# AGENDA
**for the Board of Trustees**
**of the Town of Palisade, Colorado**
**341 W 7th Street (Board Chambers)**

## February 9, 2021
## 6:00 pm Regular (Virtual) Meeting

I. **REGULAR MEETING CALLED TO ORDER AT 6:00 pm**

II. **PLEDGE OF ALLEGIANCE**

III. **ROLL CALL**

IV. **AGENDA ADOPTION**

V. **ANNOUNCEMENTS**

A. **Town Hall offices will be closed on February 15, 2021, in honor of Presidents' Day**

VI. **PRESENTATIONS**

A. **Gavel to Palisade Historical Society (Priscilla Walker)**

B. **Rotary Certificate of Appreciation for Enhancing the Quality of Life in Palisade to Town Manager Janet Hawkinson** – *Presented by Riley Parker w/ the Palisade Sunrise Rotary*

VII. **TOWN MANAGER REPORT**

VIII. **CONSENT AGENDA**

*The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or any Board Member may ask that an item be removed from the Consent Agenda for individual consideration.*

A. **Expenditures**
Approval of Bills from Various Town Funds – January 22, 2021 – February 4, 2021

B. **Minutes**
Minutes from January 26, 2021, Regular Board Meetings

C. **Ordinance 2021-01 Amending the Palisade Municipal Code to Repeal or Update Antiquated Sections in Chapters 1, 2, 6 and 7**
*This item is a general housekeeping Ordinance clean-up.*

## IX. PUBLIC COMMENT

***Please keep comments to 3 minutes or less, and state your name and address.*** *Neither the Board of Trustees nor staff will respond to comments at this time. The Board may direct staff to look into specific comments to bring back as an Agenda item at a future meeting.*

## X. PUBLIC HEARING

### A. Odinance 2021-03 Amending the Land Development Code Section 6.01 Use Table

*The Board of Trustees will consider amending the Land Development Code review policy of applications for hemp growing and processing, marijuana processing and testing (not sales), restaurants that include a drive-through, and gravel pits.*

1. Staff Presentation
2. Public Comment (*Please limit comments to* ***three (3) minutes****, state your name and address)*
3. Board Discussion
4. Applicant Closing Remarks
5. Decision - *Motion, Second, and Rollcall Vote*

## XI. NEW BUSINESS

### A. Ordinance No. 2021-02 Extending the Moratorium on the Issuance of Additional Retail Marijuana Store Licenses

*The Board will consider an Ordinance to extend the temporary moratorium on issuing retail marijuana store licenses.*

1. Staff Presentation
2. Decision - *Motion, Second, and Rollcall Vote*

### B. Grand Valley Irrigation Company Headgate Contract and Purchase of Water Rights Agreement

*This item is for the Board to consider the Purchase Water Rights from GVIC (Grand Valley Irrigation Company) to install additional irrigation for watering trees on the west side of Riverbend Park and to complete Headgate Agreements*

1. Staff Presentation
2. Decision - *Motion, Second, and Rollcall Vote*

## XII. OPEN DISCUSSION

*This is a chance for the Board of Trustees to voice concerns, opportunities, or other important topics, not on the Agenda. Each Trustee will be held to a limit of three minutes apiece to speak.*

## XIII. COMMITTEE REPORTS

## XIV. ADJOURNMENT

## XV. EXECUTIVE SESSION

A. *For Discussion of a Personnel Matter (specifically the yearly review of the Town Manager) under CRS. Section 24-6-402(4) (F) (I) except if the employee who is the subject of the session*

*has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.*

**TOP Board of Trustees Regular Scheduled Virtual Meeting Electronic Participation Instructions**

*Due to the rise in COVID-19 (coronavirus) cases in Mesa County, the Town of Palisade has decided to return to virtual public attendance at meetings.*

**Regular meeting starts at 6:00 pm**

**https://zoom.us/j/91206057275**

**Meeting ID Number: 912 0605 7275**

To Join Zoom Meeting:

**BY COMPUTER/SMARTPHONE:** Click on the link above and follow the instructions. Participants from the audience will be able to speak during public comment. **There is a hand symbol to push that will allow the meeting moderator to see who wants to speak**. Please remember to state your name before speaking. The person has three minutes to speak. The line will be muted at the end of the three minutes. **If using a smartphone, you must download the app.**

***BY TELEPHONE:** Members of the public who wish to provide public comment on any specific agenda item or during general public comment must call the number provided below between 5:15 pm and 5:29 pm. During that time, the **moderator of the call will ask your name and the agenda item or if you wish to speak to an item, not on the Agenda.** Once that information has been provided, your line will be muted. When it is time to talk during the meeting, the moderator will unmute the line, state the person's name who will be speaking. The person has three minutes to speak. The line will be muted at the end of the three minutes.

To participate, dial the following phone number: **1 (253) 215 8782**, then there will be a prompt to enter the meeting **ID. Number Noted Above**, and the User ID is the pound (#) sign.

**BY ELECTRONIC MAIL:** Members of the public may also provide public comment or comment on a specific agenda item by sending an email to kfrasier@townofpalisade.org. The email must be received by 2:00 pm on the day of the meeting. **The Town Clerk will FORWARD THE EMAIL TO THE BOARD OF TRUSTEES.** *Any member of the public who wishes to have a statement read into the Minutes is required to appear (virtually) at the meeting and make said statements to the Board directly.*

# Wayne N. Aspinall Gavel
## PRESENTED TO

THE TOWN OF PALISADE

# Historical Society

In the mid-1940s, the White House was deemed structurally unsound and underwent significant renovations. From this 19th century, discarded wood, gavels were made and given to serving congress members as mementos.

Congressman Wayne N. Aspinall (Rep. from Colorado's 4th Congressional District from 1949-1973) donated his gavel to the Town of Palisade Board of Trustees in the late 1960s, and it has been used by many Mayors and Judges ever since.

The Town of Palisade Historical Society is dedicated to the care and preservation of Palisade's most treasured historical artifacts, and passionate about promoting the education of our unique history.

The Board of Trustees of the Town of Palisade, representing the citizens of Palisade, wish to preserve and care for this vital part of Palisade's history, and therefore would like to present the Wayne N. Aspinall Gavel to the Town of Palisade Historical Society.

Presented this 9th day of February, 2021

# CERTIFICATE *of* APPRECIATION

TO

## JANET HAWKINSON

**Town of Palisade**

***For Your Efforts to Enhance the Quality of Life in Palisade***

Riley Parker, President

Palisade Sunrise Rotary

Rotary

Town Manager Report February 9, 2021

**Main Street Grant**: The Town has the opportunity to apply for another Main Street Grant for $50,000 with no match.

Staff is recommending applying for the grant to improve 3rd Street and Main Street sidewalk infrastructure and add sidewalks along the new parking lot up to the railroad tracks.

A second Main Street Grant can be submitted to request additional funding for a parklet at Peches' and outdoor seating at Diorios.

Does the Board give direction to submit 2 Main Street grants for a total of $100,000 for the above projects, no match required?

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**Plunge:** Staff is working on a covered bus/ shelter at the new parking lot for the Plunge and GVRTC. Funding for the project is under the Palisade Plunge GOCO Grant.

Staff is working with Mesa County to plan the ribbon cutting and celebration of the opening of the Plunge trail. We do not have a date yet – possibly in July.

I am working on completing signage with Mesa County for the kiosks in the Palisade Parking lot and Rim parking lot. Signage on River Road is part of the widening project scheduled to begin in July and will be placed at that time.

TAB is working on a new map that has an app feature and will show the various trails in the area – they are scheduled to present to the Board in the future.

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**Palisade & Clifton Fire MOU:**

In our MOU, there is an agreement to create a Steering Committee. The committee is made up of the Fire Chief, Town Manager, two members from both the Clifton Fire Board and Palisade Board of Trustees.

Does the Board want to appoint Mayor Mikolai and Trustee Somerville to the Steering Committee?

**List of Calendar Year Projects**:

| **Capital Improvement Projects** | |
|---|---|
| EPA Brownfields Grant – Asbestos Remediation | Staff working with contractors writing a grant to submit Wednesday 10.28.2020 for asbestos remediation at the old highs school – grant request is +/- $500,000 with 20% match |
| Master Sewer Plan Study Completed | Completing portal application with USDA for possible funding on sewer design and construction<br><br>Staff working on IGA with Clifton Sewer to present to the Board for approval |
| Palisade – Clifton Fire Department | Staff & Trustee representatives working on IGA to present to Clifton Fire Board on sharing resources and administrative staff for 2021 |
| DOLA Tier 1 – Fire Department Tender Truck Submittal | Per Board Direction, Staff submitted grant for a 50% grant request to purchase a Fire Tender at total cost of $300,000 |
| MPPO GRANT AWARD:<br>$912,000<br>Highway 6 between Main street and Iowa<br>COVID 19 – CARES Act Funding | 30% Completion of design work submitted to CDOT for comment. Staff is working with Landscape Architect to complete 3 concept plans to present to the public at open houses – to be scheduled.<br><br>JUB Engineering Firm was selected to perform design/engineering for this project.<br><br>TOP has been awarded the total grant with the match relief:<br><br>$912,000.00 for work on highway 6 – completed IGA and RFQ with CDOT – Town received 3 RFQ's for design and engineering work |
| | |

| | |
|---|---|
| TAP Grant Awarded: $1 million dollars –<br><br>Build sidewalks from Lincoln St to High School. | Committee selected Stolfus Engineering as Design Firm for the project.<br>TOP awarded $1 million dollar grant for sidewalks from Lincoln to the high school on the south side of Highway 6<br>Have hired and completed the ICE – Independent Contractor Estimate for design work required by grant<br>Completing IGA with CDOT. |
| CARES Act Funding | The Town has been reimbursed the Cares Act Funding expenses |
| Main Street Grant – TOP awarded $50,000 and Cares Act Funding for Parklets on Main Street | This project is complete. |

# PALISADE BOARD OF TRUSTEES
## Staff Report

**Meeting Date:** **February 9, 2021**

**Department:** **Police Department**

**Department Director:** **Chief Debra Funston**

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**Stats for January**

166 Calls for Service, 13 more than December

**January Reports and Summons**

11 Case Reports

9 Supplement Reports

0 Arrests

8 Summons written

- 4 Criminal Summons
  - 4 – Disorderly Conduct
- 4 Traffic Summons (4 Municipal)
  - 1 – Speeding (5-9 MPH Over)
  - 1 – Disregard Traffic Control Device
  - 1 – Careless Driving
  - 1 – Uninsured motor vehicle

Totals

166 Call for Service to date in 2021

**Code Compliance**

- Notice of Violation given to properties for snow on sidewalk after Dec. 29th snowfall: 15
- Notice of Violation given to properties for snow on sidewalk after Jan. 25th snowfall: 4
- Internet search for short-term vacation rentals advertised in Palisade. All the properties found were authorized by the Town of Palisade.

- Fowl Permit reminder notices sent to all properties who received fowl permits in 2020.
- One fowl permit authorized in January.

Open Issues before January: 7

January Issues:

- PMC Sec. 7-3, 7-4 Public Nuisance: 4
- PMC Sec. 8-42 Abandoned/Junked Vehicle: 2
- PMC Sec. 11-1 Sidewalks clean and snow-free: 2 (19 notices issued)

**Total: 8**

Issues Closed in January: 10

Open at end of January: 5

Issues Year to Date: 8

## TRAINING

The Palisade Police Department is preparing for implementation of our Body Worn Camera Program. The Chief has been working on policies and some staff will be attending training with the Mesa County Sheriffs Department on the program.

Officer McVay and Officer Furnace were sworn in as the newest police officers for the Palisade Police Department. Their first week included training such as taser, defensive tactics, firearms, less-lethal munitions, and CPR.

# PALISADE BOARD OF TRUSTEES
## Staff Report

**Meeting Date:** **February 9, 2020**

**Department:** **Utilities**

**Director:** **Matt Lemon**

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**Water (Treatment and Distribution):**

- Wright water Engineers came for a process review of the water plant. Wright Water designed our new plant and worked with Pall membranes for the treatment piece and Bates engineering for tank installation. The main concerns were tank influent and effluent piping along with chlorine injection and sample points. Both operators, the Town Administrator and JUB Engineers, were present for most of the review.
    - We expect a report in about six weeks.
- Three water leaks were repaired in January 2021 on Crawford Drive, Logan Avenue, and Pendleton Street close to the Riverbend Park entrance.
- Staff Review of Monthly Operating Report- Process of completing the form, create SOP, why the form is needed, how to use the report for future decision making.
- The water treatment plant Emergency Action Plan has been updated with current contacts for responsible parties along with residents affected by emergencies at the water plant.
- Snow Cap Coal augmentation tour is scheduled for mid-April

**Sewer (Collection and Treatment):**

- Highschool Lift station pump #1 required the replacement of gaskets to regain the required vacuum for operation. Pump #2 stayed in operation.
- Moss Way lift station is currently receiving a detailed inspection. Lifting chains and an electric control box are currently needing upgrades, will be completed immediately.

**Streets Sidewalk and Signage:**

- Signs have been installed for the new one-way alley from Peach Ave. up to First street.
- Met with Xcel about possible power upgrade to Plaza area.
- Google meets with RD Cabling out of the Montrose area about the very first steps to upgrade the communication network in Palisade.

**Cresthaven Subdivision:**

- Sewer infrastructure is installed and passed all inspections and tests.
- Water infrastructure is installed and in the testing phase. Bacteriological, pressure, tests flushing, etc. Currently, the system is complete and looped from Montclair to Shiraz Drive along Fairhaven.

- The retaining wall is progressing. The following picture was taken on February 1 or 2.

**Bower water and sewer upgrade:**

- Thursday, February 4, Skyline contractors and the Town of Palisade will perform the project's final walkthrough. The water and sewer lines are installed and passed all inspections. TOP is waiting for a cost estimate of the asphalt project that should be completed in April 2021 when the area asphalt plants open back up for the 2021 season.

Canal crossing under canal 13 feet deep. You can see the tracer wire taped to the pipe for future locating the service. Hard to see a larger PVC sleeve for the main water line to pass through. This is the standard procedure for water lines to cross other critical infrastructure such as this canal. This shows the complexity we faced with our Elberta water leak last fall. Only a clean

**MINUTES OF THE REGULAR MEETING OF THE**
**PALISADE PLANNING COMMISSION**
**(Also Virtual Participation Via ZOOM)**
**February 2, 2021**

The regular meeting of the Planning Commission for the Town of Palisade was called to order at 6:00 pm by Chairman Parker with Commissioners present: Hull, Wheeler, Prinster, Curry, Harbaugh and Hamilton. A quorum was declared. Also, in attendance were Town Manager Janet Hawkinson, and Community Development Director Brian Rusche and Planning Technician Lydia Reynolds attended via Zoom.

