored only if the damage was not intentionally caused by the property owner and the nonconformity is not increased. Any residential structure(s), including multiple-family, in a residential zone damaged beyond 50% of its replacement cost by a catastrophe, such as fire that is not intentionally caused by the owner, may be reconstructed at the original density provided the reconstruction is commenced within 2 years after the catastrophe.
- B. Discontinuance. If the nonconforming use of a building structure, or premises ceases for a period of six (6) months or more, said use shall be considered abandoned; and said building, structure, or premises shall thereafter be used only for uses permitted in the district in which it is located. Discontinuance shall not include a period of active reconstruction following a fire or other result of natural hazard; and the Planning Commission may extend the discontinuance period in the event of special unique unforeseen circumstances.
- C. Reactivation. A non-conforming use, which has been abandoned for a period of more than six (6) months may be reactivated to an equivalent or more restricted use through the Conditional Use and Site Review process. In evaluating whether or not to permit the reactivation of a non-conforming use, the Planning Commission, in addition to using the criteria required for a Conditional Use Permit and Site Review, shall also use the following additional criteria:
1. That any improvements for the reactivation of the non-conforming use on the site shall be less than fifty (50%) percent of the value of the structure. The value of the structure shall be determined by an independent real estate appraiser licensed in the State of Oregon. The value of the improvement shall be determined based upon copies of the contractor's bid for said improvements, which shall be required with the Conditional Use permit application. Personal property necessary for the operation of the business or site improvements not included in the structure shall not be counted as improvements under this criterion.
 2. An assessment that the traffic generated by the proposed use would not be greater than permitted uses on the site. In assessing the traffic generated by the proposed use, the

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Planning Commission shall consider the number of vehicle trips per day, the hours of operation, and the types of traffic generated; i.e., truck or passenger vehicle. The Planning Commission shall modify the Conditional Use Permit so that the operation of the non-conforming use is limited to the same traffic impact as permitted uses in the same zone.

3. That the noise generated by the proposal will be mitigated so that it complies with the Ashland Noise Ordinance, Chapter 9.08.170, and also that it does not exceed the average ambient noise level already existing in the area, as measured by this standard.
 4. That there will be no lighting of the property which would have direct illumination on adjacent uses and that there would be no reflected light from the property greater than the amount of reflected light from any permitted use in that same zone.
 5. In a residential zone the findings must further address that such reactivation will further implement Goal VI, Policy 2, Housing Chapter of the Ashland Comprehensive Plan.
 6. Nothing herein shall apply to non-conforming signs, which are governed by the provisions of Section 18.96.150 of this Code.
- D. Building or structure: Nothing contained in this Title shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction has commenced prior to the adoption of the ordinance codified herein and subsequent amendments thereto, except that if the designated use will be nonconforming, it shall, for the purpose of subsection (B) of this Section, be a discontinued use if not in operation within two (2) years of the date of issuance of the building permit. (Ord 2951, amended, 07/01/2008)

SECTION 18.68.100 Slope; Hillside Protection. Repealed in its entirety, Ord. 2528, 7/5/89.

SECTION 18.68.110 Front Yard - General Exception.

- A. If there are dwellings or accessory buildings on both abutting lots (even if separated by an alley or private way) with front or side yards abutting a public street with less than the required setback for the district, the front yard for the lot need not exceed the average yard of the abutting structures.
- B. If there is a dwelling or accessory building on one (1) abutting lot with a front yard of less than the required depth for the district, the front yard need not exceed a depth one-half ($\frac{1}{2}$) way between the depth of the abutting lot and the required front yard depth.
- C. The front yard may be reduced to ten (10) feet on hillside lots where the terrain has an average steepness equal to, or exceeding a one (1) foot rise or fall in four (4) feet of horizontal distance within the entire required yard, said vertical rise or fall to be measured from the natural ground level at the property line. (Ord 2951, amended, 07/01/2008)

SECTION 18.68.120 Utilities.

Except as provided in Chapter 18.72 for wireless communication systems, the erection, construction, alteration, or maintenance by public utility or municipal or other government agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, towers, wires,

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mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police equipment and accessories in connection therewith, but not including buildings or satellite disc antennas, shall be permitted in any district, subject to the normal permit process. Utility transmission and distribution lines, poles and towers may exceed the height limits otherwise provided for in this Title, except in the Airport Overlay District. (Ord 2457 S1, 1988; Ord 3802 S3, 1997)

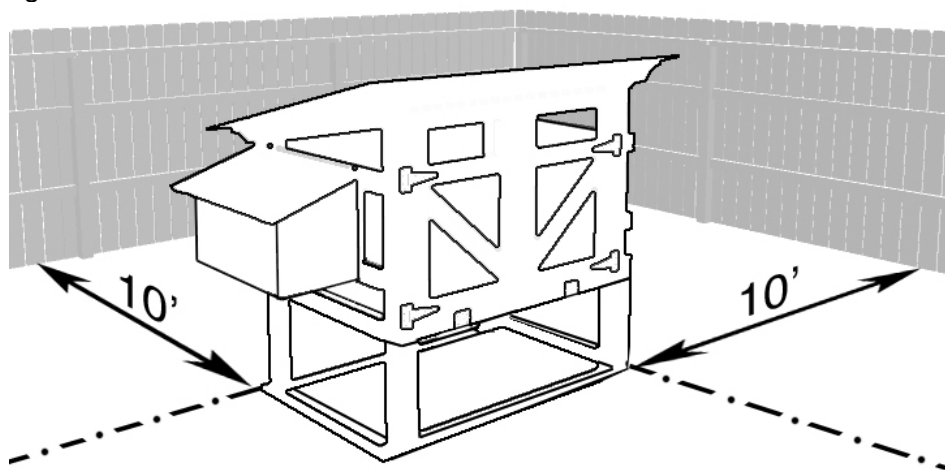
SECTION 18.68.130 Lot Size Requirements - General Exception.

If a lot or the aggregate of contiguous lots or land parcels held in single ownership and recorded in the office of the County Clerk at the time of passage of the ordinance codified herein, has an area or dimension which does not meet the lot size requirements of the district in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright in the district subject to all other requirements, provided it complied with all ordinances when it was recorded.

SECTION 18.68.140 Accessory Buildings, Structures and Mechanical Equipment.

Accessory buildings and structures shall comply with all requirements for the principal use except where specifically modified by this Title and shall comply with the following limitations:

- A. A greenhouse or hothouse may be maintained accessory to a dwelling in an R district.
- B. A guest house may be maintained accessory to a single-family dwelling provided there are no kitchen cooking facilities in the guest house.
- C. An enclosure housing micro-livestock may be maintained in a residential district provided the following conditions are met:
 - 1. Enclosures housing micro-livestock shall be constructed as follows:
 - a) they shall not be located in a required front yard.
 - b) they shall be setback a minimum of ten (10) feet from abutting properties.
 - c) they shall be at least twenty (20) feet from dwellings on adjoining properties.
 - d) structures shall not exceed six (6) feet in height.
 - e) chicken coops and rabbit hutches shall not exceed forty (40) square feet in area, or four (4) square feet per animal, whichever is greater.
 - f) chicken runs and rabbit runs, as enclosed outdoor structures, shall not exceed one hundred (100) square feet in area, or ten (10) square feet per animal, whichever is greater.



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2. The keeping of micro-livestock and the maintenance of their environment shall be in accordance with Keeping of Animals chapter of the Ashland Municipal Code (Ch. 9.08.040). (Ord 3060, 5/17/2012; Ord 3070, 9/7/2012; Ord 3084, 8/20/13)

- D. Mechanical equipment shall not be located between the main structure on the site and any street adjacent to a front or side yard, and every attempt shall be made to place such equipment so that it is not visible from adjacent public streets. Mechanical equipment and associated enclosures, no taller than allowed fence heights, may be located within required side or rear yards, provided such installation and operation is consistent with other provisions of this Title or the Ashland Municipal Code, including but not limited to noise attenuation. Any installation of mechanical equipment shall require a building permit.

- E. Rain barrels may be located within required side or rear yards provided such installation and operation is consistent with other provisions of this Title or the Ashland Municipal Code, and as follows:
 1. Rain barrels shall not exceed six (6) feet in height; and
 2. Rain barrels shall be located so that a minimum clear width of three (3) feet is provided and maintained between the barrel and property line; and
 3. Rain barrels shall be secured and installed on a sturdy and level foundation, or platform, designed to support the rain barrel's full weight.
 4. Every attempt shall be made to place rain barrels so that they are screened from view of adjacent properties and public streets. (Ord 3060, 5/17/2012)

- F. Regardless of the side and rear yard requirements of the district, in a residential district, a side or rear yard may be reduced to three (3) feet for an accessory structure erected more than fifty (50) feet from any street, other than alleys, provided the structure is detached and separated from other buildings and structures by ten (10) feet or more, and is no more than fifteen (15) feet in height. Any conversion of such accessory structure to an accessory residential unit shall conform to other requirements of this Title for accessory residential units, including any required planning action and/or site review. (Ord 2951, amended, 07/01/2008)

SECTION 18.68.150 Waiver of Right to Remonstrate and Consent to Participate in Costs of Improvements.

Whenever a request is made for a building permit which involves new construction of a new residential unit and/or any request involving a planning action which would increase traffic flow on any street not fully improved, the applicant is required to legally agree to participate in the costs and to waive the rights of the owner of the subject property to remonstrate both with respect to the owners agreeing to participate in the costs of full street improvements and to not remonstrate to the formation of a local improvement district, to cover such improvements and costs thereof. Full street improvements shall include paving, curb, gutter, sidewalks, and the undergrounding of utilities. This requirement is a condition precedent to the issuance of a building permit or the granting of approval of a planning action and if the owner declines to so agree, then the building permit and/or planning action shall be denied. This shall not require paving of alleys, and shall not be construed as waiving property owners rights to present their views during a public hearing held by the City Council. (Ord 2589, 1990)

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SECTION 18.68.160 Driveway Grades.

Grades for new driveways in all zones shall not exceed a grade of 20% for any portion of the driveway. All driveways shall be designed in accord with City of Ashland standards and installed prior to issuance of a certificate of occupancy for new construction. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor. All vision clearance standards associated with driveway entrances onto public streets shall not be subject to the Variance section of this title. (Ord 2951, amended, 07/01/2008)

West Hollywood Municipal Code

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[Title 19 Zoning Ordinance](#)

[Article 19-3 Site Planning and General Development Standards](#)

[Chapter 19.20 General Property Development and Use Standards](#)

19.20.050 Fences, Walls, and Hedges.*

* **CodeAlert:** This topic has been affected by Ordinance No. [19-1058](#). To view amendments and newly added provisions, please refer to the [CodeAlert Amendment List](#).

Fences, walls, and hedges shall be installed and maintained in compliance with the provisions of this section.

A. *Maximum Height.* The height of a fence, wall, or hedge shall not exceed the maximums allowed by this section.

1. *Measurement of Height.* The maximum height of a fence, wall, or hedge allowed by this section shall be measured from the highest ground level within two feet of either side of the fence, wall, or hedge.

2. *Allowed Height Reduction for Required Fences and Walls.* To allow for variation in topography, the height of a fence or wall that is required by this Zoning Ordinance for screening, separation between land uses, or other purposes, may vary. The fence or wall may be as much as six inches lower than the required minimum height, but in no event shall the average height of the fence or wall exceed the maximum height identified in this section.

3. *Exempt Fences and Walls.* A fence or wall that is required by state or federal law to exceed the height limits of this section shall be exempt from these requirements.

B. *General Standards for All Fences, Walls, and Hedges.* All fences, walls, and hedges in all zoning districts shall comply with the following requirements, as applicable.

1. *Color.* Fences and walls, excluding masonry with integral color and approved permanent finishes, shall be stained or painted in a consistent color scheme, which complements the surroundings.

2. *Materials.* Allowable materials for fences and walls shall be limited to wood, masonry, decorative metal (for example, wrought iron), and other materials approved by the Director consistent with the city's design guidelines. Barbed wire, concertina wire, grape stakes, chain-link, or chain-link with wood slats shall not be allowed as fencing material; except that chain link may be allowed in compliance with subsection (E) below (Security Fencing).

3. *Wrought Iron Design.* Wrought iron fences shall not terminate at the top in outward curves.

4. *Perimeter Fence Finishes.* All sides of all perimeter fencing shall be finished in the same colors and textures.

5. *Maintenance.* Fences, walls, and hedges shall be continuously maintained in an orderly, neat, and good condition, at no more than their maximum allowed height.

C. *Residential Zoning District Height Limits.* Fences, walls, and hedges on sites within residential zoning districts shall not exceed the following height limits. Residential properties with a parking overlay designation that are used as parking areas, and residential properties with nonconforming commercial uses are subject to the requirements of subsection (D), below.

1. *Height Limit Within Front Setback.*

a. *Fences and Walls.* Solid fences and walls within a required front setback shall not exceed a height of 42 inches; except that:

(1) Fences, walls, and combinations of fences and walls that are at least 50 percent transparent not to exceed six feet in height may be allowed in all residential front setbacks. The portion of a fence or wall that exceeds 42 inches in height shall be at least 50% transparent.

(2) A solid fence or wall or combination of fence and wall up to a maximum height of six feet may be allowed where the front setback of the residential parcel faces or abuts a General Plan-designated secondary highway, or a site zoned for or developed with a commercial use, or up to a maximum height of ten feet wherever property zoned for residential abuts a commercial zone or a commercial use, if the Review Authority determines that the fence or wall will

- (a) Unduly obstruct the view from neighboring residential properties; or
- (b) Create a safety hazard to vehicular or pedestrian traffic.

