



PACKET MODIFICATIONS

June 25, 2025

Addition of Letter Handed Out by a Member of the Public to Board Members at the 6/24/2025 Board Meeting.

Addition of Speaker Sign Up Sheet.

Let me clear I'm not here to take issue with you or to participate in what I would consider meeting with a pre conceived decision.

Mr Wynn has decided on a the decision/outcome and this meeting is just the formal sorry Charlie.

Why do I feel this way because I got literally no notification that I was on the agenda until 4:47 yesterday afternoon. This is the cryptic message I received

"Service Service levels for private property owners, including your property at If you Phone Phone number is 970-527-4101 thank you...'

Honestly I had no idea this referred to tonight's meeting or my request for a meeting. I am on the Town of Paonia text message service, and receive messages about garbage, disposal or streets being worked on. Only became aware of the message this morning after Marsha told me Mr Wynn had told Liz I had been notified by phone message.

Might point out the Agenda was approved on 6/20 and would guess discussed happened will before the published agenda was released. However no one reached out to me til 4:47 to day before.

Mr Wynn never took the time to e-mail the agenda it to me.

What I am hearing to say is I have been a resident of this town for 15 yrs owning two different properties, who has never had an issue with the town in the past and as a senior citizens who will 75 in a few months.

I'm here to say I feel like this Town has treated me not with respect, concern or empathy.

I would note I'm retired from the Forest Service 35 yrs of service.

I held a position similar to a Mayor for the Forest service. It's where the buck stops. I would never nor would my Supervisor accept me dismissing a constituent by ignoring them.

Please remember Mayor and Trustees many of your Town residents are my age who wouldn't have had the ability to text, e-mail and/or write those letters

I feel like the town has treated like an Adversary from day one, someone who is trying to take advantage of the Town, someone that needed to be dismissed.

Someone who didn't deserve a response after my February 2025 meeting with Mr Wynn.

Someone who didn't deserve a response after my May 16 2025 letter

Someone who didn't deserve a response when I again requested a 2nd meeting in my June 13 2025 letter.

I didn't get a response saying let's work on this or even a I think you're wrong. What I got was what I experienced throughout this attempt to work with the Town a circling of wagons.

Blindsiding me with this concocted meeting tonight to just tell me I'm wrong in Public. It's your problem, buddy.

Mayor and Trustees

I'm asking you to take no action on this item tonight

I'm asking you to return it to the Department of Public Works. That they work with me to truly look for the source.

As you've heard from a couple of source water in the basement was not a chronic historical problem. As I have told you between October 2023 until late April 2024 I didn't have a problem.

However, since then, it has been a constant amount with no change during or after irrigation. I might add saying the chlorine I detected came from my washing machine is Ludacris at best.

I would add the statement "We (whoever that is) decided on an unannounced visit to avoid any possible sample tempering". Is an indicated of your disrespect, distrust and/or empathy for me.

You distrust me but I'm to trust you?

I would note after spending almost \$10,000 my basement is dry.

However I never asked for repayment in any of my correspondence

I only ask for cooperation.

So I again asking you to work with me help me understand why I'm wrong.

Return it to the Department of Public Works where it belongs not here

I would also ask a Trustee be assigned to this project to work with me and at times to mediator, meetings or dialogue if necessary.

Thanks for you time

PUBLIC SPEAKERS SIGN-IN - 06/24/2025

[illegible]



Town of Paonia
214 Grand Avenue
Tuesday, June 24, 2025 6:30 PM
Town Board Agenda
<https://us02web.zoom.us/j/84384143778>
Meeting ID: 843 8414 3778

Public Participation: Please raise your hand and wait to be recognized by the Mayor, come to the podium and state your name and whether you live in town or out of town. Time limit is 3 minutes, one time per item, there are instructions at the podium for the timer light. Please direct all comments to the Mayor. No responses will be made by staff or Board during the meeting.

Please be respectful and help to maintain decorum by not engaging in derogatory and/or demeaning statements or public displays.

Roll Call

Approval of Agenda

Announcements

North Fork High School Thank you Letter

Press Release and Dismissal Order of Erik Gilbertson v Town of Paonia & Stefen Wynn

Public Comment

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

Consent Agenda

June 10, 2025 Regular Meeting Minutes

25-111 Friends of the Paradise Theater dba Paradise Theater Liquor License Renewal
SEP 25-03 Liquor License Paonia Cherry Days July 4 & 5, 2025
SEP 25-04 Liquor License Paonia Cherry Days - Top O' the Rockies BMW Rally July
23, 24, 25, 26 2025

June 24, 2025 Disbursements

Staff Reports

Town Administrator Second Quarter Report

Actions & Presentations

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

Item #1 - Resolution 2025-15 Fee Schedule

Item #2 - Consideration on Levels of Service for Water Customers and Issues on Private Property

Mayor & Trustee Reports

Adjournment

As Adopted by:
Town of Paonia, Colorado
Resolution No. 2017-10 – Amended May 22, 2018

I. Rules of Procedure

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

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

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

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

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

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

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

Section 6. Conduct of Board Members. Town Board Members shall treat other Board Members and the public in a civil and polite manner and shall comply with the Standards of Conduct for Elected Officials of the Town. Board Members shall address Town Staff and the Mayor by his/her title, other Board Members by the title of Trustee or the appropriate honorific (i.e.: Mr., Mrs. or Ms.), and members of the public by the

appropriate honorific. Subject to the Mayor's discretion, Board Members shall be limited to speaking two times when debating an item on the agenda. Making a motion, asking a question or making a suggestion are not counted as speaking in a debate.

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

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

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

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

II. Consent Agenda

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

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

Section 3. Removal of Item from Consent Agenda. One or more items may be removed from the Consent Agenda by a timely request of any Trustee. A request is timely if made prior to the vote on the Consent Agenda. The request does not require a second

or a vote by the Board. An item removed from the Consent Agenda will then be discussed and acted on separately either immediately following the consideration of the Consent Agenda or placed later on the agenda, at the discretion of the Board.

III. Executive Session

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

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

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

IV. Subject to Amendment

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

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



NORTH FORK HIGH SCHOOL

438 Miners Way | Hotchkiss, Colorado | 81419

Phone: 970-872-3882 | Fax: 970-872-2390

WWW.NFHS.DELTASCHOOLS.COM

Principal: Amy Miller | Asst. Principal: Delaine Hudson | Counselor: Spencer Mahaffey Lightfoot

June 5, 2025

Dear Town of Paonia,

We are writing to thank you for your support of North Fork High School GRAD Night 2025. We appreciate your support with the donation of \$540.00.

The North Fork High School graduating class of 2025 participated in the event "Grad Night" hosted by their parents and community. Again, Grad Night is designed to celebrate the achievements that these young people have made in completing their high school education. This year, our Grad Night was on Monday, May 19, 2025 and the celebration provided an alcohol free / substance free alternative for graduating seniors. Students celebrated with food, a magician for entertainment, and gift prizes for their next chapter in life.

Thanks again for contributing so that our graduating class of North Fork High School may feel the love and support from their community.

Thank you for your support!

Sincerely,

2025 North Fork High School Grad Night Parent Committee

Page 6 of 66



Town of Paonia

FOR IMMEDIATE RELEASE

Media Contact – Stefen Wynn, StefenW@TownofPaonia.com

June 18, 2025

Court Dismisses All Remaining Claims Against Town of Paonia in Water Service Dispute with Prejudice

Judge Upholds Town's Right to Protect Its Public Water System and Enforce Metering Requirements

Paonia, Colorado – The Delta County District Court has ruled in favor of the Town of Paonia, granting a motion for judgment on the pleadings and dismissing all remaining claims brought by a former out-of-town water customer who sought free, unmetered access to the Town's public water system. The decision was issued on June 11, 2025, by Judge Mary Deganhart in Case No. 2024CV1.

The lawsuit, filed by Erik Gilbertson, stemmed from his refusal to allow the Town to install a radio-read water meter on his property, equipment necessary for accurate usage tracking and consistent with Town Code. In accordance with Section 13-1-90 of the Paonia Town Code, properties with inaccessible meters must accommodate a radio-read meter. When Mr. Gilbertson declined this installation, the Town, following its established procedures and ordinances, discontinued water service.

The Town shut off Mr. Gilbertson's water service under Section 13-1-80(d) of its code because he refused to allow the Town access to his water meter or to allow installation of a radio-read meter. Due to these undisputed facts, the Town concluded, that Mr. Gilbertson's use of water was not *de minimis* and theft of water had occurred. Through the course of the investigation and lawsuit, the Town found evidence that Mr. Gilbertson had a second rental home on the property illegally connected to water service for which he was not paying a base rate. This was admitted to by Mr. Gilbertson in his complaint through a request for damages for lost or discounted rental income due to reducing the rent for his tenants because they did not have access to drinking water.

Mr. Gilbertson sought several extraordinary remedies through the courts, including reinstatement of service without a functioning meter, monetary damages of \$3,000 per day, reimbursement of legal fees, removal of the Town Administrator, and a letter of apology. The Court dismissed these requests with prejudice as legally unsupported and implausible.

In her ruling, Judge Deganhart stated:

"Plaintiff does not have a constitutional right to receive unmetered water service. [...] The Town discontinued Plaintiff's water service [...] because Plaintiff refused to allow the Town access to his water meter or to allow installation of a radio meter. [...] Plaintiff's claims are not plausible and will be dismissed with prejudice."

The Court found no basis under local ordinance, state law, or the Constitution for the claims brought forward. It also noted that the plaintiff failed to demonstrate entitlement to a private right of action under the Town's municipal code. A prior dismissal of monetary damages under the Colorado Governmental Immunity Act had already been upheld on appeal.

Town Administrator Stefen Wynn responded to the ruling:

"This decision affirms the Town's responsibility to protect its public resources and enforce our ordinances fairly. We value every customer and strive to provide equitable service, but we cannot compromise on policies that ensure sustainability, accountability, and the long-term integrity of our water system, especially when we're underway with millions of dollars in improvements to our water utility."

To read the ruling in full please visit: <https://townofpaonia.colorado.gov/media/5191>.

The Town of Paonia remains committed to transparent governance and the protection of its essential infrastructure, including the equitable administration of its municipal water system for all residents and customers.

About the Town of Paonia

Located in Delta County, Colorado, the Town of Paonia is dedicated to transparent governance and the responsible management of all municipal services. From infrastructure and utilities to community development and public safety, the Town works to ensure fair, effective policies that serve the best interests of all residents and property owners. The Board of Trustees remains committed to thoughtful leadership and continuous improvement in every area of local government.

END

DISTRICT COURT, DELTA COUNTY, COLORADO 501 Palmer St., #338 Delta, Colorado 81416	
ERIK GILBERTSON, Plaintiff, v. TOWN OF PAONIA & STEFEN WYNN, Defendants.	DATE FILED June 11, 2025 4:25 PM CASE NUMBER: 2024CV1 COURT USE ONLY
	Case Number: 24CV1 Division: 5
ORDER RE: MOTION FOR JUDGMENT ON THE PLEADINGS	

This matter is before the Court on Defendants’ motion for judgment on the pleadings. Having reviewed the parties’ briefs, the file and relevant authorities, the Court enters this order.

I. FACTS & HISTORY

Plaintiff has filed this action against the Town of Paonia (“Town”) and Stefen Wynn (“Wynn”) in his capacity as the Town Administrator. The complaint alleges that Plaintiff’s property has received water service from the Town for many years even though the property is outside the Town’s boundaries. The property consists of two residences and the water meter is located within the primary residence and cannot be read without entering the home. Plaintiff resides in the main residence and the other residence is rented to a tenant. Before Plaintiff

purchased the property, the Town allowed the prior owner to report water usage but there was a period in which usage was not being reported.

Plaintiff did not report water usage after purchasing the property and the Town charged him for *de minimis* usage. The Town later notified Plaintiff that the amount of water being used greatly exceeded the *de minimis* charges, so the Town requested permission to install a radio meter on the property that would allow the Town to remotely track actual water usage. Plaintiff refused to allow the Town to install the radio meter. In January 2024, the Town notified Plaintiff that water service would be discontinued until a radio meter could be installed.

In his pleadings, Plaintiff moves for the following relief: (1) an order directing the Town to reinstate his water service; (2) damages in the amount of \$3,000 per day of water service disconnection and \$6,000 for cistern installation; (3) reimbursement of his legal expenses; (4) removal of Wynn from office; and (5) a letter of apology. The Court has dismissed Plaintiff's claims for damages and legal fees under the Colorado Governmental Immunity Act, and that dismissal was affirmed on appeal.