## AGENDA ADOPTION

*Motion #1* by Commissioner Prinster, seconded by Commissioner Hull, to approve the Agenda as presented.

A voice vote was requested.
Motion carried unanimously.

## MINUTES

*Motion #2* by Commissioner Wheeler, seconded by Commissioner Prinster, to approve the Minutes as presented.

A voice vote was requested.
Motion carried unanimously.

## ANNOUNCEMENTS

Town Manager Janet Hawkinson introduced Brian Rusche as the new Community Development Director. Ms. Hawkinson gave a brief overview of Mr. Rusche's experience and qualifications and the Commissioners welcomed him.

Town Manager Janet Hawkinson announced that the Frisbee Disk Golf organization will have their annual "Ice Bowl" fundraiser in Palisade in February. She also noted that the town should hear from EPA in May/June regarding a grant that was submitted for the asbestos remediaion for the old high school. The total cost of remediantion is estimated to be $600,000, anticipating that $500,000 of that amount will come from the EPA grant. She noted that they are working with Community Hospital Clinic to see how they can raise funds for the demolition of the building to build a clinic on the site. Ms. Hawkinson stated the Highway 6 design project is underway with CDOT engineers and they are anticipating an open house in March to allow for public comment. She also noted that the trailer park on Highway 6 was sold to a new manufactured home park company that plans to upgrade the park. The parklets are almost done with only 3 parking spaces removed. The Police Department has also been remodeled and 2 new officers have been hired.

Commissioner Prinster asked about a new cement pad at peachbowl park. Ms. Hawkinson said she would find out. She also mentioned there was more COVID money available through CDOT and she anticipates asking for money to have sidewalks done from the new public parking to the downtown. Ms. Hawkinson stated that Mesa County has received the ok from the railroad, and they will start North River Rd. improvements in July.

**PUBLIC COMMENT**

Ray Musser stated he had submitted comments that he thought would be read into the record. Town Manager Janet Hawkinson reported that the commissioners were sent the comments via email and were given hard copies, however the Town has been advised by the Town Attorney that if letters are to be read at meeting, it should be done by the person (or representative) who submitted the comments. Mr. Musser explained he did not have a copy in hand to read, but he will bring it up at next meeting.

**PUBLIC HEARING I**

***PRO 2021-1 An application to amend The Land Development Code, Sections 6.01 Use Table***

**Staff Presentation**

Community Development Director Brian Rushe explained that there were a few uses in the Use Table in the Land Development Code that they were proposing to change from "permited uses" to requiring a "conditional use permit". Hemp growing and processing, marijuana processing and testing, drive thru restaurants, and gravel pits were the uses for the proposed changes.

**Public Comment**

None

**Planning Commission Discussion**

Commissioner Harbaugh inquired what prompted the changes, especially the hemp and marijuana items. Mr. Rusche explained that this would allow for Commission and Board review on a site-by-site basis. Commissioner Harbaugh asked how the CUPs are monitored, controlled and enforced. Mr. Rushe stated that would fall under the Community Development Department.

Commissioner Hull asked about the use of butane for processing hemp and noted it is very dangerous. . Discussion continued and Mr. Rusche pointed out that it was already addressed in the code.

Commissoiner Prinster asked if the CUPs expired after 3 years. Disscussion continued and Mr. Rusche clarified how the follow-up process works.

*Motion #3* by Commissioner Prinster, seconded by Commissioner Harbaugh, to recommend to the Board of Trustees to amend The Land Development Code, Sections 6.01 to change "permitted" uses to "CUP" as proposed.

A roll call vote was requested.
Yes: Commissioner Harbaugh, Wheeler, Prinster, Curry, Hull and Parker
No: None
Absent: None

Motion carried unanimously.

## NEW BUSINESS

Town Manager Janet Hawkinson discussed a future retreat with the Planning Commission. Commissioner Prinster asked when the comprehensive plan will begin. Ms. Hawkinson reported that the Town plans to request funding for that in the fall. Commissioner Curry asked if there was recycling available south of Highway 6. Ms. Hawkinson clarified that is is an option (for a fee) for residents in single family homes, however it is up to owners of the multi-family complexes to make arrangements to have recycling.

## ADJOURNMENT

*Motion #4* by Commissioner Prinster, seconded by Commissioner Wheeler Chairman Parker adjourned the meeting at 6:46 pm.

X _____

Riley Parker
Planning Commission Chairman

X _____

Lydia Reynolds
Planning Technician

175 East Third Street
P.O. Box 128
Palisade, CO 81526

Phone: (970) 464-5602
Fax: (970) 464-5609
www.townofpalisade.org

# EXPENDITURES - APPROVAL BY DEPT

Council Meeting Date – February 9, 2021

Date Range of Payables – 01/22/21 – 02/04/21

Report Criteria:

Invoices with totals above $0 included.

Paid and unpaid invoices included.

Invoice Detail.Input date = 01/22/2021-02/04/2021

| Vendor Name | Invoice Number | Description | Invoice Date | Net Invoice Amount | Amount Paid | Date Paid | Voided |
|---|---|---|---|---|---|---|---|
| ALPINE BANK CC | DM JAN 4309 | PURCH IN ERROR - PAYROLL D | 01/18/2021 | 19.30 | .00 | | |
| MUSCULAR DYSTROPHY ASSO | 2020 FD COLL | MDA COLLECTIONS FOR 2020 | 01/26/2021 | 3,292.02 | .00 | | |
| Total : | | | | 3,311.32 | .00 | | |

| Vendor Name | Invoice Number | Description | Invoice Date | Net Invoice Amount | Amount Paid | Date Paid | Voided |
|---|---|---|---|---|---|---|---|
| **ADMINISTRATION** | | | | | | | |
| CAPITAL BUSINESS SYSTEMS | 28657171 | COPIER LEASE | 01/29/2021 | 511.00 | .00 | | |
| CASELLE, INC. | 107788 | ANNUAL SUPPORT | 02/02/2021 | 550.00 | .00 | | |
| QUADIENT LEASING | 01.25.2021 PO | POSTAGE ON CALL #53370518 | 01/25/2021 | 2,000.00 | .00 | | |
| OFFICE DEPOT | 148841070001 | OFFICE SUPPLY - ADMIN | 01/22/2021 | 52.99 | .00 | | |
| OFFICE DEPOT | 149532321001 | OFFICE SUPPLY - ADMIN | 01/26/2021 | 52.38- | .00 | | |
| OFFICE DEPOT | 149561811001 | OFFICE SUPPLY - ADMIN | 01/27/2021 | 10.31- | .00 | | |
| PROVELOCITY LLC | 29392 | INFORMATION TECHNOLOGY | 01/12/2021 | 460.00- | .00 | | |
| PROVELOCITY LLC | 29426 | COMPUTER / ADMIN | 01/27/2021 | 2,302.00 | .00 | | |
| PROVELOCITY LLC | 29621 | INFORMATION TECHNOLOGY | 02/01/2021 | 6,534.06 | .00 | | |
| J-U-B ENGINEERS | 0139798 | GENERAL ENGINEERING | 01/14/2021 | 992.34 | .00 | | |
| ALPINE BANK CC | BC JAN 3152 | SUPPLIES | 01/18/2021 | 6.98 | .00 | | |
| ALPINE BANK CC | BC JAN 3152 | SUPPLIES | 01/18/2021 | 26.02 | .00 | | |
| ALPINE BANK CC | JH JAN 3061 | DUES | 01/18/2021 | 52.99 | .00 | | |
| ALPINE BANK CC | JH JAN 3061 | ADMIN - OPERATING | 01/18/2021 | 41.71 | .00 | | |
| ALPINE BANK CC | KF JAN 3160 | ADMIN - OPERATING | 01/18/2021 | 102.00 | .00 | | |
| ALPINE BANK CC | ML JAN 3103 | ADMIN - OPERATING | 01/18/2021 | 212.65 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | ADMIN - OPERATING | 01/18/2021 | 39.96 | .00 | | |
| Total ADMINISTRATION: | | | | 12,902.01 | .00 | | |

| Vendor Name | Invoice Number | Description | Invoice Date | Net Invoice Amount | Amount Paid | Date Paid | Voided |
|---|---|---|---|---|---|---|---|
| **COMMUNITY DEVELOPMENT** | | | | | | | |
| J-U-B ENGINEERS | 0139798 | CRESTHAVEN ACRES | 01/14/2021 | 1,394.90 | .00 | | |
| DAPHNA RUSSELL ROST | PAV 2020 STIP | PAV SCULPTURE | 12/09/2020 | 500.00 | .00 | | |
| ALPINE BANK CC | KF JAN 3160 | BGF | 01/18/2021 | 66.99 | .00 | | |
| CITY OF FRUITA | 3777276 | CTO/OED MATCHING GRANT | 01/15/2021 | 10,000.00 | .00 | | |
| Total COMMUNITY DEVELOPMENT: | | | | 11,961.89 | .00 | | |

| Vendor Name | Invoice Number | Description | Invoice Date | Net Invoice Amount | Amount Paid | Date Paid | Voided |
|---|---|---|---|---|---|---|---|
| **TOURISM FUND** | | | | | | | |
| ALPINE BANK CC | KF JAN 3160 | TOURISM - ON LINE MARKETIN | 01/18/2021 | 100.00 | .00 | | |
| Total TOURISM FUND: | | | | 100.00 | .00 | | |

| Vendor Name | Invoice Number | Description | Invoice Date | Net Invoice Amount | Amount Paid | Date Paid | Voided |
|---|---|---|---|---|---|---|---|
| **RECREATION** | | | | | | | |
| ALPINE BANK CC | KF JAN 3160 | RECREATION - P&R PROJECTS | 01/18/2021 | 33.22 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | SUNDAY MARKET | 01/18/2021 | 399.98 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | SUNDAY MARKET | 01/18/2021 | 119.96 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | RECREATION - P&R PROJECTS | 01/18/2021 | 41.23 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | RECREATION - P&R PROJECTS | 01/18/2021 | 131.91 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | RECREATION - P&R PROJECTS | 01/18/2021 | 301.88 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | RECREATION - P&R PROJECTS | 01/18/2021 | 55.84 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | RECREATION - P&R PROJECTS | 01/18/2021 | 33.22 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | RECREATION - P&R PROJECTS | 01/18/2021 | 77.78 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | RECREATION - P&R PROJECTS | 01/18/2021 | 359.99 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | SUNDAY MARKET | 01/18/2021 | 200.00 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | RECREATION - P&R PROJECTS | 01/18/2021 | 220.78 | .00 | | |
| Total RECREATION: | | | | 1,975.79 | .00 | | |

| Vendor Name | Invoice Number | Description | Invoice Date | Net Invoice Amount | Amount Paid | Date Paid | Voided |
|---|---|---|---|---|---|---|---|
| **POLICE** | | | | | | | |
| CITY OF GRAND JUNCTION | 2021-0007802 | 911 CHARGES PD | 02/01/2021 | 8,799.50 | .00 | | |
| DRANGINIS, DAN | FBP01042021 | FLEXIBLE BENEFIT PLAN REIM | 01/04/2021 | 300.20 | 300.20 | 01/29/2021 | |
| DRANGINIS, DAN | FBP01172021 | FLEXIBLE BENEFIT PLAN REIM | 01/17/2021 | 65.00 | 65.00 | 01/29/2021 | |
| FEDEX | 7-245-15730 | PD - SHIPPING CHARGES | 01/14/2021 | 112.31 | .00 | | |
| HEUTON TIRE COMPANY INC. | 155058 | PD-TIRES | 01/21/2021 | 693.00 | .00 | | |
| JIM DIBLE OIL COMPANY | 111454 | POLICE DEPT - GAS / DIESEL | 01/29/2021 | 92.85 | .00 | | |
| VERIZON WIRELESS | JAN 2021 | POLICE DEPARTMENT CELL PH | 01/12/2021 | 498.59 | .00 | | |
| VERIZON WIRELESS | JAN 2021 | POLICE DEPARTMENT MODEM | 01/12/2021 | 360.09 | .00 | | |
| WESTERN SLOPE AUTO | 136939 | PD VEHICLE MAINTENANCE | 01/25/2021 | 29.10 | .00 | | |
| COOP COUNTRY | 239065 | PD CAR WASH | 01/27/2021 | 7.00 | .00 | | |
| COOP COUNTRY | 239066 | PD CAR WASH | 01/27/2021 | 4.31 | .00 | | |
| COOP COUNTRY | 239067 | PD CAR WASH | 01/27/2021 | 2.27 | .00 | | |
| HARPER, NYKOLAI | FBP012221 | FLEXIBLE BENEFIT PLAN | 01/22/2021 | 215.00 | 215.00 | 01/29/2021 | |
| HARPER, NYKOLAI | FBP12312020 | FLEXIBLE BENEFIT PLAN | 12/31/2020 | 55.00 | 55.00 | 01/29/2021 | |
| KINETIC LEASING, INC. | 244875 | INTERCEPTOR LEASE (3) | 01/10/2021 | 3,869.04 | .00 | | |
| PLATINUM TOWING, LLC. | 20-19124 | VEHICLE TOWING - POLICE | 01/21/2021 | 126.00 | .00 | | |
| SURAD, MATTHEW | FBP01262021 | FBP REIMBURSEMENT | 01/26/2021 | 386.50 | 386.50 | 01/29/2021 | |
| LEXIPOL, LLC | INVLEX441 | PD - SOFTWARE - POLICY, TRA | 01/12/2021 | 6,373.00 | .00 | | |
| Total POLICE: | | | | 21,988.76 | 1,021.70 | | |

| Vendor Name | Invoice Number | Description | Invoice Date | Net Invoice Amount | Amount Paid | Date Paid | Voided |
|---|---|---|---|---|---|---|---|
| **CEMETERY** | | | | | | | |
| JIM DIBLE OIL COMPANY | 111454 | CEMETERY - GAS / DIESEL | 01/29/2021 | 19.47 | .00 | | |
| HEUTON, STEVE | FBP02012021 | FLEXIBLE BENEFIT REIMBURS | 02/01/2021 | 325.00 | .00 | | |
| WHITEWATER BLDG. MATLS. | 270597 | 6' BLOCKS & DELIVERY | 12/14/2020 | 806.25 | .00 | | |
| Total CEMETERY: | | | | 1,150.72 | .00 | | |