The height and type of the material to be used in constructing the wall shall be approved by the Director, or in the case of a project requiring Planning Commission approval, by the Commission, to ensure that the increased height is compatible with the use of the property, does not detract from the pedestrian character of the street and is integrated into the architecture and site design. (See Section 19.28.130 concerning driveway visibility.)

b. Hedges. Hedges (and any supporting apparatus) are allowed with no restriction on height so long as the hedges do not block sightlines for drivers per Section 19.28.130(D) or pedestrians as determined by the Director. The Director may require trimming, removal, or other modifications to the hedge as required to promote and protect the public health, safety, and welfare.

2. Height Limit Within Street Side Setbacks. Fences, walls, and hedges within a required street side setback shall not exceed 42 inches in height. A 50 percent transparent fence may be allowed within the setback area up to six feet in height.

3. Height Limit Within Interior Side and Rear Setbacks. Fences, walls, and hedges within a required interior side or rear setback shall not exceed six feet in height. Except where the property abuts a site zoned for or developed with a commercial use, including parking areas for commercial uses, a solid decorative wall or fence up to ten feet in height may be constructed along the property line abutting the property with the commercial use. The height and materials of the wall or fence shall be approved by the applicable Review Authority for the project to ensure that the increased height is compatible with the use of the property, does not detract from the pedestrian character of the street, and is integrated into the architecture and site design.

4. Height Limit Outside of Required Setback Areas. Fences, walls, and hedges not within any required setback shall not exceed six feet in height.

D. *Commercial Zoning Districts*. The following standards shall apply to fences, walls, and hedges on sites within commercial zoning districts.

1. Advertising. Fence, wall, or hedge surfaces shall not be used for advertising or display unless authorized by a creative sign permit (Section 19.34.060).

2. Maintenance. The walls of any building which partly enclose a yard area or are visible from a street frontage shall be stained, painted, or provided with integral color, as appropriate to the wall surface material used, and permanently maintained.

3. Screening Required Adjacent to Residential Zones. Wherever a site zoned for or developed with a commercial use abuts a residential zone, a solid decorative wall not less than six feet nor greater than ten feet in height shall be constructed along the property line abutting the residential zone. The height and materials of the wall shall be approved by the applicable review authority for the project. The Review Authority may require a wall up to 10 feet high, when such height is deemed necessary to protect neighboring residential properties from noise impacts or to otherwise protect the public health, safety and welfare.

4. Design. A wall abutting a right-of-way shall be designed to be compatible with the building architecture on the site, and shall be provided with landscaping between the wall and the right-of-way. (See also Section 19.26.040(B)(1)(a).)

5. Height Limit. Fences and walls shall not exceed 42 inches in height except where the Review Authority determines that increased height is compatible with the use of the property, does not detract from the pedestrian character of the street, and is integrated into the architecture and site design. (See Section 19.28.130 concerning driveway visibility.)

E. *Security Fencing*. Except as provided below, chain-link fencing is permitted for a maximum of ninety days to enclose abandoned, undeveloped or vacant property. After ninety days, fencing used to enclose abandoned, underdeveloped or vacant property shall comply with the requirements of Section 7.24.010(d) of this code. Properties actively being developed pursuant to a current and valid building permit may be secured for more than ninety days with chain-link fencing at the discretion of the Director of Community Development or his or her designee.

F. *Retaining Wall Standards*. Retaining walls with a maximum height of six feet are allowed in all setbacks, provided that they are designed and constructed with an appearance similar to the buildings and other structures on the lot, with compatible colors, finishes, and materials, and preferably with a color that is integral with the wall material.

1. Where a retaining wall protects a cut below the natural grade and is located on a front, side, or rear lot line, the retaining wall may be topped by a fence or wall of a total aggregate height that would otherwise be allowed at the location if no retaining wall existed. Where the retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the overall allowable height of a fence or wall. In any event, an open-work non-view-obscuring fence of forty-two inches may be erected at the top of the retaining wall for safety purposes.

2. Where a fence or wall is located in the required yard adjacent to a retaining wall containing a fill, the fence or wall shall be set back from the retaining wall a distance of one foot for each one foot in height, to a maximum distance of five feet. However, this does not allow a fence or wall in required yards higher than allowed by this section. The area between the fence or wall and the retaining wall shall be landscaped and continuously maintained in an orderly, neat, and good condition.

Retaining walls shall incorporate design features similar to the other structures on the site, and use compatible colors, finishes, and materials, in compliance with this section.

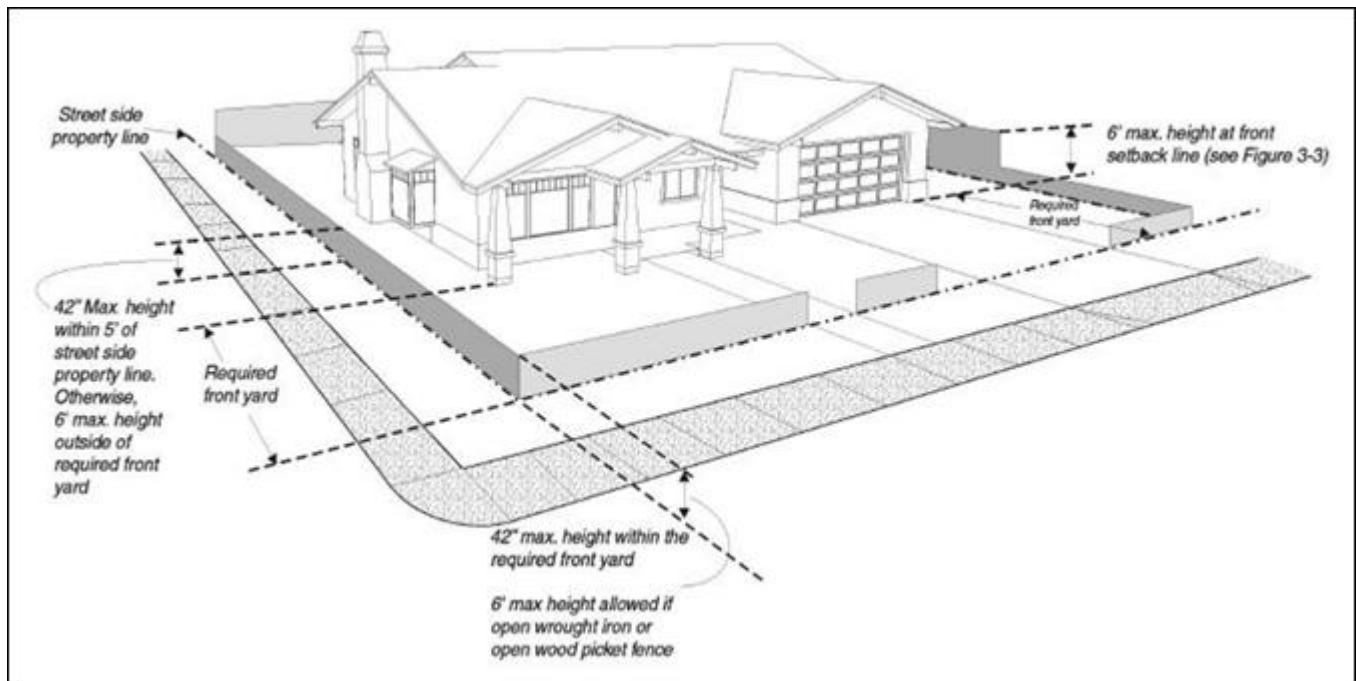


Figure 3-1
FENCE AND WALL STANDARDS

(Ord. 14-940 § 11, 2014; Ord. 07-752 § 7, 2007; Ord. 02-643 §§ 9—13, 2003; Ord. 02-615 § 2, 2002; Ord. 01-594 § 2, 2001)

View the [mobile version](#).

FENCE/WALL PERMIT DESIGN SUPPLEMENT

This supplement is intended to help in the design and construction of fences that meet City standards. Full details are available in the City of Durango's Land Use and Development Code [Section 3-5-1-1](#).

Height & Transparency Requirements

Height & Transparency in Residential Areas

- Fences in residential zones can be a maximum of 6-feet tall.
- In front setback areas, fences can only be 4-feet tall and must have 50% transparency.
- Fences outside the front setback that go from a side wall plane to a side lot line or are placed parallel to a side street in front of the rear wall plane must have 50% transparency above 4-feet.
- Where there are grade changes between properties, the height can be increased the amount of the grade change up to a maximum of 8-feet.
- Any fence on a property line between lots of different orientation shall be built to the more restrictive standard.

Height & Transparency in Commercial Areas

- Fences/walls in the LI zone can be 8-feet tall.
- Fences/walls in all other nonresidential zones can be 6-feet tall.
- Fences in the front setback of mixed use zones can be 4-feet tall and must have 50% transparency.

Design & Materials in All Areas

- The LUDC states, "All fences / walls must be made of traditional fencing/wall materials, including wood pickets, wrought iron, wire, chain link, block, etc. No other material shall be permitted without approval of the Administrator."
- Structural framework must be oriented to the interior of the property.
- No fence/wall is allowed within corner sight distance areas or visibility sight triangles as shown on the diagram on Page 2. See Sections [4-2-2-12](#) & [4-2-2-13](#) or ask staff for a detailed explanation of these areas.
- No barbed wire, razor edge, or electric wire fencing, nor fences with points or sharp edges along the top of the fence, shall be permitted without approval of the Administrator.

Height Measurement

The height of fences, walls, or retaining walls is measured as the vertical distance from a point of measurement at the average finished grade for each interval to the highest point at the top of the fence or wall, excluding posts and pilasters.

In general, fence/wall height is measured in 40 foot horizontal intervals, or the distance between posts/pilasters, whichever is shorter. However, where the average finished grade exceeds five percent (5%), the horizontal interval between height measurements shall be equal to two divided by the slope, where the slope is expressed as rise divided by run.

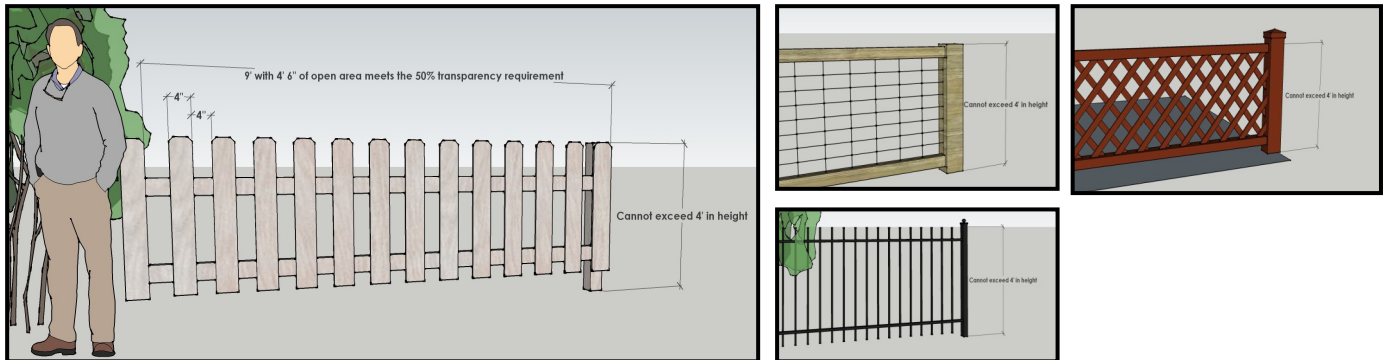
Other Fence/Wall Standards

- Fence/wall height may be increased two inches when spacing for drainage under the fence is needed.
- An open arch or pergola may exceed height limits by a maximum of two additional feet for a length not to exceed four feet. No more than one such element shall be provided for every 20 feet of fence length. Also,
- Garden walls are exempt from fence/wall permits so long as they retain raised garden beds but are not used to retain any natural slope, and the maximum height of a garden wall shall be 24 inches.

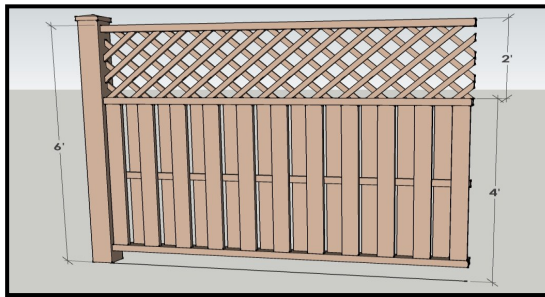
FENCE/WALL PERMIT DESIGN SUPPLEMENT

Height, Transparency, & Materials Illustrations

The graphics below illustrates examples of acceptable fence designs for areas that allow a four foot tall fence with 50% transparency.



The graphic below illustrates an example of an acceptable design for areas that require 50% transparency above four feet.



Height Measurement Illustration

(See LUDC Sections [4-2-2-12](#) & [4-2-2-13](#) or ask staff for a detailed explanation.)

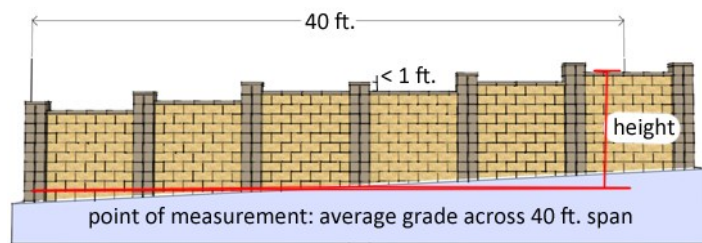
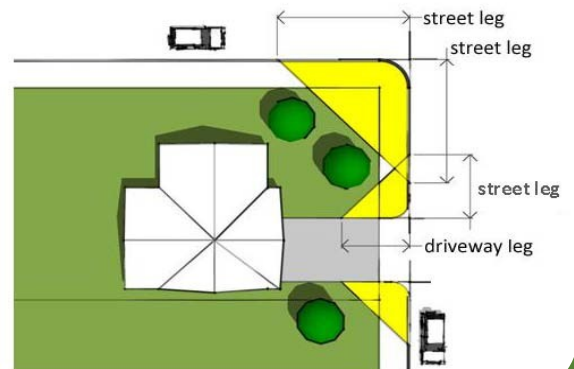


illustration with 5% slope

Visibility Triangles Dimensions & Illustration

(See LUDC Sections [4-2-2-12](#) & [4-2-2-13](#) or ask staff for a detailed explanation of these areas.)