II. STANDARD OF REVIEW

Defendants now move to dismiss the remaining claims under C.R.C.P. 12(c): "After the pleadings are closed but within such time as not to delay the trial, any party may move for judgment on the pleadings. If, on a motion for judgment on the pleadings, matters outside the pleadings are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56 and all parties shall be given reasonable

opportunity to present all material made pertinent to such a motion by Rule 56.” The standard of review for a motion for judgment on the pleadings is the same as for a motion to dismiss for failure to state a claim. *Humphrey v. O’Connor*, 940 P.2d 1015, 1021 (Colo. App. 1996).

A complaint may survive a motion to dismiss only if it states a plausible claim for relief. *Paradine v. Goei*, 463 P.3d 868, 869 (Colo. App. 2018). This means that a party must plead facts that, “if taken as true, suggest plausible grounds to support a claim for relief.” *Id.* When deciding a motion to dismiss a court may only consider the facts alleged in the pleadings and any exhibits incorporated by reference in the pleadings; no other extrinsic materials may be considered. *Fry v. Lee*, 408 P.3d 843, 848 (Colo. App. 2013).

III. ANALYSIS

The Court will first address Plaintiff’s claims to remove Wynn from office and for a letter of apology. Defendants move to dismiss these claims because there is no legal authority to support them. The Court agrees with this argument because the claims are not plausible. The removal of a town officer from office is governed by section 31-4-307, C.R.S., which authorizes removal from office “[b]y a majority vote of all members of the board of trustees[.]”. This statute does not provide a cause of action to a private citizen to compel an officer to be removed from office. Likewise, there is no legal remedy that could compel Defendants to write a letter of apology. As such, the Court will dismiss these claims with prejudice for failure to state a claim.

The Court will next address Plaintiff's claim to compel the Town to reinstate his water service. He first alleges that the Town violated due process by terminating his water service without proper notice and a hearing. He cites *Memphis Light, Gas & Water Div. v. Craft*, 436 U.S. 1, 11-2, 98 S. Ct. 1554, 1561 (1978), for the proposition that a municipality cannot discontinue a utility service without providing due process. Even so, Plaintiff's due process argument is not plausible because he seeks to compel the Town to reinstate his water service without having access to a meter that would enable the Town to track his water usage. Under section 13-1-90 of the Paonia Town Code, a property owner must either relocate the water meter or install a radio meter if the meter is in a place where regular access is prevented. Plaintiff refuses to comply with this requirement. He does not have a constitutional right to receive unmetered water service. Therefore, the due process claim lacks merit.

Plaintiff also alleges in his pleadings that the Town violated Article XVI, sec. 6 of the Colorado Constitution, which states that "[t]he right to divert the unappropriated waters of any natural stream to beneficial uses shall never be denied." Plaintiff has no right to relief under this provision because he was not receiving unappropriated water from a natural stream. He was receiving public water from a municipality. Plaintiff's constitutional claims are not plausible and will be dismissed.

The Town discontinued Plaintiff's water service under Section 13-1-80(d) because Plaintiff refused to allow the Town access to his water meter or to allow installation of a radio meter and the Town concluded, based upon their records,

that Plaintiff's use of water was not *de minimis* and there was theft of water. Section 13-1-90 requires that regular access to the water meter is required. The Court cannot find that there is a private right of action pursuant to the either of these Town Code Sections which would require the Town to reinstate water service. Plaintiff has refused to comply with the Town Code for water metering. In order to support a claim for a private right of action under the Town Code:

Three factors must be considered in determining whether a private cause of action is impliedly authorized in a statute or ordinance that does not expressly create a civil remedy. First, the plaintiff must be within the class of persons intended to be benefitted by the legislative enactment. Second, the legislative body must have intended to create, either explicitly or implicitly, a private right of action. And third, an implied civil remedy must be consistent with the purposes of the legislative scheme. *Minnick v. City & Cnty. of Denver*, 784 P.2d 810, 812–13 (Colo. App. 1989) (citing *Holter v. Moore & Co.*, 681 P.2d 962 (Colo. App. 1983)).

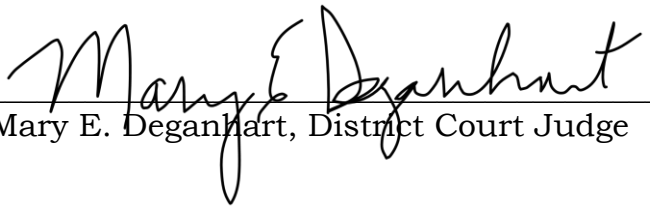
The Plaintiff has not supported any of the three elements necessary for a private right of action under the provisions of the Town Code. Plaintiff's statutory claim for reinstatement of water service is not plausible and will be dismissed.

Finally, Plaintiff asks the Court to grant him leave to amend his pleadings under C.R.C.P. 15 to cure any deficiencies in his amended complaint. The Court declines to address this argument because Plaintiff has not filed a proper motion to amend under Rule 15.

Based on the foregoing, IT IS ORDERED that Defendants' Motion for Judgment on the Pleadings is granted and Plaintiff's remaining claims are dismissed with prejudice.

Done this __11th__ day of June, 2025

BY THE COURT:



Mary E. Deganhart, District Court Judge



**Town of Paonia;
214 Grand Avenue
Tuesday, June 10, 2025 6:30 PM
Town Board Minutes**

Record of Proceedings

Mayor Smith calls the meeting to order at 6:30PM.

Roll Call

Present:

Mayor Smith
Mayor Pro-Tem Swartz
Trustee Czech
Trustee Heck
Trustee Hunter
Trustee Stelter (Zoom)

Absent:

Trustee Valentine

Approval of Agenda

Trustee Hunter makes a motion to approve the agenda. Seconded by Trustee Czech.

The motion carries unanimously.

Announcements

None

Public Comment

None.

Consent Agenda

May 13, 2025 Regular Meeting Minutes
May 27, 2025 Regular Meeting Minutes
June 10, 2025 Disbursements

Mayor Pro-Tem Swartz notes that the times listed for 05/13 meeting minutes should reflect 6:35PM, and 6:30PM for the 5/27 meeting minutes.

Trustee Hunter makes a motion to accept the Consent Agenda with the changes suggested by Mayor Pro-Tem Swartz. Seconded by Trustee Heck

The motion carries unanimously.

Staff Reports

Town Administrator Wynn presents his staff report, noting that the second quarter report will be at the next meeting. He also announced Public Works Director Heiniger's resignation and promotion of Deputy Public Works Director Nicole Poulos to fill the role of Public Works Director. He also updated the Board on Safe Streets for All funding had been released from Washington DC with it being secured if the Town could go out to bid by August 1, 2025. He also went over and discussed the budget to actuals figures with the Board.

Police Chief Laiminger went over the highlights for the Police Department.

Public Works Director Poulos goes over her report and updates the Board.

Public Hearing

Consideration of Approval of a New Hotel and Restaurant Liquor License for Berg Harvest LLC.

Mayor Smith opens the Public Hearing at 7:01PM.

Town Clerk Vetter confirms the proper notification given and gives the staff presentation.

Police Chief Laiminger confirms the Police Department has no issues.

Lauren Thliveris, of Berg Harvest Mercantile, gives the applicant presentation and explains her desire to expand into pre-mixed cocktails.

No public comment is received.

No objection to items in the record.

Mayor Smith closes the Public Hearing at 7:09PM.

Trustee Stelter makes a motion to approve the new liquor Hotel & Restaurant liquor license for Berg Harvest LLC. Seconded by Trustee Heck.

Voting Aye:

Mayor Pro-Tem Swartz

Trustee Czech

Trustee Heck

Trustee Hunter

Trustee Stelter

Voting Nay:
None

The motion carries unanimously.

Actions & Presentations

Item #1 - Discussion On Creating a Classification for Block Parties - Barbara Heck & Randy Derryberry

Barbara Heck and Randy Derryberry give a presentation about their request for block party classification. Their request includes not classifying a block party as a special event, no fees, no staff time, no insurance, just a simple block party for neighbors for a three (3) or four (4) hour time block.

Public Comment:

S. Yeamans: comments in support.

C. Soto: comments in support.

Board and Staff discussion topics included public safety issues, single block vs multiple blocks, using parks, insurance needed for liability, preventable risks, single-day event insurance or town indemnification clause, community/neighbor events, pros and cons of special event classification, on-premises permit, street closures, future framework, and role of Special Event Ad Hoc Committee.

Trustee Hunter makes a motion to refer this to the Special Events Ad Hoc Committee and have them report back to the Board of Trustees any recommendations on policy, fees, and insurance requirements for small block parties. Seconded by Mayor Pro-Tem Swartz.

The motion carries unanimously.

Item #2 - Discussion about Bicycle Regulations and Unleashed, Unlicensed Dogs - Trustee Stelter

Trustee Stelter presents his concerns about bicycle regulations and lack of high visibility clothing, reflectors, and front & rear lamps.

Board discussion: police solutions, education, reaching through School Recourse Officer, Police Department continue what they have been doing, targeted education on nighttime riding, signage in targeted places entrances to Town and at trailhead, partnering with local lodgings, press releases, social media, and TextMyGov.

Public Comment:

P. Naughten: comments in support of more safety.

R. Derryberry: comments on parking and issues at Jumbo Trailhead.

Trustee Stelter makes a motion that the Town uses a combination of enforcement, informational stops, signage and giving kids equipment, if they can get it, and that we contact the Airbnb's and the hotels in town and inform them. And ask that the Town get on the community board of KVNf as a recurring thing that lights, taillights, headlights, and reflectors are required on your bicycles.

The Motion dies for a lack of second.

Trustee Stelter makes a motion to direct staff to come up with action that can be taken, combining public education, public notice of what the regulations are and that we are intending to make things better. Seconded by Trustee Hunter.

The motion carries with Mayor Pro-Tem Swartz voting Nay.

Trustee Stelter brings to discussion about unleashed and unlicensed Dogs.

Board discussion: Rabies vaccination, licensed dogs, stopping unleashed dogs, education, contact, community policing, increase in winter, police uptick in education, animal at large, low compliance needs enforcement, seeing both sides, and issues with dogs at large.

No motion is made.

Item #3 - Consideration of Approval of Ordinance 25-03 Special Events - Administrator Wynn

Town Administrator Wynn goes over the Special Event Ordinance and the Questions and answers page.

Board Discussion: ad hoc committee meet again to discuss fees.

Public Comment:

J. Dervin-Ackerman: comments in support but has questions about waiving street closure fees, local non-profit definition, vendor fees.

D. Reedy: comments in support of the Ordinance but remove exemption of street closure from fee waiver.

M. Madanguit - Arbol Market: comments in support of ordinance, waving all fees, and applying retroactively to Arbol Market.

R. Bushta: comments; expanding to located within Delta County; NFV Chamber, Smith Center

P. Naughten: comments on block parties.

Board discussion: Street Closure fees, 81428 zip code area for non-profits.

Trustee Hunter makes a motion to revise the draft of Ordinance 2025-03, under the definition of local nonprofit, community-based organization, to strike "corporate limits of the town of Paonia" and insert "***an 81428 Zip Code***". Seconded by Mayor Pro-Tem Swartz.

The motion carries unanimously.

Trustee Hunter makes a motion that we change the draft Ordinance 2025-03, Section 6-5-50 (B - 1), to add after 'event organizer', the language "authorized to answer for the event". So, it would read: **"the name, address and telephone number of the event organizer and all persons working for the event organizer authorized to answer for the event day of discussion and to ensure adequate communication between the town and the event organizer and designees"**. Seconded by Mayor Pro-Tem Swartz

The motion carries unanimously.

Trustee Hunter makes a motion to amend the draft of Ordinance 25-03, section 6-5-70 (C - 14) to read: **"The applicant must provide, when required, a certificate of current commercial general liability insurance or special event liability insurance, due at least 15 days prior to the event"**. Seconded by Mayor Pro-Tem Swartz.

The motion carries unanimously.

Trustee Hunter makes a motion to amend the draft of Ordinance 25-03, section 6-5-70 (C – 14 – i.) to insert **"or special event liability"** between the existing words 'liability' and 'insurance'. Seconded by Mayor Pro-Tem Swartz.

The motion carries unanimously.

Trustee Hunter makes a motion to amend the draft of Ordinance 25-03, section 6-5-70 (C – 14 – iii.) to delete '30' and replace with **"15"**. Seconded by Mayor Pro-Tem Swartz.

The motion carries unanimously.

Trustee Hunter makes a motion to refer to the Special Events Ad Hoc Committee to report back to the Board of Trustees recommendations for adjusting special event fees associated with street closures. Seconded by Trustee Stelter.

The motions carries unanimously.

Trustee Hunter makes a motion to approve amended Ordinance 2025-03 as discussed. Seconded by Trustee Stelter.

The motion carries unanimously.

Trustee Hunter makes a motion for a five (5) minute recess. Seconded by Trustee Heck.

The motion carries unanimously.

Item #4 - Consideration of Approval of Accepting the Proposal/ Service Agreement from New Focus HR LLC for Complete Redesign and Development of a Legally Compliant Employee Handbook and Continuing Human Resources Consultation Services.