| Vendor Name | Invoice Number | Description | Invoice Date | Net Invoice Amount | Amount Paid | Date Paid | Voided |
|---|---|---|---|---|---|---|---|
| **FIRE / EMS** | | | | | | | |
| CITY OF GRAND JUNCTION | 2021-0007802 | 911 CHARGES FD | 02/01/2021 | 2,407.41 | .00 | | |
| JIM DIBLE OIL COMPANY | 111454 | FIRE/EMS GAS & DIESEL | 01/29/2021 | 11.98 | .00 | | |
| VERIZON WIRELESS | JAN 2021 | FIRE DEPT / CHIEF | 01/12/2021 | 97.54 | .00 | | |
| ALPINE BANK CC | JL JAN 4051 | FD - VEHICLE REPAIR & MAINT | 01/18/2021 | 257.00 | .00 | | |
| ALPINE BANK CC | JL JAN 4051 | FD - SMALL EQUIP - COVID | 01/18/2021 | 119.52- | .00 | | |
| Total FIRE / EMS: | | | | 2,654.41 | .00 | | |

| Vendor Name | Invoice Number | Description | Invoice Date | Net Invoice Amount | Amount Paid | Date Paid | Voided |
|---|---|---|---|---|---|---|---|
| **EMS** | | | | | | | |
| BOOKCLIFF AUTO PARTS INC | 196652 | STREETS / PARKS SHARED CO | 01/21/2021 | 79.48 | .00 | | |
| BOOKCLIFF AUTO PARTS INC | 199735 | STREETS / PARKS SHARED CO | 01/28/2021 | 7.49 | .00 | | |
| BOOKCLIFF AUTO PARTS INC | 200131 | STREETS / PARKS SHARED CO | 01/28/2021 | 83.43 | .00 | | |
| ALPINE BANK CC | BC JAN 3152 | SHARED EXPENSES | 01/18/2021 | 30.98 | .00 | | |
| ALPINE BANK CC | KF JAN 3160 | SHARED EXPENSES | 01/18/2021 | 93.99- | .00 | | |
| Total EMS: | | | | 107.39 | .00 | | |

| Vendor Name | Invoice Number | Description | Invoice Date | Net Invoice Amount | Amount Paid | Date Paid | Voided |
|---|---|---|---|---|---|---|---|
| **STREETS** | | | | | | | |
| JIM DIBLE OIL COMPANY | 111454 | STREETS - GAS / DIESEL | 01/29/2021 | 48.67 | .00 | | |
| PEACHTREE HARDWARE AND | 435393 | PARKLET PAINT | 11/04/2020 | 73.07 | .00 | | |
| SANITARY SUPPLY CORP., INC. | 117732 | STREETS - ICE MELT | 01/26/2021 | 539.00 | .00 | | |
| WHITEWATER BLDG. MATLS. | 270971 | SAND/ ICE SLICER MIX | 12/31/2020 | 455.87 | .00 | | |
| J-U-B ENGINEERS | 0139798 | WEEDERY ALLEY DESIGN | 01/14/2021 | 4,452.50 | .00 | | |
| J-U-B ENGINEERS | 0139805 | HWY 6 MMOF GRANT | 01/14/2021 | 17,888.00 | .00 | | |
| ALPINE BANK CC | BF JAN 4622 | STREETS - REPAIRS - PARKLET | 01/18/2021 | 2.59 | .00 | | |
| ALPINE BANK CC | FH JAN 4614 | STREETS - SUPPLIES | 01/18/2021 | 20.17 | .00 | | |
| ALPINE BANK CC | TODDW JAN 4 | STREETS - REPAIRS - PARKLET | 01/18/2021 | 152.40 | .00 | | |
| FORTERRA PRECAST CONCEP | GJ00006711 | STREETS - PARKLET BUMP ST | 01/06/2021 | 219.60 | .00 | | |
| ACCURATE CONCRETE CUTTIN | 25236 | STREETS - PARKLET BOLLARD | 01/12/2021 | 290.00 | .00 | | |
| Total STREETS: | | | | 24,141.87 | .00 | | |

| Vendor Name | Invoice Number | Description | Invoice Date | Net Invoice Amount | Amount Paid | Date Paid | Voided |
|---|---|---|---|---|---|---|---|
| **WATER** | | | | | | | |
| FERGUSON WATERWORKS #11 | 1190766 | WATER EQUIPMENT | 01/20/2021 | 106.70 | .00 | | |
| HARRINGTON INDUSTRIAL PLA | 008I5787 | WATER PLANT EQUIP | 01/20/2021 | 102.92 | .00 | | |
| HOME DEPOT CREDIT SERVCE | 151300062701 | WATER - VEHICLE REPAIRS | 01/28/2021 | 169.00 | .00 | | |
| HOME DEPOT CREDIT SERVCE | 151300062701 | WATER - TOOLS | 01/28/2021 | 14.97 | .00 | | |
| HOME DEPOT CREDIT SERVCE | 15136142566 | WATER - TOOLS | 01/29/2021 | 82.94 | .00 | | |
| JIM DIBLE OIL COMPANY | 111454 | WATER - GAS / DIESEL | 01/29/2021 | 68.14 | .00 | | |
| MOUNTAIN PEAK CONTROLS | 9924 | WASTE WATER CALIBRATIONS | 11/30/2020 | 360.00 | .00 | | |
| PROVELOCITY LLC | 29376 | COMPUTERS | 01/08/2021 | 1,315.00 | .00 | | |
| PROVELOCITY LLC | 29378 | COMPUTERS | 01/08/2021 | 3,325.00 | .00 | | |
| U S POSTOFFICE | JAN 2021 UTIL | WATER | 02/02/2021 | 165.15 | 165.15 | 02/02/2021 | |
| UTILITY NOTIFICATION | 221011027 | RTL TRANSMISSIONS | 01/31/2021 | 91.08 | .00 | | |
| VERIZON WIRELESS | JAN 2021 | PUBLIC WORKS CELL PHONES | 01/12/2021 | 300.71 | .00 | | |
| WESTERN IMPLEMENT | IN16477 | WATER SUPPLIES | 01/29/2021 | 33.99 | .00 | | |
| DPE, LLC | 6399 | SITE LEASE-PAL PT. | 01/31/2021 | 75.00 | .00 | | |
| J-U-B ENGINEERS | 0139798 | CABIN RESERVOIR | 01/14/2021 | 819.00 | .00 | | |
| FLENNIKEN, BRIAN E | FBP02012021 | FLEXIBLE BENEFIT PLAN | 02/01/2021 | 471.29 | .00 | | |
| ALPINE BANK CC | ML JAN 3103 | WATER - SUPPLIES | 01/18/2021 | 32.70 | .00 | | |
| OPTIMUS COMMUNICATIONS, L | 14015 | INTERNET SERVICE | 01/19/2021 | 87.00 | .00 | | |
| Total WATER: | | | | 7,620.59 | 165.15 | | |

| Vendor Name | Invoice Number | Description | Invoice Date | Net Invoice Amount | Amount Paid | Date Paid | Voided |
|---|---|---|---|---|---|---|---|
| **SEWER PLANT** | | | | | | | |
| CASTINGS, INC. | 65621 | MAN HOLE RING | 01/28/2021 | 110.00 | .00 | | |
| CITY OF GRAND JUNCTION | 2021-0007402 | LAB TESTING | 01/25/2021 | 229.50 | .00 | | |
| GRAND JUNCTION CHRYSLER | 5196702 | VEHICLE MAINTENANCE - SEW | 01/26/2021 | 9.62 | .00 | | |
| JIM DIBLE OIL COMPANY | 111454 | SEWER - GAS / DIESEL | 01/29/2021 | 19.47 | .00 | | |
| THATCHER COMPANY | 1512865 | CHLORINE | 01/28/2021 | 900.04 | .00 | | |
| U S POSTOFFICE | JAN 2021 UTIL | TRASH | 02/02/2021 | 41.54 | 41.54 | 02/02/2021 | |
| USA BLUEBOOK | 486370 | PLANT SUPPLIES | 01/27/2021 | 57.78 | .00 | | |
| J-U-B ENGINEERS | 0139798 | BOWER AVE SEWER | 01/14/2021 | 3,024.73 | .00 | | |
| Total SEWER PLANT: | | | | 4,392.68 | 41.54 | | |

| Vendor Name | Invoice Number | Description | Invoice Date | Net Invoice Amount | Amount Paid | Date Paid | Voided |
|---|---|---|---|---|---|---|---|
| **SEWER COLLECTION** | | | | | | | |
| U S POSTOFFICE | JAN 2021 UTIL | SEWER | 02/02/2021 | 41.54 | 41.54 | 02/02/2021 | |
| U S POSTOFFICE | JAN 2021 UTIL | SOLID WASTE | 02/02/2021 | 84.08 | 84.08 | 02/02/2021 | |
| ALPINE BANK CC | DJ JAN 4424 | UTILITIES - CAR WASH | 01/18/2021 | 2.00 | .00 | | |
| ALPINE BANK CC | FH JAN 4614 | SEWER PLANT SUPPLIES | 01/18/2021 | 18.07 | .00 | | |
| ALPINE BANK CC | FH JAN 4614 | SEWER PLANT SUPPLIES | 01/18/2021 | 5.88 | .00 | | |
| ALPINE BANK CC | FH JAN 4614 | SEWER PLANT SUPPLIES | 01/18/2021 | 47.78 | .00 | | |
| Total SEWER COLLECTION: | | | | 199.35 | 125.62 | | |

| Vendor Name | Invoice Number | Description | Invoice Date | Net Invoice Amount | Amount Paid | Date Paid | Voided |
|---|---|---|---|---|---|---|---|
| **PARKS** | | | | | | | |
| BOOKCLIFF AUTO PARTS INC | 198760 | PARKS - VEHICLE REPAIRS | 01/26/2021 | 327.85 | .00 | | |
| BOOKCLIFF AUTO PARTS INC | 199859 | PARKS - VEHICLE REPAIRS | 01/28/2021 | 269.62 | .00 | | |
| BOOKCLIFF AUTO PARTS INC | 199936 | PARKS - VEHICLE REPAIRS | 01/28/2021 | 145.10- | .00 | | |
| GOODWIN SERVICE, INC. | 91793 | PALISADE RIM | 01/15/2021 | 240.00 | .00 | | |
| JIM DIBLE OIL COMPANY | 111454 | PARKS - GAS / DIESEL | 01/29/2021 | 38.94 | .00 | | |
| WESTERN PAPER DISTRIBUTO | 3929440 | DOGGIE BAGS | 01/14/2021 | 393.50 | .00 | | |
| ALPINE BANK CC | AS JAN 3087 C | PARKS & RECS - PROJECTS | 01/18/2021 | 897.00- | .00 | | |
| Total PARKS: | | | | 227.81 | .00 | | |

| Vendor Name | Invoice Number | Description | Invoice Date | Net Invoice Amount | Amount Paid | Date Paid | Voided |
|---|---|---|---|---|---|---|---|
| **FACILITIES** | | | | | | | |
| CURRENT SOLUTIONS, LLC. | 9525 | TOWN HALL CAMERA | 01/20/2021 | 150.00 | .00 | | |
| GRAND RIVER ELECTRIC | 21396 | ELLECTRIC - TOWN HALL | 12/08/2020 | 870.49 | .00 | | |
| GRAND RIVER ELECTRIC | 21488 | COVID 19 = PD REMODEL | 01/12/2021 | 551.90 | .00 | | |
| PEACHTREE HARDWARE AND | 708898 | PD REMODEL | 10/07/2020 | 17.51- | .00 | | |
| TERMINIX | 250663 | PEST CONTROL | 01/06/2021 | 65.00 | .00 | | |
| WESTERN PAPER DISTRIBUTO | 3929440 | CLEANING SUPPLIES | 01/14/2021 | 61.92 | .00 | | |
| ALPINE BANK CC | BC JAN 3152 | BLDG - REPAIR & MAINT - FACIL | 01/18/2021 | 133.78 | .00 | | |
| ALPINE BANK CC | BC JAN 3152 | PD - REMODEL COVID | 01/18/2021 | 14.58 | .00 | | |
| ALPINE BANK CC | BC JAN 3152 | GYM REMODEL | 01/18/2021 | 16.99 | .00 | | |
| ALPINE BANK CC | BC JAN 3152 | GYM REMODEL | 01/18/2021 | 69.56 | .00 | | |
| ALPINE BANK CC | BC JAN 3152 | GYM REMODEL | 01/18/2021 | 6.78 | .00 | | |
| ALPINE BANK CC | DM JAN 4309 | BLDG - REPAIR & MAINT - FACIL | 01/18/2021 | 37.95 | .00 | | |
| ALPINE BANK CC | DM JAN 4309 | PD - REMODEL | 01/18/2021 | 23.84 | .00 | | |
| ALPINE BANK CC | DM JAN 4309 | BLDG - REPAIR & MAINT - FACIL | 01/18/2021 | 65.47 | .00 | | |
| ALPINE BANK CC | DM JAN 4309 | BLDG - REPAIR & MAINT - FACIL | 01/18/2021 | 16.16 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | BLDG - REPAIR & MAINT - FACIL | 01/18/2021 | 6.29 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | FACILITIES - CLEANING SUPPLI | 01/18/2021 | 71.96 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | BLDG - REPAIR & MAINT - FACIL | 01/18/2021 | 209.79 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | FACILITIES - CLEANING SUPPLI | 01/18/2021 | 31.56 | .00 | | |
| ALPINE BANK CC | TWARD JAN 0 | BLDG - REPAIR & MAINT - FACIL | 01/18/2021 | 139.18- | .00 | | |
| GALLAGHERS FLOORING LLC | GF009838 | CARES ACT - PD REMODEL | 12/28/2020 | 2,447.51 | .00 | | |
| ALSCO INC | LGRA2453444 | BUILDING - REP & MAINT | 01/15/2021 | 37.81 | .00 | | |
| Total FACILITIES: | | | | 4,732.65 | .00 | | |
| Grand Totals: | | | | 97,467.24 | 1,354.01 | | |

Finance Director: _____ Date: 2/4/2021
(Finance Department Review and Approval for Payment)

Town Manager: J Hawkinson Date: 2.5.2021
(Administrative Reveiw and Approval for Payment)

Mayor: _____ Date: _____
(Board of Trustees Reveiw and Approval for Payment)

Town Clerk: _____ Date: _____
(Document Recorded)

| Vendor Name | Invoice Number | Description | Invoice Date | Net Invoice Amount | Amount Paid | Date Paid | Voided |
|---|---|---|---|---|---|---|---|

Report Criteria:

Invoices with totals above $0 included.

Paid and unpaid invoices included.