Intersection Type	Street Leg Measurement	Driveway Leg Measurement
Street-to-Street	35'	NA
Driveway/Alley-to-Local Street	18'	18'
Driveway-to-Collector Street	23'	23'
Driveway-to-Arterial Street	28'	28'



6/19/19 Deborah Spiegel 255 Orchard

I am on the agenda to revisit the new fence ordinance.

1 **Solid vsTransparent Fences**

It is my understanding that the purpose of the change in the fence height for corner properties is visibility. The new ordinance does not acknowledge transparency as a safety feature in a fence. Instead, transparent fences and solid privacy fences are treated as the same.

A transparent fence would include wire, chain link, wrought iron, and pickets, whereas a solid fence has no visual. Here are some examples of transparent fences in town, showing good visibility. Safe. Yet not necessarily short.

This one I think is 5 feet tall.



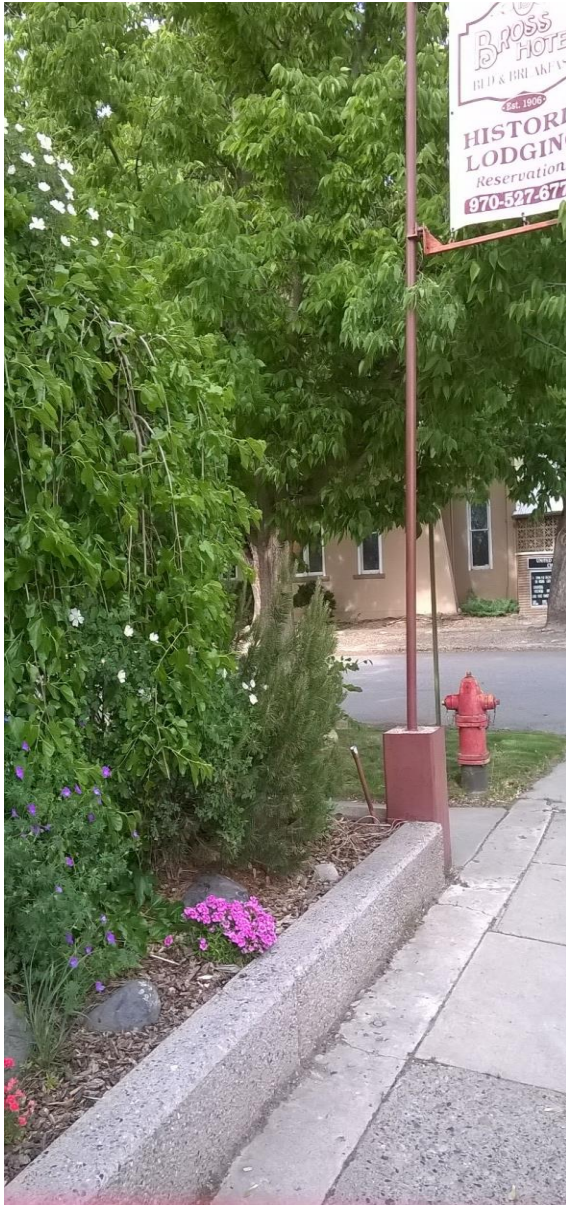
The next one is 4 feet tall on the corner:



This photo of a 6 foot chain link fence on the corner at town park, with clear visibility.



More concerning than fence height in visibility are hedges, vines, bushes, etc. I have seen street corners here in town that have no fence but the bushes are so high and thick that there is no visibility. I in no way intend to bring any harm to any person by sharing a photo I took of some greenery, but merely want to mention it to illustrate the fact that I could have a 3 foot fence and this much growth and you would not be able to see. Fence height is not the issue in visibility. Transparency is.



(* I will later add a couple of other photos of places that have growth that is NOT a problem as it is low enough to have clear visibility.)

Questions:

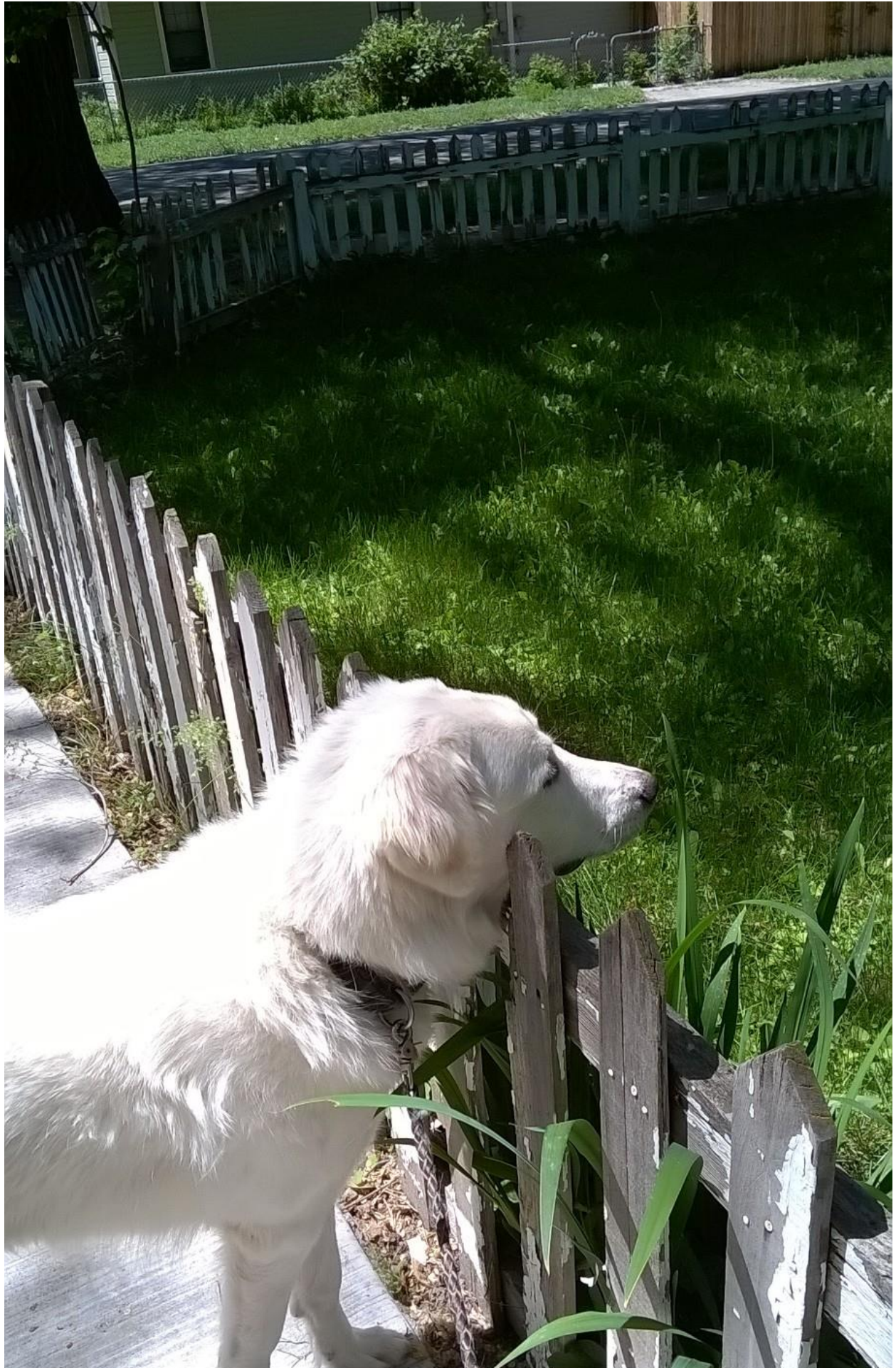
How many traffic accidents have occurred here in Paonia due to a fence?

And how many due to hedges?

And how many loose dogs require the attention of the town?

2.Dog Issues

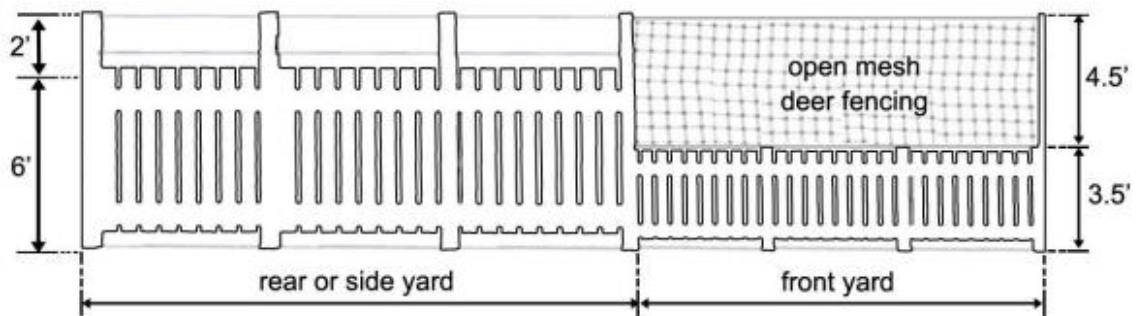
The 3 foot fence height is an issue if you need to contain a large dog. Dogs at large pose their own safety risk. I live on a corner and want to put a fence to keep my dog in the yard, and other people's dogs off of my flower beds. As you can see, a 3 foot fence will be useless for my dog. Many people have problems keeping their dogs in their yard even with a 4 foot fence.



Here are several solutions:

- a. The fence height could be up to 6 feet as long as it is transparent. This could improve the incidence of loose dogs in town while providing visibility.
- b. We could adopt a similar system to the following:

I saw an ordinance that even allows a person with a front yard fence that is 3 or 4 feet tall to have a wire fence above it, that is then transparent. **This is taken from the Ashland, Oregon fence ordinance: (I have included the ordinance in full as an attachment)**



They allow this for deer fencing:

1. Deer fencing may be attached to a permitted front, side, or rear yard fences provided the area in excess of the allowable fence heights per 18.68.010 is designed and constructed to provide a clear view through the fence.

a) Within required front yards at least eighty five percent (85%) of the surface shall be unobstructed to both light and air when viewed perpendicular to the plane of the fence.

b) Within required side and rear yards at least eighty percent (80%), of the surface shall be unobstructed to both light and air when viewed perpendicular to the plane of the fence.

2. Deer fencing shall have a minimum height of six and a half feet (6 ½') and shall not exceed eight feet (8') above grade.

3. Permitted deer fencing materials may include, woven wire fencing, field fence, "hog panels", wire strand or polypropylene mesh net that is open and visible through the material. Within front yards all mesh material shall have a minimum open diameter of one and a half (1 ½) square inches.

4. Deer fencing shall be supported by structural supports, or tension wires, that run along the top of the fence to prevent sagging.

5. Chain link fences shall not be considered to be deer fences under this section even if they meet the criteria above.

Here is an article I found in another town who had issue with fence height and how it was resolved in Conroe, Tx.

"Conroe residents will no longer have to worry about what some called an unnecessary height restriction on fences.

City Council members altered an ordinance Thursday night, changing the maximum height of front-yard fences to 6 feet rather than 4 feet as passed in a prior meeting.

"No permit is required for a conforming fence if it is 6 foot in height or under," Assistant Director of Community Development Nancy Mikeska said. "We're actually measuring the panel, not any drainage panels or rot boards or anything like that."

If a fence is higher than 6 foot, it must be permitted through the city.

"There will be some requirements we have you do to ensure that that fence you've constructed over 6 foot is done so safely and so we can establish that we know it is up there in a manner that is safe for our citizens and secure," Mikeska said.

This is already in the city's building code but would have been prohibited under the fence ordinance's previous height requirement. Mikeska said the city "hasn't been good at following" the building code's permitting requirement for the fences, but they will change that.

"That is a result of the change brought up by our citizens with regard to height and with regard to the council some wanting lower, some wanting higher," Mikeska said. "This way, we're going to leave it to the staff to make sure if you're going to put up a fence higher than 6 foot - it can be any height that you want - it's going to be done substantially secure and in a manner that is safe for our citizens, not just your family, but for people walking by also."

Existing fences that exceed the height limit will no longer be required to be torn down or replaced so long as they conform with the other ordinance language including construction materials.

Fences that have deteriorated in such a way that violate the rest of the ordinance will have to be rebuilt or torn down immediately, according to Mikeska.

Two Conroe residents voiced concerns Wednesday that the fence ordinance, at the basic level, violated property owners' rights. One resident questioned what "substantially transparent" was defined as. This was a concern because the resident thought if the slats had to be too wide, animals could escape.

City Attorney Marc Winberry said the test was if standing on one side of the fence someone can make out that "it was a person, a house" or other items on the other side. He continued saying the width of the openings also depends on the material - chain-link fencing will have different spacing than wooden fences, so the materials could be spaced apart in a way that both keeps animals out and is transparent enough to comply.

Most public complaints of the ordinance, aside from generic property rights, came from the height requirement. Some residents even held signs bashing the ordinance in downtown around the time when the ordinance was first passed.

Initially, the fence ordinance passed with just one “no” vote: Councilman Duke Coon, who felt the ordinance’s restrictions were unfair and unsafe. Coon said the lower height restriction would make it unsafe for residents to keep a large dog in the yard.