Town Clerk Vetter presents the staff report to the Board.

Board discussion included Town Attorney Buchner suggested adding the Town's addendum to the contract for State compliance. Mayor Smith noted the contract did not include the Town's PO Box number and should be updated to reflect that, and to add a signature line for the Mayor as well. The Board also addressed the question of whether the Purchasing Policy was followed given there was no RFP. Since it was under \$10,000, it fell under that requirement – Paragraph 2-5, sub-paragraph 4 of the Town's Purchasing Policy Manual.

Trustee Stelter makes a motion to approve the proposal agreement for services with New Focus HR LLC for the creation of an employee handbook, update subscription, and HR consulting services with the addendum needed for Colorado State compliance. Seconded by Trustee Hunter.

The motion carries unanimously.

Executive Session

An Executive Session under C.R.S. §24-6-402(4)(b) for the purposes of receiving legal advice from the Town Attorney on specific legal questions in reference to the rejection of an Initiative Petition on Short-term Rentals.

Trustee Hunter makes a motion to extend the meeting by 30 minutes until 10:00PM. Seconded by Trustee Stelter.

The motion carries unanimously.

Trustee Hunter makes a motion to enter into an Executive Session under C.R.S. §24-6-402(4)(b) for the purposes of receiving legal advice from the Town Attorney on specific legal questions in reference to the rejection of an Initiative Petition on Short-term Rentals. Seconded by Trustee Stelter.

The motion carries unanimously.

The Executive session started at 9:21PM.

The Executive Session ended at 9:35PM.

Executive Session participants included Town Clerk Vetter, Mayor Smith, Mayor Pro-Tem Swartz, Trustee Hunter, Trustee Heck, Trustee Stelter, Trustee Czech, and Town Attorney Buchner.

Mayor & Trustee Reports

None presented.

Adjournment

Mayor Smith adjourns the meeting at 9:38PM.

Samira M. Vetter, Town Clerk

Paige Smith, Mayor

DRAFT



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

AGENDA ITEM:	Consent Agenda • Friends of the Paradise Theatre dba Paradise Theatre
SUBMITTED BY:	Ruben Santiago – Deputy Clerk
DATE:	06/18/2025
BACKGROUND:	Finding of Facts: • License Renewal Paperwork is in the possession of the Town Clerk • Local fees have been paid, and the Colorado Dept. of Revenue's fees were paid online. A copy of the payment receipt is in the custody of the Town Clerk. • The Administrative Offices have no issues or concerns with the license renewal. • The Police Department has no issues or concerns with the license renewal. • The Public Works department has no issues or concerns with the renewal.
BUDGET:	\$280.00 to – 10-32-01 – Liquor Licenses.
RECOMMENDATION:	All legal requirements have been met for the renewal of this license.
ATTACHMENT:	• 20250618 25-111 Paradise Theatre Renewal Application and Manager Change_Redacted.pdf

DR 8400 (02/16/24)
 COLORADO DEPARTMENT OF REVENUE
 Liquor Enforcement Division
 PO BOX 17087
 Denver CO 80217-0087
 (303) 205-2300

Submit to Local Licensing Authority

PARADISE THEATRE
 PO BOX 886
 Paonia CO 81428

Fees Due	
Annual Renewal Application Fee	\$
Renewal Fee	750.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$ 750

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

Retail Liquor License Renewal Application

Please verify & update all information below. Return to city or county licensing authority by due date.

Note that the Division will not accept cash.

☐ Paid by check

Uploaded to Movelt on Date

☒ Paid Online

Licensee Name

FRIENDS OF THE PARADISE THEATRE

Doing Business As Name (DBA)

PARADISE THEATRE

Liquor License Number

03-03234

License Type

Entertainment Facility License (City)

Sales Tax License Number

30480955

Expiration Date

09/11/2025

Due Date

07/28/2025

Business Address

Street Address

215 GRAND AVENUE

Phone Number

9705276610

City, State, ZIP Code

Paonia CO 81428

Mailing Address

Street Address

PO BOX 886

City, State, ZIP Code

Paonia CO 81428

Email

Director @ Paradise of Paonia . com

Operating Manager

Jay Canode

Date of Birth

Home Address

Street Address		Phone Number
[REDACTED]		[REDACTED]
City	State	ZIP Code
Paonia	CO	81428

1. Do you have legal possession of the premises at the street address? ☒ Yes ☐ No

Are the premises owned or rented? ☒ Owned

*If rented, expiration date of lease

☐ Rented*

2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? ☐ Yes ☒ No

If yes, please see the table in the upper right hand corner and include all fees due.

3. Are you renewing a takeout and/or delivery permit? ☐ Yes ☒ No

(Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) If selecting 'Yes', an additional \$11.00 is required to renew the permit.

If so, which are you renewing? ☐ Delivery ☐ Takeout ☐ Both Takeout and Delivery

4. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?

☐ Yes ☒ No

Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?

☐ Yes ☒ No

5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)?

☒ Yes ☐ No

If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.

DR 8495 (02/16/24)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division
PO BOX 17087
Denver CO 80217-0087
(303) 205-2300

Tax Check Authorization, Waiver, and Request to Release Information

I, *Ray Canale*

am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of

(the "Applicant/Licensee")

Friends of the Paradise Theatre

to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

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

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

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

6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? ☐ Yes ☒ No

If yes, attach a detailed explanation.

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

If yes, attach a detailed explanation.

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

If yes, attach a detailed explanation.

Affirmation & Consent

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business

Jay Canode

Title

Interim Executive Director

Signature

Jay Canode

Date (MM/DD/YY)

6/9/25

Report & Approval of City or County Licensing Authority

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

Therefore this application is approved.

Local Licensing Authority For

Title

Attest

Signature

Date (MM/DD/YY)

Name (Individual/Business)

Jay Canode

Social Security Number/Tax Identification Number

[REDACTED]

Home Phone Number

[REDACTED]

Business/Work Phone Number

Street Address

[REDACTED]

City

Paonia

State ZIP Code

CO

81428

Printed name of person signing on behalf of the Applicant/Licensee

Jay Canode

Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) Date Signed

Jay Canode

6/9/25

Privacy Act Statement

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

Jay Canada

8128 100 01P

00136 2680

258 Davis Ave

85418 00

01010

Jay Canada

25/1/2

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Jay Canada

Instruction Sheet for Permit Application and Report of Changes

For All Sections, Complete Questions on Page 2

☒ Section A

To Register or Change Managers, check the appropriate box in section A and complete question 10 on page 6. Proceed to the Oath of Applicant for signature. Submit to State Licensing Authority for approval.

☐ Section B

For a Duplicate license, be sure to include the liquor license number in section B on page 1 and proceed to page 8 for Oath of Applicant signature.

☐ Section C

Check the appropriate box in section C and proceed below.

For a Retail Warehouse Storage Permit, go to page 4 complete questions in the section (be sure to check the appropriate box). Submit the necessary information and proceed to page 8 for Oath of Applicant signature. Submit to the State Licensing Authority for approval.

For a Wholesale Branch House Permit, go to page 4 and complete questions in the section (be sure to check the appropriate box). Submit the necessary information and proceed to page 8 for Oath of Applicant signature. Submit to the State Licensing Authority for approval.

To Change Trade Name or Corporation Name, go to page 4 and complete questions in the section (be sure to check the appropriate box). Submit the necessary information and proceed to page 8 for Oath of Applicant signature. Retail Liquor License submit to the Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to the State Liquor Licensing Authority.

To modify Premises, or add Sidewalk Service Area, go to page 7 and complete all questions. Submit the necessary information and proceed to page 8 for Oath of Applicant signature. Retail Liquor License submit to the Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to the State Liquor Licensing Authority.

For Optional Premises go to page 7 and complete all questions. Submit the necessary information and proceed to page 8 for Oath of Applicant signature. Retail Liquor License submit to the Local Liquor Licensing Authority (City or County).

To Change Location, go to page 5 and complete questions in the section. Submit the necessary information and proceed to page 8 for Oath of Applicant signature. Retail Liquor License submit permit application or report of change to the Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to the State Liquor Licensing Authority.

Noncontiguous or Primary Manufacturing Location Change, go to page 6, and complete questions in the section. Use this section to make a current Noncontiguous Manufacturing Location into a Primary Manufacturing Location, or a Primary Manufacturing Location into a Noncontiguous Manufacturing Location. To be eligible for a Noncontiguous or Primary Manufacturing Location Change, you must be a Colorado state licensed manufacturer pursuant to section 44-3-402 or 44-3-403, C.R.S.

Campus Liquor Complex Designation, go to page 8 and complete questions in the section. Submit the necessary information and proceed to page 8 for Oath of Applicant signature.

To add another Related Facility to an existing Resort or Campus Liquor Complex, go to page 8 and complete questions in the section.

Permit Application and Report of Changes

All Answers Must Be Printed in Black Ink or Typewritten

Applicant is a ☒ Corporation ☐ Individual ☐ Partnership ☐ Limited Liability Company

License Number

03-03234

Name of Licensee

Friends of the Paradise Theatre

Trade Name of Establishment (DBA)

Paradise Theatre

Address of Premises (specify exact location of premises)

215 Grand Ave

City

Paonia

County

Delta

State

CO

ZIP Code

81428

Business Email Address

director@paradiseofpaonia.com

Business Phone Number

9705276610

Select the Appropriate Section Below and Reference the Instructions on Page 1.

Section A – Manager

- ☐ Manager's Registration (Hotel & Restaurant)..... \$30.00
- ☐ Manager's Registration (Tavern)..... \$30.00
- ☐ Manager's Registration (Lodging Facility)..... \$30.00
- ☒ Manager's Registration (Entertainment Facility)..... \$30.00
- ☒ Change of Manager (Other Licenses pursuant to section 44-3-301(8), C.R.S.)..... No Fee

Please note that Manager's Registration for Hotel & Restaurant, Lodging Facility, Entertainment Facility, and Tavern licenses requires a local fee with submission to the local licensing authority as well. Please reach out to local licensing authorities directly regarding local processing and fees.

Section B – Duplicate License

- ☐ Duplicate License \$50.00

Section C

- ☐ Retail Warehouse Storage Permit (each)..... \$100.00
- ☐ Wholesale Branch House Permit (each)..... \$100.00
- ☐ Change Corporation or Trade Name Permit (each)..... \$50.00
- ☐ Change Location Permit (each)..... \$150.00
- ☐ Noncontiguous or Primary Manufacturing Location Change..... \$150.00
-
- ☐ Change, Alter or Modify Premises.....\$150.00 x ☐ Total Fee:
- ☐ Addition of Optional Premises to
Existing Hotel/Restaurant\$100.00 x ☐ Total Fee:
- ☐ Addition of Related Facility to an Existing
Resort or Campus Liquor Complex.....\$160.00 x ☐ Total Fee:
- ☐ Campus Liquor Complex Designation..... No Fee
- ☐ Sidewalk Service Area..... \$75.00

Do Not Write in This Space – For Department of Revenue Use Only

Date License Issued	License Account Number	Period

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

Total Amount Due..... \$.

Storage Permit

Retail Warehouse Storage Permit or a Wholesalers Branch House Permit

☐ **Retail Warehouse Permit for:**

☐ On-Premises Licensee (Taverns, Restaurants etc.)

☐ Off-Premises Licensee (Liquor stores)

☐ **Wholesalers Branch House Permit**

Address of Storage Premises

City

County

ZIP Code

Attach a deed/lease or rental agreement for the storage premises.

Attach a detailed diagram of the storage premises.

Change Trade Name or Corporate Name

☐ Change of Trade Name/DBA only

☐ Corporate Name Change (Attach the following supporting documents)

1. Certificate of Amendment filed with the Secretary of State, or
2. Statement of Change filed with the Secretary of State, and
3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.

Old Trade Name

New Trade Name

Old Corporate Name

New Corporate Name

Change of Location

Note to Retail Licensees: An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 44-3-311(1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.

Date filed with Local Authority

Date of Hearing

Address of current premises.

Address

City

County

ZIP Code

Address of proposed New Premises

(Attach copy of the deed or lease that establishes possession of the premises by the licensee)

Address

City

County

ZIP Code

New mailing address if applicable.

Address

City

County

State

ZIP Code

Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.

Noncontiguous or Primary Manufacturing Location Change

Select the option that applies to your situation:

- ☐ Make a current Primary Manufacturing Location (Location 1) into a Noncontiguous Location (Location 2); **or**
- ☐ Make a current Noncontiguous Manufacturing Location (Location 1) into a Primary Manufacturing Location (Location 2).

Address of Location 1:

Address

City

County

ZIP Code

Address of Location 2:

Address

City

County

ZIP Code

Change of Manager

Change of Manager or to **Register the Manager** of a Tavern, Hotel and Restaurant, Lodging Facility and Entertainment Facility liquor license or licenses pursuant to section 44-3-301(8), C.R.S.