Invoice Detail.Input date = 01/22/2021-02/04/2021

**MINUTES OF THE REGULAR (and VIRTUAL) MEETING OF THE PALISADE BOARD OF TRUSTEES**
**January 26, 2021**

The regular meeting of the Board of Trustees for the Town of Palisade was called to order at 6:00 pm by Mayor Mikolai with Trustees Somerville, Turner, Carlson, and Maxwell present in person. Trustee L'Hommedieu and Mayor Pro-Tem Chase appeared via Zoom. Also present in person were Town Manager Janet Hawkinson, Parks, Recreation and Events Director Troy Ward, and Community Development Director Brian Rusche. Town Clerk Keli Frasier, Utilities Director Matt Lemon, and Police Chief Deb Funston appeared via Zoom.

## AGENDA ADOPTION

*Motion #1* by Trustee Somerville, seconded by Trustee L'Hommedieu, to approve the agenda as amended to add an introduction of the Town's new Community Development Director after introducing the new Police Officers.

A voice vote was requested.
Motion carried unanimously.

## PRESENTATIONS

Police Chief Funston introduced two new Palisade Police Officers, Gilbert McVay and David Furnace.

Town Manager Janet Hawkinson introduced the Town's new Community Development Director Brian Rusche.

Principal Dan Bollinger gave a presentation on the state of Palisade High School.

## TOWN MANAGER REPORT

Town Manager Hawkinson announced that Mesa County has available grants for local small businesses, commented on the tents that the Town donated to Palisade High School, and confirmed that 30% of the Highway 6 project's design work is complete.

## CONSENT AGENDA

*The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board members may ask that an item be removed from the Consent Agenda for individual consideration.*

- **Expenditures**
  Approval of Bills from Various Town Funds – January 8, 2021 – January 21, 2021
- **Minutes**
  Minutes from the January 12, 2021 Board Meeting

- **Make One-Way Alley Between Peach and 1st**

Mayor Pro-Tem Thea Chase requested that the one-way alley item be removed from the consent agenda for discussion.

*Motion #2* by Trustee Somerville, seconded by Trustee Turner, to approve the Consent Agenda as amended.

A roll call vote was requested.
Yes: Mayor Mikolai, Trustee Turner, Trustee Somerville, Mayor Pro-Tem Chase, Trustee Carlson, Trustee L'Hommedieu, Trustee Maxwell
No:
Absent:

Motion carried.

## PUBLIC COMMENT
None was offered.

## NEW BUSINESS
### *Make One-Way Alley Between Peach and 1st*

Mayor Mikolai opened the agenda item to public comment. None was offered.

Trustee Somerville expressed his support of making the alley one-way and said that no one seemed to have objections when this topic was previously discussed.

Mayor Pro-Tem Chase emphasized that she requested the item be removed from the consent agenda to make sure the public had the opportunity to make comments if they desired.

*Motion #3* by Trustee Somerville, seconded by Trustee L'Hommedieu to make the alley between Peach and 1st to a one-way thoroughfare.

A roll call vote was requested.
Yes: Trustee Turner, Trustee Somerville, Mayor Pro-Tem Chase, Trustee Carlson, Trustee L'Hommedieu, Trustee Maxwell, Mayor Mikolai
No:
Absent:

Motion carried.

## OPEN DISCUSSION
**Trustee Maxwell** suggested holding a Board retreat to discuss Town priorities and the status/direction of current projects. Mayor Mikolai agreed, and the ***Board's consensus is to have a Board retreat on a Saturday at the end of February.*** Board members should email topics of interest to Mayor Mikolai, and he and the Town Manager will put an agenda together before the retreat.
**Trustee Turner** reiterated points that were made at the prior work session of the Board discussing best practices and behavior of Board members.

**Trustee L'Hommidieu** asked for an update on the Cresthaven retaining wall/fence. Mayor Mikolai stated that after discussion with the Town Attorney, it was determined that the building plans were all approved through the proper procedures, and the Town is unable to require changes. He also informed the Board that he and Town Manager Hawkinson are currently working with the Montclair residents and Cresthaven to see if they can negotiate any compromise.

**Trustee Somerville** expressed his pride in Town Manager Hawkinson and how he has heard people throughout Town compliment the great job she is doing as Town Manager.

**Mayor Pro-Tem Chase** emphasized the need to meet with other area agencies such as the Tourism Advisory Board and COPMOBA to ensure the Town is ready for the Plunge to open. She spoke with Scott Winans, President of COPMOBA Board, who indicated projected ridership of 250-275 riders per day on the weekends at a comparable Moab trail.

**Mayor Mikolai** reminded the Board that it is time for the Town Manager's review. ***The consensus of the Board is to have an executive session at the next meeting.*** Board members may turn in their review forms to him once completed.

## COMMITTEE REPORTS

Board members briefly explained the various meetings they had recently attended.

## ADJOURNMENT

*Motion #5* by Trustee Somerville, seconded by Trustee L'Hommidieu to adjourn the meeting at 6:51 pm.

A voice vote was requested.

Motion carried unanimously.

X _____

Greg Mikolai
Mayor

X _____

Keli L. Frasier
Town Clerk

# PALISADE BOARD OF TRUSTEES
## Agenda Item Cover Sheet

**Meeting Date:** February 9, 2021

**Presented By:** Keli L. Frasier, Town Clerk

**Department:** Clerk

**Re:** Ordinance 2021-01 Amending Chapter 1, Article VII, Chapter 7, Article V and Chapter 6, Article I and Repealing Chapter 2, Articles XI And XII of the Palisade Municipal Code

---

**SUBJECT:** Ordinance 2021-01 is a housekeeping item as an on-going process of cleaning up our Municipal Code. The changes requested are antiquated and, in some cases, irrelevant to the Town of Palisade as a whole.

**SUMMARY:** While reviewing the Palisade Municipal Code, it has become apparent that there are sections that no longer apply to the Town of Palisade.

Included in this ordinance are the following proposed changes:

1. **Updating the description of the Town Seal**. The proposed text amendment modifies the previous Town Seal description to reflect the current Town Seal adopted in February 2005.

2. **Posting place for weeds and brush notice.** Currently, the Municipal Code requires the Town Clerk to publish a notice to all tenants and property owners/managers that they must cut and remove all weeds and brush from their properties in the newspaper. The ordinance places this notice in the official posting places required for public meeting agendas.

3. **Repealing Section 12 of Article I of Chapter 6.** The Town currently has different rules for a business doing door-to-door sales vs. any other business type, making enforceability of these rules legally questionable. By repealing this chapter, all businesses previously defined as "peddler, transient or merchant" will fall under a basic business definition and be required to fill out a general business license as all others do, therefore being treated more equally.

4. **Removing the chapter regarding the Community Center Board.** This Board was created when the Town of Palisade took over the care of the Community Center. This committee has not met in well over ten years.

5. **Parks, Recreation and Advisory Board.** This Board was dissolved in 2019, and removing this section is necessary to clean up the code.

**BOARD DIRECTION:** Approve Ordinance 2021-01 amending Chapter 1, Article VII, Chapter 7, Article V and Chapter 6, Article I and repealing Chapter 2, Articles XI and XII of the Palisade Municipal Code.

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

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO, AMENDING CHAPTER 1, ARTICLE VII, CHAPTER 7, ARTICLE V AND CHAPTER 6, ARTICLE I AND REPEALING CHAPTER 2, ARTICLES XI AND XII OF THE PALISADE MUNICIPAL CODE.**

**WHEREAS**, the Town of Palisade ("Palisade" or the "Town") is a Colorado municipality organized pursuant to Title 31 of the Colorado Revised Statutes and with the authority set forth therein; and

**WHEREAS**, Section 141 of Article VII of Chapter 1 of the Palisade Municipal Code establishes and describes a Town Seal; and

**WHEREAS**, the Town finds it necessary to update the description of the Town Seal to conform to the actual Town Seal; and

**WHEREAS**, Section 93 of Article V of Chapter 7 of the Palisade Municipal Code sets forth provisions requiring annual publication of a notice in the official newspaper of the Town notifying all owners, tenants and/or property managers of real estate that it is their duty to cut the weeds and brush and to remove the same from the real estate; and

**WHEREAS**, the Town finds that notice by publication in the official newspaper of the Town is extraneous; and

**WHEREAS**, the Town finds that posting notice in a conspicuous place at Town Hall will be sufficient and effective; and

**WHEREAS**, Section 12 of Article I of Chapter 6 of the Palisade Municipal Code sets forth provisions making it unlawful for any peddler, solicitor or transient merchant to engage in business or operate within the corporate limits of the Town without first having obtained a license from the Town Clerk; and

**WHEREAS**, recent Colorado court decisions have called into question the enforceability of such provisions which limit door-to-door advocacy by requiring a license; and

**WHEREAS**, the Town finds that the risks associated with enforcement outweigh the benefits of requiring a license; and

**WHEREAS**, Article XI of Chapter 2 of the Palisade Municipal Code sets forth provisions related to the creation of a Community Center Board charged with advising the Town of the operation and maintenance of the community center; and

**WHEREAS**, the Community Center Board intended by the Chapter has been dissolved and the Chapter is no longer pertinent to the operation of the community center; and

**WHEREAS**, the Town may operate the community center without the need for a Community Center Board; and

**WHEREAS**, Article XII of Chapter 2 of the Palisade Municipal Code sets forth provisions related to the creation of a Park and Recreation Advisory Board charged with advising the Town of the operation and maintenance of the Town's recreation programs and facilities; and

**WHEREAS**, the Park and Recreation Advisory Board intended by the Chapter has been dissolved and the Chapter is no longer pertinent to the operation of the Town's recreation programs and facilities; and

**WHEREAS**, the Town may effectively operate and maintain its recreation programs and facilities without the need for a Park and Recreation Advisory Board; and

**WHEREAS**, the Board of Trustees finds and determines that it is in the interest of the Town to update and amend the Palisade Municipal Code accordingly.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO THAT:**

**Section 1.** The foregoing recitals are incorporated herein as if set forth in full.

**Section 2.** Article VII of Chapter 1 of the Palisade Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language deleted~~:

***
Sec. 1-141. - Town seal established and described.

A seal, the impression of which shall be as follows: in the ~~center~~ foreground are two (2) peaches on a branch, and a cluster of grapes next to three rows of crops which lead to a mountain in the background and around the outer edge, the words "Official Seal, Town of Palisade, CO," shall be and is established and declared to be the seal of the Town.

***

**Section 3.** Article I of Chapter 6 of the Palisade Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language deleted~~:

***
~~Sec. 6-12. - Peddler, solicitor and transient merchant license; prohibitions.~~

~~(a) No peddler, solicitor or transient merchant shall engage in business or operate within the corporate limits of the Town without first having obtained a license from the Town Clerk, except as otherwise provided in this Section.~~

~~(b) Applications for a license under this Section shall be filed with the Town Clerk on forms provided therefor. Such applications shall, at a minimum, contain the following information:~~

~~(1) Full name and, if a natural person, physical description and date of birth.~~

~~(2) Permanent and local addresses.~~

~~(3) Brief description of the nature of the business and the goods or services to be sold, solicited or delivered.~~

~~(4) Length of time during which business is to be conducted within the Town.~~

~~(5) Proof of a valid state sales tax license, inclusive of the license number.~~

~~(6) If a vehicle is to be used, a description of the vehicle, including the license plate number and vehicle identification number, and the name and driver's license information for the vehicle operator.~~

~~(7) A statement whether the applicant has been convicted of any crime, including misdemeanors and violations of municipal ordinances, other than traffic violations, including the jurisdiction and nature of the offense and the penalty imposed.~~

~~No license shall be issued under this Section absent the payment of a fee as established by the Board of Trustees.~~

~~(c) Transient merchants participating in a licensed special event need not obtain a separate license as otherwise required under this Section if they have previously registered with the event sponsor.~~

~~(d) Except as may be otherwise allowed for sponsored special events, every individual who is a peddler, solicitor or transient merchant shall be required to make an individual application and obtain a license, which shall be issued in the individual's name. Any license issued to a firm, association or corporation shall include the name of the authorized representative of the firm, association or corporation, and the name of the individual authorized representative shall appear on the application. No license shall be transferable or be used by any person other than the individual whose name appears thereon and, if a firm, association, corporation or other entity is to have more than one (1) representative engaged in business within the Town, then a separate license shall be required for each representative.~~

~~(e) It is unlawful for any peddler, solicitor or transient merchant to go uninvited upon any property, or approach any person upon property, that is posted by a sign that states "No Solicitors or Peddlers," or contains some similar warning or prohibition, or to engage in door-to-door sales or solicitations at private residences between the hours of 8:00 p.m. and 9:00 a.m. on the following day.~~

~~(f) The following persons, organizations or activities shall be exempt from the licensing requirements contained in this Section:~~

~~(1) Self-employed farmers or gardeners that go door to door or from place to place to sell and deliver, or offer for sale and delivery, fruits, vegetables or other agricultural produce grown by them; but excluding roadside or other temporary produce stands.~~

~~(2) Merchants who have acquired a business license and operate within their established business premises or at a licensed special event.~~

~~(3) Organizations or persons engaged in door-to-door political or religious advocacy or religious proselytizing.~~

~~(4) Salespersons or merchants engaged in selling products wholesale or delivering services directly to licensed retail businesses.~~

~~(5) Door-to-door newspaper delivery and persons delivering goods or services to preestablished residential customers pursuant to a regular schedule over a defined and established route.~~

***

**Section 4.** Article V of Chapter 7 of the Palisade Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language deleted~~:

***

Sec. 7-93. - Notice to cut and remove.

(a) The Town Clerk shall ~~publish annually for one (1) or more times a notice in the official newspaper of the Town, at the proper time~~ post in a conspicuous place at Town Hall, notifying all owners, tenants and/or property managers of real estate, without naming them, that it is their duty to cut the weeds and brush and to remove the same, together with the rubbish, from the real estate, within the time specified in said notice; and that in default of such cutting and removal, the work may be done under orders of the Town Clerk and the cost thereof, together with the penalties provided in this Article, would be charged to their real estate; and that the aforementioned owners, tenants and/or property managers are guilty of a misdemeanor and subject to additional penalties for the violation.

***

**Section 5.** Article XI of Chapter 2 of the Palisade Municipal Code is hereby repealed and said Article is "Reserved".

**Section 6.** Article XII of Chapter 2 of the Palisade Municipal Code is hereby repealed and said Article is "Reserved".

**INTRODUCED, READ, PASSED, APPROVED AND ORDERED PUBLISHED BY**

**TITLE**, at the regular meeting of the Board of Trustees of the Town of Palisade, Colorado held on February 9, 2021.

TOWN OF PALISADE, COLORADO

By: _____
Greg Mikolai, Mayor

ATTEST:

_____
Town Clerk

# PALISADE BOARD OF TRUSTEES
## Agenda Item Cover Sheet

**Meeting Date:** February 9, 2021

**Presented By:** Brian Rusche, Community Development Director

**Department:** Planning

**Re:** Land Development Code Text Amendments

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**SUBJECT:** PRO-2021-1 – AN APPLICATION TO AMEND THE LAND DEVELOPMENT CODE, SECTION 6.01 – USE TABLE

**SUMMARY:** Staff has identified changes to the land use table in Section 6.01 of the Land Development Code that would clarify the review of specific land uses. These include hemp growing and processing, marijuana processing and testing (sales are not affected), restaurants that include a drive-through, and gravel pits (of which there are none). These changes are part of an ongoing effort to clarify and refine the Code so that staff can better respond to business inquiries regarding these uses that reflect the desires of the community.

**BOARD DIRECTION:** The proposed text amendment was presented to the Planning Commission on February 2, 2021. The Commission voted unanimously to recommend approval of the proposed changes as written.

Staff is asking the Board of Trustees to review the proposed text amendments to the LDC and make a final decision.

# PRO 2021-1, AN APPLICATION TO AMEND THE LAND DEVELOPMENT CODE, SECTION 6.01 – USE TABLE

## SUMMARY

Staff has identified changes to the land use table in Section 6.01 of the Land Development Code that would clarify the review of specific land uses. These include hemp growing and processing, marijuana processing and testing (sales are not affected), restaurants that include a drive-through, and gravel pits (of which there are none).

The proposed changes would make these uses a Conditional Use in their respective zones, rather than permitted outright, in order to allow for review by the Planning Commission and Board of Trustees. The exception is gravel pits, which would be eliminated as a use within the Town.

It is important to note that this change does not affect any of these uses which may already exist under a previous code and/or approval by the Town. Instead, it is part of an ongoing effort to clarify and refine the Code so that staff can better respond to business inquiries regarding these uses that reflect the desires of the community.

The proposed text amendment was presented to the Planning Commission on February 2, 2021. There was discussion about the role of Conditional Uses and how they are tracked and managed. Ultimately, the Commission voted unanimously to recommend approval of the proposed changes as written.

Staff is asking the Board of Trustees to review the proposed text amendments to the LDC and make a final decision.

**LAND DEVELOPMENT CODE**

**Section 6.01, Use Table:**

The following section, Section 6.01, Use Table, details the allowable uses allowed under the Land Development Code within specified zoning districts. The proposed changes are highlighted in **RED/BOLD TEXT**:

| Table 6.1: Use Table | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Specific Uses Categories | Use Group | AFT | LDR | MDR | HDR | MU | TC | CB | LI | HR | CP | Specific Use Standards |
| School (public or private) | | | | | | | P | P | | | P | Section 7.02B |
| Technical, trade, business school | | | | | | P | P | P | P | | P | |
| Utility, minor* | Pump stations, telephone exchanges, lift stations, electric substation or any similar use. | P | P | P | P | P | P | P | P | P | P | |
| Utility, major* | Water or wastewater treatment plant, water tower, electrical generation plant, wireless telecommunications or transmission facility or any similar use. | C | | | | | | | | | C | |
| Commercial Uses | | | | | | | | | | | | |
| Agriculture, limited* | Orchard, vineyard, row and field crops, floriculture, pasturage, viticulture, tree or sod farm, silviculture; packing house for fruits or vegetables, produce stand; processing of fruits or vegetables or any similar use. | P | | | | | | | | P | | Section 7.03B |
| Amusement center, indoor | | | | | | | P | P | P | P | | |
| Bed and breakfast | | P | C | P | P | P | P | P | | P | | Section 7.03C |
| Brewpub | | | | | | | P | P | P | P | | Section 7.03D |
| Club, private | | | | | C | P | P | P | | | | |
| Distillery | | | | | | | C | P | P | | | Section 7.03D |
| Funeral home | | | | | | | | P | P | | | |
| Gas station with convenience retail | | | | | | | P | P | P | P | | Section 7.03E |
| **Hemp Growing Establishment** | | **C** | | | | | | | **C** | | | Section 7.03F |
| **Hemp Processing Establishment** | | **C** | | | | | | | **C** | | | Section 7.03G |
| Hotel, motel | | | | | | | P | P | P | P | | |
| Indoor recreation* | Amusement or recreational activities carried on wholly within a building, including dance hall, theater, health club or any similar use. | | | | | C | P | P | P | | | |
| Kennels | | C | | | | | | | | | | Section 7.03H |
| Lumberyard, wholesale | | | | | | | | C | P | | | |
| **Medical marijuana center** | | | | | | | C | C | C | **C** | | |
| **Medical marijuana infused products manufacturer center** | | **C** | | | | | C | C | C | **C** | | |
| **Medical Marijuana Optional premises cultivation operation** | | C | | | | | C | C | C | **C** | | Section 7.03L |
| Microbrewery | | | | | | | C | P | P | P | | Section 7.03D |

| Table 6.1: Use Table | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Specific Uses Categories | Use Group | AFT | LDR | MDR | HDR | MU | TC | CB | LI | HR | CP | Specific Use Standards |
| Newspaper publisher | | | | | | P | P | P | P | | | |
| Office, general* | Advertising office; bank; business management consulting; data processing; financial business such as lender, investment or brokerage house; collection agency; real estate or insurance agent; professional service such as lawyer, accountant, bookkeeper, engineer, contractor or architect; sales office, travel agency or any similar use. | | | | C | P | P | P | P | | | |
| Office, medical* | Doctor, dentist, psychiatrist, physician's assistant, nurse practitioner or similar medical use. | | | | | P | P | P | P | | | |
| Outdoor recreation* | Any recreational facility where activity takes place primarily outdoors, including RV parks and campgrounds, miniature golf courses, *motocross tracks,* batting cages, swimming pool, driving range or any similar use. | C | | | | | C | C | P | | | |
| Outdoor storage, general | | | | | | | | | P | | | Section 7.03I |
| Radio or television studio | | | | | | P | P | P | P | | | |
| Recreational club or lodge, private | | | | | | | C | P | | | | Section 7.03J |
| Restaurant | | C | | | C | P | P | P | P | P | | |
| **Restaurant, drive through** | | | | | | | | | **C** | **C** | | |
| Retail, general* | Antiques; art; art supplies; bicycles; building supplies; cameras; carpet and floor coverings; crafts; clothing; computers; dry goods; electronic equipment; fabric; furniture; garden supplies; hardware; household products; jewelry; medical supplies; musical instruments; music; pets; pet supplies; printed materials; sporting goods auto parts (no service repair); plant nursery; plant nursery with landscape supply or any similar use. | | | | | C | P | P | | P | C | |
| Retail Marijuana Cultivation Facility, Contiguous | | C | | | | | C | C | C | C | | Section 7.03M |
| Retail Marijuana Cultivation Facility, Noncontiguous | | C | | | | | C | C | C | C | | Section 7.03M |
| Retail Marijuana Products Manufacturer | | **C** | | | | | C | **C** | **C** | **C** | | Section 7.03M |
| Retail Marijuana Testing Facility | | **C** | | | | | C | **C** | **C** | **C** | | Section 7.03M |

| Table 6.1: Use Table | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Specific Uses Categories | Use Group | AFT | LDR | MDR | HDR | MU | TC | CB | LI | HR | CP | Specific Use Standards |
| Manufacturing, limited* | Bulk mailing service; clothing or textile manufacturing; manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items and electrical items; printing, publishing and lithography; production of artwork and toys; sign-making; building maintenance service; exterminator; movie production facility; photo-finishing laboratory; repair of scientific or professional instruments and electric motors; sheet metal; welding, machine, tool repair shop or studio; woodworking, including cabinet makers and furniture manufacturing or any similar use. | P | | | | | | C | P | | | Section 7.04B |
| Processing of food and related products | | C | | | | | | C | C | | | Section 7.04A |
| ~~Gravel pits~~ | | ~~C~~ | | | | | | | | | | |
| Research & development* | Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private; prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product; pilot plants used to test manufacturing processes planned for use in production elsewhere; production facilities and operations with a high degree of scientific input; facilities and operations in which the input of science, technology, research and other forms of concepts or ideas constitute a major element of the value added by manufacture per unit of product or any similar use. | | | | | | | | C | | | |
| Waste service* | Animal waste processing; landfill, incinerator; manufacture and production of goods from composting organic material; outdoor recycle processing center; outdoor storage of recyclable material, including construction material; transfer station; oil and gas facilities or any similar use. | | | | | | | | C | | C | |

**As set forth in the Use Table, certain uses are grouped together based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers, how goods or services are sold or delivered and likely impact on surrounding properties and site conditions. Grouping uses provides a systematic basis for assigning uses to appropriate base zoning districts. Any use not specifically set forth in this LDC is expressly prohibited, unless determined otherwise as set forth in Section 6.02 below.*

**Section 4.01.E., Text Amendment Approval Criteria**

In evaluating any proposed amendment of the text of the Land Development Code, the following shall be considered:

1. The extent to which the proposed text amendment is consistent with the remainder of the LDC, including, specifically, any purpose and intent statements;

   *The proposed text amendment is consistent with the remainder of the LDC. The text amendments simply convert some uses permitted by right into conditional uses, allowing for additional review by the Planning Commission and Board of Trustees.*

2. The amendment must not adversely affect the public health, safety or general welfare;

   *The proposed text amendment would not adversely affect the public health, safety or general welfare; in fact, it would allow for a greater review of this question on future projects by the Planning Commission and Board of Trustees.*

3. The amendment is necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas affected;

   *The proposed text amendment would address current social values regarding certain uses such as marijuana and hemp and allow input by the Planning Commission and Board of Trustees to reflect the community's desires.*

4. The proposed text amendment revises the LDC to comply with state or federal statutes or case law; or

   *The proposed text amendment does not go against any state or federal statutes or case law.*

5. The proposed text is found to be consistent with the Town's adopted comprehensive plan.

   *The adopted Comprehensive Plan does not address specific allowable uses as this element is left to the Land Development Code. The proposed amendment only changes the type of review required for these uses, except for gravel pits of which there are none currently within town limits.*

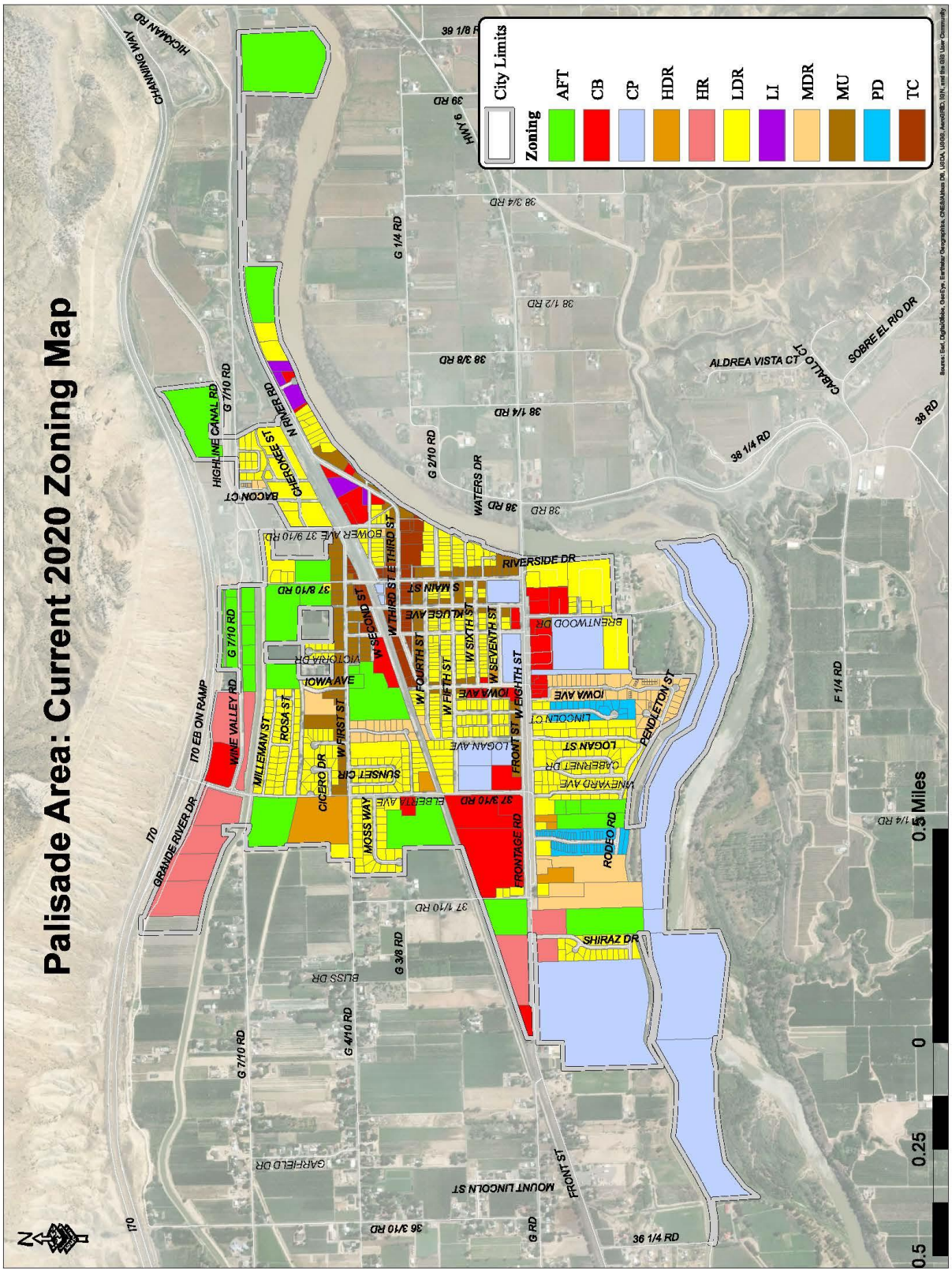
**RECOMMENDATION**

On February 2, 2021, the Planning Commission reviewed the proposed text amendments and **voted unanimously to recommend approval** to the Board of Trustees. Staff is asking the Board of Trustees to review the proposed amendments and associated ordinance and make a final decision based on the above approval criteria.

**ATTACHMENTS**

Palisade Zoning Map

PALISADE ZONING MAP



# ARTICLE 6 USE REGULATIONS

## Section 6.01 Use Table

**A. Permitted**

A "P" indicates that a use is allowed subject to all other applicable regulations of this LDC.

**B. Conditional**

A "C" indicates that a use is allowed only if approved by a conditional use permit in accordance with the procedures of Section 4.07.

**C. Uses Not Allowed**

A blank cell indicates that a use is not allowed.

**D. Specific Use Standards**

The final column titled "Specific Use Standards" contains a cross-reference to standards that apply to specific uses. Where no cross-reference is shown, no additional use standard shall apply.

**Table 6.1: Use Table**

| Specific Uses Categories | Use Group | AFT | LDR | MDR | HDR | MU | TC | CB | LI | HR | CP | Specific Use Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Residential Uses | | | | | | | | | | | | |
| Alley-loaded house | | | P | P | P | P | | | | | | Section 7.01C |
| Group home (8 or more) | | C | C | C | P | P | C | P | | | | Section 7.01J |
| Manufactured home park or subdivision | | | C | C | | | | | | | | Section 7.01I |
| Multifamily | | | | | C | | | | | C | | Section 7.01G |
| Nursing home or assisted living center | | C | | | P | C | P | P | P | | | Section 7.01K |
| Single-family detached | | P | P | P | P | P | | | | | | Section 7.01A |
| Short term vacation rental | | P | P | P | P | P | | | | | | Section 7.01M |
| Townhouse | | | | P | P | P | | | | P | | Section 7.01F |
| Two-family dwelling (duplex) | | | | P | P | P | | | | | | Section 7.01B |
| Upper-story residential | | P | | | | P | P | P | P | P | | Section 7.01H |
| Zero lot line house | | | | P | P | P | | | | | | Section 7.01D |
| Public and Civic Uses | | | | | | | | | | | | |
| Airport, heliport | | | | | | | | | P | | P | |
| Child care center | | | | | C | C | C | P | | P | P | Section 7.02A |
| Civic club | | | | | | P | P | P | P | P | P | |
| Hospital | | | | | | C | C | P | P | | C | |
| Museum, library | | C | | | C | P | P | P | P | P | P | |
| Park, open area* | Tot lot and playgrounds; mini-parks; plazas; squares; greens; neighborhood parks; botanical gardens; nature preserves and recreation trails; areas suitable for concerts, festivals, and special events or any similar use. | P | P | P | P | P | P | P | P | P | P | |
| Place of worship | | P | P | P | P | P | P | P | P | P | P | |
| Public facility | | C | | | | | P | P | P | C | P | |

| Table 6.1: Use Table | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Specific Uses Categories | Use Group | AFT | LDR | MDR | HDR | MU | TC | CB | LI | HR | CP | Specific Use Standards |
| School (public or private) | | | | | | | P | P | | | P | Section 7.02B |
| Technical, trade, business school | | | | | | P | P | P | P | | P | |
| Utility, minor* | Pump stations, telephone exchanges, lift stations, electric substation or any similar use. | P | P | P | P | P | P | P | P | P | P | |
| Utility, major* | Water or wastewater treatment plant, water tower, electrical generation plant, wireless telecommunications or transmission facility or any similar use. | C | | | | | | | | | C | |
| Commercial Uses | | | | | | | | | | | | |
| Agriculture, limited* | Orchard, vineyard, row and field crops, floriculture, pasturage, viticulture, tree or sod farm, silviculture; packing house for fruits or vegetables, produce stand; processing of fruits or vegetables or any similar use. | P | | | | | | | | P | | Section 7.03B |
| Amusement center, indoor | | | | | | | P | P | P | P | | |
| Bed and breakfast | | P | C | P | P | P | P | P | | P | | Section 7.03C |
| Brewpub | | | | | | | P | P | P | P | | Section 7.03D |
| Club, private | | | | | C | P | P | P | | | | |
| Distillery | | | | | | | C | P | P | | | Section 7.03D |
| Funeral home | | | | | | | | P | P | | | |
| Gas station with convenience retail | | | | | | | P | P | P | P | | Section 7.03E |
| **Hemp Growing Establishment** | | **C** | | | | | | | **C** | | | Section 7.03F |
| **Hemp Processing Establishment** | | **C** | | | | | | | **C** | | | Section 7.03G |
| Hotel, motel | | | | | | | P | P | P | P | | |
| Indoor recreation* | Amusement or recreational activities carried on wholly within a building, including dance hall, theater, health club or any similar use. | | | | | C | P | P | P | | | |
| Kennels | | C | | | | | | | | | | Section 7.03H |
| Lumberyard, wholesale | | | | | | | | C | P | | | |
| **Medical marijuana center** | | | | | | | C | C | C | **C** | | |
| **Medical marijuana infused products manufacturer center** | | **C** | | | | | C | C | C | **C** | | |
| **Medical Marijuana Optional premises cultivation operation** | | C | | | | | C | C | C | **C** | | Section 7.03L |
| Microbrewery | | | | | | | C | P | P | P | | Section 7.03D |

| Table 6.1: Use Table | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Specific Uses Categories | Use Group | AFT | LDR | MDR | HDR | MU | TC | CB | LI | HR | CP | Specific Use Standards |
| Newspaper publisher | | | | | | P | P | P | P | | | |
| Office, general* | Advertising office; bank; business management consulting; data processing; financial business such as lender, investment or brokerage house; collection agency; real estate or insurance agent; professional service such as lawyer, accountant, bookkeeper, engineer, contractor or architect; sales office, travel agency or any similar use. | | | | C | P | P | P | P | | | |
| Office, medical* | Doctor, dentist, psychiatrist, physician's assistant, nurse practitioner or similar medical use. | | | | | P | P | P | P | | | |
| Outdoor recreation* | Any recreational facility where activity takes place primarily outdoors, including RV parks and campgrounds, miniature golf courses, *motocross tracks,* batting cages, swimming pool, driving range or any similar use. | C | | | | | C | C | P | | | |
| Outdoor storage, general | | | | | | | | | P | | | Section 7.03I |
| Radio or television studio | | | | | | P | P | P | P | | | |
| Recreational club or lodge, private | | | | | | | C | P | | | | Section 7.03J |
| Restaurant | | C | | | C | P | P | P | P | P | | |
| **Restaurant, drive through** | | | | | | | | | **C** | **C** | | |
| Retail, general* | Antiques; art; art supplies; bicycles; building supplies; cameras; carpet and floor coverings; crafts; clothing; computers; dry goods; electronic equipment; fabric; furniture; garden supplies; hardware; household products; jewelry; medical supplies; musical instruments; music; pets; pet supplies; printed materials; sporting goods auto parts (no service repair); plant nursery; plant nursery with landscape supply or any similar use. | | | | | C | P | P | | P | C | |
| Retail Marijuana Cultivation Facility, Contiguous | | C | | | | | C | C | C | C | | Section 7.03M |
| Retail Marijuana Cultivation Facility, Noncontiguous | | C | | | | | C | C | C | C | | Section 7.03M |
| Retail Marijuana Products Manufacturer | | **C** | | | | | C | **C** | **C** | **C** | | Section 7.03M |
| Retail Marijuana Testing Facility | | **C** | | | | | C | **C** | **C** | **C** | | Section 7.03M |

| Table 6.1: Use Table | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Specific Uses Categories | Use Group | AFT | LDR | MDR | HDR | MU | TC | CB | LI | HR | CP | Specific Use Standards |
| Retail Marijuana Store | | | | | | | C | C | C | C | | Section 7.03M |
| Retail, neighborhood* | Selling, leasing or renting of the following goods: books; health and beauty products; photo finishing; crafts; flowers; gifts or souvenirs; groceries; plants; picture frames; produce; stationery; tobacco; videos or any similar use. Also includes preparation and sale of baked goods, coffee, ice cream, fountain drinks, confections and similar products whose preparation does not require installation of an exhaust hood. | | | C | C | P | P | P | | P | C | |
| Self-storage facility | | | | | | | | C | P | | | |
| Service, general* | Personal services that include: animal grooming; dance, martial arts, photographic, music studio or classroom; photocopy, blueprint, quick-sign service; tattoo parlor; security service; catering service or any similar use. General services shall also include the following repair services: bicycles; mopeds; canvas products; clocks; computers; jewelry; musical instruments; office equipment; radios; shoes; televisions; furniture; watches or any similar use. Also includes a tailor, milliner, upholsterer or locksmith | | | | | | | P | P | | | |
| Service, neighborhood* | Personal care services such as hair, nail, tanning, massage therapy or any similar use. | | | | C | P | P | P | | P | | |
| Sexually oriented business | | | | | | | | | C | | | |
| Tasting room | | P | | | C | P | P | P | P | P | | |
| Tattoo parlor | | | | | | | P | P | P | | | |
| Vehicle sales* | A facility involved in providing direct sales, renting or leasing of motor vehicles, light and medium trucks, tractor trailers, recreational vehicles, earthmoving equipment; construction equipment; farming equipment; and other consumer motor vehicles such as motorcycles and boats or any similar use. | | | | | | | P | P | | | |
| Vehicle service, heavy* | Repair services or auto body work to tractor trailers, recreational vehicles, earthmoving equipment; construction equipment; farming equipment or any similar use. | C | | | | | | C | P | | | |

| Table 6.1: Use Table | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Specific Uses Categories | Use Group | AFT | LDR | MDR | HDR | MU | TC | CB | LI | HR | CP | Specific Use Standards |
| Vehicle service, passenger | Service to passenger vehicles and other small consumer vehicles such as: alignment shop; quick lubrication facilities; brake service, battery sales and installation; outdoor car wash; auto detailing, tire sales and mounting or any similar use. | C | | | | | C | P | P | | | |
| Veterinarian, animal hospital | | C | | | | | C | C | C | | | Section 7.03K |
| Warehouse/freight movement* | Bulk storage, including nonflammable liquids, feed and grain storage; cold storage plants, including frozen food lockers; household moving and general freight storage; separate warehouse used by retail store such as furniture or appliance store; bus barn; parcel services, mail order facility; transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred or any similar use. | | | | | | | P | P | | | |
| Wholesale storage and/or sales | | | | | | | C | P | P | | | |
| Winery | | P | | | | | C | P | P | P | | Section 7.03D |
| Industrial Uses | | | | | | | | | | | | |
| Crematorium | | | | | | | | C | C | | | |
| Main line railroad facilities, shed, yards | | | | | | | P | P | | | | |
| Manufacturing, general* | Bulk mailing service; clothing or textile manufacturing; manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items and electrical items, printing, publishing and lithography; production of artwork and toys; sign-making; building maintenance service; exterminator; movie production facility; laundry or dry cleaning plant; photo-finishing laboratory; repair of scientific or professional instruments and electric motors; sheet metal; welding, machine, tool repair shop or studio; woodworking, including cabinet makers and furniture manufacturing or any similar use. | | | | | | | | P | | | |

| Table 6.1: Use Table | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Specific Uses Categories | Use Group | AFT | LDR | MDR | HDR | MU | TC | CB | LI | HR | CP | Specific Use Standards |
| Manufacturing, limited* | Bulk mailing service; clothing or textile manufacturing; manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items and electrical items; printing, publishing and lithography; production of artwork and toys; sign-making; building maintenance service; exterminator; movie production facility; photo-finishing laboratory; repair of scientific or professional instruments and electric motors; sheet metal; welding, machine, tool repair shop or studio; woodworking, including cabinet makers and furniture manufacturing or any similar use. | P | | | | | | C | P | | | Section 7.04B |
| Processing of food and related products | | C | | | | | | C | C | | | Section 7.04A |
| ~~Gravel pits~~ | | ~~C~~ | | | | | | | | | | |
| Research & development* | Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private; prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product; pilot plants used to test manufacturing processes planned for use in production elsewhere; production facilities and operations with a high degree of scientific input; facilities and operations in which the input of science, technology, research and other forms of concepts or ideas constitute a major element of the value added by manufacture per unit of product or any similar use. | | | | | | | | C | | | |
| Waste service* | Animal waste processing; landfill, incinerator; manufacture and production of goods from composting organic material; outdoor recycle processing center; outdoor storage of recyclable material, including construction material; transfer station; oil and gas facilities or any similar use. | | | | | | | | C | | C | |

**As set forth in the Use Table, certain uses are grouped together based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers, how goods or services are sold or delivered and likely impact on surrounding properties and site conditions. Grouping uses provides a systematic basis for assigning uses to appropriate base zoning districts. Any use not specifically set forth in this LDC is expressly prohibited, unless determined otherwise as set forth in Section 6.02 below.*

**TOWN OF PALISADE, COLORADO**
**ORDINANCE NO. 2021-03**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO AMENDING LAND DEVELOPMENT CODE SECTION 6.01 USE TABLE AMENDING THE TOWN'S REVIEW OF APPLICATIONS FOR HEMP GROWING AND PROCESSING, MARIJUANA PROCESSING AND TESTING (NOT SALES), RESTAURANTS THAT INCLUDE A DRIVE-THROUGH, AND GRAVEL PITS.**

**WHEREAS**, pursuant to Section 31-23-305, C.R.S., the Board of Trustees may adopt, alter or amend zoning and regulations; and

**WHEREAS**, the Palisade Board of Trustees desires to amend the Land Development Code section 6.01 Use Table to amend the review of applications for hemp growing and processing, marijuana processing and testing (sales are not affected), restaurants that include a drive-through, and gravel pits; and

**WHEREAS**, the Town's Planning Commission has recommended to the Board of Trustees that the amendments to the Land Development Code contained in this Ordinance be adopted; and

**WHEREAS**, in accordance with Sections 3.02 and 4.01 of the Land Development Code, and Section 31-23-306, C.R.S., on February 2, 2021 a public hearing was held before the Planning Commission to consider a recommendation of an amendment of the Land Development Code to the Board of Trustees as set forth herein, following public notice as required by law; and

**WHEREAS**, in accordance with Sections 3.02 and 4.01 of the Land Development Code, and Section 31-23-304, C.R.S., on February 9, 2021 a public hearing was held before the Board of Trustees to consider the amendment of the Land Development Code as set forth herein, following public notice as required by law; and

**WHEREAS**, the Board of Trustees finds and determines that the amendments to the Land Development Code, as contained herein, are necessary and designed for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town of Palisade and are consistent with the Town's Comprehensive Plan and the Town's other goals, policies and plans.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO:**

**Section 1**. The foregoing recitals are incorporated herein as if set forth in full.

**Section 2**. Land Development Code Section 6.01 Use Table is hereby amended as follows with **red bold language**:

| Table 6.1: Use Table | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Specific Uses Categories | Use Group | AFT | LDR | MDR | HDR | MU | TC | CB | LI | HR | CP | Specific Use Standards |
| School (public or private) | | | | | | | P | P | | | P | Section 7.02B |
| Technical, trade, business school | | | | | | P | P | P | P | | P | |
| Utility, minor* | Pump stations, telephone exchanges, lift stations, electric substation or any similar use. | P | P | P | P | P | P | P | P | P | P | |
| Utility, major* | Water or wastewater treatment plant, water tower, electrical generation plant, wireless telecommunications or transmission facility or any similar use. | C | | | | | | | | | C | |
| Commercial Uses | | | | | | | | | | | | |
| Agriculture, limited* | Orchard, vineyard, row and field crops, floriculture, pasturage, viticulture, tree or sod farm, silviculture; packing house for fruits or vegetables, produce stand; processing of fruits or vegetables or any similar use. | P | | | | | | | | P | | Section 7.03B |
| Amusement center, indoor | | | | | | | P | P | P | P | | |
| Bed and breakfast | | P | C | P | P | P | P | P | | P | | Section 7.03C |
| Brewpub | | | | | | | P | P | P | P | | Section 7.03D |
| Club, private | | | | | C | P | P | P | | | | |
| Distillery | | | | | | | C | P | P | | | Section 7.03D |
| Funeral home | | | | | | | | P | P | | | |
| Gas station with convenience retail | | | | | | | P | P | P | P | | Section 7.03E |
| **Hemp Growing Establishment** | | **C** | | | | | | | **C** | | | Section 7.03F |
| **Hemp Processing Establishment** | | **C** | | | | | | | **C** | | | Section 7.03G |
| Hotel, motel | | | | | | | P | P | P | P | | |
| Indoor recreation* | Amusement or recreational activities carried on wholly within a building, including dance hall, theater, health club or any similar use. | | | | | C | P | P | P | | | |
| Kennels | | C | | | | | | | | | | Section 7.03H |
| Lumberyard, wholesale | | | | | | | | C | P | | | |
| **Medical marijuana center** | | | | | | | C | C | C | **C** | | |
| **Medical marijuana infused products manufacturer center** | | **C** | | | | | C | C | C | **C** | | |
| **Medical Marijuana Optional premises cultivation operation** | | C | | | | | C | C | C | **C** | | Section 7.03L |
| Microbrewery | | | | | | | C | P | P | P | | Section 7.03D |

| Table 6.1: Use Table | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Specific Uses Categories | Use Group | AFT | LDR | MDR | HDR | MU | TC | CB | LI | HR | CP | Specific Use Standards |
| Newspaper publisher | | | | | | P | P | P | P | | | |
| Office, general* | Advertising office; bank; business management consulting; data processing; financial business such as lender, investment or brokerage house; collection agency; real estate or insurance agent; professional service such as lawyer, accountant, bookkeeper, engineer, contractor or architect; sales office, travel agency or any similar use. | | | | C | P | P | P | P | | | |
| Office, medical* | Doctor, dentist, psychiatrist, physician's assistant, nurse practitioner or similar medical use. | | | | | P | P | P | P | | | |
| Outdoor recreation* | Any recreational facility where activity takes place primarily outdoors, including RV parks and campgrounds, miniature golf courses, *motocross tracks*, batting cages, swimming pool, driving range or any similar use. | C | | | | | C | C | P | | | |
| Outdoor storage, general | | | | | | | | | P | | | Section 7.03I |
| Radio or television studio | | | | | | P | P | P | P | | | |
| Recreational club or lodge, private | | | | | | | C | P | | | | Section 7.03J |
| Restaurant | | C | | | C | P | P | P | P | P | | |
| **Restaurant, drive through** | | | | | | | | | **C** | **C** | | |
| Retail, general* | Antiques; art; art supplies; bicycles; building supplies; cameras; carpet and floor coverings; crafts; clothing; computers; dry goods; electronic equipment; fabric; furniture; garden supplies; hardware; household products; jewelry; medical supplies; musical instruments; music; pets; pet supplies; printed materials; sporting goods auto parts (no service repair); plant nursery; plant nursery with landscape supply or any similar use. | | | | | C | P | P | | P | C | |
| Retail Marijuana Cultivation Facility, Contiguous | | C | | | | | C | C | C | C | | Section 7.03M |
| Retail Marijuana Cultivation Facility, Noncontiguous | | C | | | | | C | C | C | C | | Section 7.03M |
| Retail Marijuana Products Manufacturer | | **C** | | | | | C | **C** | **C** | **C** | | Section 7.03M |
| Retail Marijuana Testing Facility | | **C** | | | | | C | **C** | **C** | **C** | | Section 7.03M |

| Table 6.1: Use Table | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Specific Uses Categories | Use Group | AFT | LDR | MDR | HDR | MU | TC | CB | LI | HR | CP | Specific Use Standards |
| Manufacturing, limited* | Bulk mailing service; clothing or textile manufacturing; manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items and electrical items; printing, publishing and lithography; production of artwork and toys; sign-making; building maintenance service; exterminator; movie production facility; photo-finishing laboratory; repair of scientific or professional instruments and electric motors; sheet metal; welding, machine, tool repair shop or studio; woodworking, including cabinet makers and furniture manufacturing or any similar use. | P | | | | | | C | P | | | Section 7.04B |
| Processing of food and related products | | C | | | | | | C | C | | | Section 7.04A |
| ~~Gravel pits~~ | | ~~C~~ | | | | | | | | | | |
| Research & development* | Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private; prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product; pilot plants used to test manufacturing processes planned for use in production elsewhere; production facilities and operations with a high degree of scientific input; facilities and operations in which the input of science, technology, research and other forms of concepts or ideas constitute a major element of the value added by manufacture per unit of product or any similar use. | | | | | | | | C | | | |
| Waste service* | Animal waste processing; landfill, incinerator; manufacture and production of goods from composting organic material; outdoor recycle processing center; outdoor storage of recyclable material, including construction material; transfer station; oil and gas facilities or any similar use. | | | | | | | | C | | C | |

**As set forth in the Use Table, certain uses are grouped together based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers, how goods or services are sold or delivered and likely impact on surrounding properties and site conditions. Grouping uses provides a systematic basis for assigning uses to appropriate base zoning districts. Any use not specifically set forth in this LDC is expressly prohibited, unless determined otherwise as set forth in Section 6.02 below.*

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED** at a regular meeting of the Board of the Trustees of the Town of Palisade, Colorado, held on February 9, 2021.

TOWN OF PALISADE, COLORADO

By: _____
Greg Mikolai, Mayor

ATTEST:

_____
Town Clerk

Karp.Neu.Hanlon PC
ATTORNEYS AT LAW
www.mountainlawfirm.com

*Glenwood Springs – Main Office*
201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602

*Aspen*
323 W. Main Street
Suite 301
Aspen, CO 81611

*Montrose*
1544 Oxbow Drive
Suite 224
Montrose, CO 81402

James S. Neu
*Partner/Shareholder*

jsn@mountainlawfirm.com
Direct: 970.928.2121
Office: 970.945.2261
Fax: 970.945.7336
***Direct Mail to Glenwood Springs***

TO: Palisade Board of Trustees

FROM: Karp Neu Hanlon, P.C.

RE: Ordinance No. 2021-02 Extending the Moratorium on the Issuance of Additional Retail Marijuana Store Licenses

DATE: February 3, 2021

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In October 2017 the Town held a lottery pursuant to Section 6-108 of the Town Code for applicants desiring retail marijuana store licenses in the Town. Two licenses were available. The lottery awarded priorities to two applicants ("Priority Applicants"), one for resident applicants and one for out of town applicants. Other sufficient applications were submitted and awarded inferior priorities to obtain retail marijuana store licenses at the October 2017 lottery ("Inferior Applicants"). The out of town Priority Applicant, The Happy Camper, has been issued a license and is open for business.

By Ordinance No. 2019-10, the Town adopted certain requirements for Priority Applicants to meet to maintain a priority. If a Priority Applicant did not meet the deadlines set forth in the Ordinance, the next resident Inferior Applicant moved up and become a Priority Applicant. In the event no Priority Applicant met the requirements of the Town's ordinances and Code, and no further Inferior Applicants remained in line, the Board of Trustees needs to determine how it wants to proceed in accepting applications and modernize the Town's Marijuana Code. Ordinance No. 2019-12 enacted a temporary moratorium to allow the Board to do that if that situation arose.

On September 22, 2020, the last resident Priority Applicant, Drift 6, was denied a Conditional Use Permit and failed to meet the requirements of the Code for a license. Therefore, the moratorium established by Ordinance No. 2019-12 commenced and remains in place until March 22, 2021.

Ordinance No. 2021-02 before you tonight extends the moratorium until September 30, 2021 to ensure the Town has enough time to review its Marijuana Code for updates. This moratorium does not have to remain in effect that long and once a new Marijuana Code is enacted, the Town can remove the moratorium to operate under the provisions then adopted. The moratorium only prohibits the acceptance of applications for additional retail marijuana store licenses and does not apply to any license applications from the two existing retail marijuana store licenses currently issued by the Town. This Ordinance gives the Town the breathing room it needs to enact thoughtful legislation.

**TOWN OF PALISADE, COLORADO**
**ORDINANCE NO. 2021-02**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO, EXTENDING THE TEMPORARY MORATORIUM ON THE ISSUANCE OF ADDITIONAL RETAIL MARIJUANA STORE LICENSES.**

**WHEREAS**, the Town of Palisade ("Palisade" or the "Town") is a Colorado municipality organized pursuant to Title 31 of the Colorado Revised Statutes and with the authority set forth therein; and

**WHEREAS**, pursuant to Article XVIII, Sections 14 and 16 of the Colorado Constitution, the cultivation and use of medical and retail marijuana has been authorized within the State of Colorado subject to state regulation and the right of local control; and

**WHEREAS**, pursuant to Section 31-15-401, C.R.S., the Town has broad authority to exercise its police powers to promote the health, safety and welfare of the community and its residents; and

**WHEREAS**, the Town has set forth criteria for the administration and regulation of permitted classes of medical and retail marijuana businesses in the Town in Articles IV and V of Chapter 6 of the Palisade Municipal Code ("Town Code"); and

**WHEREAS**, the Town adopted and amended a limitation of retail marijuana store licenses, codified at Section 6-105 of the Town Code, and a lottery that awards priority to obtain a retail marijuana store license ("Priority"), codified at Town Code Section 6-108; and

**WHEREAS**, on October 11, 2017 the Town did hold a lottery of pursuant to Section 6-108 of the Town Code and did award such Priorities to two sufficient applicants ("Priority Applicants"); and

**WHEREAS**, other sufficient applications were submitted and awarded inferior priorities to obtain retail marijuana store licenses at the October 11, 2017 lottery ("Inferior Applicants"); and

**WHEREAS**, by Ordinance No. 19, Series 2018 the Town gave pending Priority Applicants up to and including June 30, 2019 to come into compliance with Town Code Section 6-114 of the Town Code after which said Priorities will pass to the eligible highest priority Inferior Applicant that participated in the October 11, 2017 lottery; and

**WHEREAS**, by Ordinance No. 10, Series of 2019 the Town adopted certain requirements for Priority Applicants to meet to maintain a Priority; and

**WHEREAS**, by Ordinance No. 12, Series of 2019, the Board of Trustees found that in the event no Priority Applicant received a license and a license became available, the Town would need to analyze its policy and amend the Palisade Municipal Code accordingly, and the Board of Trustees enacted a temporary moratorium on the acceptance of applications of additional retail

marijuana store licenses to allow it to do so, which moratorium became effective September 22, 2020 for six months; and

**WHEREAS**, the Board of Trustees finds it needs additional time to analyze its policy and amend the Palisade Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO THAT:**

**Section 1.** The foregoing recitals are incorporated herein as if set forth in full.

**Section 2.** The Town of Palisade extends the temporary moratorium on the acceptance, processing and approval of any applications for additional retail marijuana store licenses until September 30, 2021; provided, however, this moratorium does not apply to any license applications from the two existing retail marijuana store licenses currently issued by the Town.

**Section 3.** If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Board of Trustees hereby declares it would have passed this Ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

**INTRODUCED, READ, PASSED, APPROVED AND ORDERED PUBLISHED BY TITLE**, at the regular meeting of the Board of Trustees of the Town of Palisade, Colorado held on February 9, 2021.

TOWN OF PALISADE, COLORADO

By: _____
Greg Mikolai, Mayor

ATTEST:

_____
Keli Frasier, Town Clerk

# PALISADE BOARD OF TRUSTEES
## Agenda Item Cover Sheet

**Meeting Date:** **2.9.2021**

**Presented By:** Janet Hawkinson, Town Manager

Troy Ward, Parks & Events Director

**Re:** Purchase Water Rights from GVIC (Grand Valley Irrigation Company) to install additional irrigation for watering trees on the west side of Riverbend Park and complete Headgate Agreements

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**SUBJECT:** The Town recognizes that the aging native cottonwood trees in Riverbend Park make the park a great place, and an effort to plant trees for the future has begun. In order to extend tree planting of the native trees, additional drip irrigation is needed on the west end of the park. To obtain irrigation water to the park a headgate from the canal will be added to allow water into the west pond. From there, irrigation water will be used to water future trees with drip irrigation.

The Town presently owns 15 AB shares that are used to water the east side of the park and the lawns. An additional 14 AB needs to be purchased this fall for the ability to water trees on the west side of the park through drip irrigation. These water shares are sold at an auction in the fall, and the cost is estimated to be from $580 – $650.00 an acre-foot. The approval of the headgate agreement will include the purchase of 14 AB, totaling around $8,120.00 - $9,100.00.

Attached are 2 Headgate Agreements. One is for the new west Headgate and water shares. The second Headgate Agreement, ML003-C, is "clean-up" work. A headgate agreement was never put in place for the water received in the west pond that waters the park. The Town already owns the 15 AB shares. This second Headgate Agreement with GVIC is to clean up the lack of documents.

**BOARD DIRECTION:**

*Give the Town Manager direction to enter into the 2 Headgate Agreements with the Grand Valley Irrigation Company: ML002-D and ML003 -C and to purchase an additional 14 AB shares.*

# HEADGATE AGREEMENT

Headgate No.__ML002-D_____

THIS HEADGATE AGREEMENT (Agreement) is entered into this _____day of _____, 2021 by and between Grand Valley Irrigation Company, a Colorado non-profit mutual ditch corporation organized under the laws of the state of Colorado (GVIC), and The Town of Palisade (a Colorado Salutary town) Who's mailing address is 175 East Third St, P.O. Box 128, Palisade Colorado 81526

See attached assessors map for Property identification as Parcel # 2941-032-00-179
East Irrigation pond area 9 acres and future 12 acres area.

GVIC and Shareholder agree as follows:

1. Installation of Headgate. GVIC shall provide all labor and material that is reasonable or necessary to install a headgate (Headgate) for the delivery of the Shareholder's GVIC shares of water to the property above identified (Property). The Headgate shall be designated as Headgate No. _ML002-D_____. GVIC shall be solely responsible for all designs and means, methods and sequence of installation of the Headgate.

2. Use of Headgate. The Headgate shall be used in a nonexclusive manner between the Shareholder and such other persons as GVIC may designate for the shared use of the Headgate from time to time. Shareholder agrees that the Headgate shall be the only point of delivery of irrigation water to the Property notwithstanding any subdivision, sale or other change in the use, configuration or ownership of the Property including conflicts with other property owners or users of the Headgate.

3. Number of Shares. The Headgate is assigned a minimum delivery of _14_ AB shares. Each and every year hereafter, such shares must be paid for and ordered out of the Headgate, unless otherwise approved in writing by GVIC. If for three consecutive years, Shareholder fail to pay for and order out the specified minimum numbers of shares set forth above, or such other number of shares approved in writing by GVIC, GVIC, at its sole discretion, may remove the headgate installation without notice to the Shareholder or liability for the removal of the same.

4. Ownership, Control and Jurisdiction. Shareholder acknowledges and agrees that GVIC is the sole and exclusive owner of the Headgate with the sole and exclusive control and jurisdiction over the same. GVIC shall have the exclusive right and authority over the installation, administration, and management of the Headgate as a part of the GVIC water delivery system including, but not limited to, the operation, maintenance and repair of the Headgate and the adoption, amendment or repeal of rules, regulations and policies for the administration and management of the same. Shareholder agrees that this Agreement shall be subject to and construed in accordance with such present and future rules, regulations and policies.

5. Use of Water. Shareholder agrees to use the water delivered to the Headgate in accordance with the laws of the state of Colorado in order to prevent injury or damage to their property or adjoining properties, including GVIC's right-of-way and canals. Shareholder shall not cause or permit any additional outlet structure of any type to be installed or maintained in the GVIC water delivery system serving the Property without GVIC's express written consent.

6. Indemnification. Shareholder agrees to indemnify and hold harmless GVIC from any claim, loss, or liability threatened or asserted against GVIC arising from or in connection with, or caused by, Shareholder's use of the Headgate, including claims for bodily injury, death, property damage or mechanics' liens. Such indemnity shall include costs and attorneys' fees reasonably incurred for the purpose of investigating, negotiating, settling, comprising or litigating any such claim.

7. General Provisions.

a. This Agreement constitutes the entire understanding and agreement of the parties with respect to the subject matter of this Agreement, and shall supersede all prior understandings and agreements of the parties, whether written or oral, regarding the subject matter of this Agreement.

b. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon the parties and their heirs, successors, assigns, legal representatives, agents, employees, guests and invitees.

c. One share of GVIC water equals 4.6gallons per minute. Colorado Water Law applies to the water delivered to and from the Property.

d. TITLE 37.
WATER AND IRRIGATION WATER RIGHTS AND IRRIGATION
ARTICLE 84. RESPONSIBILITY OF USER OR OWNER

C.R.S.A. § 37-84-124 (2016) Amount of water taken

It is the duty of every person who is entitled to take water for irrigation purposes from any ditch, canal, or reservoir to see that he receives no more water from such ditch, canal, or reservoir through his headgate, or by any ways or means whatsoever, than the amount to which he is entitled. At all times, such person shall take every precaution to prevent more water than the amount to which he is entitled from such ditch, canal, or reservoir from coming upon his land.

C.R.S.A. § 37-84-125 (2016) . Receipt of too much water

It is the duty of every such person, taking water from any ditch, canal, reservoir, to be used for irrigation purposes, on finding that he is receiving more water from such ditch, canal, or reservoir, either through his Headgate or by means of leaks, or by any means whatsoever, immediately to take steps to prevent his further receiving more water from such ditch, canal, or reservoir than the amount to which he is entitled. If knowingly he permits such extra water to come upon his land from such ditch, canal, or reservoir, and does not immediately notify the owners of such ditch or take steps to prevent its further flowing upon his land, he shall be liable to any person, company, or corporation who may be injured by such extra appropriation of water, for the actual damage sustained by the party aggrieved. The damages shall be adjudged to be paid, together with the costs of suit, and a reasonable attorney's fee to be fixed by the court and taxed with the costs.

e. GVIC water right is a direct flow right and not a storage right.

f. Shareholder will be responsible for irrigation water flow measuring type devices and weir structures (i.e. flow meter, sharp crested weirs) and their appurtenances properly set and calibrated and must be kept in full, correct operational condition at all times per design plans and specifications.

REMARKS: Shareholder will be responsible for all cost incurred by GVIC for all labor, equipment and materials that are reasonable or necessary to install the above stated Headgate.

GRAND VALLEY IRRIGATION COMPANY

ACKNOWLEDGEMENT

DATED this _____day of _____, 2021

_____

_____

STATE OF COLORADO )
) ss.
COUNTY OF MESA )

The foregoing instrument was acknowledged before me this _____day of _____, 2021,

Witnesss my hand and official seal.
My commission expires:_____.

_____
Notary Public

GRAND VALLEY IRRIGATION COMPANY

By_____
Phil Bertrand Superintendent

STATE OF COLORADO )
) ss.
COUNTY OF MESA )

The foregoing instrument was acknowledged before me this _____day of _____, 2021,

Witnesss my hand and official seal.
My commission expires:_____.

# TOWN OF PALISADE HEADGATE SERVICE AREA ML 2-D

# HEADGATE AGREEMENT

Headgate No.____ML003-C_____

THIS HEADGATE AGREEMENT (Agreement) is entered into this _____day of _____, 2021 by and between Grand Valley Irrigation Company, a Colorado non-profit mutual ditch corporation organized under the laws of the state of Colorado (GVIC), and The town of Palisdae ( a Colorado Statuary Town ) , who's mailing address is 175 East Third St. P.O. Box 128 Palisade, Colorado 81526

See attached assessors map for Property identification as Parcel # 2941-041-00-171 (2941-041-00-172) (2941-032-00-179) (2941-032-00-180) (2941-032-00-181) (2941-032-00-182) 2941-032-21-033 area.

GVIC and Shareholder agree as follows:

1. Installation of Headgate. GVIC shall provide all labor and material that is reasonable or necessary to install a headgate (Headgate) for the delivery of the Shareholder's GVIC shares of water to the property above identified (Property). The Headgate shall be designated as Headgate No. ML003-C. GVIC shall be solely responsible for all designs and means, methods and sequence of installation of the Headgate.

2. Use of Headgate. The Headgate shall be used in a nonexclusive manner between the Shareholder and such other persons as GVIC may designate for the shared use of the Headgate from time to time. Shareholder agrees that the Headgate shall be the only point of delivery of irrigation water to the Property notwithstanding any subdivision, sale or other change in the use, configuration or ownership of the Property including conflicts with other property owners or users of the Headgate.

3. Number of Shares. The Headgate is assigned a minimum delivery of 15 AB shares. Each and every year hereafter, such shares must be paid for and ordered out of the Headgate, unless otherwise approved in writing by GVIC. If for three consecutive years, Shareholder fail to pay for and order out the specified minimum numbers of shares set forth above, or such other number of shares approved in writing by GVIC, GVIC, at its sole discretion, may remove the headgate installation without notice to the Shareholder or liability for the removal of the same.

4. Ownership, Control and Jurisdiction. Shareholder acknowledges and agrees that GVIC is the sole and exclusive owner of the Headgate with the sole and exclusive control and jurisdiction over the same. GVIC shall have the exclusive right and authority over the installation, administration, and management of the Headgate as a part of the GVIC water delivery system including, but not limited to, the operation, maintenance and repair of the Headgate and the adoption, amendment or repeal of rules, regulations and policies for the administration and management of the same. Shareholder agrees that this Agreement shall be subject to and construed in accordance with such present and future rules, regulations and policies.

5. Use of Water. Shareholder agrees to use the water delivered to the Headgate in accordance with the laws of the state of Colorado in order to prevent injury or damage to their property or adjoining properties, including GVIC's right-of-way and canals. Shareholder shall not cause or permit any additional outlet structure of any type to be installed or maintained in the GVIC water delivery system serving the Property without GVIC's express written consent.

6. Indemnification. Shareholder agrees to indemnify and hold harmless GVIC from any claim, loss, or liability threatened or asserted against GVIC arising from or in connection with, or caused by, Shareholder's use of the Headgate, including claims for bodily injury, death, property damage or mechanics' liens. Such indemnity shall include costs and attorneys' fees reasonably incurred for the purpose of investigating, negotiating, settling, comprising or litigating any such claim.

7. General Provisions.

a. This Agreement constitutes the entire understanding and agreement of the parties with respect to the subject matter of this Agreement, and shall supersede all prior understandings and agreements of the parties, whether written or oral, regarding the subject matter of this Agreement.

b. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon the parties and their heirs, successors, assigns, legal representatives, agents, employees, guests and invitees.

c. One share of GVIC water equals 4.6gallons per minute. Colorado Water Law applies to the water delivered to and from the Property.

d. TITLE 37.
WATER AND IRRIGATION WATER RIGHTS AND IRRIGATION
ARTICLE 84. RESPONSIBILITY OF USER OR OWNER

C.R.S.A. § 37-84-124 (2016) Amount of water taken

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C.R.S.A. § 37-84-125 (2016) . Receipt of too much water

It is the duty of every such person, taking water from any ditch, canal, reservoir, to be used for irrigation purposes, on finding that he is receiving more water from such ditch, canal, or reservoir, either through his Headgate or by means of leaks, or by any means whatsoever, immediately to take steps to prevent his further receiving more water from such ditch, canal, or reservoir than the amount to which he is entitled. If knowingly he permits such extra water to come upon his land from such ditch, canal, or reservoir, and does not immediately notify the owners of such ditch or take steps to prevent its further flowing upon his land, he shall be liable to any person, company, or corporation who may be injured by such extra appropriation of water, for the actual damage sustained by the party aggrieved. The damages shall be adjudged to be paid, together with the costs of suit, and a reasonable attorney's fee to be fixed by the court and taxed with the costs.

e. GVIC water right is a direct flow right and not a storage right.

f. Shareholder will be responsible for irrigation water flow measuring type devices and weir structures (i.e. flow meter, sharp crested weirs) and their appurtenances properly set and calibrated and must be kept in full, correct operational condition at all times per design plans and specifications.

REMARKS: Shareholder will be responsible for all cost incurred by GVIC for all labor, equipment and materials that are reasonable or necessary to install the above stated Headgate.

GRAND VALLEY IRRIGATION COMPANY

ACKNOWLEDGEMENT

DATED this _____day of _____, 2021

_____

_____

STATE OF COLORADO )
) ss.
COUNTY OF MESA )

The foregoing instrument was acknowledged before me this _____day of _____, 2021,

Witnesss my hand and official seal.
My commission expires:_____.

_____
Notary Public

GRAND VALLEY IRRIGATION COMPANY

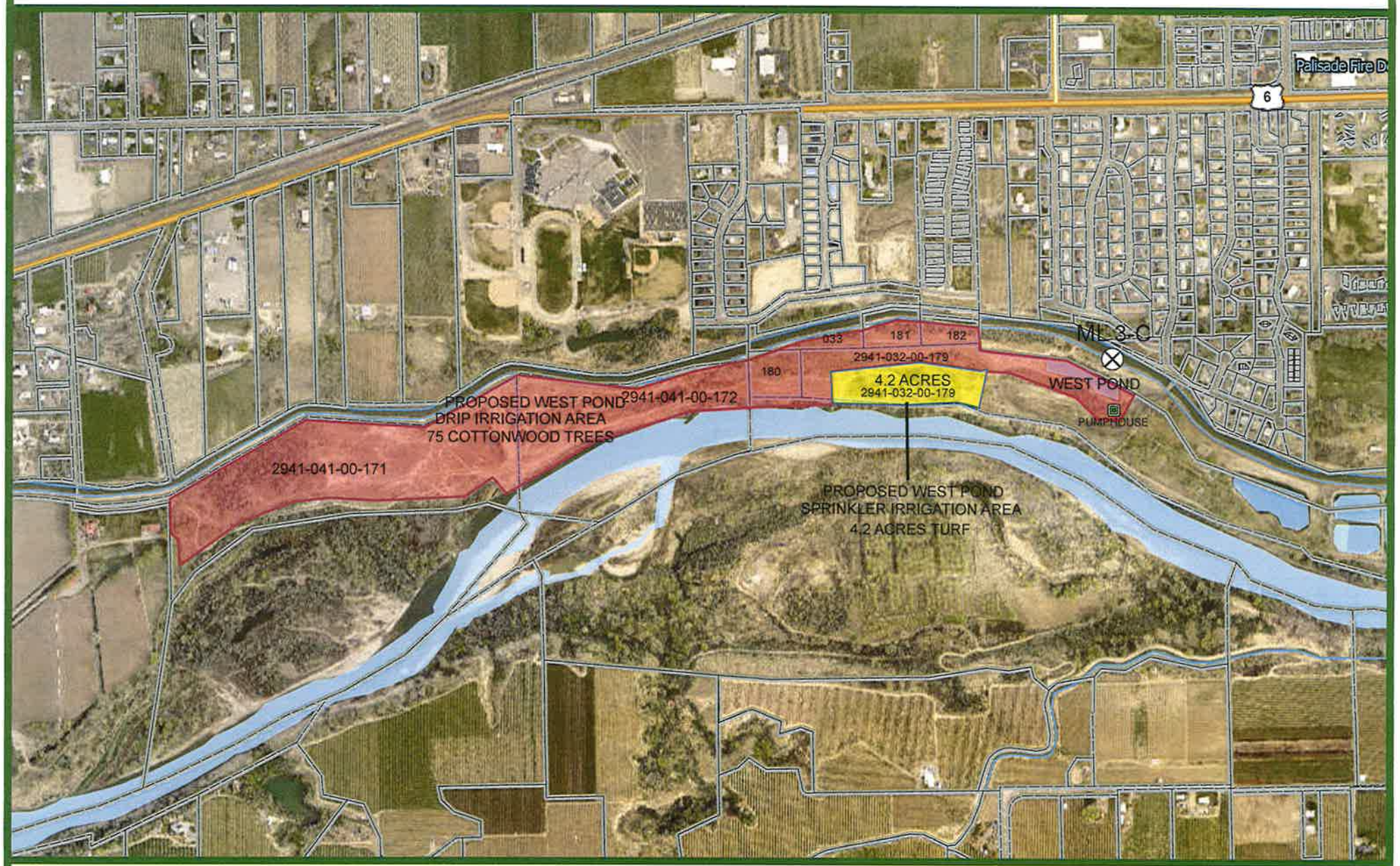
By_____
Phil Bertrand Superintendent

STATE OF COLORADO )
) ss.
COUNTY OF MESA )

The foregoing instrument was acknowledged before me this _____day of _____, 2021,

Witnesss my hand and official seal.
My commission expires:_____.

# TOWN OF PALISADE HEADGATE SERVICE AREA ML 3-C




N

0 0.25 0.5 mi

Printed: 1/12/2021

1 inch equals 752 feet

Scale: 1:9,028

CITY OF Grand Junction COLORADO

GEOGRAPHIC INFORMATION SYSTEM