The fence ordinance’s height and transparency restrictions only apply to the fencing that is in front of the house. Any fencing that is at or behind the front of the house can be privacy fencing”

The West Hollywood, CA fence ordinance clearly distinguishes between solid and transparent fences:

Solid fences and walls within a required front setback shall not exceed a height of 42 inches; except that:

(1) Fences, walls, and combinations of fences and walls that are at least 50 percent transparent not to exceed six feet in height may be allowed in all residential front setbacks. The portion of a fence or wall that exceeds 42 inches in height shall be at least 50% transparent.

Visibility triangles:

I am happy that our town ordinance does not ask us to cut out entire triangles of fence in order to have visibility. Here is my solution for otherwise providing the visibility triangle without restricting fence height to 3 feet, and would like other people's suggestions as well:

As I mentioned before, if a fence provides ample visibility, such as a wire fence, a chain link fence, or a wrought iron fence, any height of fence can provide visibility. If it's a solid fence the height on the corner must be limited, but they can add transparent fencing to the top.

In West Hollywood this is how they wrote up the hedge portion:

Hedges. Hedges (and any supporting apparatus) are allowed with no restriction on height so long as the hedges do not block sightlines for drivers per Section 19.28.130(D) or pedestrians as determined by the Director. The Director may require trimming, removal, or other modifications to the hedge as required to promote and protect the public health, safety, and welfare.

2. **Height Limit Within Street Side Setbacks. Fences, walls, and hedges within a required street side setback shall not exceed 42 inches in height. A 50 percent transparent fence may be allowed within the setback area up to six feet in height.**

Again, they are making a distinction between a solid fence (42 inches) vs a transparent fence (6 feet.)

3. Building Inspector Expense

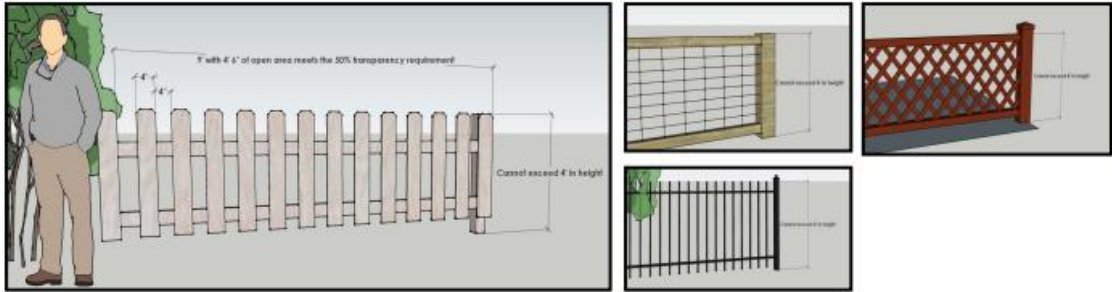
I paid \$50 for a fence permit. Then the town paid the building inspector to come look at my yard and draw up a diagram of what height of fence I can have where. He charges the town \$120/hour to do this. A friend came by and didn't believe me when I told him about the fence ordinance so he went to the town hall and asked someone in the office who drew up a totally different diagram for him. He then met with the inspector for clarification and the inspector showed him the same diagram he had made me, telling him the town was paying big money for him to be talking to him.

I propose that we leave out the expense the town is paying for using the inspector in this way and instead **make up a pamphlet, brochure, flyer or some such thing with instructions and photos demonstrating what is permitted with illustrations and diagrams**, taking into account the varying layouts of people's property. (Some of us don't really have a "back" yard.).


Here is an example of such a handout used in Durango:

Height, Transparency, & Materials Illustrations

The graphics below illustrates examples of acceptable fence designs for areas that allow a four foot tall fence with 50% transparency.

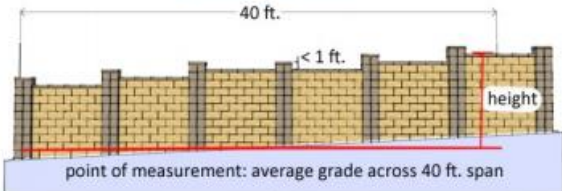


The graphic below illustrates an example of an acceptable design for areas that require 50% transparency above four feet.



Height Measurement Illustration

(See LUDC Sections [4-2-2-12](#) & [4-2-2-13](#) or ask staff for a detailed explanation.)



point of measurement: average grade across 40 ft. span

illustration with 5% slope

Here are some more examples of transparent fences that could illustrate transparency on the suggested brochure:

















In Summary

1. I would like to propose that if a fence is 50% or more transparent, that it can be any height up to 6 feet like Durango and West Hollywood. Transparent will include wire fence, chain link fence, wrought iron fence, picket fence, etc. It can include solid up to 42 inches with transparent ontop of that.

2. In the 30 foot visibility triangle on corners, keep growth of greenery to 42 inches.

3. I would like the option that if a person has a fence that doesn't keep their dog in that they can add a deer fence like they do in Ashland, Oregon, or can add transparent fencing to the top. I also propose that fence posts can be a foot higher than the fence.

4. Let's make a handout that illustrates whatever the new rules are so you don't have to involve the building inspector and town staff in explaining this to each person.

Please consider the town residents comments and look at alternatives so that we can arrive at a reasonable ordinance that is safe for motorists, pedestrians, and also user friendly to the property owners.

If I don't get the attachments in today in time, I will add them later.

★ planning advisory service

AMERICAN SOCIETY OF PLANNING OFFICIALS

1313 EAST 60th STREET — CHICAGO 37, ILLINOIS

Information Report No. 113

August 1958

FENCES

Good fences make good neighbors until attempts are made by ordinance to restrict height or type of fence! This relatively unimportant topic can be the subject of immense controversy.

The Text of a Model Zoning Ordinance, with Commentary, by Fred H. Bair, Jr. and Ernest R. Bartley, Public Administration Clearing Service of the University of Florida, 1958.

Historically, courts have recognized the importance of the right to fence property.¹ In many of the western states this right was turned into a responsibility. Settlers who wanted to keep cattle out of their corn had to fence the fields. However, common law, as evolved in most eastern states, generally requires a property owner to fence in his animals to keep them from trespassing on his neighbor's property. Special agencies have been developed through court action and state legislation to handle rural fencing problems. The days of shooting it out with the neighbors about fencing the waterhole are over except on TV.

There are lengthy fence statutes in many states. Generally speaking, they apply only to agricultural land, but sometimes all land in the state is covered by a fence act. Fence districts created for the purposes of erecting and maintaining fences are sometimes provided for by law. Fence viewers -- an appeal board that settles fence disputes -- also stem from state acts.

Of particular interest because it is common in urban areas, as well as rural, is the partition fence. A form of division or property line fence, it is usually erected jointly by adjoining landowners. State law may establish the rights and duties of the two proprietors. Both are equally responsible for maintenance and construction unless they arrange otherwise by agreement or written contract. In case of disagreement, appeal may be made to fence viewers or to the courts.

In urban areas, attitudes toward fences are different from those in rural areas and the fences serve different purposes. Joint building and maintenance is probably less common. From experience, the urban property owner

¹Ray Hamilton Skelton, The Legal Elements of Boundaries and Adjacent Properties (Indianapolis: The Bobbs-Merrill Co., 1930), pp. 501-513.

is cautioned to build his fence several inches back from the property line to avoid legal entanglements due to opposition from a neighbor or to faulty surveying. To stave off spite fence battles, dealers in fencing materials often advise a prospective fence builder to tactfully approach his neighbors and explain why he wants to put up a fence. Another graceful gesture advised is to turn the best side of the fence toward the neighbors. In some residential areas, covenants should be checked because they may prohibit or strictly limit fences. These notes of caution are testimony to a changed attitude toward fences: our ancestors built fences because they wanted privacy and independence; we fight fences because we want everyone to conform to new norms of sociability and neighborliness.

The contemporary pattern of residential development is the single-family dwelling near the center of a lot and surrounded by yards, most of which are open to public view. Little privacy is possible, even in the back yard. However, there are many situations in which fences are appropriate and necessary. They can be used to guard a toddler, to keep a dog in the yard, to protect a lawn or garden, and to safeguard against the dangers of yard pools. Moreover, fences and walls can block off the hot sun and break the cold wind; they can shield against unsightly neighboring yards, outside noises, and inquisitive eyes.

But these considerations seldom take into account the right of adjoining property owners to light, air, and view. However, fence regulations can be drawn so they serve both the property owner and the public -- his neighbor, for the most part -- with little conflict. Fence controls should, of course, be determined on the basis of what is appropriate for a particular community.

This report first considers general municipal regulation of fences, including control of materials that might cause injury. Because much of the impetus for fence provisions in zoning ordinances comes from citizen interest in preventing spite fences, they and how they are handled in zoning ordinances are discussed. Regulation of other fences, walls, and hedges through zoning ordinances is reviewed. Vision clearance provisions are also analyzed. Finally, some developing issues in the use and control of fences are explored.

* * * * *

Barbed wire and electric fences, and fences and walls with spikes, broken glass, or other sharp points that can cause injuries are usually forbidden by municipal regulations. In many instances, however, a barbed wire top to an open wire mesh fence is allowed, provided the barbed wire is of sufficient height above the ground -- usually eight feet. Sometimes the barbed wire must face away from the side of the fence that fronts on a sidewalk or other public way. The purpose of that restriction is to prevent projections that might cause injury to people falling upon them, running into them, or carelessly touching the fence. Regulations dealing with the safety of fences are sometimes incorporated into a zoning ordinance provision on fences.

Gates and doors swinging outward across a sidewalk are generally permitted. Such swinging obstructions have been held not to be nuisances per se but may become so by negligent use and by interference with pedestrian traffic.²

²Eugene McQuillin, The Law of Municipal Corporations (3rd ed.; Chicago: Callaghan and Co., 1949-1951), Vol. 10, p. 755, sec. 30.98.

The control of unsightly fences and walls is also a problem. Nevertheless, most courts would probably not look kindly upon an ordinance that required fences and walls to be built of specific materials or in a particular pattern just because they might be better looking. For example, the issue of fence materials arose in a junk yard fencing case, City of New Orleans v. Southern Auto Wreckers, 193 La. 895, 192 So. 523 (1939). The court said that the ordinance under attack (not a zoning ordinance) was "an arbitrary and unreasonable exercise of the police power, because the requirement of a tight board fence instead of a substantial fence built of other materials, in no way tends toward the accomplishment of the object for which the city's power was exercised in this case."

Spite Fences

Any discussion by laymen of legal technicalities calls for statements of principles that are carefully qualified. The following remarks on spite fences attempt to present only broad principles.³

The layman regards a spite fence as one built to annoy his neighbors. Often it is considered such because the neighbors' feelings are hurt; they feel snubbed by being cut off from contact with the fence builder. If the fence is obnoxious in appearance, damage to neighborhood ego is compounded and the neighbors are all the more sure of the spiteful intentions of the builder. Formerly, when a spite fence builder was brought to court, the courts believed they could not recognize such psychological "injury" in assessing damages or issuing an injunction. Other tests had to be developed.

The general common law rule is that a property owner must so use his property as not to injure others.⁴ However, courts usually hesitate to restrict the property owner in the use of his land and often give him the benefit of doubt because property rights are a major cornerstone of our law.⁵ So long as he refrains from "actively wrongful, negligent, or unskillful acts causing unnecessary injury to adjoining premises," according to Corpus Juris Secundum,⁶ "he may make any reasonable and proper use of his property in accordance with his own tastes, and any injurious consequences to adjacent premises are without liability."

Of special interest because of the relationship to spite fences is the prin-

³For further legal discussion see Spite Fences and Other Spite Structures, 133 American Law Reports (A.L.R.) 691 (1941).

⁴66 Corpus Juris Secundum (C.J.S.) Nuisances sec. 8.

⁵Clyde O. Martz, Rights Incident to Possession of Land (Boston: Little, Brown and Co., 1954), sec. 28.28, as reprinted from American Law of Property, Vol. VI-A, part 28.

⁶2 C.J.S. Adjoining Landowners sec. 1.

ciple that obstruction of light, air, and view is not cause for action by neighboring landowners.⁷

Since the doctrine of ancient lights generally does not apply in the United States, a building or structure cannot be considered a nuisance merely because it interferes with passage of light and air to adjoining property, nor does the fact that a structure obstructs the view of neighboring property constitute a nuisance.⁸ Of course, in extreme cases the courts may protect the neighbor.

Suits involving spite fences for years were not actionable as private nuisance cases in many courts because of the long recognized right of a property owner to erect a fence to separate his land from adjoining plots (e.g., Rose v. Lindeman, 147 Mich. 372, 110 N.W. 939 [1907]). Because of the unwillingness of courts to handle spite fence cases as private nuisance actions, several states (including Connecticut, Maine, Massachusetts, New Hampshire, Vermont, Washington, New York, and Kentucky) have made spite fences a cause for action by plaintiff through state statutes. Such laws usually spell out grounds for identifying a spite fence and recognize the spite fence as a cause for action through a private nuisance suit.

Spite fence statutes were based on principles that developed slowly in the courts of a few states -- principles under which it was held that a fence cannot be built for the sole reason of annoying or injuring a neighbor. Motive as the principal test of spite developed from the case of Gallagher v. Dodge, 48 Conn. 387 (1880).⁹ In that decision the court said that "a structure is erected for spite when from its character, or location, or use, it would strike the ordinary beholder as manifestly erected with a leading purpose to annoy the adjoining owner or occupant in his use of his premises." (See also Burke v. Smith, 69 Mich. 380, 37 N.W. 838, 8 A.L.R. 184 [1888]. For lists of states allowing or disallowing consideration of motive, see 133 A.L.R. 691.)