Change of Manager

Former Manager's Name

New Manager's Name

Date of Employment

Has manager ever managed a liquor licensed establishment?..... ☒ Yes ☐ No

Does manager have a financial interest in any other liquor licensed establishment?..... ☐ Yes ☒ No

If yes, give name and location of establishment

Modify Premises or Addition of Optional Premises, Related Facility, or Sidewalk Service Area

Note: Licensees may not modify or add to their licensed premises until approved by state and local authorities.

(a) Describe change proposed

(b) If the modification is temporary, when will the proposed change:

Start (month/day/year)

End (month/day/year)

Note: The total state fee for temporary modification is \$300.00

(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?..... ☐ Yes ☐ No

(If yes, explain in detail and describe any exemptions that apply)

(d) Is the proposed change in compliance with local building and zoning laws?..... ☐ Yes ☐ No

(e) If this modification is for an additional Hotel and Restaurant Optional Premises has the local authority authorized by resolution or ordinance the issuance of optional premises?..... ☐ Yes ☐ No

(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.

(g) Attach any existing lease that is revised due to the modification.

(h) For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), 1 C.C.R. 203-2, include documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.

Campus Liquor Complex Designation

An institution of higher education or a person who contracts with the institution to provide food services
I wish to designate my existing:

Liquor License Type

Liquor License Number

to a Campus Liquor Complex..... ☐ Yes ☐ No

Additional Related Facility

To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the
Related Facility and include the address and an outlined drawing of the Related Facility Premises.

Address of Related Facility

Address

City

State

ZIP Code

Outlined diagram provided..... ☐ Yes ☐ No

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all
attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Print Name

Title

Electronic signature is not accepted, physical signature is required.

Date (MM/DD/YY)

Report and Approval of Local Licensing Authority (City / County)

The foregoing application has been examined and the premises, business conducted and character of
the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable
provisions of Title 44, Articles 4 and 3, C.R.S., as amended. Therefore, This Application is Approved.

Local Licensing Authority (City or County)

Date filed with Local Authority

Electronic signature is not accepted, physical signature is required.

Title

Date (MM/DD/YY)

Report of State Licensing Authority

The foregoing has been examined and complies with the filing requirements of Title 44, Article 3,
C.R.S., as amended.

Electronic signature is not accepted, physical signature is required.

Title

Date (MM/DD/YY)

Application Information and Checklist

The following supporting documents must be attached to this application for a permit to be issued:

- ☒ Appropriate fee. \$ 300⁰⁰
- ☒ Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions.
Note: If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- ☐ Copy of deed, lease, or written permission of owner for use of the premises.
- ☒ Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; **or**
- ☐ If not incorporated, a NONPROFIT charter; **or**
- ☐ If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- ☒ Application must first be submitted to the local licensing authority (city or county) at least thirty (30) days prior to the event.
- ☒ The premises to be licensed must be posted at least ten (10) days before a hearing can be held. (44-5-106 C.R.S.)
- ☒ An approved application must be received by the liquor enforcement division at least ten (10) days prior to the event.
- ☒ Check payable to the Colorado Department Of Revenue

(44-5-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 4 and 3 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

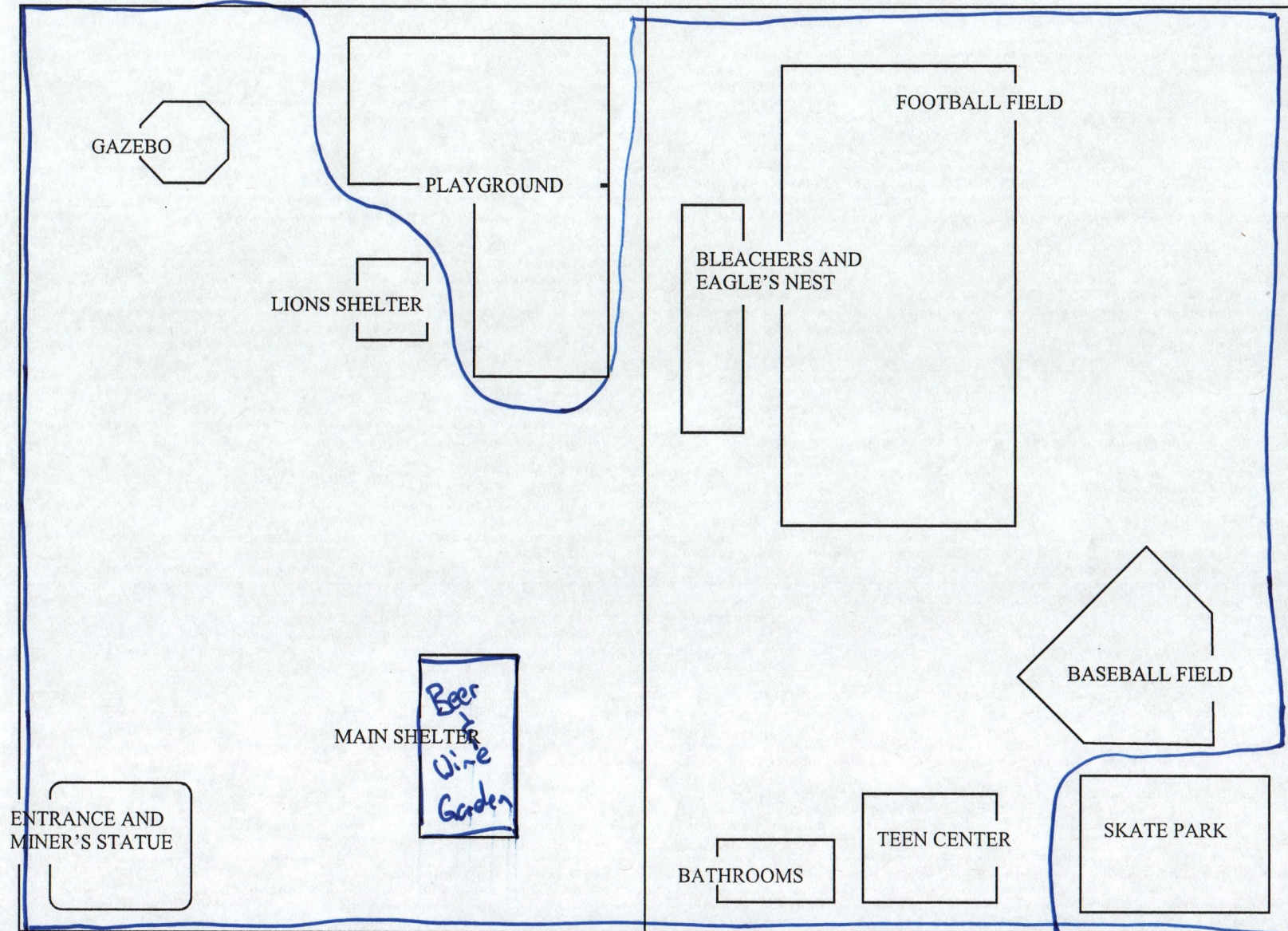
If an event is cancelled, the application fees and the day(s) are forfeited.

TOWN PARK MAP

Paonia Cherry Days
July 4 & 5, 2025

FIFTH STREET

NORTH FORK AVENUE



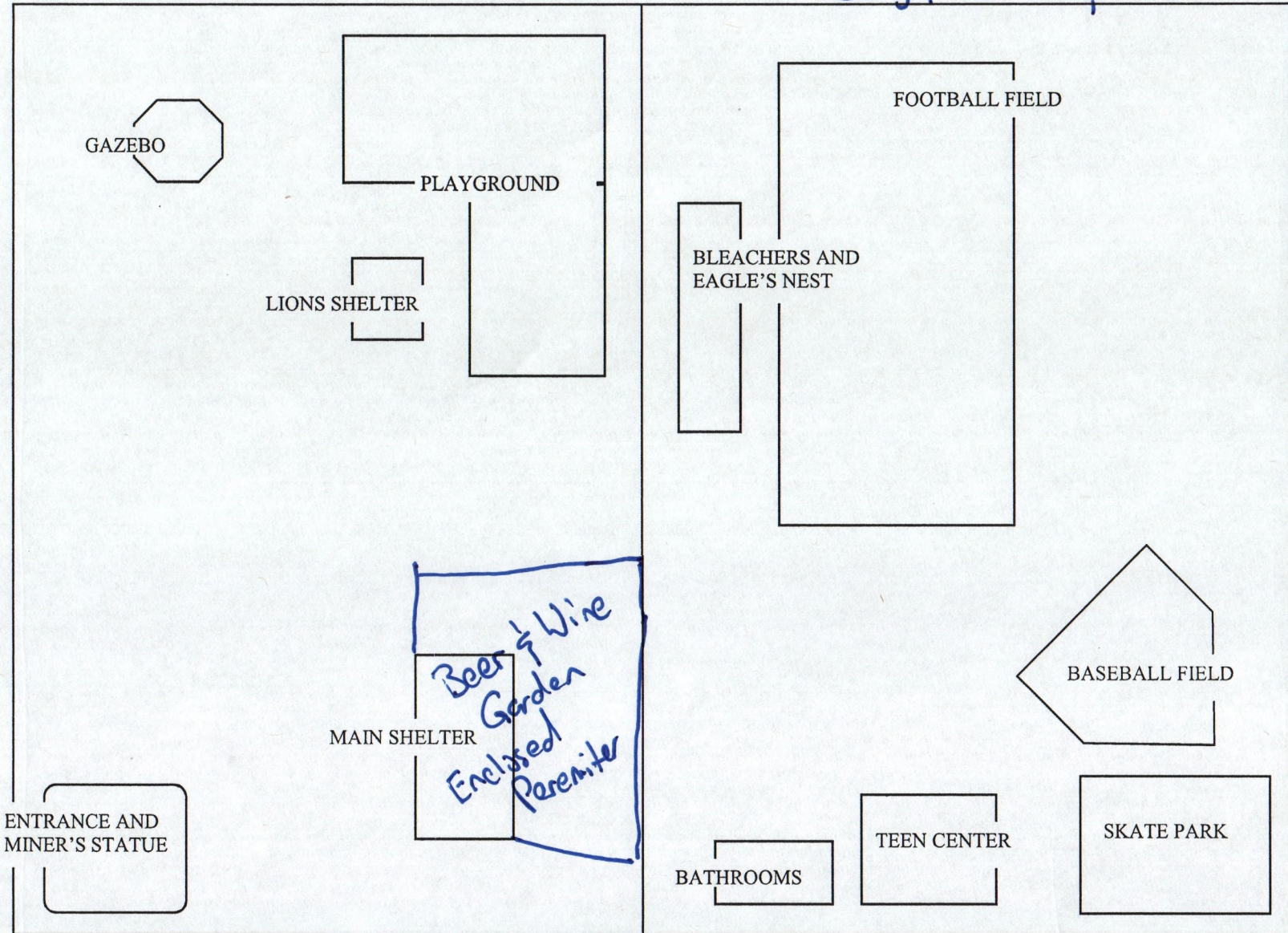
FOURTH STREET

TOWN PARK MAP

BMW Rally by
Pamela Cherry Days
July, 23-26, 2025

FIFTH STREET

NORTH FORK AVENUE



FOURTH STREET

OFFICE OF THE SECRETARY OF STATE OF THE STATE OF COLORADO CERTIFICATE OF REGISTRATION

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

PAONIA CHERRY DAYS

is a **Charitable Organization** registered to solicit contributions in Colorado as required by the Colorado Charitable Solicitation Act, Title 6, Article 16, C.R.S.

This organization has been assigned a registration number of 20133008064.

The status of its registration is **Good**, and this status has been in effect since 05/13/2025.

The organization's registration expires on 08/15/2026.

Registrants may legally solicit contributions, provide consulting services in connection with a solicitation campaign, and conduct solicitation campaigns in Colorado until the registration expires or is withdrawn, suspended, or revoked.

This certificate reflects facts established or disclosed by documents delivered to this office electronically through 06/09/2025.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the Great Seal of Colorado, at the City of Denver on 06-09-2025 11:34:20



Jena Griswold

Secretary of State of the State of Colorado

Notice: A certificate issued electronically from the Colorado Secretary of State's website is fully and immediately valid and effective.