The statute approach was taken by some states because spite fence cases are in an area of law that courts have been slow to enter, and because when an action becomes a nuisance action largely because of the public's emotion, there are many conflicting principles.

In most nuisance cases, the intent or motive of a person is not considered in determining whether there is a nuisance.¹⁰ But, a spite fence is primarily defined by the presence of intent to annoy. This finding must be coupled with a finding that the fence is not serving some useful and reasonable purpose.

If a defendant can show that he erected his fence for purposes other than to annoy and that he draws some benefit from the fence, the courts will

⁷ 2 C.J.S. Adjoining Landowners secs. 47-52.

⁸ 66 C.J.S. Nuisances sec. 25.

⁹ Richard L. Leedy, "Spite Fence: A Newly Created Cause of Action," Wyoming Law Journal 9(Fall, 1954), pp. 74-77.

¹⁰ 66 C.J.S. Nuisances sec. 10.

probably find that it is not a spite fence. In a case reported in ZONING DIGEST, Vol. 4, page 69, Livingston v. Davis, 50 N.W.2d 592 (Iowa, 1951), the court held that a six-foot wood fence around a playground erected without the motive of spite or malice could not be enjoined even though the adjoining property owner was annoyed by it.

It is generally held that spite fence laws do not apply to buildings even though they are built to annoy, nor do the laws apply to fences not "substantially adjoining" the property line. (However, statutes are not confined to fences actually on boundary lines unless the laws are limited by definition.)

As a means of defining spite fences, some state laws, such as the New York real property law, declare fences exceeding a certain height that are maliciously erected and maintained to spite or annoy the owners or occupants of adjoining land, a private nuisance, and the law provides a remedy. The New York law places the height limit at ten feet if the barrier excludes the owner or occupant of the adjoining property from the enjoyment of light and air.

Regulation of Spite Fences Through Zoning

Zoning purposes, as expressed in the rationale for yard requirements,¹¹ are contrary to common law. Common law generally holds that a landowner may build in such a manner as to deprive adjoining owners of the light, air, and view that they had before the structure was built.¹² Moreover, under common law it has been held that no legal injury is inflicted by obstruction. Zoning, on the other hand, has as one of its purposes the protection of access to light and air and since fences are obstructions to them, zoning is used to regulate fences.

In addition, safety (especially vision clearance at corners) has been a strong reason for regulation of fences. Because access of view is largely an aesthetic matter when applied to fences, it has not been used as a justification for fence controls through zoning. However, view is most certainly a major element in a spite fence argument, because there may be malice in cutting off a good view by putting up a fence.

In a case reported in 10 ZD 89, State v. Zumpano, 146 N.E.2d 871 (Ohio App. 1956), the court held that the fence provision in a zoning ordinance (clearly aimed at forbidding spite fences, rather than protecting access to light and air) was invalid because no clear standards of what constitutes a spite fence were established. The ordinance prohibited as an accessory use "Unnecessary structures, including a fence, the apparent purpose of which is to annoy or damage the owner of adjacent property . . ." The court, in holding the prohibition invalid, asked who was to determine what is "unnecessary," or who would determine the "apparent purpose" and whether it "dam-

¹¹ Projections into Yards, PLANNING ADVISORY SERVICE Information Report No. 66 (Chicago: American Society of Planning Officials, September 1954).

¹² 2 C.J.S. 44, Adjoining Landowners, sec. 50.

ages owners of adjacent properties." The court said that there is no uniform fence regulation in the section of the zoning resolution in question and pointed out that uniformity is abandoned ". . . because enforcement is left to a next door neighbor, a more distant neighbor, or to a zoning official."

A case involving a similar lack of standards (although decided on procedural grounds) is reported in 10 ZD 151, Incorporated Village of Plandome Manor v. Greene, 171 N.Y.S.2d 356 (1958). Pearson v. Baldwin, 270 P.2d 866, 6 ZD 180 (Cal.App. 1954) also involves a spite fence action brought under zoning ordinance provisions.

CONTROL OF FENCES THROUGH ZONING

"Fence" Defined

It does not seem necessary to define "fence" in most zoning ordinances. "Fence" has a clear meaning for which a dictionary definition will usually suffice. Fence provisions also usually cover walls, retaining walls, hedges, shrubbery, trees, "other growth," plants, flowers, screens, and "similar obstructions."

The principal use of a definition probably arises when a city wants to specifically include or exclude fences from the category of structures regulated by the ordinance. The Milford, Connecticut ordinance (1952) says ". . . the word 'building' includes the word 'structure' but does not include the word 'fence'." However, the Philadelphia ordinance (proposed 1957) defines a fence as "an unroofed barrier or unroofed enclosing structure, including retaining walls." [Editors' underscoring.] Definition of a fence as a structure may be of importance in determining location of fence provisions within the zoning ordinance.

When a fence is not considered a structure, it is usually regulated as an encroachment or projection into yard spaces. When it is considered a structure, it is usually regulated as an accessory structure.

When a fence is treated as an encroachment, the fence provisions often appear in the supplementary regulations section, which also covers such details as vision clearance, exceptions to height regulations, and other types of projections and encroachments. Fences occupy space in yards that otherwise is supposed to be unoccupied.

A typical provision in which fences are considered encroachments is that in the Denver ordinance (1957).

Fences or walls not exceeding 42 inches in height may be erected on any part of the Zone Lot between the front line of the Zone Lot and the front setback line for structures, and on any other part of the Zone Lot may be erected to a height of not to exceed 72 inches. The height of such walls or fences shall be determined by measurement from the ground level at the lowest grade level within three feet of either side of such walls or fences. Fences or walls permitted hereunder shall not be in-

cluded in computing compliance with Outside Area of Window Exposure.

If a fence is regulated as an accessory structure, fence rules generally appear in the district regulations. The zoning ordinances of Erie, Pennsylvania (1950) and Faribault, Minnesota (1952), for example, treat fences, walls, and hedges as accessory uses in residential districts. To be an accessory use, a fence must be an entity as opposed to a projection that is part of another entity. It is interesting, therefore, to note that in State v. Zumpano the court held that a fence is a structure within the terms of the township zoning enabling statute, and that the phrase "uses of buildings and other structures" contemplated the right to control the erection of fences through a zoning resolution. (See also City of Chicago v. Piolet, 342 Ill.App. 201, 95 N.E.2d 528 (1950), a nuisance case, in which it was held that a fence was a structure.)

Height Limitations

Where it is desirable to provide for different heights for different kinds of yards (as in the Denver ordinance provision quoted earlier), the definition of yards should be kept in mind and the height permitted in each set forth. For example, a model zoning ordinance for Florida¹³ contains a fence section as a supplementary district regulation for residence districts, which reads:

Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over two and one-half feet in height.

The writers comment that "The maximum of two and one-half feet for front yard fences or hedges is preserved as a safety factor, particularly where small children are concerned. Some cities include maximum height provisions on side and rear yard fences. The matter is one of policy for the individual city."

Strict controls over the height and opacity of fences and similar obstructions appear in some ordinances. El Dorado, Kansas (1951) limits height to five feet and limits solidity to 50 per cent. Mount Lebanon Township, Pennsylvania (1955) has the strictest provisions of any ordinance reviewed for this report. Fences are limited to four feet in height, permitted in side or rear yards only, and the ratio of open to closed spaces must be not less than four to one. Tiffin, Ohio (1950) does not permit a fence to extend in front of the building line. North Hempstead, New York (1945) also limits height to four feet, as does Erie, Pennsylvania. Wheeling, Illinois has an ordinance provision (1949) that allows a fence ". . . in which the openings between the materials of which the fence is constructed represent less than

¹³Fred H. Bair, Jr. and Ernest R. Bartley, The Text of a Model Zoning Ordinance, with Commentary, Studies in Public Administration No. 16 (Gainesville: Public Administration Clearing Service of the University of Florida, 1958), pp. 35-36.

seventy per cent of the total surface [to] be erected to a height not exceeding four feet along the boundaries of the lot" and ". . . wire fences and other fences in which the openings between the materials of which the fence is constructed represent more than seventy per cent of the total are [to] be erected to a height of six feet."

A specific reference point for measuring height such as that in the Denver ordinance is a necessary detail.¹⁴ Because height limits are sometimes established in state spite fence statutes, it is desirable to check the statutes before setting heights in the zoning ordinance, so that the local maximum is not higher than the state's.

Along streets -- A provision governing height of fences in side yards when they border on a public way is sometimes added: ". . . and those in . . . any required side yard or extension thereof, shall not exceed three and one-half (3½) feet in height when side yard or its extension borders upon a street" (Midland, Michigan -- 1956). A variation of this appears in the San Diego County ordinance (1954): "Between an abutting front or side street and the minimum distance, the nearest main building is required to be set back from such street forty-two inches (42")."

In front yards -- The heights permitted in front yards are usually lower because of the safety aspect, as well as in the interest of preserving an unobstructed view of open, green lawns. There is little difference between restriction of vision by a wall or by a high, thick hedge. Both are hazards to cars coming into and out of driveways because they block the view of the driver. However, the precise effect of either can only be determined in a particular case because there is a wide variation from city to city and within a city of the relationships between (1) street width, (2) radius of driveway returns, and (3) curb line, planting strip, sidewalk, and property line location and distances. For example, there is a tendency today to plant trees between the sidewalk and the building line, which gives drivers a better view of pedestrians and cars.

There is a provision in the Santa Barbara, California ordinance (1957), which says in the interests of safety, presumably, ". . . no fence, screen, wall, or hedge located within ten (10) feet of a driveway shall exceed a height of three and one-half (3½) feet."

Over hedges and other obstructions -- In addition to fences, some ordinances attempt to control walls, screens, hedges, and shrubberies because these obstructions pose many of the same problems that fences do. For example, the San Diego County ordinance provides: "Trees, shrubs, flowers, and plants shall be permitted in any yard, except that no hedge shall be grown or maintained at a height greater than that permitted by this ordinance for a solid fence."

The Oyster Bay, New York ordinance (1953) notes in the fence provisions that "The provisions hereof shall also apply to hedges or other densely growing shrubbery."

¹⁴The dissenting opinion in In re Appeal of Parker (214 N.C. 51, 197 S.E. 706 (1938)) is partially based on a lack of clarity in establishing a point for height measurement.

The implication in distinguishing between hedges and other trees, plants, or shrubs is that a hedge obscures much more light, air, and view because it is denser and more opaque. However, the ordinance for the town of North Hempstead, New York specifically exempts "hedge, privet, trees, or other shrubbery" from height limitations. And Mount Lebanon Township, Pennsylvania permits ". . . trees, shrubs, and other planting . . . in required yards provided they do not unduly block a clear view or vision for vehicular traffic."

Differentiation is sometimes made between obstructive and ornamental plantings. The city of Chico, California in a 1958 amendment to the zoning ordinance says that "This provision is limited in its application to fences, shrubs, hedges, screen plantings and similar obstructions which are primarily intended or designed for fencing purposes; and this provision shall not be construed to prevent or prohibit shrubs, trees, or other ornamental plantings which are primarily intended or designed for landscaping purposes." Administration of such a provision might be difficult, however.

Exceptions

For openness -- Fences can sometimes be built above the height limit if they are ornamental; such provisions usually require that the fence be largely open above the height limit. For instance, the Sarasota, Florida ordinance (1954) provides that "an ornamental fence may be higher than six feet when all of the structure above the six-foot height shall have a ratio of solid portion to open portion not in excess of one to four." Similar provisions are found in the Chicago (1957), Erie, Pennsylvania, and Faribault, Minnesota zoning ordinances. Tiffin, Ohio allows "an ornamental fence to a reasonable height in excess of five feet." And the Chicago ordinance provides that "visibility at right angles to any surface of such fence not be reduced by more than 20 per cent" for open type fences exceeding five feet in height.

Inside building lines -- A distinction should be made between walls and fences within the building or yard setback lines and those built on property lines or within yards. So long as the required front, side, and rear yards are provided, many ordinances permit a wall or fence almost without restriction, save that the height not exceed the limit for the main building. The San Diego County ordinance explicitly states that "within any area where a main building is permitted the height limit for fences shall be the same as for the main building."

The question that arises at this point is whether a fence within the building line may be damaging to owners of abutting property. Where required side and rear yards are narrow, a fence as high as the main building is obviously an unwelcome obstruction; and there could be a strong suspicion of spite in a fence that was nearly as high as the main building.

The only defense that a community has against such an abuse is to limit heights within building lines as well as within yards. A reasonable height limit can be decided upon by considering the height of walls and fences erected for legitimate purposes, such as one used to enclose a formal garden.

Light computations -- Fences inside yards on narrow lots can come close to shutting out light and air from windows opening on them. The six-foot high fences allowed under some ordinances in side yards virtually necessitate a side yard wider than usual.

The Denver ordinance takes special note of the possibility of blocking light by walls and fences. It exempts walls and fences from the category of obstructions in calculating units of light access, or, as put in the ordinance, "outside area of window exposure." This exemption can be justified on the grounds that most fences and walls are limited to a height that will not greatly obstruct light.

Consent Provisions

No doubt with the thought in mind that a principal cause of fence trouble is the resentment that neighbors feel when a fence is built -- rather than the loss of light and air -- some ordinances require that the written consent of owners of abutting property be secured before a fence is built.

The El Dorado, Kansas ordinance provides, for example, that "no fence or wall more than fifty (50) per cent solid or more than five (5) feet in height shall be erected along any front or side street line nor within the limits of any side yard or rear yard abutting another lot without the written consent of such abutting lot owner." The Sarasota, Florida ordinance has a similar provision. The El Paso, Texas ordinance (1955) says that owners of abutting property may jointly build a fence closer to their front lot lines and higher than permitted under the ordinance if they put their agreement in writing and file it with the department of public inspection before they start construction.

Since consent provisions are not considered good practice, this procedure is not recommended.

Special Problems

The Beverly Hills, California (1947) ordinance contemplates abuses that might arise in fence and wall construction. The first paragraph, quoted below, controls the bulk of a wall or fence (when coupled with height control), insures a minimum passageway between a fence that parallels a building on a lot, and provides for enclosed spaces, such as a patio, by allowing a wall or fence to be attached to a building. The second paragraph prohibits the use of a wall as a structure or building not otherwise permitted in yards.

Walls, gates, and/or fences, if built, erected or constructed within three feet (3') of any common property line of lot shall not have a thickness in excess of three feet (3') measured at right angle to said lot line. No portion of any wall shall be constructed nearer than two feet (2') to any portion of any building on the same lot except a porte cochere portion, provided that at its end a wall may be in contact with a building, and may be returned at its end and contact a building.

No interior space in any portion of any wall built, erected or constructed within three feet (3') of any common property line of lot shall be used for storage, housing, or other purposes unless such portion of such wall is at a greater distance from the street or streets upon which a setback is established or maintained than the setback distance.

Fences around public property -- Under some ordinances, fences and walls around public property, particularly schools and playgrounds, are exempt from fence provisions or are specially treated. The Santa Barbara ordinance says "an open mesh type fence to enclose an elementary or high school site may be located and maintained in any required yard." Mount Lebanon Township, Pennsylvania allows "for schools, playgrounds, and parks in any District, an open fence with a ratio of the open portion to the solid portion of not less than six to one (6:1), not more than ten (10) feet in height, in a side and rear yard." An example of another exemption appears in the Midland, Michigan ordinance: "This regulation shall not apply to chain link fences erected on public recreational areas, school grounds and in industrial districts."

Retaining walls -- Retaining walls are also considered in some ordinances. Two provisions that illustrate opposing approaches are given below:

Retaining walls shall not extend above the surface of the ground which they support. -- North Hempstead, New York

Retaining walls shall be considered as fences and controlled under this paragraph to the extent that such walls protrude above the actual ground level at the highest point of such walls. -- Philadelphia (proposed)

It seems reasonable to allow retaining walls to extend above the finished grade to substitute for fencing needed to prevent people from falling off the embankment. The dissent in the Parker case, cited earlier, takes note of the need for a clearly worded provision on retaining walls as a base for measuring maximum height.

Variation by zone -- Although there is probably more to be said for not varying fence height limits by residence districts than for varying them, it may be desirable to place a more restrictive height limit on fences in certain districts or where yards are especially narrow or lots are small. The court in State v. Zumpano stated that a variation in regulations from district to district may be justified.

Administrative variances -- It seems undesirable to grant to boards of appeal, building inspectors, or municipal legislators the power to make exceptions to fence heights at will, as some ordinances provide. In the interests of uniformity, variation in maximum fence heights should not be allowed freely within a zoning district. However, exceptional cases may be handled under the general power given to boards of appeal to grant variances.

Safety

Instead of general municipal control over hazardous fences, provisions prohibiting dangerous fence materials sometimes appear in zoning ordinances.

However, the zoning ordinance is usually not the proper place for such detailed regulations.

A typical provision appears in the El Paso, Texas zoning ordinance, which says "no electrified fence or wall or any fence or wall containing broken glass, barbed wire, or other substances reasonably calculated to do bodily harm shall be permitted." And under the Santa Barbara ordinance: ". . . no barbed wire shall be used or maintained in or about the construction of a fence, screen, wall or hedge along the front, side or rear lines of any lot, or within three (3) feet of said lines, and no sharp wire or points shall project at the top of any fence or wall less than six (6) feet in height."

Vision Clearance

A provision regulating vision clearance at street intersections is more common in zoning ordinances than in general fence regulations. The chief differences among vision clearance provisions are height limits, setback distances, and the method of determining setback distances. Setback distances are most commonly measured from the intersection of property or right-of-way lines at corners. The usual practice is to forbid obstructions over a certain height in a triangle established by measuring a certain distance back from the property line intersection and then connecting the two points established by measurement. The hypotenuse of the triangle becomes the setback line. A typical provision follows:

On a corner lot in a residence or neighborhood business zone no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between a height of three and one-half feet and ten feet above the center line grades of the intersecting streets shall be erected, placed, planted, allowed to grow, or maintained within the triangular yard space formed by the intersecting street lines and a line joining points on such street lines thirty feet from the point of intersection of the street lines.

Where applicable -- Vision clearance regulations mostly affect residential zones but sometimes include neighborhood business districts where front yard setbacks have been established. Because land is usually expensive in main business districts and because those areas are often built up when a zoning ordinance is first adopted, it is not customary to require front yards in such districts. On the other hand, it is common practice to require front yards in neighborhood business districts so that contiguous business and residential zones appear similar and surrounding residential properties are not depreciated by the nearby businesses.

An addition to the applicability of the basic regulation was noted in the Colorado Springs, Colorado ordinance (1954) in which vision clearance setbacks must be made at the intersection of streets and railroads.

Height measurement -- Within the vision clearance triangle, heights are usually limited to between two and one-half and three and one-half feet. The most restrictive limit found in the ordinances examined was two feet --

in the Milford, Connecticut ordinance. A maximum of four feet was permitted by Sarasota, Florida. Under some ordinances, overhanging objects within the triangle, such as marquees or tree limbs, are allowed only if they are above a certain height, usually from eight to ten feet above the base point. Colorado Springs, Colorado prohibits overhangs except above 12 feet. The most common base point for measuring heights is the level of the street pavement at the point where the street center lines intersect.

In the model zoning ordinance for Florida mentioned earlier, comments are made on the height to be permitted within the triangle:

The 2½ foot requirement is practical, and, from the safety standpoint, the maximum that should be allowed. Drivers of small European sports cars coming up to an intersection where the hedge is more than 2½ feet above the center grade line of the street simply cannot see over it. Most children can be seen over a 2½ foot hedge or solid fence. If the limit is raised to 3 or 4 feet, the requirement might just as well be omitted. Allowing obstructions above 10 feet is necessary because of tree limbs; such an obstruction in no way affects safety factors.

Triangle measurement -- Distances to be measured along the street line vary from five feet in North Hempstead, New York to 75 feet in Santa Barbara, California. However, a report titled Municipal Regulation of Traffic View Obstructions¹⁵ suggests a different method of establishing a vision clearance triangle.

. . . it is recommended that zoning ordinances require setbacks in residential districts as required by a city's zoning ordinance maps and that a sight triangular area at all corners be established by measurements along intersecting street lines, and within the sight triangular area and within the setback area along the street, the ordinance should declare it to be unlawful to install, to set out, or maintain, or to allow the installation, setting out, or maintenance of any structures, signs, hedges, shrubbery, natural growth, or other obstruction to view, higher than three feet six inches above the level of the center of the adjacent intersection. This should not apply retroactively to permanent structures; public utility poles; trees trimmed (to the trunk) to a line at least eight feet above the level of the intersection; saplings, or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view; supporting members of appurtenances to existing structures; official warning signs or signals; to places where the contour of the ground is such that there can be no cross-visibility at the intersection; or to signs mounted 10 feet or more above the ground and whose supports do not constitute an obstruction. . . .

¹⁵Municipal Regulation of Traffic View Obstructions, Report No. 112, Bureau of Governmental Research and Services (Seattle: University of Washington Press, 1953), pp. 36-37.

The triangular area should be determined by measuring 80 feet along the center line of intersecting streets from the point of intersection of the same, thus providing for a sight triangle across the corner lots. Regardless of the width of the intersecting rights-of-way or the amount of required zoning setback, this stopping distance of 80 feet for 20 M.P.H. speed or 90 feet for 25 M.P.H. speed always is obtained with a triangular area free from sight obstructions under the combination of zoning setback and corner sight triangle as recommended above.

The use of street center lines instead of right-of-way lines to determine the vision triangle appears to be a superior method, in that traffic engineering measurements of effective stopping sight distances for speeds common in residential areas can be used to determine length of the sides of the triangle.

One modification that might be necessary is to lengthen the sides of the triangle as the width of the streets increases in order to account for drivers in right-hand lanes. The speed figures recommended above are postulated on the presumption that the maximum street width in residential areas will be 60 feet.

Another point about which there might be disagreement is the exemption of corners where topography limits cross-visibility. Some ordinances require that there be no "blind" corners even if high banks must be cut down to open up a vision triangle.

SOME ADDITIONAL CONSIDERATIONS

Privacy—the Patio and Outdoor Room

Attention is being given to means of increasing the number of dwelling units an acre by using row house types. And an essential element of plans for row house developments is privacy in the face of high densities. Fences and walls are means of achieving privacy in outdoor spaces around such dwellings. Provisions for unusual wall and fence heights may be warranted under the circumstances. The precedent for houses with walled-in courts and patios comes from the Spanish influence, as seen in New Orleans, Savannah, and towns in southwestern United States.

The Redevelopment Authority of the City of Philadelphia made a study of row house developments that shows the value of fences and walls as devices for privacy.¹⁶ The report says:

The adoption of the "outdoor room" concept imposes certain design requirements, whether between house and street or in inverted houses with the living room in the rear. This outdoor area is valuable and should be private. Extensions of

¹⁶Eastwick New House Study (Philadelphia: Redevelopment Authority of the City of Philadelphia, 21st Street and Parkway, 1957), p. 39.

party walls or the provision of wood walls, trellises or fences are indispensable to the best exploitation of these spaces.

Ordinances might provide for such experiments by varying regulations by zone or through the exceptions that are allowed for large-scale housing developments.

Light

If obstruction of light by walls and fences seriously lowers residential standards, it may be necessary to not only restrict fences and walls to protect the neighbors, but also to protect the property of the man who builds the fence or wall. For instance, if the housing code requires a certain amount of light and air by window, light and air -- and view -- should be protected by the imposition of angle of light obstruction, units of light access, or other formulae. (See Information Report No. 111, Floor Area Ratio, pages 24 and 25, for brief explanations of these terms.) At most, of course, these specialized controls result only in forcing the builders of fences and walls to set them back from windows short distances.

Air Flow

Air flow over and around fences and planting screens, as well as around buildings, is now being investigated.¹⁷ Soon it should be possible to know with fair precision how to get the most out of favorable cooling breezes in summer and how to protect against chill winds in winter. Some studies on fence design point to surprising conclusions about the effects of various types of fences on wind currents. For example, the solid fence permits the quickest return to normal wind velocities on the lee -- or protected -- side (recovery with 35 feet). Therefore, a solid barrier design might be the most favorable if complete privacy and summer breezes are both desired. Many other fences would be excellent as windbreaks; wind velocities fail to recover in distances up to 100 feet in the lee of some fences.

Noise Control

Fences, walls, and hedges used as screen or shields against neighborhood noises can do much to cut down air-borne noises and make residential prop-

¹⁷For additional readings on the subject, see the following:

Robert F. White, "Contemporary Landscape Screens Show Various Effects in Wind Tunnel Breezes," Texas Engineering Experiment Station News, March 1958, pp. 8-13.

Robert F. White, "Landscape Development and Natural Ventilation," Landscape Architecture, January 1955, pp. 72-80.

"Air Flow Around Buildings," Architectural Forum, September 1957, pp. 166-168.

"Wind Tests: Which Fence Is Best?" How to Build Fences and Gates (Menlo Park, California: Lane Publishing Co., 1951) pp. 75-76.

erties more livable. For instance, the Pasadena, California zoning ordinance (1954) takes notice of the value of buffers for "property exposed to exceptional hazards of traffic, trespass, dust or noise," and allows higher fences to meet such conditions under a variance procedure.

THE COURTS ON FENCE REGULATIONS

The attitude of the courts toward fence regulation through zoning is not well established except on vision clearance provisions, which have frequently been upheld -- on safety grounds. But in two reported cases (not vision clearance regulations) the courts held zoning fence regulations invalid on grounds that they imposed strict height limits.

In the case of Wondrak v. Kelly, 129 Ohio St. 268, 195 N.E. 65 (1935), the court ruled invalid a limit of three and one-half feet on division line fences (presumably side and rear yard property line fences). The court said that such a low height had no reasonable relation to the public safety, although evidence given by police and fire chiefs was considered.

In the case of Lamkin v. City of Bellaire, 308 S.W.2d 70, 10 ZD 88 (Tex. Civ.App. 1958) the court held invalid a zoning ordinance provision that did not permit fences, walls, or similar enclosures in the front yard. The city had brought suit to have four-foot side yard fences and a two and one-half-foot front yard fence removed. The court of appeals held that for a zoning ordinance to prohibit fences in the front yard was so unreasonable concerning the two and one-half-foot fence in question as to be unenforceable.

In a case not involving zoning, Williams v. City of Hudson, 219 Wis. 119, 262 N.W. 607 (1935), the Wisconsin Supreme Court held a fence ordinance invalid, stating that common law has always protected the landowner in the right to fence his property; this was a property right that could not be interfered with unreasonably. The court said "to deprive one of this right to use his yard and home in a way which does not interfere with the usual and lawful commerce and life of a community would be exercising a high power that is not to be used except when the public welfare requires it." The restrictions were not considered by the court as being an exercise of the police power.

Although the language of the court at that time was broad, changing judicial attitudes may have modified the need for restraint in fence regulations that this case emphasizes.

The Parker case cited earlier is largely a vision clearance case. Although often used in support of the idea that the courts may considered a five- or six-foot fence limit in front and rear yards reasonable, the principal issue was a 15-foot wall at the intersection of a street and alley.¹⁸ Possible

¹⁸However, in the dissenting opinion it was pointed out that the ordinance provision at issue was not aimed at vision clearance, although the majority opinion was largely based on safety hazards at the corner.

fire hazards from difficulties of access to the property were also discussed.¹⁹

A SEPARATE FENCE- ORDINANCE?