Town of Paonia
PO Box 460
214 Grand Avenue
Paonia CO 81428-0460 (970) 527-4101

Receipt No: 1.000186001 Jun 10, 2025

Paonia Cherry Days

Previous Balance:		.00
App. Fees, Licenses - Liquor License Paonia Cherry Days 7/4-7/5 (2025)		100.00
App. Fees, Licenses - Top O The Rockies BMW Rally (7/23-7/26)		200.00
Total:		300.00
Check	Check No: 1608	300.00
Total Applied:		300.00
Change Tendered:		.00

06/10/2025 9:56 AM

PAID

JUN 10 2025

TOWN OF PAONIA
214 GRAND AVENUE

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Voided	GL Account and Title	GL Period Date
ADP, INC								
1352	ADP, INC	688872527	ADMIN PAYROLL	04/25/2025	16.53	10-41-20	LEGAL, ENGINEERING & PR	06/30/2025
1352	ADP, INC	688872527	WATER PAYROLL	04/25/2025	16.53	60-50-20	LEGAL, ENGINEERING & PR	06/30/2025
1352	ADP, INC	688872527	VWV PAYROLL	04/25/2025	16.53	70-51-20	LEGAL, ENGINEERING & PR	06/30/2025
1352	ADP, INC	688872527	SANITATION PAYROLL	04/25/2025	16.53	80-52-20	LEGAL, ENGINEERING & PR	06/30/2025
1352	ADP, INC	688872527	PD PAYROLL	04/25/2025	16.53	10-42-20	LEGAL, ENGINEERING & PR	06/30/2025
1352	ADP, INC	691225564	ADMIN PAYROLL	05/23/2025	16.53	10-41-20	LEGAL, ENGINEERING & PR	06/30/2025
1352	ADP, INC	691225564	WATER PAYROLL	05/23/2025	16.53	60-50-20	LEGAL, ENGINEERING & PR	06/30/2025
1352	ADP, INC	691225564	VWV PAYROLL	05/23/2025	16.53	70-51-20	LEGAL, ENGINEERING & PR	06/30/2025
1352	ADP, INC	691225564	SANITATION PAYROLL	05/23/2025	16.53	80-52-20	LEGAL, ENGINEERING & PR	06/30/2025
1352	ADP, INC	691225564	PD PAYROLL	05/23/2025	16.53	10-42-20	LEGAL, ENGINEERING & PR	06/30/2025
1352	ADP, INC	692956775	ADMIN PAYROLL	06/13/2025	41.34	10-41-20	LEGAL, ENGINEERING & PR	06/30/2025
1352	ADP, INC	692956775	WATER PAYROLL	06/13/2025	41.34	60-50-20	LEGAL, ENGINEERING & PR	06/30/2025
1352	ADP, INC	692956775	VWV PAYROLL	06/13/2025	41.34	70-51-20	LEGAL, ENGINEERING & PR	06/30/2025
1352	ADP, INC	692956775	SANITATION PAYROLL	06/13/2025	41.34	80-52-20	LEGAL, ENGINEERING & PR	06/30/2025
1352	ADP, INC	692956775	PD PAYROLL	06/13/2025	41.36	10-42-20	LEGAL, ENGINEERING & PR	06/30/2025
Total ADP, INC:					372.02			
AFLAC								
749	AFLAC	117108	AFLAC ACH	06/03/2025	145.62	10-0225	AFLAC COVERAGE	06/30/2025
Total AFLAC:					145.62			
All Copy Products Inc								
1268	All Copy Products Inc	5034720991	COPIER - ADMIN	06/11/2025	110.10	10-41-31	DUES & SUBSCRIPTIONS	06/30/2025
1268	All Copy Products Inc	5034720991	COPIER - WATER	06/11/2025	110.10	60-50-31	DUES & SUBSCRIPTIONS	06/30/2025
1268	All Copy Products Inc	5034720991	COPIER - WASTEWATER	06/11/2025	110.10	70-51-31	DUES & SUBSCRIPTIONS	06/30/2025
1268	All Copy Products Inc	5034720991	COPIER - SANITATION	06/11/2025	110.10	80-52-31	DUES & SUBSCRIPTIONS	06/30/2025
Total All Copy Products Inc:					440.40			
Caselle, Inc								
21	Caselle, Inc	INV-07261	Maintenance / Support	06/01/2025	252.50	10-41-33	DATA PROCESSING	06/30/2025
21	Caselle, Inc	INV-07261	Maintenance / Support	06/01/2025	252.50	10-42-31	DUES & SUBSCRIPTIONS	06/30/2025
21	Caselle, Inc	INV-07261	Maintenance / Support	06/01/2025	505.00	60-50-31	DUES & SUBSCRIPTIONS	06/30/2025
21	Caselle, Inc	INV-07261	Maintenance / Support	06/01/2025	505.00	70-51-31	DUES & SUBSCRIPTIONS	06/30/2025
21	Caselle, Inc	INV-07261	Maintenance / Support	06/01/2025	505.00	80-52-31	DUES & SUBSCRIPTIONS	06/30/2025
Total Caselle, Inc:					2,020.00			
Empower Trust Company LLC								
1190	Empower Trust Company LLC	1305543434	Retirement Plan PPE	06/13/2025	4,066.63	10-0220	RETIREMENT PLAN	06/30/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Voided	GL Account and Title	GL Period Date
Total Empower Trust Company LLC:					4,066.63			
Fire & Police Pension Assn.								
63	Fire & Police Pension Assn.	05242025 TO 0	Payroll Ending	06/11/2025	3,940.40		10-0219 FPPA	06/30/2025
Total Fire & Police Pension Assn.:					3,940.40			
Gambles of Hotchkiss, Inc								
960	Gambles of Hotchkiss, Inc	279180	Wastewater Aerators	06/12/2025	6.95		70-51-22 REPAIRS & MAINTENANCE	06/30/2025
Total Gambles of Hotchkiss, Inc:					6.95			
Hemlock Consulting LLC								
1455	Hemlock Consulting LLC	74	Clear Brush for Work	06/02/2025	11,763.00		60-50-69 CAPTAL OUTLY-Raw Water M	06/30/2025
Total Hemlock Consulting LLC:					11,763.00			
HINKLE & COMPANY, PC								
1370	HINKLE & COMPANY, PC	18194	Audit Progress Billing	05/31/2025	1,300.00		10-41-21 AUDIT & BUDGET EXPENSE	06/30/2025
1370	HINKLE & COMPANY, PC	18194	Audit Progress Billing	05/31/2025	2,900.00		60-50-21 AUDIT & BUDGET EXPENSE	06/30/2025
1370	HINKLE & COMPANY, PC	18194	Audit Progress Billing	05/31/2025	2,900.00		70-51-21 AUDIT & BUDGET EXPENSE	06/30/2025
1370	HINKLE & COMPANY, PC	18194	Audit Progress Billing	05/31/2025	2,900.00		80-52-21 AUDIT & BUDGET EXPENSE	06/30/2025
Total HINKLE & COMPANY, PC:					10,000.00			
Mail Services, LLC.								
645	Mail Services, LLC.	1987889	Postage	06/09/2025	186.74		60-50-17 POSTAGE	06/30/2025
645	Mail Services, LLC.	1987889	Postage	06/09/2025	181.25		70-51-17 POSTAGE	06/30/2025
645	Mail Services, LLC.	1987889	Postage	06/09/2025	181.25		80-52-17 POSTAGE	06/30/2025
Total Mail Services, LLC.:					549.24			
Mesa County Public Health Regional Lab								
763	Mesa County Public Health Regio	14426	Water Testing	06/04/2025	25.00		60-50-20 LEGAL, ENGINEERING & PR	06/30/2025
763	Mesa County Public Health Regio	14443	Water Testing	06/04/2025	25.00		60-50-20 LEGAL, ENGINEERING & PR	06/30/2025
Total Mesa County Public Health Regional Lab:					50.00			
MISCOWater								
1448	MISCOWater	46258B36405	Floating Aerator	06/16/2025	59,566.00		70-51-77 MACHINERY & EQUIPMENT	06/30/2025
Total MISCOWater:					59,566.00			

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Voided	GL Account and Title	GL Period Date
North Fork Service (Reedy's)								
141	North Fork Service (Reedy's)	05282025	Tire Repair	05/28/2025	20.00		10-42-23 VEHICLE EXPENSE	06/30/2025
141	North Fork Service (Reedy's)	MAY 2025 PD	Police Dept vehical services	05/01/2025	964.79		10-42-23 VEHICLE EXPENSE	06/30/2025
141	North Fork Service (Reedy's)	MAY 2025 PW	WATER FUEL	05/01/2025	195.54		60-50-23 VEHICLE EXPENSE	06/30/2025
141	North Fork Service (Reedy's)	MAY 2025 PW	STREETS FUEL	05/01/2025	195.54		10-45-23 VEHICLE EXPENSE	06/30/2025
141	North Fork Service (Reedy's)	MAY 2025 PW	PARKS FUEL	05/01/2025	195.54		10-46-23 VEHICLE EXPENSE	06/30/2025
141	North Fork Service (Reedy's)	MAY 2025 PW	SANITATION FUEL	05/01/2025	195.54		80-52-23 VEHICLE EXPENSE	06/30/2025
141	North Fork Service (Reedy's)	MAY 2025 PW	WASTEWATER FUEL	05/01/2025	195.52		70-51-23 VEHICLE EXPENSE	06/30/2025
Total North Fork Service (Reedy's):					1,962.47			
Peak Alarm Co., Inc								
1119	Peak Alarm Co., Inc	6632751	ADMIN Alarm/Smoke Detectors	07/01/2025	18.70		10-41-20 LEGAL, ENGINEERING & PR	06/30/2025
1119	Peak Alarm Co., Inc	6632751	WATER Alarm/Smoke Detectors	07/01/2025	37.40		60-50-20 LEGAL, ENGINEERING & PR	06/30/2025
1119	Peak Alarm Co., Inc	6632751	WW Alarm/Smoke Detectors	07/01/2025	37.40		70-51-20 LEGAL, ENGINEERING & PR	06/30/2025
1119	Peak Alarm Co., Inc	6632751	TRASH Alarm/Smoke Detectors	07/01/2025	37.40		80-52-20 LEGAL, ENGINEERING & PR	06/30/2025
1119	Peak Alarm Co., Inc	6632751	PD Smoke Detector	07/01/2025	18.71		10-42-20 LEGAL, ENGINEERING & PR	06/30/2025
Total Peak Alarm Co., Inc:					149.61			
Rhinehart Oil Co.								
1224	Rhinehart Oil Co.	131961CT	Diesel Furl	05/31/2025	454.14		80-52-23 VEHICLE EXPENSE	06/30/2025
Total Rhinehart Oil Co.:					454.14			
TDS Telecom								
156	TDS Telecom	JUNE STATEM	Internet and Communication Servi	06/18/2025	230.33		60-50-29 TELEPHONE & INTERNET	06/30/2025
Total TDS Telecom:					230.33			
The UPS Store #5734								
1256	The UPS Store #5734	MMTT0M7Z3C	NDA Early AM	06/03/2025	207.98		60-50-17 POSTAGE	06/30/2025
Total The UPS Store #5734:					207.98			
US Postal Service								
1009	US Postal Service	2025	PO Box services	06/30/2025	23.50		10-41-17 POSTAGE	06/30/2025
1009	US Postal Service	2025	PO Box services	06/30/2025	23.50		10-42-17 POSTAGE	06/30/2025
1009	US Postal Service	2025	PO Box services	06/30/2025	47.00		60-50-17 POSTAGE	06/30/2025
1009	US Postal Service	2025	PO Box services	06/30/2025	47.00		70-51-17 POSTAGE	06/30/2025
1009	US Postal Service	2025	PO Box services	06/30/2025	47.00		80-52-17 POSTAGE	06/30/2025
Total US Postal Service:					188.00			

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Voided	GL Account and Title	GL Period Date
Wilmore & Company Inc								
177	Wilmore & Company Inc	12208	Western Waterloop Easements	06/06/2025	2,623.75		60-50-73 CAP OUTLAY-West Loop Impr	06/30/2025
Total Wilmore & Company Inc:					2,623.75			
Grand Totals:					98,736.54			

Board Meeting Date: June 24, 2025

Town Administrator: _____

Finance Committee/Mayor: _____

Finance Committee/Trustee: _____

Trustees: _____

Date Reviewed: _____



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

AGENDA ITEM:	Resolution 15-2025 Fee Schedule
SUBMITTED BY:	Stefen Wynn, Town Administrator & Treasurer
DATE:	6.20.2025
BACKGROUND:	The Special Event Ad-Hoc Committee met to discuss fees as they relate to renting public property for private or special events. The fee schedule from 2023 was updated with the following changes: 1) Change multiple day events from 3+ to 2+ so that more long-running events can enjoy more of a sponsorship from the Town. 2) Clarify that Park Rental Fees for Large groups over four hours requires a \$250 refundable deposit. 3) Change additional vendor fees from \$15 to \$10. 4) Clarify that vendors that are informational only are exempt from the additional vendor fees and the count. 5) Remove charges for barricades. 6) Remove charges for cones and signage. 7) Clarify that setup and breakdown time is not counted towards the street closure fee so long as the entirety of the event is under 10 hours. 8) Add Banner Fees and specify language for events happening multiple times over several weeks. 9) Add language referencing the new special event ordinance for sponsorship in lieu of fees to qualifying fees within the fee schedule. 10) Clarify Special Event Liquor License Fees.
BUDGET:	N/A
RECOMMENDATION:	Recommended Motion: I move to approve Resolution 15-2025.
ATTACHMENT:	Attachment A: Resolution 15-2025 Attachment B: Exhibit A Fee Schedule Attachment C: 6.18.2025 Special Event Ad-Hoc Committee Notes

**STATE OF COLORADO
TOWN OF PAONIA, COLORADO**

RESOLUTION 15-2025

**A RESOLUTION AMENDING
THE TOWN OF PAONIA FEE SCHEDULE**

WHEREAS, the Town of Paonia has determined it has become necessary to increase certain fees to more accurately reflect the costs of the services performed by the Town; and

WHEREAS, administration of the Town's functions and operations demand a substantial amount of time, effort and resources by the Town Staff the purpose of delivering services to the community; and

WHEREAS, the Town of Paonia has determined that the best interests of citizens of Paonia are served by requiring the users of Town services to be primarily responsible for paying the costs of such services; and

WHEREAS, the Town of Paonia has previously established and amended fees for some of these services and desires to amend the previously established fees as those fees have been determined to be inadequate to recover a portion of the costs of providing these services; and

WHEREAS, the Board of Trustees has reviewed the schedule of fees attached hereto as **EXHIBIT A**, and hereby finds and determines that the amounts for various fees are reasonable and necessary to reflect the intent that such fees recover at least a substantial portion of the associated costs incurred in providing the services.