Perhaps the most important point to be made concerning both vision clearance and general fence regulations is that such provisions probably do not belong in the zoning ordinance. Several municipalities regulate fences, particularly the vision clearance and dangerous materials aspects, through separate ordinances.

Chicago controls barbed wire fences and fences as right-of-way obstructions under a special ordinance. The city of San Diego's "fence ordinance" makes reference where necessary to the zoning ordinance (relating permitted heights to residential and certain commercial zones, for instance). Enactment of fence controls in a separate ordinance would help to reduce the length and the profusion of detail in "catchall" zoning ordinances.

CONCLUSIONS

Fences, walls, and plantings in residential areas can prove to be troublesome, though minor problems. But for purposes of privacy, shade, wind-breaking, and noise control, fences, walls, and hedges are justified. Communities contemplating prohibition or restriction of fences in an effort to keep yards open should also recognize their positive values.

Although fences, walls, and plantings have been extensively regulated through zoning ordinances, it seems more desirable to control them through a separate fence ordinance. However, such regulations should be coordinated with the zoning ordinance. Such problems as dangerous materials and vision clearance are especially suited to treatment in a special ordinance.

Fences probably have been regulated by zoning because they are an aspect of neighborhood environment. However, zoning ordinances have been used in a mistaken effort to control spite fences in some instances. The courts have not been sympathetic to zoning provisions in which the language revealed that the aim was spite fence control. The only direct control a municipality can have over spite fences is height.

In addition to height, zoning regulations can control openness, location, and materials. However "openness" provisions are not believed to be wise

¹⁹One reason given for the requirement of side yards has been that they provide fire lanes between buildings, which allow access for fire fighting equipment. Fences are certainly a block to easy access. See Philip P. Green, Jr., Zoning in North Carolina (Chapel Hill, N.C.: University of North Carolina, Institute of Government, 1952), p. 202.

because enforcement is difficult. A few ordinances contain consent provisions and allow some height exceptions. Neither practice is recommended.

Vision clearance provisions should be more closely related to traffic engineering calculations of effective stopping sight distances, if city officials believe that vision clearance is a necessary supplement to traffic control devices.

The use of fences, walls, and plantings for both functional and decorative landscaping is being studied. The effect of such landscape elements on light and air can now be fairly well predicted and controlled. The use of fences, walls, and plantings to provide privacy for patios and "outdoor rooms" suggests that conventional ordinance provisions may have to be re-considered.

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AGENDA SUMMARY FORM



Great Outdoors Colorado Planning Grant

Summary:

Administrator Knight – informational discussion regarding re-applying for a Parks master planning grant.

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Employee Health Plan Renewal

Summary:
Discussion regarding employee health plan renewal options, deductibles, Town/Staff contribution.

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

	<u>Rocky Mtn</u> <u>Rocky Mt. Range Exclusive HMO Silver -</u> <u>Ded \$2000/65%/Copay \$45</u> <u>Silver / HMO</u> <u>* 12/1/2018 *</u>	<u>Rocky Mtn</u> <u>Rocky Mt. Range Exclusive HMO Silver -</u> <u>Ded \$2800/65%/Copay \$45</u> <u>Silver / HMO</u> <u>8/1/2019</u>	<u>Rocky Mtn</u> <u>Rocky Mt. Range Exclusive HMO Gold -</u> <u>Ded \$1000/75%/Copay \$40</u> <u>Gold / HMO</u> <u>8/1/2019</u>
Deductible	In Net: \$2,000/\$4,000	In Net: \$2,800/\$5,600	In Net: \$1,000/\$2,000
Office Visits (PCP/Specialist) *	In Net: \$45 (ded. waived 3 visits) then 35%/\$70	In Net: \$45 (ded. waived 3 visits) then 35%/\$70	In Net: \$40/\$60
Inpatient Hospital Services *	In Net: \$1,000 per stay, then 35%	In Net: \$1,000 per stay, then 35%	In Net: \$500 per stay, then 25%
Out-of-Pocket Max	In Net: \$7,300/\$14,600	In Net: \$7,600/\$15,200	In Net: \$6,500/\$13,000
RX Tiers 1/2/3/4	In Net: \$20/\$50/\$80/\$300/\$400	In Net: \$20/\$50/\$80/\$300/\$400	In Net: \$20/\$40/\$65/\$175/\$275
Monthly Rate (12 pay periods)	CURRENT 2018 PLAN AND RATES	AUGUST 1, 2019 ANNIVERSARY	AUGUST 1, 2019 ANNIVERSARY
Name Age Dep	Area Emp Dep Total	Area Emp Dep Total	Area Emp Dep Total
Cindy Jones 52 EE	CO09 \$808.50 \$0.00 \$808.50	CO09 \$783.51 \$0.00 \$783.51	CO09 \$946.15 \$0.00 \$946.15
Neil Ferguson 40 FA	CO09 \$529.33 \$1,245.89 \$1,775.22	CO09 \$512.98 \$1,219.02 \$1,732.00	CO09 \$619.46 \$1,472.06 \$2,091.52
Dominic Beardslee 23 EE	CO09 \$414.19 \$0.00 \$414.19	CO09 \$401.39 \$0.00 \$401.39	CO09 \$484.71 \$0.00 \$484.71
Patrick Hinyard 37 EE	CO09 \$509.45 \$0.00 \$509.45	CO09 \$496.92 \$0.00 \$496.92	CO09 \$600.07 \$0.00 \$600.07
Kenneth Knight 62 EE	CO09 \$1,163.87 \$0.00 \$1,163.87	CO09 \$1,153.19 \$0.00 \$1,153.19	CO09 \$1,392.57 \$0.00 \$1,392.57
Travis Loberg 36 FA	CO09 \$509.45 \$1,149.80 \$1,659.25	CO09 \$493.71 \$1,114.25 \$1,607.96	CO09 \$596.19 \$1,345.55 \$1,941.74
Dennis Reich 51 EE	CO09 \$739.74 \$0.00 \$739.74	CO09 \$748.59 \$0.00 \$748.59	CO09 \$903.98 \$0.00 \$903.98
Roger Edwards 50 EE	CO09 \$706.61 \$0.00 \$706.61	CO09 \$716.88 \$0.00 \$716.88	CO09 \$865.69 \$0.00 \$865.69
Totals:	\$5,381.14 \$2,395.69 \$7,776.83	\$5,307.17 \$2,333.27 \$7,640.44	\$6,408.82 \$2,817.61 \$9,226.43
% Difference:	0%	(1.8%)	18.6%
\$ Difference:	\$0.00	(\$136.39)	\$1,449.60

* Unless stated, all services are subject to deductible.
Quote ID: 2912-7333 on 05/16/2019 11:49 AM

	Rocky Mtn Rocky Mt. Range Exclusive HMO Silver - Ded \$2000/65%/Copay \$45 Silver / HMO * 12/1/2018 *				Rocky Mtn Rocky Mt. Range Exclusive HMO Silver - Ded \$2800/65%/Copay \$45 Silver / HMO 10/1/2019				Rocky Mtn Rocky Mt. Range Exclusive HMO Gold - Ded \$1000/75%/Copay \$40 Gold / HMO 10/1/2019					
Deductible	In Net:	\$2,000/\$4,000			In Net:	\$2,800/\$5,600			In Net:	\$1,000/\$2,000				
Office Visits (PCP/Specialist) *	In Net:	\$45 (ded. waived 3 visits) then 35%/\$70			In Net:	\$45 (ded. waived 3 visits) then 35%/\$70			In Net:	\$40/\$60				
Inpatient Hospital Services *	In Net:	\$1,000 per stay, then 35%			In Net:	\$1,000 per stay, then 35%			In Net:	\$500 per stay, then 25%				
Out-of-Pocket Max	In Net:	\$7,300/\$14,600			In Net:	\$7,600/\$15,200			In Net:	\$6,500/\$13,000				
RX Tiers 1/2/3/4	In Net:	\$20/\$50/\$80/\$300/\$400			In Net:	\$20/\$50/\$80/\$300/\$400			In Net:	\$20/\$40/\$65/\$175/\$275				
Monthly Rate (12 pay periods)						October 1, 2019 Anniversary				October 1, 2019 Anniversary				
Name	Age	Dep	Area	Emp	Dep	Total	Area	Emp	Dep	Total	Area	Emp	Dep	Total
Cindy Jones	52	EE	CO09	\$808.50	\$0.00	\$808.50	CO09	\$836.03	\$0.00	\$836.03	CO09	\$1,009.56	\$0.00	\$1,009.56
Neil Ferguson	40	FA	CO09	\$529.33	\$1,245.89	\$1,775.22	CO09	\$523.75	\$1,244.63	\$1,768.38	CO09	\$632.46	\$1,502.94	\$2,135.40
Dominic Beardslee	23	EE	CO09	\$414.19	\$0.00	\$414.19	CO09	\$409.82	\$0.00	\$409.82	CO09	\$494.88	\$0.00	\$494.88
Patrick Hinyard	37	EE	CO09	\$509.45	\$0.00	\$509.45	CO09	\$507.36	\$0.00	\$507.36	CO09	\$612.66	\$0.00	\$612.66
Kenneth Knight	62	EE	CO09	\$1,163.87	\$0.00	\$1,163.87	CO09	\$1,177.41	\$0.00	\$1,177.41	CO09	\$1,421.79	\$0.00	\$1,421.79
Travis Loberg	36	FA	CO09	\$509.45	\$1,149.80	\$1,659.25	CO09	\$504.08	\$1,144.21	\$1,648.29	CO09	\$608.70	\$1,381.70	\$1,990.40
Dennis Reich	51	EE	CO09	\$739.74	\$0.00	\$739.74	CO09	\$764.31	\$0.00	\$764.31	CO09	\$922.95	\$0.00	\$922.95
Roger Edwards	50	EE	CO09	\$706.61	\$0.00	\$706.61	CO09	\$731.94	\$0.00	\$731.94	CO09	\$883.86	\$0.00	\$883.86
Totals:				\$5,381.14	\$2,395.69	\$7,776.83		\$5,454.70	\$2,388.84	\$7,843.54		\$6,586.86	\$2,884.64	\$9,471.50
% Difference:						0%				0.9%				21.8%
\$ Difference:						\$0.00				\$66.71				\$1,694.67

October rates go up for everyone

* Unless stated, all services are subject to deductible.
Quote ID: 2912-7333 on 05/16/2019 11:49 AM

	<u>Rocky Mtn</u> <u>Rocky Mt. Range Exclusive HMO Silver -</u> <u>Ded \$2000/65%/Copay \$45</u> <u>Silver / HMO</u> <u>* 12/1/2018 *</u>	<u>Rocky Mtn</u> <u>Rocky Mt. Range Exclusive HMO Silver -</u> <u>Ded \$2800/65%/Copay \$45</u> <u>Silver / HMO</u> <u>9/1/2019</u>	<u>Rocky Mtn</u> <u>Rocky Mt. Range Exclusive HMO Gold -</u> <u>Ded \$1000/75%/Copay \$40</u> <u>Gold / HMO</u> <u>9/1/2019</u>
Deductible	In Net: \$2,000/\$4,000	In Net: \$2,800/\$5,600	In Net: \$1,000/\$2,000
Office Visits (PCP/Specialist) *	In Net: \$45 (ded. waived 3 visits) then 35%/\$70	In Net: \$45 (ded. waived 3 visits) then 35%/\$70	In Net: \$40/\$60
Inpatient Hospital Services *	In Net: \$1,000 per stay, then 35%	In Net: \$1,000 per stay, then 35%	In Net: \$500 per stay, then 25%
Out-of-Pocket Max	In Net: \$7,300/\$14,600	In Net: \$7,600/\$15,200	In Net: \$6,500/\$13,000
RX Tiers 1/2/3/4	In Net: \$20/\$50/\$80/\$300/\$400	In Net: \$20/\$50/\$80/\$300/\$400	In Net: \$20/\$40/\$65/\$175/\$275
Monthly Rate (12 pay periods)		September 1, 2019 Anniversary	September 1, 2019 Anniversary
Name Age Dep	Area Emp Dep Total	Area Emp Dep Total	Area Emp Dep Total
Cindy Jones 52 EE	CO09 \$808.50 \$0.00 \$808.50	CO09 \$818.84 \$0.00 \$818.84	CO09 \$988.81 \$0.00 \$988.81
Neil Ferguson 40 FA	CO09 \$529.33 \$1,245.89 \$1,775.22	CO09 \$512.98 \$1,219.02 \$1,732.00	CO09 \$619.46 \$1,472.06 \$2,091.52
Dominic Beardslee 23 EE	CO09 \$414.19 \$0.00 \$414.19	CO09 \$401.39 \$0.00 \$401.39	CO09 \$484.71 \$0.00 \$484.71
Patrick Hinyard 37 EE	CO09 \$509.45 \$0.00 \$509.45	CO09 \$496.92 \$0.00 \$496.92	CO09 \$600.07 \$0.00 \$600.07
Kenneth Knight 62 EE	CO09 \$1,163.87 \$0.00 \$1,163.87	CO09 \$1,153.19 \$0.00 \$1,153.19	CO09 \$1,392.57 \$0.00 \$1,392.57
Travis Loberg 36 FA	CO09 \$509.45 \$1,149.80 \$1,659.25	CO09 \$493.71 \$1,114.25 \$1,607.96	CO09 \$596.19 \$1,345.55 \$1,941.74
Dennis Reich 51 EE	CO09 \$739.74 \$0.00 \$739.74	CO09 \$748.59 \$0.00 \$748.59	CO09 \$903.98 \$0.00 \$903.98
Roger Edwards 50 EE	CO09 \$706.61 \$0.00 \$706.61	CO09 \$716.88 \$0.00 \$716.88	CO09 \$865.69 \$0.00 \$865.69
Totals:	\$5,381.14 \$2,395.69 \$7,776.83	\$5,342.50 \$2,333.27 \$7,675.77	\$6,451.48 \$2,817.61 \$9,269.09
% Difference:	0%	(1.3%)	19.2%
\$ Difference:	\$0.00	(\$101.06)	\$1,492.26

September rates stay the same except for Cindy's because of birthday in August.