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

Section 1. The schedule of fees attached hereto and incorporated herein as **EXHIBIT A** is hereby approved and adopted, effective July 1, 2025.

Section 2. All other resolutions or parts of resolutions in conflict herewith are hereby repealed, and the fees set forth in the schedule of fees attached to this resolution shall supersede all fees outlined in previous schedules of fees.

Section 3. The Town Administrator, Town Clerk, and other appropriate Town staff, are hereby authorized and directed to take all necessary and appropriate action to implement and administer the adopted Town of Paonia Fee Schedule.

PASSED, APPROVED, AND ADOPTED this 24th day of June, 2025, by the Board of Trustees of the Town of Paonia.

Attest:

Samira M. Vetter, Town Clerk

Paige Smith, Mayor

APPROVED AS TO FORM:

By: _____
Town Attorney

Paonia Fee and Fine Schedule

<u>Administrative Fees</u>	
FEE TYPE	FEE
<u>PRIVATE USE OF PUBLIC SPACES</u>	
<i>Community Center Rental (Town Hall)</i>	\$40 per Hour for 6 Hours or Less; \$60 for 6 Hours or More; \$100 Refundable Deposit for Cleaning Fees. <i>Eligible for Sponsorship in Lieu of Fees pursuant to PMC §6-5-60.</i>
<i>Park Rental Fees (Large Group)</i>	\$150 per Day for 4 Hours or Less (includes 3 dumpsters and up to 5 vendors); \$225 per Day for 4+ Hours, until 10:00 PM (includes 3 dumpsters and up to 10 vendors); \$200 per Day for Multiple Days, 2+ Consecutive Days (includes 3 dumpsters and up to 10 vendors); \$10 for each additional vendor - Vendors that are informational only are exempt from this fee; \$100 Refundable Deposit for Cleaning & Material Fees for 4 Hours or Less; \$250 Refundable Deposit for Cleaning & Material Fees for 4 Hours or More. \$50 Credit for Providing a Recycling Option - <i>Applicants are Responsible for Taking Recycling to Appropriate Facilities, if recyclable material is thrown into a Town dumpster by applicants' representatives, the credit will not apply. Any Applicable on-premise liquor fees also apply. Eligible for Sponsorship in Lieu of Fees pursuant to PMC §6-5-60.</i>
<i>Sidewalk Rentals for Business Use</i>	\$25 per Item on Public Sidewalk, Annually, Renewable each June.
<i>Vendor Permits</i>	\$25 Annual Registration Fee (Individual Vendor, Unassociated with Park Rental, or Special Event).
<i>Banner Fees</i>	\$50 per event, for two weeks before the event, but must be down no later than two weeks after the event. For events spanning multiple weeks the fee may be applied for each week that the banner is displayed on public property. <i>Eligible for Sponsorship in Lieu of Fees pursuant to PMC §6-5-60.</i>
<i>Street Closure Permit</i>	\$50 Application Fee; and \$25 per Hour of Street Closure for Special Events. <i>Setup and Breakdown for events that have street closures are not included in the calculation of fees so long as the entirety of the street closure stays under 10 hours.</i>
<u>ADMINISTRATIVE SERVICES</u>	
<i>Special Meeting Fee</i>	\$250 fee associated with special meetings for expedited Board consideration on applications, permits and other services.
<i>Digital Code Book</i>	\$75 per Digital Code Book plus cost of USB Flash Drive.
<i>Printed Code Book</i>	Prevailing Rate: Cost from Municode \$421.14 with Binder; Cost from Municode \$315.84 without Binder; Printed Copy (by Page) \$84.35.
<i>Public Records Requests - Copies</i>	\$0.25 per Page (Black & White); \$1.50 per Page (Color).
<i>Public Records Requests - Photographs</i>	Cost of Photograph Reproduction plus \$20.00.
<i>Public Records Requests - Research</i>	\$33.58 per Hour, after the free first hour, for Clerk to Research and Compile Complex Public Records, the Attorney fee to review for privileged information is \$33.58 per Hour.
<i>Public Records Requests - Certified Copies by Clerk</i>	\$2 per Page.
<i>Insufficient Funds / Bad Check Fee</i>	\$35 plus Associated Bank Charges.

Paonia Fee and Fine Schedule

<i>Annual Dog Tag</i>	\$10 per Spayed/Neutered Dog; \$25 per not Spayed/Neutered Dog; \$10 for Replacement Tag per Dog; Free Registration for Guide/Service Dog with Medically Necessary Proof. Early registration/renewal discount of \$5 if Completed in December.
<i>VIN Inspection</i>	\$10 for Regular VIN Inspections, performed by the Police Department.
<u>LIQUOR LICENSES</u>	
<i>Administrative Processing Fee</i>	\$75 per Application, and per Renewal, added onto each permit fee for Staff to Review.
<i>Local Liquor License Fee - New Application</i>	\$1,000 Local liquor license Fee for new Applications.
<i>Transfer of Location and/or Ownership</i>	\$750 per Application.
<i>Annual License Renewal</i>	\$100 per Renewal Application.
<i>Expired License Renewal (not more than 90 Days)</i>	\$250 per Renewal Application, plus any applicable Reissue Fines.
<i>Expired License Renewal (More than 90 Days but less than 180 Days)</i>	\$500 per Renewal Application, plus any applicable Reissue Fines.
<i>Application Reissue Fine (More than 90 Days, but less than 180 Days)</i>	\$25 per Day for each day past 90 days, as an additional fee for expired/late license renewals.
<i>Report of Change</i>	\$75 per each Report of Change.
<i>Liquor License Fee - On Premises Permit (Public Property Rentals)</i>	\$150.00
<i>Liquor License Fee - Special Event Liquor License Fee</i>	\$50 per Day.
<u>MARIJUANA LICENSES</u>	
<i>Administrative Processing Fee</i>	\$75 per Application, and per Renewal, added onto each permit fee for Staff to Review.
<i>Medical Marijuana - New Application</i>	\$5,000 per Application.
<i>Medical Marijuana - New License</i>	\$2,000 per License.
<i>Medical Marijuana - New Delivery Permit (if Applicable)</i>	\$500 per Application Permit.
<i>Medical Marijuana - Renewal Application</i>	\$300 per Renewal Application.
<i>Medical Marijuana - Renewal License</i>	\$2,000 per Renewal License.
<i>Medical Marijuana - Renewal Delivery Permit (if Applicable)</i>	\$500 per Renewal of Permit.
<i>Medical Marijuana - Transfer of Ownership</i>	\$5,000 for each Instance of Transfer of Ownership.
<i>Medical Marijuana - Major Modification of Premises</i>	\$1,500 per Application for Modification of Premises.

Paonia Fee and Fine Schedule

<i>Medical Marijuana - Change of Corporate Structure</i>	\$1,000 per Application for Change of Corporate Structure.
<i>Medical Marijuana - Change of Location</i>	\$3,000 per Application for Change of Location.
<i>Retail Marijuana - New Application</i>	\$5,000 per Application.
<i>Retail Marijuana - New License</i>	\$2,000 per License.
<i>Retail Marijuana - Delivery Permit (New)</i>	\$500 per Application Permit.
<i>Retail Marijuana - Renewal Application</i>	\$300 per Renewal Application.
<i>Retail Marijuana - Renewal License</i>	\$2,000 per Renewal License.
<i>Retail Marijuana - Renewal Delivery Permit (If Applicable)</i>	\$500 per Renewal of Permit.
<i>Retail Marijuana - Transfer of Ownership</i>	\$5,000 for each Instance of Transfer of Ownership.
<i>Retail Marijuana - Major Modification of Premises</i>	\$1,500 per Application for Modification of Premises.
<i>Retail Marijuana - Change of Corporate Structure</i>	\$1,000 per Application for Change of Corporate Structure.
<i>Retail Marijuana - Change of Location</i>	\$3,000 per Application for Change of Location.
<u>PUBLIC WORKS SERVICES</u>	
<i>Street Cut Fee</i>	\$150 per Permit with \$4,500 Refundable Deposit for repairs required.
<i>Alley Cut Fee</i>	\$150 per Permit with \$4,500 Refundable Deposit for repairs required.
<i>Excavation Permit</i>	\$75 per Permit, and \$1,000 Refundable Deposit for repairs required.
<i>Snow and Ice Removal Fine</i>	\$150 Fine plus cost of Employee Time to remediate snow and ice.
<u>PLANNING, ZONING AND LAND USE SERVICES</u>	
<i>Pre-Application Meetings</i>	The first hour of pre-application meetings are free, and \$80 per hour after first hour, billed in 15 minute increments.
<i>Zoning Verification Letters</i>	\$50 Simple Zoning Verification Letters (Description of current zoning, summary of uses allowed by zoning, and list of applicable development applications such as site development plans and uses by special review) with a typical one-week response; \$150 Complex Zoning Verification Letters (information from simple zoning verification letter and list of known zoning violations, and responses to specific questions that are clearly listed in the application) with a typical two - three week response.
<i>Administrative Reviews</i>	\$80 per hour, billed in 15 minute increments, for all application review requiring the Town Administrator's Review prior to actions involving land-use.
<i>Zoning Variance Application</i>	\$500 for Zoning Variance Applications.

Paonia Fee and Fine Schedule

<i>Zoning Board of Adjustment Appeals</i>	\$250 Application fee and the cost of the Town Attorney's Review billed at \$235 an Hour in 15-minute increments.
<i>Zoning Amendment Application (Re-Zoning)</i>	\$500 Application Fee plus Administrative Review billed at \$80 per hour in 15-minute increments and Town Attorney Review billed at \$235 an Hour in 15-minute increments.
<i>Land Development Regulation Amendment Application</i>	(Code Text Amendment) \$500 Application Fee plus Administrative Review billed at \$80 per hour in 15-minute increments and Town Attorney Review billed at \$235 an Hour in 15-minute increments.
<i>Special Review (Special Use)</i>	\$250 Application fee for Special Use Reviews within zoning districts plus Administrative Review billed at \$80 per hour in 15-minute increments and Town Attorney Review billed at \$235 an Hour in 15-minute increments.
<i>Mobile Home Park Application (New)</i>	\$250 Application Fee plus Administrative Review billed at \$80 per hour in 15-minute increments and Town Attorney Review billed at \$235 an Hour in 15-minute increments.
<i>Mobile Home Park Annual License Renewal</i>	\$250 per Renewal Application.
<i>Conditional Use Permit</i>	\$100 per Application plus Administrative Review billed at \$80 per hour in 15-minute increments and Town Attorney Review billed at \$235 an Hour in 15-minute increments.
<i>Home Occupation Permit</i>	\$250 per Application for Permit.
<i>Fence Review Application</i>	\$100 per Fence Review Application.
<i>Sign Permit Application</i>	\$100 for all Sign Permit Applications, including new permits, and modifications to existing permits.
<i>Vacation of Right of Way/Easement Applications</i>	\$250 Application Fee plus Administrative Review billed at \$80 per hour in 15-minute increments and Town Attorney Review billed at \$235 an Hour in 15-minute increments.
<i>Annexation Petition</i>	\$500 Application Fee plus Administrative Review billed at \$80 per hour in 15-minute increments and Town Attorney Review billed at \$235 an Hour in 15-minute increments.
<i>De-Annexation Petition (Disconnection)</i>	\$1,000 Application Fee plus Administrative Review billed at \$80 per hour in 15-minute increments and Town Attorney Review billed at \$235 an Hour in 15-minute increments.
<i>Boundary Adjustment Application</i>	\$250 Application Fee.
<i>Minor Subdivision Application Fee</i>	\$500 Application Fee plus Administrative Review billed at \$80 per hour in 15-minute increments and Town Attorney Review billed at \$235 an Hour in 15-minute increments.
<i>Major Subdivision - Application Fee</i>	\$1,000 Application Fee plus Administrative Review billed at \$80 per hour in 15-minute increments and Town Attorney Review billed at \$235 an Hour in 15-minute increments. Other fees for Major Subdivision May Apply as well.
<i>Major Subdivision - Sketch Plan Review</i>	\$250 for Sketch Plan Review.
<i>Major Subdivision - Preliminary Plan</i>	\$1,000 Preliminary Plan Review plus Administrative Review billed at \$80 per hour in 15-minute increments and Town Attorney Review billed at \$235 an Hour in 15-minute increments.
<i>Major Subdivision - Final Plan</i>	\$500 Final Plan Review plus Administrative Review billed at \$80 per hour in 15-minute increments and Town Attorney Review billed at \$235 an Hour in 15-minute increments.

Paonia Fee and Fine Schedule

<i>Subdivision Improvement Agreement Amendment</i>	Amendments to any Subdivision Improvement Agreements are billed for Administrative Review billed at \$80 per hour in 15-minute increments and Town Attorney Review billed at \$235 an Hour in 15-minute increments.
<i>Site Plan Reviews (formerly incorrectly labeled as Approval)</i>	Administrative Review billed at \$80 per hour in 15-minute increments and Town Attorney Review billed at \$235 an Hour in 15-minute increments.
<i>Site Plan Appeal (to Board of Trustees)</i>	\$1,000 Application Fee.
<i>Planned Unit Development - Preliminary Plan</i>	\$500 Application Fee plus Administrative Review billed at \$80 per hour in 15-minute increments and Town Attorney Review billed at \$235 an Hour in 15-minute increments.
<i>Planned Unit Development - Final Plan</i>	\$1,000 plus Administrative Review billed at \$80 per hour in 15-minute increments and Town Attorney Review billed at \$235 an Hour in 15-minute increments.
<u>BUILDING PERMITS</u>	
<i>Building Plan Review</i>	\$150 per Hour for Reviewing Building Plans. Dependent upon actual time to review the plans, additional review time may accrue additional cost that may be billed after permit issuance.
<i>Mechanical Permits - New Construction</i>	\$150 Permit Fee for New Construction including additions and major renovations and valuation. Upgrades to mechanical systems are based on Valuation and not this permit.
<i>Mechanical Permits - Upgrades to Existing Systems</i>	\$50 Permit Fee and valuation.
<i>Solar System Permits</i>	\$250 Permit Fee for physical connections and gravity loads, applicant still needs to apply for State Electrical Permit separately.
<i>Residential Re-Roof Permits</i>	\$200 Permit Fee.
<i>Commercial Re-Roof Permits</i>	\$400 Permit Fee.
<i>Demolition Permits</i>	\$150 Permit Fee, applicant still needs to apply for a State Demolition Permit separately, and needs to demonstrate that the applicant has complied with State requirements for Asbestos abatement and inspections prior to local issuance of permit.
<i>Floodplain Development Permits</i>	\$150 Permit Fee. Applicant required to provide surveying and/or engineering at their own expense.
<i>Renovation Permits</i>	Follows Plan review schedule, and General Valuation Schedule but must obtain a State Renovation Permit to demonstrate that trigger levels for square footage of materials disturbed will not be exceeded.
<i>Reinspection Fees</i>	\$75 Resinspection Fee when applicant scheduled inspection but wasn't ready for the inspection, when a previously noted correction has not been completed prior to inspection request being submitted and shall be paid prior to scheduling next inspection.

Paonia Fee and Fine Schedule

<i>Reissue Fee (Expired Permits)</i>	50% of the Original Permit Fee, provided that no changes have been made, or will be made, to the original plans and specifications; and further provided that the expiration has not exceeded (1) year. Otherwise, a plan review fee would be charged in addition to this fee.
<i>Failure to Obtain Building Permit</i>	Valuation Cost of Obtaining Building Permit plus \$100. Any person who commences any work on a building or structure, or proceeds with mechanical work before obtaining necessary permits shall be subject to a fee in addition to the required permit fees. Payment of these fees is in addition to the fees associated with obtaining a building permit, and is generally considered paying for the permit twice plus \$100. Payment of this fee does not constitute approval of work already completed and does not assure that a permit will be issued for the project under consideration.
<u>BUILDING PERMITS VALUATIONS</u> (From the ICC/IRC Appendix AL Permit Fees for 2021)	
<i>Total Valuation - \$1 to \$500</i>	\$24 Permit Fee.
<i>Total Valuation - \$501 to \$2,000</i>	\$24 for the first \$500; plus \$3 for each additional \$100 or fraction thereof, up to and including \$2,000.
<i>Total Valuation - \$2,001 to \$40,000</i>	\$69 for the first \$2,000; plus \$11 for each additional \$1,000 or fraction thereof, up to and including \$40,000.
<i>Total Valuation - \$40,001 to \$100,000</i>	\$487 for the first \$40,000; plus \$9 for each additional \$1,000 or fraction thereof, up to and including \$100,000.
<i>Total Valuation - \$100,001 to \$500,000</i>	\$1,027 for the first \$100,000; plus \$7 for each additional \$1,000 of fraction thereof, up to and including \$500,000.
<i>Total Valuation - \$500,001 to \$1,000,000</i>	\$3,827 for the first \$500,000; plus \$5 for each additional
<i>Total Valuation - \$1,000,001 to \$5,000,000</i>	\$6,327 for the first \$1,000,000; plus \$3 for each additional \$1,000 or fraction thereof, up to and including \$5,000,000.
<u>FINES AND FORFEITURES</u>	
FINE TYPE	FINE
<u>CHARGES</u>	
<i>Court Cost</i>	\$25 per Court Hearing.
<i>PMC § 7-2-10 Nuisances Prohibited</i>	\$150 Fine.
<i>PMC § 7-2-30 Unwholesome Business or Establishment</i>	\$250 Fine.
<i>PMC § 7-2-40 Solicitors and Vendors</i>	\$75 Fine.
<i>PMC § 7-3-40 Accumulation of Junk/Unlawful Acts</i>	Summons to Municipal Court.
<i>PMC § 7-4-10 Storage of Litter</i>	1st Offense \$75 Fine; 2nd Offense \$150 Fine; 3rd Offense Summons to Municipal Court.
<i>PMC § 7-7-50 Vicious Animals</i>	1st Offense \$100 Fine; 2nd Offense \$200 Fine; 3rd Offense Summons to Municipal Court.

Paonia Fee and Fine Schedule

<i>PMC § 7-7-210 Vaccination Required</i>	\$250 Fine.
<i>PMC § 7-7-240 Animal Confinement (Per Diem)</i>	\$50 per Day.
<i>PMC § 7-7-330 Animal at Large</i>	1st Offense \$50 Fine; 2nd Offense \$100 Fine; 3rd Offense Summons to Municipal Court.
<i>PMC § 7-7-340 Removal of (animal) Excrement</i>	Actual Cost of Public Works Employees Time + 10%.
<i>PMC § 7-7-370 Cruelty to Animals</i>	Summons to Municipal Court.
<i>PMC § 8-2-70 Golf Cart Insurance Required</i>	Summons to Municipal Court.
<i>PMC § 8-3-20 Parking of Certain Vehicles</i>	\$100 Fine.
<i>PMC § 10-1-50 Conspiracy</i>	Summons to Municipal Court.
<i>PMC § 10-1-60 Complicity</i>	Summons to Municipal Court.
<i>PMC § 10-1-70 Accessory to Crime</i>	Summons to Municipal Court.
<i>PMC § 10-1-80 Aiding and Abetting</i>	Summons to Municipal Court.
<i>PMC § 10-2-10 Obstructing Government Operations</i>	Summons to Municipal Court.
<i>PMC § 10-2-20 Obstructing a Peace Officer or Firefighter</i>	\$250 Fine.
<i>PMC § 10-2-30 Impersonating a Public Servant</i>	Summons to Municipal Court.
<i>PMC § 10-2-40 False Reporting to Authorities</i>	\$300 Fine.
<i>PMC § 10-2-50 Refusal to Permit Inspections</i>	Summons to Municipal Court.
<i>PMC § 10-2-70 Resisting Arrest</i>	Summons to Municipal Court.
<i>PMC § 10-2-80 Escape</i>	Summons to Municipal Court.
<i>PMC § 10-2-90 Aiding Escape</i>	Summons to Municipal Court.
<i>PMC § 10-3-20 Obstruction of Public Property</i>	\$250 Fine.
<i>PMC § 10-3-40 Damage or Removal of Street Signs</i>	\$250 Fine.
<i>PMC § 10-4-10 Criminal Mischief (Under \$500)</i>	Summons to Municipal Court.
<i>PMC § 10-4-20 Destruction of Property</i>	Summons to Municipal Court.
<i>PMC § 10-4-30 Unlawful Entry</i>	\$150 Fine.
<i>PMC § 10-4-40 Trespass</i>	\$150 Fine.
<i>PMC § 10-4-70 Petty Theft <\$100</i>	1st Offense \$100 Fine; 2nd Offense Summons to Municipal Court.

Paonia Fee and Fine Schedule

<i>PMC § 10-4-70 Petty Theft >\$100</i>	Summons to Municipal Court.
<i>PMC § 10-4-80 Theft of Rental Property</i>	Summons to Municipal Court.
<i>PMC § 10-4-90 Theft by Receiving</i>	\$250 Fine.
<i>PMC § 10-4-100 Concealment of Goods</i>	\$150 Fine.
<i>PMC § 10-4-110 Shoplifting <\$100</i>	1st Offense \$100 Fine; 2nd Offense Summons to Municipal Court.
<i>PMC § 10-4-110 Shoplifting >\$100</i>	Summons to Municipal Court.
<i>PMC § 10-4-130 Tampering and Unauthorized Connection</i>	\$250 Fine.
<i>PMC § 10-4-50 Window Peeping</i>	\$250 Fine.
<i>PMC § 10-4-60 Littering</i>	\$100 Fine.
<i>PMC § 10-4-120 Avoiding Payment of Admission Fees</i>	\$100 Fine.
<i>PMC § 10-5-30 Harassment</i>	1st Offense \$100 Fine; 2nd Offense \$150 Fine; 3rd Offense Summons to Municipal Court.
<i>PMC § 10-5-10 Disorderly Conduct</i>	1st Offense \$100 Fine; 2nd Offense \$200 Fine; 3rd Offense Summons to Municipal Court.
<i>PMC § 10-5-20 Disrupting Lawful Assembly</i>	\$250 Fine.
<i>PMC § 10-5-40 Loitering</i>	\$150 Fine.
<i>PMC § 10-5-50 False Alarm (Fire Only)</i>	\$150 Fine.
<i>PMC § Storage of Flammable Liquids</i>	\$150 Fine.
<i>PMC § 10-5-70 Abandoned Containers, Vehicles & Appliances</i>	\$250 Fine.
<i>PMC § 10-5-80 Throwing Missles</i>	\$100 Fine.
<i>PMC § 10-5-90 Check Fraud (Under \$500)</i>	Summons to Municipal Court.
<i>PMC § 10-5-100 Indecent Conduct</i>	\$150 Fine.
<i>PMC § 10-5-110 Public Indecency</i>	Summons to Municipal Court.
<i>PMC § 10-6-10 Parent or Guardian Aiding or Abetting</i>	\$250 Fine.
<i>PMC § 10-6-20 Encouraging Delinquency</i>	\$250 Fine.
<i>PMC § 10-6-30 False Statement; False Credentials</i>	1st Offense \$75 Fine; 2nd Offense \$150 Fine; 3rd Offense Summons to Municipal Court.
<i>PMC § 10-6-40 Service of Others</i>	\$150 Fine.

Paonia Fee and Fine Schedule

<i>PMC § 10-6-50 Sale of Cigarettes & Tobacco Products</i>	\$250 Fine.
<i>PMC § 10-6-60 Frequenting Establishments Which Serve Alcohol</i>	\$500 Fine.
<i>PMC § 10-6-70 Juvenile Loitering</i>	1st Offense \$50 Fine; 2nd Offense \$100 Fine; 3rd Offense Summons to Municipal Court.
<i>PMC § 10-6-80 Fireworks</i>	\$150 Fine.
<i>PMC § 10-7-20 Alcohol Related Violations</i>	\$250 Fine.
<i>PMC § 10-7-30 Illegal Possession/Consumption of Alcohol by Minors</i>	Summons to Municipal Court.
<i>PMC § 10-7-40 Sale of Liquor Near Schools</i>	Summons to Municipal Court.
<i>PMC § 10-7-50 Alcoholic Beverages in certain Places</i>	\$250 Fine.
<i>PMC § 10-7-70 Open Container</i>	\$150 Fine.
<i>PMC § 10-7-80 Public Consumption</i>	\$100 Fine.
<i>PMC § 10-7-110 Possession of Paraphenalia</i>	\$150 Fine.
<i>PMC § 10-7-120 Possession of Cannabis</i>	Summons to Municipal Court.
<i>PMC § 10-7-130 Abusing Toxic Vapors</i>	\$250 Fine.
<i>PMC § 10-8-20 Carrying Concealed Weapon; Forfeiture</i>	\$150 Fine.
<i>PMC § 10-8-30 Discharge of Firearms Prohibited</i>	Summons to Municipal Court.
<i>PMC § 10-8-40 Prohibited Use of Weapons</i>	Summons to Municipal Court.
<i>PMC § 10-8-50 Selling Weapons to Intoxicated Persons or Minors</i>	Summons to Municipal Court.
<i>PMC § 10-9-10 Unreasonable Noise</i>	1st Offense \$75 Fine; 2nd Offense \$150 Fine; 3rd Offense Summons to Municipal Court.
<i>PMC § 10-9-20 Sound Amplification in Vehicles Limited</i>	\$75 Fine.
<i>PMC § 10-10-11 Curfew</i>	1st Offense \$50 Fine; 2nd Offense \$100 Fine; 3rd Offense Summons to Municipal Court.
<i>PMC § 11-1-40 Bicycles Crossing Sidewalks</i>	\$100 Fine.
<i>PMC § 11-3-30 Glass Containers Prohibited</i>	\$150 Fine.
<i>PMC § 7-7-30 Limit on Household Pets</i>	1st Offense \$50 Fine; 2nd Offense \$100 Fine; 3rd Offense Summons to Municipal Court.

Paonia Fee and Fine Schedule

<i>PMC § 7-6-30 Removal of Brush and Weeds</i>	1st Offense Letter; 2nd Offense \$50 Fine; 3rd Offense \$100 Fine; Fourth Offense Summons to Municipal Court.
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Changes to fees for rentals – large groups

- ~~Change multi-day from 3+ to 2+~~
- ~~Park Rental Fees (Large Groups) – \$250 refundable for over 4 hours.~~
- ~~Additional Vendor Fees from \$15 to \$10~~

~~Exempt vendors that are informational only or non~~

Changes to fees for street closures

- ~~Remove barricade rental and street cone and barrel rental~~
 - These ought to be included in the street closure permit and provided by the Town.
- ~~Setup and Breakdown for street closure not included in fees so long as the entirety of the street closure stays under 10 hours.~~
- Change the street ordinance – for vendor fees (j)
- Change the vendor fees for free vendors up to 10 similar to special events at the parks included for street closures as well – use the same language in parks as streets.
- Carve out no fees for parades: cherry days, mountain harvest fest bike parade, Christmas light parade

~~ADD TO THE FEE SCHEDULE IS BANNER FEES – BANNER FEES CAN BE WAIVED FOR SPONSORSHIP IN LIEU OF FEES~~

QUESTIONS FOR FURTHER DISCUSSION

- Insurance requirements for block parties
- Changes to street closure ordinance
- The state regulates liquor licensing, but allows the Town to increase its liquor license fees an additional \$25. The Town currently charges \$50 per §6-1-60 of its code, \$25 is a state required fee and the additional \$25 (to make it a total of \$50) is a town imposed fee allowable by state statute, but not required by the state. This \$25 is something that could be considered for waiver by the Town, but my opinion is that it stay, otherwise we're changing an additional ordinance and not recovering fees associated with staff time for reporting the event to the DOR.



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

AGENDA ITEM:	Consideration of Levels of Service for Water Customers and Issues on Private Property
SUBMITTED BY:	Stefen Wynn, Town Administrator & Treasurer
DATE:	6.20.2025
BACKGROUND:	The Town has received various requests from water customers concerning water within their private properties based the utility easement or public rights of way. One of the requests has been sent to the Board numerous times, and Town staff have done their best to try to accommodate the water customer's request while being cognizant of time spent on a private issue. Staff would like to know when they can consider a service request closed. In this circumstance, they've exhausted all options aside from paying a plumber to investigate standing water in a basement and the issue is still ongoing, but it has been determined to be private and not a public issue.
BUDGET:	N/A
RECOMMENDATION:	
ATTACHMENT:	Attachment A: Mr. Jankiewicz' documentation Attachment B: Narrative of work completed on property by Public Works, including work tickets and additional attempts to see the issue in the basement. Attachment C: Pictures of Stormwater near Delta Avenue rushing with water on 6.20.2025 (no rain), suggesting ground water intrusion. Video will Play during the meeting.

Mayor Paige Smith, each of the Trustees and Town Manager

On May 16, 2025, I both sent by e-mail and hand delivered a hard copy of the two attached letters in an envelope, requesting a meeting with each of you.

As of June 11, 2025, I have not received a reply from any of you.

I'm beyond disappointed that not one of you would reach out to meet with me.

Maybe I'm under the misunderstanding that the Mayor and/or Trustees would gladly meet with a resident, if requested.

Your response and my sarcasm might indicate an Unwritten Law where elected Officials aren't allowed to talk to residents of the town. Or maybe the protocol is to request permission from the Town Manager to talk with the Mayor and/or any Trustee.

Since it was an unanimous response, I am requesting you provide me information on any meeting(s) and/or emails related to my request for a meeting.

Each of my efforts have been to work with the town of Paonia, as demonstrated in the two attached letters.

However, I feel what a former Mayor told me before I even met with Mr. Wynn in February is true. "Charlie the Town knows it has leaks in the system. However, they are not going to want to work with you or accept any responsibility". It shocked me when he told me this. However today I would say his prediction is right.

Additional information provided to Mr Wynn which you need to be aware of:

- * This property has not had historical water problem.
- * Previous residents had a room for one of their kids in the basement.
- * The basement was dry for six months after I purchased the house.
- * Mr Wynn has never visited the property
- * The Town has no records disputing my claim of chlorine in the water
- * I have close to six months of tests showing chlorine in the water.
- * During installation of french drain in the basement water was clearly coming from Delta Ave.
- * If you were told chlorine came from my washing machine, two letters: BS.

At this point I'm asking you to meet with me, put your efforts into looking for the water source and stop ignoring and stonewalling me.

FYI - over 15 years I've had two residents within the town limits and I've never had an issue with the Town. I'm dumbfounded by where I find myself and the way I've been treated by the Town.

I've tried to not make this a public matter by not using social media or requesting time at a trustee meeting. My next step will be to request time at your next meeting.

You can reach me by e-mail or texting my phone [REDACTED]



Charles J. Jankiewicz

Mr Wynn - When we met on February 20, 2025, I believed we each committed to accomplishing a few task. I came away with the understanding you would contact me in the future to give me an update.

However, without hearing from you since that meeting, I'll provide my update on what I committed to do.

Had a french drain installed within the interior walls along the north and west interior walls the following week. Since completion of this project March 3, 2025, no surface water. During the project water flow was clearly coming from the direction of Delta Ave. When tested it contained Free Chlorine (250 ppm) and Total Chlorine (5 ppm). Chlorine does not naturally occurring in water and indicates municipal treatment. Chlorine dissipates quickly with exposure to oxygen so part per million indicted have been reduced.

- * Cost of french project almost \$9,000
- * My understanding was you would
- * Review water use at neighboring house.
- * Test water found in the housing of the meter location.
- * Considering using TV camera to inspect Delta Ave mainline.
- * Report back on the above.

Understand it's a busy world and my issue was no where near the front burner. However very disappointed you never contracted me since our February 20, 2025 meeting.

Requesting a second meeting on either May 20, 22 or 24.

Have attached my response outlining my original information on requesting the February meeting.

Have included cc to Mayor Paige Smith, each of the Trustees and Marsha Brezonick.

Thanks looking forward to our meeting.

Charles J Jankiewicz

Steven - Let me see if I can condense what's been occurring. Brought the house on 230 Delta in October 2023 at that time no water in basement.

First water appeared in early May of 2024 at that time it was attributed to a storm drain on 3rd Ave. My understanding was this problem was corrected however it didn't solve my problem.

In order to deal with the water I drilled a hole 2" in the southwest corner and build a channel across to an existing floor drain. On a couple of occasions June and July I showed the basement to Cory Heiniger. The thought then was either irrigation (possible) or spring appeared under the house (not very possible). Contracted irrigation company they cooperatively shut down closest line, no effect on basement flow.

In late August after talking with State Water people and water testing companies stated testing basement water with chlorine strips. The strip have consistently test for both Free Chlorine (250 ppm) and Total Chlorine (5 ppm) these were done yesterday

What I've been told by a variety of sources is Chlorine would only be find in municipal water. My understanding is that Chlorine is difficult to detect once exposed to air so my testing probably does not pick up totals similar to tap water. My understanding is Jordan is the town water person, I explained to him my finding the week of August 19th, asking him to come test basement and tap water. Told me I would need to go to Town for a work order before he could do that, disappointed I left.

Decided to wait until irrigation was off and into winter before attempting to deal with this again. Knowing the possibilities of irrigation and/or natural source would be greatly diminished.

Here's where I'm at

- * Flow is same as last fall
- * Believe is from town source
- * Talked to former Mayor tolds me leaks in system/town be slow to accept responsibility.
- * Currently moving ahead construction of french drain and sump pump improvement.

Water usage has been all over the place.

September 2024 3,051

October 2024 1,139

November 2024 2,577

December 2024 929

January 2025 1,392

February 2025 566

Only one person, no lawn or garden nor other significant exterior watering.

What I'm asking for is an effort by the town to look for a leakage which could be the source. My understanding is the town possesses the equipment (video camera) to look for the source.

Understand I'm not looking to fight with the town or say your people did a bad job.

Friends have suggested I get a lawyer that not me.

FYI - 2nd house lived here over 15 yrs retired Forest Service MS in Agriculture

Again

What I'm asking for is a sincere effort to look for the leak.

Thanks

Charlie J Jankiewicz

CharlieSent from my iPad

June 20, 2025

Re: Charlie Jankiewicz

To the best of my knowledge, I, Nicki Poulos, Paonia Public Work Director am aware of the following actions taken to remedy Mr. Jankiewicz request to determine if the water flowing into his basement at 230 Delta Ave. Paonia, Colorado is potable water.

In June of 2024, the Town of Paonia had American Leak Detection out doing routine leak testing for leaks on the distribution system. A device that detects certain sounds is how the company determines leaks. American Leak Detection was around Delta Ave when they heard a large leak. The leak was found on 2nd and Oak near the railroad tracks. After the leak on 2nd and Oak was fixed American Leak Detection returned to Delta Ave. to make sure there wasn't a leak on that street. It was determined at that time there was not a leak on Delta Ave. for potable water.

After American Leak Detection determined there wasn't a potable water leak, The Town of Paonia hired Southwest Systems to camera and clean the stormwater system in the area of Delta Ave. There was no reported change to the water in Mr. Jankiewicz's basement water after American Leak detection and Southwest Systems completed their work.

I also know that I have personally been in Mr. Jankiewicz's basement with former Public Works Director, Cory Heiniger, and performed our standard chlorine test. Public Works uses this method of testing for all water leaks/breaks to determine if it is potable water. There was no chlorine detected in the sample from the basement. While I was in his basement the water coming into the house was from the West wall. The potable water main line is on the East side of Mr. Jankiewicz's home. I am unaware of where is potable water line ties into his home. However, from the meter pit, located on the East side of his house, to the tie into the house is Mr. Jankiewicz's responsibility to maintain per Town Code. Cory returned to Mr. Jankiewicz's home several times before and after I was involved.

Mr. Jankiewicz then proceeded to call Cory on weekends and during nonbusiness hours reporting that he insists the water in his basement is potable water and The Town of Paonia is responsible to fix it. Cory had to eventually block Mr. Jankiewicz due to the repeated calls and voicemails and after Cory had asked him to stop calling his personal cell phone.

On June 4, 2025 I was informed by Liz Hendrick, the realtor that has become involved in Mr. Jankiewicz's complaint and possible lawsuit, that Mr. Jankiewicz has installed a French drain in his

yard to divert water away from his home and there is no longer water in his basement. Mrs. Hendrick wanted to go with Town Staff to test the water in the yard that was diverted from his home. Mr. Jankiewicz also reported that he tested the water, with a pool or hot tub strip, and he believes it to have chlorine in it.

On June 5, 2025 Utility Operator, Derek Heiniger arrived unannounced to Mr. Jankiewicz home at approximately 1:30pm to see if we could possibly retrieve a sample. We decided on an unannounced visit to avoid any possible sample tempering. Mrs. Hendrick was unable to attend due to having to take a friend to the hospital.