* Unless stated, all services are subject to deductible.
Quote ID: 2912-7333 on 05/16/2019 11:49 AM

AGENDA SUMMARY FORM



Clark Avenue Sewer Line Bid Review

Summary:

Staff requests Board direction regarding the Clark Avenue Sewer Line project. Bids received are approximately \$100,000 over anticipated project amount.

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

TOWN OF PAONIA
 CLARK ALLEY SEWER LINE REPLACEMENT
 DELTA COUNTY, COLORADO
 POSSIBLE DELETIONS FROM CONTRACT

<u>BID AMOUNT FROM CW CONSTRUCTION</u>	<u>\$209,921</u>
1) <u>Delete From Contract (to be Provided by Town)</u>	
a) Traffic Control	\$9,581
b) Gravel Surfacing w/Temp Street Base Used for Interim Driving	\$5,600
c) Asphalt Restoration	<u>\$22,770</u>
	\$37,951
2) <u>Possible Deletion From Contract</u>	
a) Interim Street Maintenance	<u>\$3,500</u>
3) <u>Potential On-Site Reduction</u>	
a) Import Backfill	\$10,500
b) Unstable Excavation	\$680
c) Storm Sewer Length w/Bedding (20 L.F.)	<u>\$878</u>
	\$12,058
4) <u>Ancillary Items</u>	
a) Bond Cost Reduction 2½% + Admin. Fee (Est)	\$1,740
b) Jet Cleaning of Storm Sewer Pipe w/o TV Analysis (Est)	<u>\$1,700</u>
	\$3,440

BID ABSTRACT
TOWN OF PAONIA - CLARK ALLEY SEWER LINE REPLACEMENT
DELTA COUNTY, COLORADO
BID DATE: MAY 10, 2019

Item No.	Description	Quantity	Unit	Engineer's Estimate		CW Construction		K&D Construction		Roop Excavating		Pitt Construction		Skip Huston Const.	
				Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
BID CATEGORY S - SEWER LINE															
S1	Site Preparation	1	L.S.	\$3,500.00	\$3,500.00	\$5,000.00	\$5,000.00	\$14,945.85	\$14,945.85	\$1,000.00	\$1,000.00	\$3,000.00	\$3,000.00	\$29,585.28	\$29,585.28
S2	8-Inch Diameter SDR 35 PVC Sewer Line (Various Depths)	780	L.F.	\$26.00	\$20,280.00	\$32.00	\$24,960.00	\$42.60	\$33,228.00	\$90.00	\$70,200.00	\$174.00	\$135,720.00	\$79.15	\$61,737.00
S3	Granular Embedment	780	L.F.	\$4.50	\$3,510.00	\$11.50	\$8,970.00	\$13.85	\$10,803.00	\$12.00	\$9,360.00	\$12.00	\$9,360.00	\$20.02	\$15,615.60
S4	Unstable Material Excavation	20	C.Y.	\$35.00	\$700.00	\$34.00	\$680.00	\$129.55	\$2,591.00	\$20.00	\$400.00	\$25.00	\$500.00	\$29.70	\$594.00
S5	Clay Cutoff Walls	6	Each	\$200.00	\$1,200.00	\$150.00	\$900.00	\$192.50	\$1,155.00	\$350.00	\$2,100.00	\$100.00	\$600.00	\$268.50	\$1,611.00
S6	Import Backfill	350	Tons	\$18.00	\$6,300.00	\$30.00	\$10,500.00	\$42.60	\$14,910.00	\$30.00	\$10,500.00	\$25.72	\$9,002.00	\$36.98	\$12,943.00
S7	Concrete Caps to Abandon Existing Sewer Lines	4	Each	\$150.00	\$600.00	\$175.00	\$700.00	\$132.00	\$528.00	\$125.00	\$500.00	\$200.00	\$800.00	\$305.07	\$1,220.28
S8	Pothole Existing VCP Sewer Lines and Active Sewer Service Laterals	9	Each	\$400.00	\$3,600.00	\$425.00	\$3,825.00	\$188.20	\$1,693.80	\$500.00	\$4,500.00	\$300.00	\$2,700.00	\$2,214.00	\$19,926.00
S9	Interim Street Maintenance	1	L.S.	\$2,000.00	\$2,000.00	\$3,500.00	\$3,500.00	\$1,041.15	\$1,041.15	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$1,128.00	\$1,128.00
S10	Concrete Flowfill Backflow	5	C.Y.	\$125.00	\$625.00	\$165.00	\$825.00	\$234.30	\$1,171.50	\$300.00	\$1,500.00	\$225.00	\$1,125.00	\$323.42	\$1,617.10
BID CATEGORY S - SANITARY SEWER MANHOLES															
MH1	Standard (4-Foot Diameter) Manholes														
	a) Manholes up to 5-Foot in Depth	8	Each	\$2,500.00	\$20,000.00	\$3,800.00	\$30,400.00	\$3,441.65	\$27,533.20	\$3,500.00	\$28,000.00	\$4,500.00	\$36,000.00	\$7,225.32	\$57,802.56
	b) Additional Manhole Depth	30	VLF	\$125.00	\$3,750.00	\$115.00	\$3,450.00	\$291.55	\$8,746.50	\$900.00	\$27,000.00	\$100.00	\$3,000.00	\$284.94	\$8,548.20
MH2	Standard (4-Foot Diameter) Drop Manholes	2	Each	\$3,200.00	\$6,400.00	\$6,800.00	\$13,600.00	\$5,524.45	\$11,048.90	\$5,500.00	\$11,000.00	\$4,500.00	\$9,000.00	\$9,029.91	\$18,059.82
MH3	Connections to Existing Sewer Lines at New Manholes														
	a) Connection to Existing Sewer Line at New Drop MH-CA1 Where Existing MH 2-01 is Removed (Includes Removal of Temporary Bypass Piping Connection)	1	L.S.	\$1,800.00	\$1,800.00	\$1,800.00	\$1,800.00	\$8,091.25	\$8,091.25	\$2,000.00	\$2,000.00	\$1,000.00	\$1,000.00	\$2,605.52	\$2,605.52
	b) Connection to Existing Sewer Line at New MH-CA1	1	L.S.	\$1,200.00	\$1,200.00	\$1,700.00	\$1,700.00	\$6,994.90	\$6,994.90	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00	\$2,433.09	\$2,433.09
	c) Connection to Existing Sewer Line at MH-CA6B	1	L.S.	\$1,200.00	\$1,200.00	\$1,700.00	\$1,700.00	\$7,024.75	\$7,024.75	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00	\$2,469.08	\$2,469.08
	d) Connection to Existing Sewer Line at New MH-CA7	1	L.S.	\$1,200.00	\$1,200.00	\$1,700.00	\$1,700.00	\$7,024.75	\$7,024.75	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00	\$2,469.08	\$2,469.08
MH4	Removal and Disposal of Existing Sanitary Sewer MH 2-01 (Includes Installation of Temporary Bypass Piping)	1	L.S.	\$900.00	\$900.00	\$2,350.00	\$2,350.00	\$2,933.10	\$2,933.10	\$3,500.00	\$3,500.00	\$1,000.00	\$1,000.00	\$1,756.97	\$1,756.97
BID CATEGORY SS - SEWER SERVICES															
SS1	8x8x4-Inch Full Body Wye Service Connection	8	Each	\$140.00	\$1,120.00	\$325.00	\$2,600.00	\$370.35	\$2,962.80	\$800.00	\$6,400.00	\$400.00	\$3,200.00	\$441.13	\$3,529.04
SS2	Reconnection of Existing Service Lines	8	Each	\$200.00	\$1,600.00	\$850.00	\$6,800.00	\$177.40	\$1,419.20	\$1,000.00	\$8,000.00	\$500.00	\$4,000.00	\$911.32	\$7,290.56
SS3	4-Inch SDR 35 PVC Sewer Service Line	100	L.F.	\$22.00	\$2,200.00	\$20.00	\$2,000.00	\$33.55	\$3,355.00	\$30.00	\$3,000.00	\$30.00	\$3,000.00	\$32.19	\$3,219.00
BID CATEGORY S - STORM DRAIN															
SD1	8-Inch SDR 35 PVC Storm Drain	60	L.F.	\$27.00	\$1,620.00	\$32.00	\$1,920.00	\$52.80	\$3,168.00	\$12.00	\$720.00	\$174.00	\$10,440.00	\$78.23	\$4,693.80
SD2	Storm Drain Granular Embedment	60	L.F.	\$4.50	\$270.00	\$11.50	\$690.00	\$21.20	\$1,272.00	\$30.00	\$1,800.00	\$12.00	\$720.00	\$20.69	\$1,241.40
SD3	Standard (4-Foot Diameter) Storm Drain Manhole	1	Each	\$1,800.00	\$1,800.00	\$3,600.00	\$3,600.00	\$3,070.90	\$3,070.90	\$3,200.00	\$3,200.00	\$4,500.00	\$4,500.00	\$7,016.08	\$7,016.08
SD4	Connection of New PVC Storm Drain Pipe to Existing Storm Drain Manholes														
	a) Connection at Existing MH-2 (Converted to Storm Drain Manhole) Includes Removal of Temporary Bypass Piping	1	L.S.	\$1,200.00	\$1,200.00	\$1,750.00	\$1,750.00	\$1,662.65	\$1,662.65	\$1,000.00	\$1,000.00	\$2,200.00	\$2,200.00	\$5,563.57	\$5,563.57
	b) Connection to Existing MH-1A (Converted to Storm Drain Manhole) Includes Modifications to Existing Invert Channels	1	L.S.	\$1,800.00	\$1,800.00	\$1,700.00	\$1,700.00	\$813.60	\$813.60	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$5,417.78	\$5,417.78
SD5	Standard Storm Drain Inlet SD2 Includes Concrete Apron Pad	1	L.S.	\$900.00	\$900.00	\$4,600.00	\$4,600.00	\$4,518.55	\$4,518.55	\$8,000.00	\$8,000.00	\$3,500.00	\$3,500.00	\$4,706.45	\$4,706.45
SD6	Jet Cleaning of Existing VCP Sewer Lines to be Converted to Storm Drain	680	L.F.	\$3.00	\$2,040.00	\$5.00	\$3,400.00	\$3.45	\$2,346.00	\$4.50	\$3,060.00	\$2.94	\$2,000.00	\$6.95	\$4,726.00

BID ABSTRACT
TOWN OF PAONIA - CLARK ALLEY SEWER LINE REPLACEMENT
DELTA COUNTY, COLORADO
BID DATE: MAY 10, 2019

Item No.	Description	Quantity	Unit	Engineer's Estimate		CW Construction		K&D Construction		Roop Excavating		Pitt Construction		Skip Huston Const.	
				Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
BID CATEGORY TC - TRAFFIC CONTROL															
TC1	Project Traffic Control	1	L.S.	\$6,000.00	\$6,000.00	\$9,581.00	\$9,581.00	\$10,679.40	\$10,679.40	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$5,277.82	\$5,277.82
BID CATEGORY R - RESTORATION															
R1	Alley Gravel Surface Restoration (3-Inch Thick x 12-Foot Wide)	130	Tons	\$18.00	\$2,340.00	\$35.00	\$4,550.00	\$41.00	\$5,330.00	\$30.00	\$3,900.00	\$28.00	\$3,640.00	\$36.30	\$4,719.00
R2	Street Subbase w/Delivered Class 6 Road Base (9-Inch Thickness)	200	Tons	\$20.00	\$4,000.00	\$34.00	\$6,800.00	\$46.00	\$9,200.00	\$32.00	\$6,400.00	\$28.00	\$5,600.00	\$36.29	\$7,258.00
R3	Gravel Surfacing w/Temporary Street Subbase (Class 6 Road Base) Used to Provide Interim Driving Surface	1	L.S.	\$18.00	\$18.00	\$5,600.00	\$5,600.00	\$3,319.90	\$3,319.90	\$2,000.00	\$2,000.00	\$3,640.00	\$3,640.00	\$2,274.83	\$2,274.83
R4	Asphalt Surface Restortion Used to Provide Interim driving Surface	330	S.Y.	\$27.00	\$8,910.00	\$69.00	\$22,770.00	\$64.25	\$21,202.50	\$75.00	\$24,750.00	\$72.00	\$23,760.00	\$72.95	\$24,073.50
BID CATEGORY R - MOBILIZATION															
MO1	Mobilization	1	L.S.	\$7,000.00	\$7,000.00	\$15,000.00	\$15,000.00	\$15,235.85	\$15,235.85	\$19,014.50	\$19,014.50	\$21,165.21	\$21,165.21	\$30,017.75	\$30,017.75
<i>Total Bid Amount (or Engineer's Opinion of Probable Cost)</i>						\$121,583.00		\$209,921.00		\$251,021.00		\$273,304.50		\$314,672.21	\$363,146.16

Correction in Math

AGENDA SUMMARY FORM



Finance & Personnel

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Public Works/Utilities/Facilities

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Governmental Affairs/Public Safety

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Space to Create

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Tree Board

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:

AGENDA SUMMARY FORM



Adjournment

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart: