



**AGENDA**  
**for the Board of Trustees**  
**of the Town of Palisade, Colorado**  
**341 W 7<sup>th</sup> Street (Palisade Civic Center)**

**March 22, 2022**

**6:00 pm Regular Meeting**

**A live stream of the meeting may be viewed at:**

**<https://youtu.be/JKwKTjha21o>**

- I. **REGULAR MEETING CALLED TO ORDER AT 6:00 pm**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLLCALL**
- IV. **AGENDA ADOPTION**
- V. **ANNOUNCEMENTS**
  - A. **PUBLIC COMMENT REMINDER:** All emails sent to the Town Clerk for public comment on a specific agenda item prior to the day packets are published will be included in the staff report. Emails received after the packets are posted will be forwarded to the Board of Trustees. Any member of the public who wishes to have a statement or email read into the Minutes is required to appear in person and make said statements to the Board directly.
  - B. **ELECTION BALLOTS** were mailed on Monday, March 14, 2022. There will be TWO (2) Ballot Drop-Boxes this year: Town Hall front door drop-box (175 E 3<sup>rd</sup> Street) and Veterans Memorial Community Center parking lot drop-box (120 W 8<sup>th</sup> Street). **All Ballots must be RECEIVED no later than 7:00 pm on Election Day, April 5, 2022.**
  - C. **PALISADE SUNDAY FARMERS MARKET WINS 3<sup>RD</sup> PLACE**  
 Congratulations to the Palisade Sunday Farmers Market for winning 3<sup>rd</sup> place for Best Farmers Market in the USA Today 2022 10Best Readers' Choice travel awards! Thank you to all of our great citizens, vendors, and market attendees for voting.
- VI. **PRESENTATIONS**
  - A. **Introduction of New Police Officer Dominic DeCarlo**
- VII. **PUBLIC COMMENT**  
***All those who wish to speak during public comment must sign up on the sheet provided outside the boardroom doors. 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.***
- VIII. **TOWN MANAGER REPORT**

- A. **Town of Palisade Awarded \$1 Million for Clinic**
- B. **AGNC Grant NOLA Camera Presentation – Palisade Police Chief Stanford**
- C. **Palisade Chamber of Commerce Membership**

#### IX. **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 – March 3, 2022 - March 15, 2022

##### B. **Minutes**

- Minutes from February 22, 2022, Regular Board of Trustees Meeting

##### C. **Resolution 2022-08 - Special Event Calendar**

#### X. **NEW BUSINESS**

##### A. **Contract with FCI Constructors, Inc.**

*The Board of Trustees will consider directing the Town Manager to enter into a contract with FCI Constructors, Inc as the Construction Manager/General Contractor (CMGC) for the Palisade Community Clinic*

1. Staff Presentation
2. Board Discussion
3. Decision - Motion, Second, and Rollcall Vote

##### B. **Ordinance 2022-11 - Pre-Treatment Intergovernmental Agreement (IGA) with Clifton Sanitation**

*The Board of Trustees will consider approving Ordinance 2022-11 as part of the 2020 IGA with Clifton Sanitation for pre-treatment of industrial discharge*

1. Staff Presentation
2. Board Discussion
3. Decision - Motion, Second, and Rollcall Vote

##### C. **Cameo Water Line**

*The Board of Trustees will consider directing the Town Manager to repair the Cameo water line with Mesa County for up to \$25,000.00*

1. Staff Presentation
2. Board Discussion
3. Decision - Motion, Second, and Rollcall Vote

##### D. **Ordinance 2022-10 – Text Amendment regarding Concert Permits at Private Venues**

*The Board of Trustees will consider approving text amendments Section 10-231 of the Town of Palisade Municipal Code amending the requirements for concert permits at Private Venues in Town*

1. Staff Presentation
2. Board Discussion
3. Decision - Motion, Second, and Rollcall Vote

#### XI. **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 (3) minutes apiece to speak.*

**XII. COMMITTEE REPORTS**

**XIII. 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.*

**XIV. ADJOURNMENT**

*Future Agenda Items:*

- *Work Session for VRBOs w/ TAB present*
- *Broadband Update – April 12*
- *Planning Commission interviews and appointments*
- *Question to allow liquor tastings in Liquor Stores*
- *Committee appointments/reappointments*



## **PALISADE BOARD OF TRUSTEES**

### **Town Manager Report 3.22.2022**

#### **How Teamwork & Professionalism Drives Success:**

#### **\$1 million dollar grant awarded to the Town of Palisade from Senator Hickenlooper & Senator Bennett**

Over the last few years, the Town has had a strong focus on teamwork and professionalism amongst Town Departments, Staff, Trustees, various boards, businesses, and volunteers. All partners understanding their roles but also the importance of pooling skills and resources for the greater good.

Building a supportive team, being professionalism, having talent, expertise and skills, all play into the strengths of our organization, which leads to the success of our goals.

This project coming into reality is a reflection of the hard work, dedication, support and teamwork of so many people: Community Hospital, Mesa County, Palisade Board of Trustees, Department Directors, JUB, Karp.Neu.Hanlon, Staff, Planning Commission, local businesses, and the town residents.

The Federal Government awarding \$1 million dollars to our clinic project reflects how our teamwork and professionalism has driven success.

**CONGRATULATIONS TO TEAM PALISADE!!!!!!!**

## **AGNC Grant: NOLA Project**

– Bill Carlson, Board of Trustee Representative & Chief Jesse Stanford

-\$5,000 request with 50% match - \$2,459.00 each

## **Palisade Chamber of Commerce**

– Jamie Somerville, Board of Trustee Representative

Membership Investment – Direction to the Town Manager

**Memo:** The Town of Palisade supports the Palisade Chamber of Commerce.

The Town of Palisade participates with the Chamber on various events both with staffing and financially:

1. 4<sup>th</sup> of July
  - the town pays \$1,000 to Chambers for organizing parade & event at Veterans Memorial
  - Town closes streets & park
  - Town purchases food
2. Peachfest – the town donates the Park
  - Town assists with park and street closures
3. Old Fashioned Christmas
  - The Town pays \$1,000 to Chambers for organizing the parade
  - The Town assists with street closure, organizing Veterans for Gingerbread and other assistance as necessary
  - The Town hangs lights

\*\*\*Does the Board want to join the Chamber as a “New Haven” level membership at \$5,000 year

Total Contribution: \$7,000 financial contribution

\$4,000 park fee in-kind

	January	February	March	April
Asbestos Abatement old PHS	completed 2/7			
Demolition of old PHS	demo complete - project now building outside walls - possible opening of the bleachers			
New Clinic	finalalze lease 1.25	Notice to Proceed Architects - RFQ Const.		
New Clinic Grants	OEDIT grant submitted	Federal Earmark March		
Highway 6 construction	1.28 construction work to begin		Complete May 30	
Comprehensive Plan	RFQ for Planner - Posted			
Clifton- Palisade Fire Authority	Fire Authority IGA			
Wastewater Consolidation	USDA Grant/Loan Wastewater Consolidation - loan documents April			
Rate Study Water/ Wastewater	Grant funded by RCAC - complete in summer			
Broadband	work with DOLA & Region 10 on funding CNL/middle mile			
TAP Grant Sidewalks	begin designing from Cresthaven to High School			

# Palisade

chamber of commerce

annual investment + added benefits



## peach pit

\$200  
/year

- 1 "welcome new member" social media post and newsletter mention



## peach bud

\$500  
/year

- 1 "Welcome, New Member" social media post and newsletter mention
- 2 social media posts
- 2 tickets to monthly Business After Hours events



## peach blossom

\$1,000  
/year

- 1 "Welcome, New Member" social media post and newsletter mention
- 3 social media posts and 2 newsletter ads
- 1 advertorial blog article
- 2 tickets to monthly Business After Hours events
- enhanced directory listing on Chamber website



## golden peach

\$2,500  
/year

- 1 "Welcome, New Member" social media post and newsletter mention
- 8 social media posts and 4 newsletter ads
- 3 advertorial blog article
- 4 tickets to monthly Business After Hours events
- enhanced directory listing on Chamber website
- logo with active link to listing on Chamber website homepage



## new haven

\$5k  
/year

- 1 "Welcome, New Member" social media post and newsletter mention
- 8 social media posts and 4 newsletter ads
- 3 advertorial blog article
- 4 tickets to monthly Business After Hours events
- enhanced directory listing on Chamber website
- logo with active link to listing on Chamber website homepage



## elberta

\$10k  
/year

- 1 "Welcome, New Member" social media post & newsletter mention
- 16 social media posts and 8 newsletter ads
- 12 advertorial blog article
- 6 tickets to monthly Business After Hours events
- table for 8 at Annual Banquet
- 2 premium directory listings on Chamber website
- 1 additional category in directory
- display ad on Chamber website home page

*Palisade*  
chamber of commerce

*membership benefits*

Business Listing in Membership Directory at PalisadeCOC.com

Event Listings on Pali COC website & Facebook Events Calendars

Opportunity to Be Featured on Palisade COC Blog

Access to Palisade COC Members Only Facebook Group

Subscription to Palisade Chamber Monthly Newsletters

Other Marketing Opportunities in Print & Digital Formats

Event Sponsorship Opportunities

Opportunity to Serve on Chamber Event & Causes Committees

Networking Opportunities

Free Access to "Blue Summit Creative Elevated Entrepreneurs" for Six Weeks

Participation in Sister Cities Tourism Referral Programs

Use of Office Amenities

Display Promotional Materials at Palisade Chamber of Commerce Office

Membership Stickers & Certificates to Display in Your Business

Early Access to Peach Festival & Other Event Tickets

Ribbon Cutting Ceremony for New Businesses, Milestone Anniversaries and Relocations

Eligibility to Bid on Chamber Contracts

Discount on 1st Year Join Membership with Fruita Chamber of Commerce

Discount vendor booths for members at Peach Fest and other community events





## **PALISADE BOARD OF TRUSTEES**

### **Staff Report**

**Meeting Date:**                    **March 15, 2022**

**Department:**                    **Fire Department**

**Department Director:**        **Charles K. Balke, Fire Chief**

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For the month of February 2022, the Palisade Fire Department responded to 80 calls. This is an increase of 10 calls compared to this time last year.

The Ambulance Billing revenue for 2021 significantly improved. For 2020 the total ambulance billing was \$568,215.80 with revenue of \$91,664.10. Through December of 2021 ambulance billings were \$724,256.60 with revenue of \$281,649.57. This is due to a combination of things such as; increased call volume, increased mileage rate and improved report oversight/submission.

The December call breakdown is as follows:

- Calls YTD - 166
- Calls for the Month – 80
- Fire or Hazardous Condition - 11
- Rescue & EMS – 69
- Calls in the Town Limits – 42
- Calls in the Rural Area – 22
- Calls for Mutual Aid – 6 Given/10 Received

#### **Personnel Update**

- We have one member out due to a partial torn quad muscle. This has been turned over to the Town for workman's comp as this happened when they stepped of the Engine after returning from a call.
- Joseph Billings has been cleared to function unsupervised on Mesa County Protocol.
- The 2021 Award winners were:
  - Rookie of the Year – Jarrett Nelson
  - EMS Provider of the Year – Charisse Swetnam
  - Firefighter of the Year – Trevor Nieslanik
- The Academy has completed their EMS portion and has started the Firefighter I portion.

#### **Apparatus Update**

- Brush 41 was taken into Stewart and Stevenson for maintenance on the diesel pump and slide-in mounting bolts. It is back in service
- Ambulance 41 has been re-decaled
- Both out of service ambulances have been sold through auction for \$2,000 each.
- Tender 41 is in service. We are just waiting for a suction adaptor. We are planning a formal service in which an invitation will go out for.

### **Steering Committee Update**

The tentative name of “River’s Edge Fire Authority” has been selected as a place holder for the IGA and will need to be approved.

### **IGA Update**

I am continuing to work on a draft budget for the future of the Fire Authority. I am still waiting to hear back on several quotes for combining services and software.

Had a meeting with the communications center about the dispatch needs and requirements in addition to building response mapping.

### **Misc. Information**

Pictures of Ambulance 41 side profile





175 E 3<sup>rd</sup> Street  
P.O. Box 128  
Palisade, CO 81526

Phone: (970) 464-5602  
Fax: (970) 464-5609  
[palisade.colorado.gov](http://palisade.colorado.gov)

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## EXPENDITURES - APPROVAL BY DEPARTMENT

Council Meeting Date – Mar 22, 2022

Date Range of Payables – Mar 3, 2022 – Mar 15, 2022

Report Criteria:

- Invoices with totals above \$0 included.
- Paid and unpaid invoices included.
- Invoice Detail.Input date = 03/03/2022-03/15/2022

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
AFLAC INSURANCE	PR0305220	AFLAC Pre-tax Pay Period: 3/5/2	03/09/2022	218.25	35.22	03/09/2022	
AFLAC INSURANCE	PR0305220	AFLAC After-Tax Pay Period: 3/5/	03/09/2022	94.20	.00		
COLORADO DEPT OF REVENU	PR0305220	State Withholding Tax Pay Period	03/09/2022	3,015.00	.00		
COLORADO STATE TREASURE	PR0305221	State Unemployment Tax Pay Per	03/09/2022	276.82	.00		
FICA/MED/ P/R TAXES	PR0305222	Federal Withholding Tax Pay Peri	03/09/2022	8,393.05	.00		
FICA/MED/ P/R TAXES	PR0305222	Social Security Pay Period: 3/5/2	03/09/2022	3,505.24	.00		
FICA/MED/ P/R TAXES	PR0305222	Social Security Pay Period: 3/5/2	03/09/2022	3,505.24	.00		
FICA/MED/ P/R TAXES	PR0305222	Medicare Pay Period: 3/5/2022	03/09/2022	1,287.47	.00		
FICA/MED/ P/R TAXES	PR0305222	Medicare Pay Period: 3/5/2022	03/09/2022	1,287.47	.00		
FIRE AND POLICE PENSION	PR0305220	FPPA Fire DD Pay Period: 3/5/20	03/09/2022	167.16	.00		
FIRE AND POLICE PENSION	PR0305220	FPPA 457 Pay Period: 3/5/2022	03/09/2022	70.00	.00		
FIRE AND POLICE PENSION	PR0305220	Police Pension Pay Period: 3/5/2	03/09/2022	2,839.91	.00		
FIRE AND POLICE PENSION	PR0305220	Police Pension Pay Period: 3/5/2	03/09/2022	2,129.94	.00		
FIRE AND POLICE PENSION	PR0305220	Fire Pension Pay Period: 3/5/202	03/09/2022	626.88	.00		
FIRE AND POLICE PENSION	PR0305220	Fire Pension Pay Period: 3/5/202	03/09/2022	470.16	.00		
FIRE AND POLICE PENSION	PR0305220	FPPA Police DD Pay Period: 3/5/	03/09/2022	757.30	.00		
ICMA TRST 401 - 107074	PR0305220	ICMA 401K Pay Period: 3/5/2022	03/09/2022	2,452.97	.00		
ICMA TRST 401 - 107074	PR0305220	ICMA 401K Pay Period: 3/5/2022	03/09/2022	2,452.97	.00		
ICMA TRST 457 - 304721	PR0305220	ICMA 457 Pay Period: 3/5/2022	03/09/2022	200.00	.00		
FAMILY SUPPORT REGISTRY	PR0305221	FIPS 056888833 Garnishment P	03/09/2022	342.07	342.07	03/09/2022	
MUTUAL OF OMAHA INSURANC	PR0305221	LTD - MOA Pay Period: 3/5/2022	03/09/2022	329.06	.00		
MUTUAL OF OMAHA INSURANC	PR0305221	LTD - MOA Pay Period: 3/5/2022	03/09/2022	18.34	.00		
BOYD, TRAVIS	2022 2ND CAS	SETUP 2ND CASH DRAWER	03/15/2022	200.00	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life M	03/09/2022	16,695.00	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life M	03/09/2022	1,122.78	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life M	03/09/2022	6,736.50	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life M	03/09/2022	1,944.00	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life M	03/09/2022	3,888.00	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life D	03/09/2022	735.00	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life D	03/09/2022	48.72	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life D	03/09/2022	292.50	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life D	03/09/2022	111.00	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life D	03/09/2022	222.00	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life VI	03/09/2022	220.00	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life VI	03/09/2022	10.50	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life VI	03/09/2022	63.00	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life VI	03/09/2022	26.00	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life VI	03/09/2022	52.00	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life LI	03/09/2022	224.00	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life LI	03/09/2022	110.33	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life LI	03/09/2022	13.51	.00		
CEBT Payments	PR0305221	PR - Medical Dental Vision Life LI	03/09/2022	15.75	.00		
<b>Total :</b>				<u>67,170.09</u>	<u>377.29</u>		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>ADMINISTRATION</b>							
FEDEX	7-686-64041	ADMIN - SHIPPING CHARGES	03/10/2022	93.58	.00		
OFFICE DEPOT	222189844003	OFFICE SUPPLY - ADMIN	03/02/2022	9.78	.00		
OFFICE DEPOT	222189844004	OFFICE SUPPLY - ADMIN	03/04/2022	28.49	.00		
OFFICE DEPOT	227000057001	OPERATING SUPPLY-ADMIN	02/15/2022	54.71	.00		
OFFICE DEPOT	228510240001	OFFICE SUPPLY - ADMIN	02/24/2022	394.12	.00		
OFFICE DEPOT	232282702001	OFFICE SUPPLY - ADMIN	03/04/2022	68.78	.00		
OFFICE DEPOT	232291136001	OFFICE SUPPLY - ADMIN	03/04/2022	78.15	.00		
PROVELOCITY LLC	34144	COMPUTER SERVICES	03/01/2022	7,440.59	.00		
CENTURY LINK	03.01.2022	9016 - ADMIN. FAX	03/01/2022	110.45	.00		
TROPHY CASE, THE	80526	NAME PLATE (2)	02/18/2022	37.90	.00		
KARP NEU HANLON, PC	34282	ADMIN - PROFESSIONAL SERVI	03/03/2022	5,228.50	.00		
SPECTRUM	108289601030	IT CHARGES - COMMUNITY CE	03/02/2022	119.99	.00		
AMAZON CAPITAL SERVICES	19DN-V9VR-T	ADMIN - OPERATING	03/01/2022	32.99	.00		
AMAZON CAPITAL SERVICES	1VMD-VQYD-P	ADMIN - OPERATING	03/01/2022	9.89	.00		
AMAZON CAPITAL SERVICES	1VMD-VQYD-P	ADMIN - OFFICE SUPPLIES	03/01/2022	78.00	.00		
AMAZON CAPITAL SERVICES	1VMD-VQYD-P	ADMIN - OPERATING	03/01/2022	15.90	.00		
MARILLAC CLINIC, INC	03.10.2022	EDESIA DINNER - TABLE FOR B	03/10/2022	1,120.00	.00		
Total ADMINISTRATION:				14,921.82	.00		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>TOURISM FUND</b>							
EARTH DIVER LLC DBA/	14906	TAB - ONLINE MARKETING	01/06/2022	1,500.00	1,500.00	03/09/2022	
Total TOURISM FUND:				1,500.00	1,500.00		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>POLICE</b>							
BEHAVIORAL HEALTH	2022.02.28 - D	PD- PRE-EMPLOYMENT SCREE	02/28/2022	300.00	.00		
GALLS, LLC	020536296	PD- UNIFORMS	02/25/2022	219.79	.00		
GALLS, LLC	020619726	PD- UNIFORMS	03/08/2022	395.25	.00		
CENTURY LINK	03.01.2022	1343 - PD INTOXICATOR PORTI	03/01/2022	35.00	.00		
CENTURY LINK	03.01.2022	1343 - TOWN HALL INTERNET-R	03/01/2022	164.74	.00		
COOP COUNTRY	246232	PD CAR WASH	03/03/2022	3.89	.00		
COOP COUNTRY	246233	PD CAR WASH	03/03/2022	8.00	.00		
COOP COUNTRY	246333	PD CAR WASH	03/09/2022	3.83	.00		
PROSAFE	30877	PD- UNIFORMS ALTERATIONS/	02/28/2022	85.00	.00		
PROSAFE	30882	PD- UNIFORMS ALTERATIONS/	03/01/2022	30.00	.00		
PROSAFE	30894	PD- UNIFORMS ALTERATIONS/	03/09/2022	30.00	.00		
AMAZON CAPITAL SERVICES	1HTK-CLDV-R	PD - OPERATING	03/01/2022	73.55	.00		
AMAZON CAPITAL SERVICES	1HTK-CLDV-R	PD - OPERATING	03/01/2022	19.95	.00		
AMAZON CAPITAL SERVICES	1HTK-CLDV-R	PD - OPERATING	03/01/2022	24.99	.00		
AMAZON CAPITAL SERVICES	1HTK-CLDV-R	PD - OPERATING	03/01/2022	13.98	.00		
AMAZON CAPITAL SERVICES	1HTK-CLDV-R	PD - OPERATING	03/01/2022	10.08	.00		
AMAZON CAPITAL SERVICES	1HTK-CLDV-R	PD - OPERATING	03/01/2022	15.99	.00		
RHINEHART OIL CO., LLC	IN-685258-22	PD - GAS/DIESEL	03/04/2022	150.20	.00		
RHINEHART OIL CO., LLC	IN-699851-22	PD - GAS/DIESEL	03/11/2022	186.08	.00		
Total POLICE:				1,770.32	.00		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>CEMETERY</b>							
GOODWIN SERVICE, INC.	T278	TOILET CLEANING - CEMETER	03/01/2022	60.00	.00		
RHINEHART OIL CO., LLC	IN-685258-22	CEMETERY - GAS/DIESEL	03/04/2022	31.49	.00		
RHINEHART OIL CO., LLC	IN-699851-22	CEMETERY - GAS/DIESEL	03/11/2022	55.10	.00		
Total CEMETERY:				146.59	.00		



Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>FIRE / EMS</b>							
BOUND TREE MEDICAL, LLC	84429744	MEDICAL SUPPLIES/EMS	03/04/2022	64.99	64.99	03/09/2022	
BOUND TREE MEDICAL, LLC	84429745	MEDICAL SUPPLIES/EMS	03/04/2022	45.30	45.30	03/09/2022	
BOUND TREE MEDICAL, LLC	84431953	MEDICAL SUPPLIES/EMS	03/07/2022	935.57	.00		
BUD'S SIGNS	112285	AMBULANCE LETTERING	03/04/2022	2,140.00	2,140.00	03/09/2022	
CLIFTON FIRE PROTECTION DI	22-01-006	MEDICAL SUPPLIES	01/31/2022	145.15	.00		
CLIFTON FIRE PROTECTION DI	22-01-007	TRAINING	01/31/2022	828.00	.00		
CLIFTON FIRE PROTECTION DI	22-02-001	CONTRACT ADMIN SERVICES	02/25/2022	5,000.00	.00		
CLIFTON FIRE PROTECTION DI	22-02-002	MEDICAL SUPPLIES	02/28/2022	88.50	.00		
HIGH COUNTRY GAS & SUPPLY	R12107	OXYGEN	02/28/2022	72.50	72.50	03/09/2022	
CENTURY LINK	03.01.2022	4735 - FIRE INTERNET	03/01/2022	163.71	.00		
CENTURY LINK	03.01.2022	9913 - FIRE ALARM	03/01/2022	207.72	.00		
CENTURY LINK	03.01.2022	0032 DATA - FIRE ALERT SYS.	03/01/2022	375.00	.00		
CENTURY LINK	03.01.2022	0032 PHONE - FIRE ALERT SYS.	03/01/2022	2,396.01	.00		
AIR COMPRESSOR SERVICE, L	53784	FD - STATION MAINTENANCE	03/11/2022	1,204.36	.00		
SPECTRUM ENTERPRISE	000082002212	INTERNET FIRE DEPT.	02/21/2022	157.97	.00		
MILE-HI FIRE APPARATUS INC	5700	AIR FILTER	03/08/2022	191.93	.00		
JUSTICE FAMILY ENTERPRISES	22-0678	PERSONNEL ACCOUNTABILITY	02/28/2022	192.20	192.20	03/09/2022	
AMAZON CAPITAL SERVICES	1Q7R-CGXT-R	FD - BUILDING REPAIR/MAINT	03/01/2022	18.97	.00		
AMAZON CAPITAL SERVICES	1Q7R-CGXT-R	FD - OPERATING	03/01/2022	28.99	.00		
AMAZON CAPITAL SERVICES	1Q7R-CGXT-R	FD - OPERATING	03/01/2022	14.99	.00		
RHINEHART OIL CO., LLC	IN-685258-22	FD/EMS - GAS/DIESEL	03/04/2022	19.38	.00		
RHINEHART OIL CO., LLC	IN-699851-22	FD/EMS - GAS/DIESEL	03/11/2022	286.36	.00		
STEWART & STEVENSON LLC	60056055	FD - REPAIR & MAINTENANCE -	03/07/2022	1,538.84	.00		
Total FIRE / EMS:				16,116.44	2,514.99		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>EMS</b>							
BOOKCLIFF AUTO PARTS INC	379991	STREETS / PARKS SHARED CO	02/23/2022	46.14	.00		
BOOKCLIFF AUTO PARTS INC	380682	STREETS / PARKS SHARED CO	02/24/2022	118.73	.00		
BOOKCLIFF AUTO PARTS INC	380686	STREETS / PARKS SHARED CO	02/24/2022	12.49	.00		
BOOKCLIFF AUTO PARTS INC	383115	STREETS / PARKS SHARED CO	03/02/2022	78.70	.00		
BOOKCLIFF AUTO PARTS INC	384017	STREETS / PARKS SHARED CO	03/04/2022	78.70	.00		
BOOKCLIFF AUTO PARTS INC	385473	STREETS / PARKS SHARED CO	03/08/2022	19.96	.00		
HEUTON TIRE COMPANY INC.	161454	SHARED EXPENSES	03/07/2022	30.00	.00		
HEUTON TIRE COMPANY INC.	161474	SHARED EXPENSES	03/08/2022	12.50	.00		
VERMEER SALES AND SERVIC	20019457	SHARED EXPENSES	02/17/2022	629.73	.00		
COOP COUNTRY	246234	PW CAR WASH	03/03/2022	10.00	.00		
COOP COUNTRY	246334	PW CAR WASH	03/09/2022	3.19	.00		
ALPINE HARDWARE OF COLOR	3049/4	SHARED EXPENSES	02/25/2022	183.12	.00		
ALPINE HARDWARE OF COLOR	3059/4	SHARED EXPENSES	03/04/2022	93.98	.00		
AMAZON CAPITAL SERVICES	19DN-V9VR-T	SHARED EXPENSES - STREET	03/01/2022	46.89	.00		
AMAZON CAPITAL SERVICES	19DN-V9VR-T	SHARED EXPENSES - STREET	03/01/2022	12.99	.00		
AMAZON CAPITAL SERVICES	19DN-V9VR-T	SHARED EXPENSES - STREET	03/01/2022	6.59	.00		
AMAZON CAPITAL SERVICES	19DN-V9VR-T	SHARED EXPENSES - STREET	03/01/2022	41.90	.00		
AMAZON CAPITAL SERVICES	19DN-V9VR-T	SHARED EXPENSES - STREET	03/01/2022	20.95	.00		
AMAZON CAPITAL SERVICES	19DN-V9VR-T	SHARED EXPENSES - STREET	03/01/2022	9.99	.00		
AMAZON CAPITAL SERVICES	1XQ6-TK7M-L9	SHARED EXPENSES - STREET	03/04/2022	9.99-	.00		
Total EMS:				1,446.56	.00		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>STREETS</b>							
OLD DOMINION BRUSH COMPA	7936678	STREETS - REPAIR & MAINT - E	03/01/2022	314.61	.00		
RHINEHART OIL CO., LLC	IN-685258-22	STREETS - GAS/DIESEL	03/04/2022	78.73	.00		
RHINEHART OIL CO., LLC	IN-699851-22	STREETS - GAS/DIESEL	03/11/2022	137.74	.00		
Total STREETS:				531.08	.00		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>WATER</b>							
DANA KEPNER COMPANY	1556995-00	METER YOKES	03/04/2022	589.44	.00		
ED BOZARTH CHEVROLET	CTCS538641	WATER - REPAIR & MAINT VEHI	03/08/2022	1,524.87	.00		
HACH COMPANY	12906533	WATER PLANT SUPPLIES	02/25/2022	73.42	.00		
CENTURY LINK	03.01.2022	7148 - CARETAKER RESERVOI	03/01/2022	65.14	.00		
UPLAND GRAVEL	3429	METER REPAIR - ROCK	03/04/2022	227.72	.00		
UTILITY NOTIFICATION	222021038	UTILITY LOCATES - WATER	02/28/2022	66.30	.00		
VERMEER SALES AND SERVIC	20019619	WATER DIST - VACUUM EXCAV	03/07/2022	191.93	.00		
VERMEER SALES AND SERVIC	20019634	WATER DIST - VACUUM EXCAV	03/08/2022	528.36	.00		
RHINEHART OIL CO., LLC	IN-685258-22	WATER - GAS/DIESEL	03/04/2022	110.22	.00		
RHINEHART OIL CO., LLC	IN-699851-22	WATER - GAS/DIESEL	03/11/2022	192.83	.00		
Total WATER:				3,570.23	.00		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>SEWER PLANT</b>							
CENTURY LINK	03.01.2022	1319 - SEWER & CALL OUT	03/01/2022	156.18	.00		
USA BLUEBOOK	846358	SEWER PLANT MAINTENANCE	01/13/2022	71.86	.00		
RHINEHART OIL CO., LLC	IN-685258-22	SEWER - GAS/DIESEL	03/04/2022	31.49	.00		
RHINEHART OIL CO., LLC	IN-699851-22	SEWER - GAS/DIESEL	03/11/2022	55.10	.00		
WILLIAM DEWAYNE CAMPBELL	37251	SEWER TREATMENT - ELECTRI	02/25/2022	1,058.49	.00		
Total SEWER PLANT:				1,373.12	.00		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>SEWER COLLECTION</b>							
UTILITY NOTIFICATION	222021038	UTLIITY LOCATES - SEWER	02/28/2022	66.30	.00		
MESA COUNTY PUBLIC WORKS	2022 - PALISA	MS4 STORMWATER PROGRAM	02/18/2022	6,000.00	.00		
Total SEWER COLLECTION:				6,066.30	.00		

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Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
WASTE MANAGEMENT INC -	1724826-0576-	DUMPSTER SERVICE	02/25/2022	130.34	.00		
WASTE MANAGEMENT INC -	1725051-0576-	GARBAGE SERVICE	03/01/2022	15,624.30	.00		
Total :				15,754.64	.00		

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Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>PARKS</b>							
GOODWIN SERVICE, INC.	T278	TOILET CLEANING - RIVERBEN	03/01/2022	120.00	.00		
GOODWIN SERVICE, INC.	T278	TOILET CLEANING-BIKE TREK	03/01/2022	60.00	.00		
GOODWIN SERVICE, INC.	T278	VAULT CLEANING/ TOILET CLE	03/01/2022	300.00	.00		
CENTURY LINK	03.01.2022	1207 - RIVERBEND PARK	03/01/2022	126.68	.00		
AMAZON CAPITAL SERVICES	19DN-V9VR-T	PARKS - OPERATING SUPPLIES	03/01/2022	34.55	.00		
AMAZON CAPITAL SERVICES	19DN-V9VR-T	PARKS - OPERATING SUPPLIES	03/01/2022	14.49	.00		
AMAZON CAPITAL SERVICES	19DN-V9VR-T	PARKS - OPERATING SUPPLIES	03/01/2022	12.79	.00		
AMAZON CAPITAL SERVICES	19DN-V9VR-T	PARKS - OPERATING SUPPLIES	03/01/2022	25.98	.00		
AMAZON CAPITAL SERVICES	19DN-V9VR-T	PARKS - PROMOTIONS & DISC	03/01/2022	4.95-	.00		
RHINEHART OIL CO., LLC	IN-685258-22	PARKS - GAS/DIESEL	03/04/2022	62.99	.00		
RHINEHART OIL CO., LLC	IN-699851-22	PARKS - GAS/DIESEL	03/11/2022	110.19	.00		
Total PARKS:				862.72	.00		



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Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>POOL</b>							
CENTURY LINK	03.01.2022	1067 - POOL INTERNET	03/01/2022	156.18	.00		
Total POOL:				156.18	.00		

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Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>FACILITIES</b>							
ALL-PHASE	2688-1015254	FACILITIES - LIGHTING	03/10/2022	847.78	.00		
CURRENT SOLUTIONS, LLC.	10441	CLOUD BASED DOOR PROGRA	03/01/2022	65.00	.00		
OFFICE DEPOT	225830318001	FACILITIES - PD FURNITURE	02/11/2022	479.98	.00		
OFFICE DEPOT	229465455001	FACILITIES - PD FURNITURE - C	03/04/2022	399.99-	.00		
OFFICE DEPOT	229471399001	FACILITIES - PD FURNITURE - C	02/18/2022	79.99-	.00		
OFFICE DEPOT	229472872001	FACILITIES - PD FURNITURE	02/22/2022	479.98	.00		
OFFICE DEPOT	232135219001	FACILITIES - PD FURNITURE - C	03/03/2022	79.99-	.00		
SUPERIOR ALARM, INC.	152428	MONITORING - FIRE STATION	03/01/2022	108.00	.00		
SUPERIOR ALARM, INC.	152428	MONITORING - REC CENTER	03/01/2022	108.00	.00		
SUPERIOR ALARM, INC.	152428	MONITORING - VETERAN MEM	03/01/2022	84.00	.00		
TERMINIX	260689	PEST CONTROL	03/08/2022	67.00	.00		
TERMINIX	260907	PEST CONTROL	03/08/2022	65.00	.00		
E & E DOOR AND WINDOW	33956	BLDG - REPAIRS & MAINT - SH	03/07/2022	323.00	.00		
ALSCO INC	LGRA2607301	BUILDING - REP & MAINT - FLO	03/04/2022	50.80	.00		
ALSCO INC	LGRA2610018	BUILDING - REP & MAINT - FLO	03/11/2022	50.80	.00		
AMAZON CAPITAL SERVICES	1914-TPMG-Q	FINANCE - FURNITURE	03/01/2022	69.98	.00		
<b>Total FACILITIES:</b>				<b>2,239.35</b>	<b>.00</b>		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
RECLA METALS LLLP	17949	CAPITAL PROJECTS - HWY 6 M	03/04/2022	2,254.38	.00		
RECLA METALS LLLP	17950	CAPITAL PROJECTS - HWY 6 M	03/04/2022	492.80	.00		
HERRON ENTERPRISES USA, I	0921214D	CAPITAL PROJECTS - SITE RE	01/21/2022	14,100.00	.00		
HERRON ENTERPRISES USA, I	0921214E	CAPITAL PROJECTS - SITE RE	02/11/2022	4,425.00	.00		
HERRON ENTERPRISES USA, I	0921214F	CAPITAL PROJECTS - SITE RE	02/11/2022	6,250.00	.00		
Total :				27,522.18	.00		
Grand Totals:				161,147.62	4,392.28		

Finance Director:   
(Finance Department Review and Approval for Payment)

Date: 03/16/2022

Town Manager:   
(Administrative Review and Approval for Payment)

Date: 03.18.2022

Mayor: \_\_\_\_\_  
(Board of Trustees Review and Approval for Payment)

Date: \_\_\_\_\_

Town Clerk: \_\_\_\_\_  
(Document Recorded)

Date: \_\_\_\_\_

Report Criteria:

- Invoices with totals above \$0 included.
- Paid and unpaid invoices included.
- Invoice Detail.Input date = 03/03/2022-03/15/2022



**MINUTES OF THE REGULAR MEETING OF THE  
PALISADE BOARD OF TRUSTEES  
March 8, 2022**

A work session of the Board of Trustees for the Town of Palisade began at 5:30 pm for a presentation from MOA Architecture regarding the design of the community clinic. Present were Mayor Greg Mikolai, Trustees Jamie Sommerville, Ellen Turner, Susan L’Hommedieu, Nicole Maxwell, Bill Carlson, and Mayor Pro-Tem Thea Chase. Also in attendance were Town Manager Janet Hawkinson, Town Clerk Keli Frasier, Community Development (CD) Director Brian Rusche, Finance Director Travis Boyd, Parks, Recreation & Events (PRE) Director Troy Ward, Police Chief Jesse Stanford, and Utilities Director Matt Lemon.

The regular meeting of the Board of Trustees for the Town of Palisade was called to order at 7:00 pm by Mayor Greg Mikolai with Trustees present: Jamie Sommerville, Ellen Turner, Susan L’Hommedieu, Nicole Maxwell, Bill Carlson, and Mayor Pro-Tem Thea Chase. A quorum was declared. Also in attendance were Town Manager Janet Hawkinson, Town Clerk Keli Frasier, Community Development (CD) Director Brian Rusche, Finance Director Travis Boyd, and Utilities Director Matt Lemon.

**AGENDA ADOPTION**

*Motion #1* by Trustee Somerville, seconded by Trustee Turner, to approve the agenda as presented.

A voice vote was requested  
Motion carried unanimously

**PUBLIC COMMENT**

None was offered.

**TOWN MANAGER REPORT**

Town Manager Janet Hawkinson updated the Board on the progress of the Highway 6 project, the demo of the old high school, and the community clinic architect’s planning process.

Utilities Director Matt Lemon explained that the footbridge to Riverbend Park at Brentwood Drive would be closed to pedestrian access for resurfacing, and the anticipated closure time was two to three days. He went on to give a brief update on snowpack and water levels on the watershed after a question from Mayor Pro-Tem Chase.

Town Manager Hawkinson advised the Board that walled-in old balcony bleachers were discovered in the gymnasium and asked if they would like to explore the potential of opening them up and refurbishing them for future use. *The consensus of the Board is to explore the true cost of the project and bring back plans to a future meeting.*

She went on to ask if the Board would like to support the Marillac Clinic *EDESIA* event by purchasing a table at the planned July 16, 2022 wine dinner for \$1,120.00 (which would sit eight guests). ***The consensus of the Board is to purchase a table for eight attendees for the July 16 Edesia Wine Dinner.***

**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 – February 17, 2022 – March 2, 2022
- **Minutes**  
Minutes from the February 22, 2022, Regular Board Meeting

***Motion #2*** by Trustee Sommerville, seconded by Trustee Turner, to approve the consent agenda as presented.

A roll call vote was requested.

**Yes:** Mayor Mikolai, Trustee Turner, Trustee Somerville, Mayor Pro-Tem Chase, Trustee L’Hommedieu, Trustee Maxwell, Trustee Carlson

**No:**

**Absent:**

Motion Carried.

**PUBLIC HEARING I**

***Ordinance 2022-09 - PRO 2022-05 Lincoln Woodworks ReZone***

Mayor Mikolai opened the public hearing at 7:15 pm.

Community Development Director (CDD) Brian Rusche reviewed his staff report citing findings of fact and staff recommendation.

Lincoln Woodworks has operated next door (3810 N. River Road) to this property for the last 13 years and recently purchased the building from the Food Bank of the Rockies, which will be relocating to Grand Junction. The intent is for Lincoln Woodworks to consolidate its woodworking operation from three (3) existing locations throughout the valley to this one location.

**NO REZONING MAY BE APPROVED BY THE TOWN BOARD UNLESS ALL OF THE FOLLOWING CRITERIA ARE SATISFIED:**

**1. Consistency with the adopted plans and policies of the Town;**

*The Comprehensive Plan – Future Land Use Map (2007) designates the subject property as commercial, which is reflected by its current zoning. However, it also designated the existing location of Lincoln Woodworks as commercial, despite its existing industrial zoning.*

*The Light Industrial zone is established to promote the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist (Section 5.04.C – LDC).*

*There is very little industrial property within the Town limits. In fact, this building appears to be the largest building available in Town for any kind of industrial use. The Land Development Code (LDC) has been amended since the 2007 plan to limit the intensity of industrial uses within the Town.*

*The proposed zone change would allow for the transition of the Food Bank building to a viable, home-grown industry that has successfully operated in the exact same neighborhood for over a decade.*

**2. Suitability of the subject property for uses permitted by the current versus the proposed district;**

*The Light Industrial zone is established to promote the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist (Section 5.04.C – LDC).*

*The subject property is surrounded by other commercial/industrial uses (including the existing location of Lincoln Woodworks) and has access to two streets. The building was constructed in 1972 and has been used by the Food Bank of the Rockies since 2012. Significant improvements to the site were made by the Food Bank as part of their approval in 2012.*

*The building has approximately 29,096 square feet of heated area. This is over five times as large as the existing location of Lincoln Woodworks in Palisade (they must rent additional space throughout the Grand Valley). The proposed relocation would allow the business to consolidate with room to grow.*

*One of the primary concerns with the Food Bank operation was the increase in truck traffic because of the increased demand for their services. The proposed relocation of Lincoln Woodworks would reduce the overall truck traffic, as their business is differentiated by having smaller and less frequent deliveries to and from the site.*

**3. Whether the proposed change tends to improve the balance of uses or meets a specific demand in the Town;**

*There is very little industrial property within the Town limits. In fact, this building appears to be the largest building available in Town for any kind of industrial use. The Land Development Code (LDC) has been amended since the 2007 plan to limit the intensity of industrial uses within the Town.*

*The proposed zone change would allow for the transition of the Food Bank to a viable, home-grown industry that has successfully operated in the exact same neighborhood for over a decade.*

**4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed use;**

*Unlike a residential use, an industrial use does not impact school enrollment or parks and recreation facilities. The site is accessible from North River Road and Bower Avenue. The building is currently a warehouse use, and any interior improvements would have to be done to current building codes. Utilities are already provided to the building. There is existing parking on this site that is shared with the current location of Lincoln Woodworks, so that arrangement would now become more formal due to the sale of the building to Lincoln.*

**5. It has been determined that the legal purposes for which zoning exists are not contravened;** *The legal purposes for which zoning exists are not contravened by this request. The applicant has been up front about their intentions for the property and even hosted a “neighborhood meeting” on January 27, 2022, to discuss their plans with the neighborhood.*

**6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and** *Adjoining property will not be adversely affected by this development. As compared to the current use, which certainly provides a benefit to the community, the proposed use will have less impact while allowing for continued beneficial use of this large space. The Food Bank made significant upgrades to the property to bring the site into conformance with the LDC, including landscaping, that will be maintained by the new owner. The industry currently operates next door with little discernable impact upon the neighbors.*

**7. It has been determined that no one (1) property owner or small group of property owners will benefit materially from the change to the detriment of the general public.** *The public would benefit from the consolidation of a viable, home-grown industry being able to remain in Palisade.*

The Planning Commission conducted a Public Hearing on this request on March 1, 2022, and recommended approval of the requested zone change to the Board of Trustees, finding that the criteria of Section 4.02.E have been met.

Applicant Curt Lincoln gave a brief presentation about the requested zoning change and expressed that his dream is to consolidate the current three locations of Lincoln Woodworks to this one space.

Mayor Mikolai opened the hearing to public comment. None was offered.

Mayor Mikolai opened the hearing to Board comment.

*Trustee Turner* asked about neighbor opinions on the proposed change. Mr. Lincoln stated that the neighboring property owners had an overall positive response. One neighbor requested a light shield be installed on a light that streamed in the residence’s window, which Mr. Lincoln stated he would install as soon as possible.

*Trustee L’Hommedieu* expressed concerns over trucks and delivery schedules. Mr. Lincoln stated that they currently have one delivery a week to the neighboring property. He anticipated that the deliveries might increase to twice a week with the change. He also clarified that his delivery trucks are much smaller than the trucks that deliver to the Food Bank.

*Trustee Somerville* added that the smaller trucks used by Lincoln Woodworks would also be able to utilize North River Road as their access route, where the Food Bank trucks cannot due to size/weight limitations.

*Mayor Pro-Tem Chase* asked about the potential for additional employment opportunities. Mr. Lincoln reported that they plan on growing from the current 22 employees to 30 in the next couple of years.

**Motion #3** by Trustee Somerville, seconded by Trustee Maxwell to approve PRO-2022-5, Lincoln Woodworks Rezone, finding that the criteria of Section 4.02.E have been met.

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.

A brief discussion ensued regarding the motion not containing language that included Ordinance number 2022-09.

*Motion #4* by Mayor Pro-Tem Chase, seconded by Trustee Turner to approve Ordinance 2022-09 entitled “An Ordinance of the Town of Palisade, Colorado, Amending the Zone District Map of the Town by Zoning Certain Property Known as 119 N. Bower Street (Mesa County Parcel No. 2937-091-00-112) from Commercial Business (CB) to Light Industrial (LI) Zone District,” finding that the criteria of Section 4.02.E have been met.

A roll call vote was requested.

**Yes:** Trustee Carlson, Trustee L’Hommedieu, Trustee Maxwell, Mayor Mikolai, Trustee Turner, Trustee Somerville, Mayor Pro-Tem Chase

**No:**

**Absent:**

Motion carried.

Mayor Mikolai closed the public hearing at 7:33 pm.

**PUBLIC HEARING II**  
***PRO 2022-7 Tallant Bed & Breakfast***

Mayor Mikolai opened the public hearing at 7:33 pm.

CDD Rusche gave a brief presentation outlining the findings of fact and staff recommendations.

The subject property at 3819 North River Road was purchased in July 2019 by Tammy Tallant. The property is zoned Low-Density Residential (LDR). In addition to an approximately 1740 square foot single-family residence, it includes an approximately 520 square foot accessory dwelling unit (ADU). This unit was approved via CUP for use as a law office (PRO-2019-08), but the office has moved to a commercial location, and the unit is currently being used as an ADU as originally designed in 2017. The owner now requests a Conditional Use Permit (CUP) to operate a bed & breakfast on the property.

NO CONDITIONAL USE PERMIT SHALL BE APPROVED UNLESS THE FOLLOWING FINDINGS ARE MADE CONCERNING THE APPLICATION:

- 1. That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.**

The application will not materially endanger the public health or safety.



*The property is setback away from North River Road and has views of the Colorado River. Although the parcel is technically landlocked, access to the site is by means of a driveway within and easement for ingress and egress recorded in 1999 (Reception # 1882119). The site has sufficient space to accommodate the parking required for guests of the bed & breakfast (one per unit plus one per guest room per Table 10.1 of the LDC).*

**2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations.**

The application conforms to the standards and practices of sound land use planning.

*The LDC requires a conditional use permit within the low-density residential zone for a bed & breakfast. The recently approved change to the LDC allows for the use of the accessory structure as part of the bed & breakfast since it is on the same property as the primary residence. The standards for a bed & breakfast found in Section 7.03.C have been addressed.*

**3. That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.**

The application will not substantially injure the value of adjoining property or detrimental to their use.

*The area along North River Road exhibits a mix of uses, including light industrial, commercial, and residential. This property has been used for a law office as well as an accessory dwelling unit (not at the same time), and the proposed bed and breakfast would replace these uses but would continue to have the same low-impact character as the previous uses. Adjacent to the property is the Palisade River House (311 Troyer), an approved short-term vacation rental (STVR).*

**4. That the application will not adversely affect the adopted plans and policies of the Town or violate the character of existing standards for development of the adjacent properties.**

The application will not adversely affect the adopted plans of the Town or violate the character of the adjacent properties.

*As noted above, this neighborhood is a mix of uses, and the exterior residential character of the subject property would remain unchanged. The applicant has indicated that the operation of a bed & breakfast would be beneficial to the Town's economy. Furthermore, the applicant indicates that the property owner or agent of the property owner will be on-premises (as required by the LDC) to monitor guest compliance with house rules, including quiet hours.*

The Planning Commission conducted a Public Hearing on this request on March 1, 2022, and recommended approval of the requested conditional use permit (CUP) to operate a Bed and Breakfast at 3819 North River Road to the Board of Trustees, finding that the criteria of Section 4.07.E have been met and with the following conditions:

- 1) The applicant is responsible for obtaining all permits relating to the operation of a bed & breakfast, including but not limited to building permits, business and tax licenses, and health department inspections.

Applicant Tammy Tallant asserted that she wants a bed & breakfast.

Mayor Mikolai opened the hearing to public comment. None was offered.

Mayor Mikolai opened the hearing to Board comment.

*Trustee Somerville* observed that the proposed property is a good site and a great location for a bed & breakfast business.

*Mayor Mikolai* noted that the current building has a stove that must be removed to adhere to B&B requirements and asked how the Town would ensure that the stove does not get re-installed once approval is granted. CDD Rusche proposed adding a condition to the CUP that the Town perform inspections of the premises if the Board wishes to ensure compliance. The county will perform yearly inspections of the kitchen used for cooking.

Mrs. Tallant assured the Board that she expects regular inspections and plans on complying with all requirements for a B&B.

*Motion #5* by Trustee Maxwell, seconded by Trustee Carlson to approve PRO-2022-7, Tallant Bed and Breakfast Conditional Use Permit, finding that the criteria of Section 4.07.E have been met and with the following condition:

- 1) The applicant is responsible for obtaining all permits relating to the operation of a bed & breakfast, including but not limited to building permits, business and tax licenses, and health department inspections.

A roll call vote was requested.

**Yes:** Trustee Somerville, Mayor Pro-Tem Chase, Trustee Carlson, Trustee L’Hommedieu, Trustee Maxwell, Mayor Mikolai, Trustee Turner

**No:**

**Absent:**

Motion carried.

Mayor Mikolai closed the public hearing at 7:43 pm.

### **NEW BUSINESS**

***Resolution 2022-07 Supporting the Grant Application for an Innovative Housing Strategies Grant from the Department of Local Affairs (DOLA)***

CDD Rusche explained that DOLA, with funding from House Bill 21-1271, offers state assistance to local governments to promote the development of innovative, affordable housing strategies in a manner that is compatible with best local land-use practices. He would like to apply for the grant to assist with the Comprehensive Plan update.

The grant request is for \$45,000. A minimum 25% local match is required, which would be \$15,000, for a total project cost of \$60,000. If the grant is approved, the matching funds of \$15,000 will be taken from the existing budget or appropriated if necessary, and a Request for Qualifications and/or Proposals (RFQ/P) will be prepared to obtain a consultant or team of consultants to aid in the preparation of necessary updates.

Trustees Turner, Somerville, and Maxwell expressed concerns over the amount of funds already being spent on the Comprehensive Plan and the small amount of land that would be included in the study.

Trustee L’Hommedieu, Mayor Mikolai, and Mayor Pro-Tem Chase advocated for the study stating that any additional resource going into the Comprehensive Plan is beneficial and that finding a balance between lower-income housing and higher-priced housing is crucial for the health of the community.

*Motion #6* by Mayor Pro-Tem Chase, seconded by Trustee L’Hommedieu to approve Resolution 2022-07 supporting the grant application for an Innovative Housing Strategies grant from DOLA.

A roll call vote was requested.

**Yes:** Mayor Pro-Tem Chase, Trustee L’Hommedieu, Mayor Mikolai,

**No:** Trustee Carlson, Trustee Maxwell, Trustee Turner, Trustee Somerville

**Absent:**

Motion failed.

**OPEN DISCUSSION**

*Trustee Carlson* thanked Utilities Director Matt Lemon for including him on a tour of the water facilities and added that it was very informative. He added the town might want to research if there is an option with the Bureau of Land Management on reorganizing the ownership of the land surrounding Cabin Reservoir.

*Trustee Maxwell* announced that she has been researching ways to help engage youth in Palisade. One of the ideas that stood out with her was implementing a Youth Advisory Committee. The consensus of the Board is for Trustee Maxwell to look into the logistics of a committee and how School District 51 could be involved, but having the Town organize an official committee to the Board is not supported.

*Mayor Mikolai* announced that he would like to have the Town Manager’s annual review via executive session at the next meeting. He went on to express his confidence that demoing the old high school was the correct decision to make. He clarified that after watching it come down, it was confirmed that the building was too unstable to safely rehabilitate.

**COMMITTEE REPORTS**

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

**ADJOURNMENT**

*Motion #3* by Trustee Somerville, seconded by Trustee Maxwell to adjourn the meeting at 8:14 pm.

A voice vote was requested.  
Motion carried unanimously.

X

\_\_\_\_\_  
Greg Mikolai  
Mayor

X

\_\_\_\_\_  
Keli Frasier  
Town Clerk

**TOWN OF PALISADE, COLORADO  
RESOLUTION NO. 2022-08**

**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF PALISADE, COLORADO, APPROVING THE 2022 SPECIAL EVENT CALENDAR.**

**WHEREAS**, the Town recognizes the importance of special events and festivals in Palisade; and

**WHEREAS**, the Town also recognizes the toll special events and festivals take on staff and citizens alike; and

**WHEREAS**, the Town is desirous of not oversaturating certain times of the year with special events; and

**WHEREAS**, Exhibit "A" takes into account existing special events, festivals, and black-out dates for 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Town of Palisade, Colorado that;

The calendar attached hereto as Exhibit "A" is adopted as the 2022 Special Event Calendar for the Town of Palisade, Colorado, effective March 22, 2022.

**PASSED AND APPROVED** this 22<sup>nd</sup> day of March 2022.

**TOWN OF PALISADE**

\_\_\_\_\_  
Greg Mikolai, Mayor

**ATTEST:**

\_\_\_\_\_  
Keli Frasier, Town Clerk

# SPECIAL EVENTS Calendar

# 2022

Special Event Hosted by Other Group/Entity
  Special Event Owned by Town of Palisade
  Multiple Events Happening on the Same Day
  Anchor Event - Heavily Utilizes Town staff Resources

Black-Out Days
  Reserved for Town of Palisade Event(s)

January

Mo	Tu	We	Th	Fr	Sa	Su
					X	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
X	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February

Mo	Tu	We	Th	Fr	Sa	Su
	1	2	3	X	5	X
7	8	9	10	X	12	13
14	15	16	17	18	19	20
X	22	23	24	25	26	27
28						

March

Mo	Tu	We	Th	Fr	Sa	Su
	1	2	3	4	5	6
7	8	9	10	X	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April

Mo	Tu	We	Th	Fr	Sa	Su
				1	2	3
4	5	6	7	X	9	10
11	12	13	14	15	16	17
X	X	X	X	21	22	23
25	26	27	28	X	30	

May

Mo	Tu	We	Th	Fr	Sa	Su
						X
2	3	4	5	6	7	8
9	10	X	X	X	14	15
16	17	18	19		21	X
X	X	X	X	X	28	X

June

Mo	Tu	We	Th	Fr	Sa	Su
		X	X	X	X	5
X	X	X	9	10	11	12
X	X	X	X	X	X	19
X	X	X	X	X	24	25
X	X	X	X	X	X	X

July

Mo	Tu	We	Th	Fr	Sa	Su
				X	X	3
4	X	X	X	X	X	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
X	X	X	X	X	X	31

August

Mo	Tu	We	Th	Fr	Sa	Su
X	X	X	X	X	X	7
X	X	X	11	12	13	X
X	X	X	X	X	X	21
22	23	24	25	26	27	28
29	30	31				

September

Mo	Tu	We	Th	Fr	Sa	Su
			1	2	3	4
X	X	X	X	X	10	11
X	X	X	X	X	17	18
X	X	X	X	23	24	25
X	X	28	29	30		

October

Mo	Tu	We	Th	Fr	Sa	Su
					1	2
3	4	5	6	X	8	9
10	11	12	13	14	15	16
17	18	19	20	X	22	X
24	25	26	27	28	29	X
31						

November

Mo	Tu	We	Th	Fr	Sa	Su
	1	2	3	4	5	6
7	8	9	10	X	12	13
14	15	16	17	18	19	20
X	X	X	X	X	X	X

December

Mo	Tu	We	Th	Fr	Sa	Su
			X	2	3	X
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	X	X	X
X	X	X	X	X	X	X

\*\*Any date shaded by any color is unavailable for new events to be scheduled

	Special Event Hosted by Other Group/Entity
	Special Event Owned by Town of Palisade
	Multiple Events Happening on the Same Day
	<b>Anchor Event</b>

<u>DATE</u>	<u>EVENT NAME</u>	<u>LOCATION</u>	<u>ORGANIZER</u>
February 5, 2022	Sing up the Sun Parade	Riverbend	Alice Dussart
February 12, 2022	Palisade Ice Bowl	Riverbend/Disc Golf Course	Grand Valley Disc Golf
March 12, 2022	Palisade Awakening Disc Golf Tourney	Riverbend Disc Golf Course	Grand Valley Disc Golf
March 13, 2022	Palisade Awakening Disc Golf Tourney	Riverbend Disc Golf Course	Grand Valley Disc Golf
April 9, 2022	Palisade Lions Club Yard Sale	Community Center Parking Lot	Laurie Williams
<b>April 9, 2022</b>	<b>Honey Bee Festival</b>	<b>Downtown/Plaza</b>	<b>Wine Country Inn</b>
April 17, 2022	Easter Egg Hunt	Memorial Park	American Legion
April 21, 2022	Bluegrass Bash	Various	4th Street Music
April 22, 2022	Bluegrass Bash	Various	4th Street Music
April 23, 2022	Bluegrass Bash	Various	4th Street Music
April 24, 2022	Bluegrass Bash	Various	4th Street Music
April 24, 2022	Edesia Wine & Food Festival	Wine Country Inn	Wine Country Inn
<b>April 30, 2022</b>	<b>Outdoor Heritage Days</b>	<b>Riverbend</b>	<b>CPW</b>
<b>May 14, 2022</b>	<b>Grand Valley Bank Brews &amp; Shoes</b>	<b>Memorial Park</b>	<b>Chamber of Commerce</b>
May 14, 2022	Grand Valley Marathon	Downtown/Plaza	Rapid Creek Cycles
May 21, 2022	Town Clean-Up Day (TENTATIVE)	Palisade	TOP
May 28, 2022	Amateur C-Tier Tournament	Riverbend/Disc Golf	Grand Valley Disc Golf
June 5, 2022	Sunday Farmers Market	Downtown/Plaza	TOP
<b>June 9, 2022</b>	<b>Palisade Bluegrass Festival</b>	<b>Riverbend</b>	<b>TOP</b>
<b>June 10, 2022</b>	<b>Palisade Bluegrass Festival</b>	<b>Riverbend</b>	<b>TOP</b>
<b>June 11, 2022</b>	<b>Palisade Bluegrass Festival</b>	<b>Riverbend</b>	<b>TOP</b>
<b>June 12, 2022</b>	<b>Palisade Bluegrass Festival</b>	<b>Riverbend</b>	<b>TOP</b>
June 12, 2022	Sunday Farmers Market	Downtown/Plaza	TOP
June 19, 2022	Sunday Farmers Market	Downtown/Plaza	TOP
<b>June 24, 2022</b>	<b>Lavender Festival</b>	<b>Riverbend</b>	<b>Lavender Association of Colorado</b>
<b>June 25, 2022</b>	<b>Lavender Festival</b>	<b>Riverbend</b>	<b>Lavender Association of Colorado</b>
<b>June 26, 2022</b>	<b>Lavender Festival</b>	<b>Riverbend</b>	<b>Lavender Association of Colorado</b>
June 26, 2022	Sunday Farmers Market	Downtown/Plaza	TOP
July 3, 2022	Sunday Farmers Market	Downtown/Plaza	TOP
<b>July 4, 2022</b>	<b>Fourth of July</b>	<b>Downtown/Plaza</b>	<b>TOP</b>
July 10, 2022	Sunday Farmers Market	Downtown/Plaza	TOP
July 17, 2022	Sunday Farmers Market	Downtown/Plaza	TOP
July 24, 2022	Sunday Farmers Market	Downtown/Plaza	TOP
July 31, 2022	Sunday Farmers Market	Downtown/Plaza	TOP
August 7, 2022	Sunday Farmers Market	Downtown/Plaza	TOP
<b>August 11, 2022</b>	<b>Ice Cream Social</b>	<b>Downtown/Plaza</b>	<b>TOP</b>
<b>August 12, 2022</b>	<b>Palisade Peach Festival</b>	<b>Riverbend</b>	<b>Chamber of Commerce</b>
<b>August 13, 2022</b>	<b>Palisade Peach Festival</b>	<b>Riverbend</b>	<b>Chamber of Commerce</b>
August 13, 2022	PHS Band Car Show	PeachBowl Park	PHS High School Band
August 13, 2022	Peachy 5k Run	Palisade	Grand Junction Sports Commission
August 14, 2022	Sunday Farmers Market	Downtown/Plaza	TOP
August 21, 2022	Sunday Farmers Market	Downtown/Plaza	TOP
August 28, 2022	Sunday Farmers Market	Downtown/Plaza	TOP
September 10, 2022	PAV Sculpture Unveiling	Downtown/Plaza	TOP
<b>September 17, 2022</b>	<b>Colorado Mountain Winefest</b>	<b>Riverbend</b>	<b>CAVE</b>
September 23, 2022	Palisade Art Festival (TENTATIVE)	Community Center/Memorail Park	Mountain Art Festival
September 24, 2022	Palisade Art Festival (TENTATIVE)	Community Center/Memorail Park	Mountain Art Festival
September 25, 2022	Palisade Art Festival (TENTATIVE)	Community Center/Memorail Park	Mountain Art Festival
September 25, 2022	Palisade Fall Market	Downtown/Plaza	TOP
October 2, 2022	Palisade Fall Market	Downtown/Plaza	TOP
<b>October 8, 2022</b>	<b>Rocky Mountain Disc Golf Masters</b>	<b>Riverbend Disc Golf Course</b>	<b>Grand Valley Disc Golf</b>
<b>October 9, 2022</b>	<b>Rocky Mountain Disc Golf Masters</b>	<b>Riverbend Disc Golf Course</b>	<b>Grand Valley Disc Golf</b>
October 9, 2022	Palisade Fall Market	Downtown/Plaza	TOP
October 22, 2022	Town Clean-Up Day	Palisade	TOP
<b>October 31, 2022</b>	<b>Trick or Treat Street</b>	<b>Downtown/Plaza</b>	<b>TOP</b>
<b>December 2, 2022</b>	<b>Olde Fashioned Christmas</b>	<b>Community Center/Downtown Plaza</b>	<b>Chamber of Commerce</b>
<b>December 3, 2022</b>	<b>Olde Fashioned Christmas</b>	<b>Community Center/Downtown Plaza</b>	<b>Chamber of Commerce</b>



## **PALISADE BOARD OF TRUSTEES**

### **Agenda Cover Item**

**Meeting Date:** March 22, 2022

**Department:** Administration - Clinic

**Department Director:** J. Hawkinson, Manager

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#### **SUBJECT:**

The Board of Trustees gave direction for the Town Manager to publish a SOQ for a CMGC – Construction Manager General Contractor for the new clinic. This process is to assist with the design phase of the project for cost control, for the design to stay within budget, and for efficiency in ordering material for construction, to stay within the timeline.

The interview team was made up of Community Hospital, MOA Architects, JUB Engineering & Town of Palisade. The team selected FCI, Construction as the CMGC for the clinic.

The proposed FCI fee is:  
Pre-construction services: \$7,500 flat fee  
Proposed Overhead and Profit Fee: 3.75%

#### **Board Action:**

Does the Board of Trustees give direction to the Town Manager to enter into contract with FCI Construction as the CMGC?



**PALISADE BOARD OF TRUSTEES**  
**Agenda Item Cover Sheet**

**Meeting Date:**           **March 22, 2022**

**Presented By:**       **Janet Hawkinson, Town Manager, and James S. Neu, Town Attorney**

**Department:**       **Administration**

**Re:**                   **Palisade Pretreatment IGA with Clifton Sanitation District**

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**SUBJECT:**

Ordinance 2022-11 entitled “An Ordinance of the Town of Palisade, Colorado, Amending Chapter 13, Article IV of The Palisade Municipal Code Regarding Commercial and Industrial User Requirements.”

**SUMMARY:**

Attached is the Pretreatment IGA with Clifton Sanitation District for the next Board meeting, and an ordinance adopting CSD’s pretreatment regulations into the Palisade Municipal Code as required by the IGA.

The IGA has several obligations with associated timeframes. I think the Town is in good shape and has met some of those, but the following remain:

**Paragraph 7.H(2):** The Town shall notify each food facility of the requirement to install grease interceptors and implement BMPs consistent with CSD Article V, Section 5.6. within one-hundred and twenty (120) days after the effective date of this Pretreatment IGA (August 4, 2022).

**Paragraph 7.H(2):** The Town shall notify each automotive service or repair, machine shop, automotive care center, auto body shop, and car wash that their facility is required to install a sand/oil separator if they have any drains connected to the sanitary sewer other than restrooms or kitchens consistent with CSD Article V, Section 5.6. within one-hundred and twenty (120) days of the effective date of the Pretreatment IGA (August 4, 2022),

Please put these on the work schedules so the Town doesn’t default under the IGA and ask CSD for assistance when needed.

Let me know if there are any questions.

Jim

**Karp.Neu.Hanlon<sup>PC</sup>**  
ATTORNEYS AT LAW

**BOARD DIRECTION:**

Approve Resolution 2022-11



**TOWN OF PALISADE, COLORADO  
ORDINANCE NO. 2022-11**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO,  
AMENDING CHAPTER 13, ARTICLE IV OF THE PALISADE  
MUNICIPAL CODE REGARDING COMMERCIAL AND INDUSTRIAL  
USER REQUIREMENTS.**

**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**, the Town has adopted regulations related to its sewer service in Article IV of Chapter 13 of the Palisade Municipal Code (the “Code”); and

**WHEREAS**, the Town and Clifton Sanitation District (“CSD”) entered into the certain Intergovernmental Agreement dated May 5, 2021 regarding the Town’s connection to CSD’s wastewater collection system and CSD’s treatment of the Town’s wastewater; and

**WHEREAS**, the Colorado Department of Public Health and Environment has issued a Colorado Discharge Permit System (“CDPS”) permit to CSD (CO0033791) that requires CSD protect its wastewater treatment plant from Industrial User discharges that may cause Pass Through, Interference or violate a Specific Prohibition; and

**WHEREAS**, the Town entered into that certain Pretreatment Intergovernmental Agreement with CSD with an effective date of April 6, 2022 (“Pretreatment IGA”) in preparation of CSD accepting the Town’s wastewater and comply with its CDPS; and

**WHEREAS**, pursuant to Paragraph 4 of the Pretreatment IGA, the Town must adopt Article V of CSD’s Rules and Regulations setting forth commercial and industrial user requirements; and

**WHEREAS**, at a regular a public meeting to consider this action, the Board of Trustees finds and determines that it is in the interest of the Town to 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.** The table located at Section 13-84(e)(18) of Chapter 13 of the Palisade Municipal Code is hereby repealed and replaced with the following:

Pollutant	Daily Maximum Discharge Limitation <sup>(1)</sup>
Arsenic	0.044
Cadmium	0.009
Chromium	1.46
Chromium (VI), filterable	0.170
Copper	0.62
Lead	0.29
Mercury	0.0012
Nickel	0.79
Silver	0.46
Selenium	0.010
Zinc	2.86
5-Day Biochemical Oxygen Demand (BOD <sub>5</sub> ), lbs/day	1,185 <sup>(2)</sup>
Total Suspended Solids (TSS), lbs/day	1,042 <sup>(2)</sup>
Ammonia, lbs/day	149 <sup>(2)</sup>
Phosphorus, lbs/day	28 <sup>(2)</sup>

(1) All limits are in mg/L unless otherwise specified and shall be analyzed as total.

(2) This limit is the total mass in pounds per day (lbs/day) that are available to allocate to all Town Users.

**Section 3.** The table located at Section 13-84(e)(20) of Chapter 13 of the Palisade Municipal Code is hereby repealed and replaced with the following:

Pollutant <sup>(1)</sup>	Daily Maximum Discharge Limit <sup>(3)</sup>
Benzene	0.050
BTEX <sup>(2)</sup>	0.750

1. All pollutants shown in the Table are total and asmg/L.
2. BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.
3. These limits are based upon installation of air stripping

technology as described in the EPA document: “Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989.”

**Section 4.** Section 13-89 of Chapter 13 of the Palisade Municipal Code is hereby enacted to read as follows:

**Sec. 13-89. – Adoption of Clifton Sanitation District Commercial and Industrial Users Requirements.**

Pursuant to that certain Intergovernmental Agreement between the Town and Clifton Sanitation District (“CSD”) regarding wastewater treatment for the Town dated May 5, 2021, the Town entered into that certain Pretreatment Intergovernmental Agreement with CSD dated April 6, 2022 (“Pretreatment IGA”). Pursuant to Paragraph 4 of the Pretreatment IGA and in preparation of CSD’s treatment of the Town’s wastewater, the following Article V of the CSD’s Rules and Regulations (current version attached as Exhibit A) is hereby adopted into the Palisade Municipal Code, as said Article V may be amended from time to time by CSD, and shall apply to all connections to the Town’s sewage works. Further, the Town hereby grants CSD authority to implement and enforce these regulations that apply to Industrial Users that discharge to or otherwise have a connection to the Town’s sanitary sewer. Notwithstanding any reference to CSD or the District herein, the Town retains full authority to administer and enforce these regulations, in which case these regulations shall be interpreted accordingly for the Town’s administration and enforcement thereof; however, CSD shall have the right to make final decisions regarding any enforcement action or issue, whether initiated by the Town or CSD. In the event of any conflict between these regulations and the Pretreatment IGA, the provisions of the Pretreatment IGA shall prevail.

See Exhibit A attached hereto and incorporated herein by this reference to be codified in Section 13-89 of the Palisade Municipal Code.

**Section 5.** This Ordinance shall be open for public comment for 30 days pursuant to Paragraph 4 of the Pretreatment IGA and unless called up by the Board of Trustees for further review and amendment based upon such comments, this Ordinance shall be effective May 1, 2022.

**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 March 22, 2022.

TOWN OF PALISADE, COLORADO

By: \_\_\_\_\_  
Greg Mikolai, Mayor

ATTEST:

\_\_\_\_\_  
Keli Frasier, Town Clerk

**EXHIBIT A**

**Article V. Commercial and Industrial Users – Requirements**

5.0 [Title and General Provisions](#)

This Article V of the Rules and Regulations applies to non-residential dischargers that are classified as businesses (industrial or commercial) or are otherwise a source of Indirect Discharge.

5.1 [Purpose and Policy](#)

It is necessary for the health, safety, and welfare of the residents of the District to regulate the collection of wastewater and treatment thereof to provide for maximum public benefit. This Article sets forth the uniform requirements for users of the Publicly Owned Treatment Works of the Clifton Sanitation District and enables the District to comply with applicable State and Federal laws, including the Clean Water Act (33 United States Code Section 1251, *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403).

5.2 [The Objectives of these Rules and Regulations are:](#)

- 5.2.1 To prevent the introduction of pollutants into the POTW that would interfere with the operation of the system or contaminate the resulting sludge;
- 5.2.2 To prevent the introduction of pollutants into the POTW which will pass through the system, inadequately treated, into receiving water or the atmosphere or otherwise be incompatible with the system;
- 5.2.3 To protect both POTW personnel who may be affected by wastewater or sludge in the course of their employment and the general public;
- 5.2.4 To promote reuse and recycling of reclaimed wastewater and sludge from the POTW;

- 5.2.5 To provide for the equitable distribution of the cost among users of the POTW;
- 5.2.6 To provide for and promote general health, safety, and welfare of the citizens residing within the District; and
- 5.2.7 To enable the District to comply with its Colorado Discharge Permit System permit conditions, sludge use and disposal requirements, and any other federal or State laws to which the POTW is subject. These Rules and Regulations shall apply to persons in the District, and to persons outside the District who are, by contract or agreement with the District, users of the POTW.

### 5.3 Recovery of Costs

It is the purpose of this Section to provide for the recovery of costs from Industrial Users of the District's wastewater treatment system for the implementation of the program established herein. The applicable charges or fees shall be set forth as appropriate in these Rules and Regulations. The District may adopt charges and fees to reimburse the District for the costs of operating the District's Pretreatment Program. The rationale for imposing fines and fees for industrial users is described in the District's policies:

- 5.3.1 Industrial Waste Control Enforcement Response Guide
- 5.3.2 Fats, Oils, and Greases (FOG) Response Guide

### 5.4 Definitions

Unless the context specifically indicates otherwise, the following terms, as used in these Rules and Regulations, shall have the meanings hereinafter designated:

- 5.4.1 "Act" or "The Act" mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251, *et seq.*

- 5.4.2 "Authorized Representative" or "Duly Authorized Representative" of the Industrial User as defined at 40 CFR Section 403.12(I) and is hereby incorporated by reference.
- 5.4.3 "*Best Management Practices*" ("*BMPs*") shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the General and Specific Prohibitions listed in Section 5.9 of this Article. *BMPs* are Pretreatment Standards. *BMPs* include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. *BMPs* shall be considered local limits and Pretreatment Standards for the purposes of this Regulations and Section 307 (d) of the Act and as specified at 40 CFR 403.5 (c)(4).
- 5.4.4 "Biochemical Oxygen Demand" ("*BOD<sub>5</sub>*") shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures (five days at twenty degrees centigrade) expressed in terms of weight and concentration (mg/L).
- 5.4.5 "Categorical Industrial User" ("*CIU*") means an Industrial User subject to a Categorical Pretreatment Standard that appears in 40 CFR chapter I, subchapter N, Parts 405-471.
- 5.4.6 "Chemical Oxygen Demand" ("*COD*") means the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures and expressed in terms of weight and concentration (mg/L).
- 5.4.7 "Colorado Discharge Permit System" ("*CDPS*") shall mean the State of Colorado program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into waters of the State pursuant to C.R.S. Section 25-8-101, *et seq.*, 1973 as amended, and 402 of the Clean Water Act (33 U.S.C. §1342).

- 5.4.8 "Composite sample" is a representative flow-proportioned sample generally collected within a twenty-four (24) hour period and combined according to flow. Time-proportional sampling may be approved or used by the District where time-proportional samples are believed representative of the discharge.
- 5.4.9 "Cooling water":
- (a) "Contact". Water used for cooling purposes which comes in contact with any raw material, intermediate product, waste product or finished product.
  - (b) "Noncontact". Water used for cooling purposes, which does not come in contact with any raw material, intermediate product, waste product or finished product and the only pollutant added is heat.
- 5.4.10 "Daily Maximum Discharge Limit" shall mean the maximum allowable concentration of a pollutant(s) that may be discharged during a twenty-four (24) hour period or as specified in a Wastewater Discharge Permit. Where daily maximum limitations are expressed in units of mass, the discharge is the total mass discharged over the sampling period.
- 5.4.11 "Direct discharge" shall mean the discharge of treated, partially treated, or untreated wastewater directly to the waters of the State.
- 5.4.12 "Domestic" or "Sanitary Wastes" shall mean liquid, solid, and semi-solid wastes from the noncommercial preparation, cooking, and handling of food and/or containing only human excrement and similar matter from the sanitary conveyances of dwellings, commercial buildings, industrial facilities, and institutions. Grease trap wastes are specifically excluded from this definition.
- 5.4.13 "Domestic Septage" means the liquid or solid material removed from a septic tank, cesspool, or portable toilet or



similar system that holds only domestic sewage. Domestic septage does not include liquid or solid material removed from any system that receives either commercial wastewater or industrial wastewater. It does not include grease removed from a restaurant or commercial grease trap.

- 5.4.14 "Fats, Oils, and Greases" ("FOG") shall mean any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted by hexane solvent, as specified in 40 CFR Part 136.
- 5.4.15 "Grab Sample" shall mean an individual sample that is collected from a waste stream without regard to the flow and over a period of time not to exceed fifteen (15) minutes.
- 5.4.16 "Hazardous Waste" shall mean any waste containing substances or characteristics listed as such pursuant to 40 CFR Part 261.
- 5.4.17 "Hauled Wastes" means any waste transported to the POTW by truck or rail. Hauled waste may include domestic septage, chemical toilet waste, grease and sand trap waste, and non-hazardous commercial and industrial waste.
- 5.4.18 "Indirect Discharge" or "Discharge" shall mean the discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act, including holding tank waste discharge to the POTW.
- 5.4.19 "Industrial User" or "User" means a source of Indirect Discharge, or any other industrial or commercial facility or business that has a sewer connection to the POTW whether or not the user discharges non-domestic wastewater.
- 5.4.20 "Industrial Wastes" shall mean the liquid, solid, and semi-solid wastes from industrial manufacturing processes, trade, or business and does not include domestic or sanitary wastes unless specifically regulated by applicable standards.

- 5.4.21 "Instantaneous Limit" shall mean the maximum concentration of a pollutant allowed to be discharged at any time.
- 5.4.22 "Interference" shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources:
- (a) Inhibits or disrupts the WWTP treatment processes, operations, or sludge processes, use, or disposal;
  - (b) Causes a violation of any requirement of the WWTP's CDPS permit or
  - (c) Prevents sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- 5.4.23 "Local Limit" shall mean specific discharge limits or Best Management Practices (BMPs) developed and enforced by the District upon Industrial Users to implement the General and Specific Prohibitions and the Wastewater Discharge Limitation listed in Section 5.9. Local limits are Pretreatment Standards and are listed in Section 5.9 of this Article.
- 5.4.24 "New Source" shall have the definition as stated in 40 CFR Section 403.3(m) and is hereby incorporated by reference.
- 5.4.25 "Non-Significant Industrial User" shall mean any User which does not meet the definition of a Significant Industrial User, but is otherwise required by the District through permit, order or notice to comply with specific provisions of these Rules and Regulations and is so notified by the District.

- 5.4.26 "Normal Domestic Strength Wastewater" means wastewater that when analyzed by methods approved under 40 CFR Part 136 and contains no more than 250 mg/L of suspended solids (TSS) and 250 mg/L of BOD<sub>5</sub>.
- 5.4.27 "Pass Through" shall mean a discharge which exits the WWTP into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement or the District's CDPS permit or of the receiving water's water quality standards (WQS) regardless of whether the WQS is part of the District's permit, including an increase in the magnitude or duration violation.
- 5.4.28 "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock Company, trust, estate, government entity, or any other legal entity; or their legal representatives, agents or assigns. This definition includes all federal, State, and local government entities.
- 5.4.29 "pH" shall mean a measure of the acidity or alkalinity of a solution, expressed in Standard Units (SU), and is the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution. pH measurements must be taken with a calibrated meter either in-situ or within fifteen (15)-minutes of sample collection. Colorimetric methods, including pH paper, are not acceptable.
- 5.4.30 "Pollutant" shall mean any dredged spoil, solids, incinerator residue, filter backwash, sewage, garbage, sewage sludge, explosives, munitions, medical waste, chemical wastes, corrosive substance, biological material, biological nutrient, toxic substance, radioactive material, heat, malodorous substance, wrecked or discharged equipment, rock, sand, slurry, cellar dirt, untreatable waste, or industrial, domestic, or agricultural wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD<sub>5</sub>, COD, toxicity, or odor) discharged into or with water.

- 5.4.31 "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.  
The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Section 403.6(e).
- 5.4.32 "Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, imposed on an Industrial User, and shall include conditions of a wastewater discharge permit.
- 5.4.33 "Pretreatment Standard" or "Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307 (b) and (c) of the Act, which applies to Users. This term includes prohibited discharge prohibitions established pursuant to 40 CFR Section 403.5 and Section 5.9 of this Article. In cases of differing standards or regulations, the more stringent shall apply.
- 5.4.34 "Process wastewater" shall mean any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

- 5.4.35 "Publicly Owned Treatment Works" ("POTW") shall mean a treatment works as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned, in this instance, by the Clifton Sanitation District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.  
The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works. For the purposes of this Article, POTW shall also include any sewers that convey wastewaters to the POTW from Indirect Dischargers outside the District who are, by contract or agreement with the District, users of the District's POTW.
- 5.4.36 "Receiving Water Quality Standards" shall mean requirements for the POTW's treatment plant effluent established by applicable State or Federal statutes or regulations for the protection of receiving water quality. Such requirements shall include effluent limitations, and waste discharge standards, requirements, limitations, or prohibitions which may be established or adopted, from time to time.
- 5.4.37 "Recreational Vehicle Waste" shall mean any sewage from gray and sewer holding tanks such as recreational vehicles, 5th wheel and travel trailer campers, and slide in pickup campers.
- 5.4.38 "Representative sample" means a sample from a waste stream that is as nearly identical as possible in composition to that in the larger volume of wastewater being discharged from the facility on a normal operating day.
- 5.4.39 "Sanitary sewer" shall mean a sewer which carries domestic and/or non-domestic wastewater or sewage and to which storm, surface, and ground waters are not intentionally admitted, including the pipe or conduit system and

appurtenances, for the collection, transportation, pumping, and treatment of sewage. This definition shall also include the terms public sewer, sewer system, POTW sewer, and sewer.

- 5.4.40 "Service connection" shall mean a sewer line intended for discharging wastewater into the District's POTW and commencing at a structure or facility and terminating at a sewer main.
- 5.4.41 "Sewer mains or collection system" shall mean that portion of the District's POTW used for the collection and transportation of wastewater to treatment facilities and which has been installed for the express purpose of allowing service connections to be made thereto.
- 5.4.42 "Shall" and "will" are mandatory.
- 5.4.43 "Significant Industrial User" ("SIU") shall mean an industry subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N, except those defined as non-significant categorical industrial users, and that:
- (a) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); or
  - (b) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or
  - (c) Is designated by the Manager on the basis that the industry has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

- 5.4.44 "Significant Non-Compliance" ("SNC") shall mean any user is in significant noncompliance if its violation meets one or more of the criteria as defined at 40 CFR §403.8(f)(2)(vii).
- 5.4.45 "Slug Load" or "slug discharge" shall mean any discharge at a flow rate or concentration, which could cause a violation of the in General or Specific Prohibitions in Section 5.9.
- 5.4.46 A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the Districts regulations, local limits, or permit conditions. Non-domestic users must report a slug discharge as specified in Section 5.19.4 of this Article.
- 5.4.47 "Standard Industrial Classification" ("SIC") shall mean a classification pursuant to the "Standard Industrial Classification Manual" issued by the Executive Office of the President-Office of Management and Budget, as it may be revised from time to time.
- 5.4.48 "Storm Sewer" shall mean publicly owned facilities by which storm water is collected or conveyed, including but not limited to any roads, with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human made or altered drainage channels, reservoirs, and other drainage structures.
- 5.4.49 "Storm water" shall mean any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation, including snowmelt.
- 5.4.50 "Total Suspended Solids" ("TSS") shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and that is removable by laboratory filtering.

- 5.4.51 “Toxic pollutant” shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of Section 307(a) of the Act (33 U.S.C. §1317(a)) or as otherwise listed at 40 CFR Part 122, Appendix D.
- 5.4.52 “Wastewater” or “sewage” shall mean liquid and water-carried industrial wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- 5.4.53 “Wastewater Treatment Plant” (“WWTP”) or “Treatment Plant” shall mean that portion of the POTW which is designed to provide treatment of municipal sewage.

## 5.5 [Abbreviations](#)

BOD <sub>5</sub>	5-day Biochemical Oxygen Demand
BMP	Best Management Practice
BMR	Baseline Monitoring Report
°C	degrees Celsius
CDPS	Colorado Discharge Permit System
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
FOG	Fats, Oils and Grease
gpd	gallons per day
IU	Industrial User
mg/L	milligrams per Liter
O&M	Operation and Maintenance
POGS	Petroleum Oil, Grease and Sand
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIU	Significant Industrial User



SNC	Significant Non-Compliance
TSS	Total Suspended Solids
U.S.C.	United States Code
WWTP	Wastewater Treatment Plant

5.6 Fats, Oil and Grease (FOG) Control and Petroleum, Oil & Sand Separator Requirements

The requirements established in this Section shall apply to facilities subject to the Oil and Grease Program requirements established by the District.

5.6.1 FOG facilities are non-domestic dischargers located within the District's service area where the following uses or activities occur, and which are subject to the District's system for control of Fats, Oil and Grease (FOG):

Non-residential properties on which occurs or facilities exist for the preparation, manufacturing, or processing of food, including but not limited to: restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, schools, nursing homes and other facilities that prepare, service, or otherwise make foodstuff available for consumption or that serve food prepared off-site when dishwashing or other activities may be performed on-site that have a reasonable potential to cause FOG, BOD, TSS, or other parameter to be greater in concentration than is typical for domestic wastewater.

5.6.2 POGS facilities are non-domestic dischargers located within the District's service area where the following Petroleum Oil, Grease and Sand (POGS) and are further defined as: Non-residential properties on which occurs, automotive service or repair, machine shops, automotive care centers, auto body shops, car washes, or any other facility that generates sand, grit or petroleum waste that may discharge into a wastewater collection system.

**Grease Interceptor**

A unit with at least two (2) compartments and at least seven hundred and fifty (750) gallons. All brackets and other internal non-concrete supports shall be of stainless steel or otherwise treated to prevent corrosion or composed of a material not affected by corrosion.

The grease interceptor shall be vented and designed to retain grease from one or more fixtures and which shall be located remote from the fixtures being served, typically, outside the building being served and accessible at all times.

The District will use the following general sizing criteria to evaluate grease interceptor sizing:

<b>Grease Interceptor Sizing Table</b>					
Fixture Type	# of Fixtures		Surge Flow from Fixture (gpm)		Total Flow (gpm)
<u>Kitchen Area Sinks</u>					
Single Compartment		x	20	=	
Double Compartment		x	25	=	
Triple Compartment		x	30	=	
Mop/Clean-up		x	20	=	
<u>Dishwashers</u>					
Up to 30-gallon capacity		x	15	=	
30 to 50-gallon capacity		x	25	=	
50 to 100-gallon capacity		x	40	=	
Total Surge Flow for Facility (gpm):					
Detention Time (min):					x 10
Required Minimum Grease Interceptor Capacity (gallons)*					
* Minimum Approved Size is 750 gallons; standard size is 1000 gallons					

5.6.3 Sand/Oil Separator

A unit of at least three hundred (300) gallons' capacity designed to retain sand and oil from one or more fixtures and which shall be located remote from the fixtures being served, typically, outside the building being served. The District may determine whether or not a larger capacity sand/oil separator is required.

5.6.4 Car Wash Facilities

In addition to installing an adequately sized sand/oil separator, car washes shall post signage that notifies the customer that the discharge of any oil, antifreeze or other waste not specifically removed as a result of normal usage of the car wash facilities is prohibited and may be prosecuted. Car wash facilities shall utilize detergents that do not contain nonylphenols or nonylphenol ethoxylates as a significant component (>1%) of the detergent concentrate.

5.6.5 Additives

Any chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives, used for the purpose of grease reduction are strictly prohibited.

5.6.6 General Control Requirements

- (a) A grease interceptor or sand/oil separator shall be required when, in the judgment of the District, they are necessary for the proper handling of liquid wastes which may be harmful to or cause an obstruction in the wastewater collection system or cause or contribute to Interference or Pass Through.
- (b) It shall be the responsibility of the User and owner of the property, business or industry or an authorized representative of the User to contact the District for obtaining a plan review. The plan review shall determine the need, method, size, and location of the interceptor or separator required to control discharges into the POTW.

Written approval from the District must be obtained prior to installation of the interceptor or separator.

- (c) Detailed plans describing such facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of this Article.
- (d) The design, sizing, and construction of grease interceptors and oil/sand separators shall be in accordance with the County required plumbing codes and these Rules and Regulations.  
The grease interceptor and oil/sand separator shall be designed, sized, installed, maintained and operated to accomplish their intended purpose of intercepting pollutants from the User's wastewater and preventing the discharge of such pollutants to the District's wastewater collection system.
- (e) A variance as to the requirement for a grease interceptor for existing facilities may be granted by the District for good cause. The District will evaluate all data and information supporting a request for a variance. The FOG Facility has the burden of proof on demonstrating through data and other information why a variance should be granted. In no case, shall a variance result in violation of any requirement or effluent limit specified in these Rules and Regulations. The granting of any variance shall be at the sole discretion of the District. If a variance is granted, the FOG facility shall:
  - 1. Provide quarterly cleaning of its private service line to prevent the buildup of oil, grease and solids;

2. Submit records of this cleaning to the District within fifteen (15) days of each sewer line cleaning;
3. Pay the costs incurred by the District for accelerated sewer line cleaning on the District's sewer line providing service to the User, costs to the District of treating the excess strength waste, and any costs for sampling and analysis. The District believes that these costs will be comparable to costs incurred by a user that installs and maintains grease interceptors or oil/sand separators. Surcharges for FOG, TSS, and BOD are described in Section 5.12.
4. Upon change of ownership or significant changes to the building requiring a building permit at any existing facility which would be required to have an interceptor or separator under this Section, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning grease interceptor or oil/sand separator is installed.
5. Toilets, urinals and similar fixtures shall not waste through a grease interceptor or oil/sand separator. Such fixtures shall be plumbed directly into the building sewer and waste system.
6. FOG Facilities: All sink fixtures not equipped with a garbage disposal (garbage grinder) which are connected to a grease interceptor shall be equipped with a fixed or removable mesh or screen which shall catch garbage and food debris and prevent it from entering the grease interceptor.

5.6.7 Notification to the District by the User

The User shall inform the District prior to:

- (a) Sale or transfer of ownership of the business;

- (b) Change in the trade name under which the business is operated;
- (c) Change in the nature of the services provided that affect the potential to discharge oil, grease, sand, grit or petroleum;
- (d) Remodeling the facility that may result in an increase in flow or pollutant loading or that otherwise requires the facility to submit plans or specifications for approval through a building or zoning department.

#### 5.6.8 Required Maintenance

- (a) Grease interceptors shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the fats, oil and grease from the FOG Facility's wastewater and prevent the discharge of said materials into the District's wastewater collection system. A grease interceptor in service shall be serviced at a minimum of every ninety (90) days or whenever the combined thickness of the floating greases and settled solids is greater than twenty-five percent (25%) of the hydraulic working capacity of the grease interceptor, whichever is sooner.
- (b) Sand/oil separators shall be maintained by regularly scheduled removal of the accumulated sand and oil so that they will properly operate as intended to intercept the sand and oil from the affected property's wastewater and prevent the discharge of sand and oil to the District's wastewater collection system. A sand/oil separator in service in the District shall be serviced at a maximum interval of one-hundred and twenty (120) days.
- (c) The District may require more frequent cleaning. A variance from this requirement may be obtained when the User can demonstrate less frequent cleaning is

sufficient. The District will not allow a cleaning frequency of less than once per twelve (12) months.

- (d) Maintenance of grease interceptors shall be done in a workmanlike manner only by a business/professional normally engaged in the servicing of such plumbing fixtures.
- (e) In the event an interceptor or separator is not properly maintained by the user, owner, lessee, or other authorized representative of the facility, the District may authorize such maintenance work be performed on behalf of the facility.

The costs of such maintenance shall be billed directly to the customer and shall become part of the charges due and owing to the District and shall constitute a lien against the property until paid in full.

- (f) Users shall:
  - 1. Ensure interceptors and separators are easily accessible for inspection, cleaning, and removal of grease.
  - 2. Maintain interceptors and separators at their expense and keep in efficient operating condition at all times by the regular removal of oil, grease and solids.
  - 3. Document each pump out with a waste manifest or trip ticket which must be kept on site for at least three (3) years.
  - 4. Take reasonable steps to assure that all waste is properly disposed of at a facility in accordance with federal, state and local regulations (i.e., through a certification by the hauler included on the waste manifest or trip ticket for each load).

5.6.9 FOG Facilities

Biological treatment or enzyme treatment shall not be a substitute for the servicing of grease interceptors at the frequency determined by the District. Use of enzymes to degrade and/or emulsify oil and grease is prohibited.

- 5.6.10 Existing facilities not connected to a grease interceptor or oil/sand separator, as appropriate, and who contribute oil, grease or sand to the District's collection system will be identified through the District's inspection program. Once identified and determined by the District to need treatment, the facility shall be required to install an interceptor or separator and maintain it according to this Section.

In the time before an interceptor or separator can be installed, the District will require these businesses to implement Best Management Practices (BMPs) to minimize the discharge of pollutants to the sanitary sewer system as described below.

(a) FOG Facilities:

1. Scrape food from plates into garbage cans.
2. Pre-wash plates by spraying them off with cold water over a small mesh catch basin positioned over a drain. This catch basin should be cleaned into a garbage can or other solid waste disposal device as needed.
3. Pour all liquid oil and grease from pots into a waste grease bucket stored at the pot washing sink. Heavy solid build-up of oil and grease on pots and pans should be scraped off into a waste grease bucket.
4. Certify that training for these requirements has been provided to kitchen staff.



5. Other kitchen practices identified by the District and/or FOG facility which will decrease the point source discharge of oil and grease.
- (b) POGS Facilities:
1. No dumping of petroleum-based waste products into the waste collection system;
  2. Sweeping floors and other service areas with hand brooms and dispose of all sweepings as solid waste to minimize the use of wash down water to the greatest extent practicable;
  3. Utilizing appropriate absorbent materials to contain and cleanup any spillage of petroleum-based products and disposing of all used absorbent materials as solid waste;
  4. Providing certification that all employees have been trained on these practices; and
  5. Other practices identified by the District and/or facility which will decrease the discharge of sand and oil.

5.6.11 Surcharging in Lieu of Grease Trap Installation

- (a) The District is sensitive to the fact that the installation of a grease interceptor at an existing facility can be expensive and, in some cases, places a heavy financial burden on the facility.
- (b) Modification of existing plumbing to accommodate installation of a trap may not always be possible in existing buildings.
- (c) When a facility is required by these Rules and Regulations to install a trap and the installation, in the District's opinion, is (a) not physically possible or (b) would represent an undue financial hardship relative to the

benefits gained, the District may grant a waiver from the trap installation requirement. Facilities with grease trap waivers will be considered non-complying facilities.

- (d) Grease trap waivers will not be granted for facilities constructed after January 1, 2013. Non-complying facilities shall pay the costs incurred by the District for accelerated sewer line cleaning on the District's sewer lines providing service to the User, costs to the District of treating the excess strength waste, and any other costs for sampling and analysis and administration. The District believes that these costs will be comparable to costs incurred by a User that installs and maintains grease interceptors.
- (e) Accelerated cleaning will be performed downstream from non-complying food preparation facilities at a minimum frequency of once per quarter.
- (f) When a discharge containing excessive oil and grease enters a sewage collection system, it usually remains in solution for a short period of time before adhering to the sewage collection system pipe. Once the grease attaches to the piping system it solidifies and continues to accumulate until a blockage occurs. Based on operational observations, the District believes that the buildup usually occurs within four hundred (400) feet of the discharge.
- (g) The accelerated cleaning surcharge is based on the average cost incurred by the District as a result of cleaning four hundred (400) feet of sewer pipe at a minimum quarterly frequency. In 2019, this cost was One Hundred Twelve and 82/100 Dollars (\$112.82) per month. The surcharge will be adjusted to match current operating costs, and may be updated at the discretion of the Board.

- (h) Users electing to pay a surcharge in lieu of installing a grease trap must comply with the requirements of Section 5.6 which describe BMPs for minimizing grease discharges to the sewer.
- (i) Additional surcharges for BOD and TSS will also apply as described in Section 5.10. Grease trap surcharges are based on an average grease trap size of 1,000 gallons, a three-month accumulation of BOD and TSS resulting in concentrations of 32,200 mg/L and 52,000 mg/L, respectively, and WWTP most current annual operating costs.
- (j) Total monthly surcharges for a non-complying facility as defined in Section 5.6.12, effective January 1, 2019, will be:
  - 1. FOG Surcharge: \$112.82 per month
  - 2. BOD Surcharge: \$72.79 per month
  - 3. TSS Surcharge: \$58.30 per month
  - 4. Total Surcharge: \$243.91 per month
- (k) Surcharges may be adjusted by the District when analytical data is available showing that a wastewater discharge is more or less concentrated than typical domestic wastewater as defined in Section 5.4.28.
- (l) Samples may be collected by the District at the Users request when a sampling location is accessible and representative. Analytical costs will be borne by the User.

## 5.7 Inspections

- 5.7.1 The District will conduct inspections of any facility with or without notice and will consider such factors as, but not limited to, potential to discharge oil, grease, sand, grit, petroleum contaminated wastes, or constituents listed in Section 5.9.
- 5.7.2 If any inspection reveals non-compliance with any provision of these requirements, corrective action shall generally be

required within five (5) days, or further enforcement action may be initiated.

However, required response times vary from immediately to within fourteen (14) calendar days depending on the seriousness of reason for non-compliance and whether or not the User has been previously notified to correct same. Specific response requirements are listed in the Response Guides listed in Section 5.3. Such non-compliance that may include, but is not limited to:

- (a) Poor maintenance of interceptors or separators;
- (b) Failure to timely correct previously noted areas of non-compliance;
- (c) Inability to access or open a grease interceptor or oil/sand separator; or
- (d) Inability to inspect an interceptor or separator due to overabundance of oil, grease, grit, or sand accumulation.
- (e) Inspection results will be provided in writing to the facility.

## 5.8 Authority, Enforcement and Compliance

5.8.1 The rationale for imposing fines and fees for industrial users is described in the District's policies:

- (a) Industrial Waste Control Enforcement Response Guide
- (b) Fats, Oils, and Greases (FOG) Response Guide

5.8.2 These requirements form a part of this Article. Any violation of these requirements shall be considered a discharge violation. Enforcement of this regulation is governed by the express terms herein and the enforcement provisions contained in this Article.

5.8.3 The District has the right to reject acceptance of any waste which may be harmful to or cause obstruction of the wastewater collection system, or which may cause or contribute to Interference or Pass Through or violate any local limits adopted by the District.

(a) Facility owners and lessees regulated under this Section shall be jointly and severally responsible for complying with the requirements and standards established by these requirements.

(b) Any extraordinary costs incurred by the District due to Interference, damage or maintenance necessary in the treatment and/or collection system shall be paid by the User to the District. The direct costs of all labor, equipment and materials incurred in rectifying the Interference or damage, including reasonable attorney's fees, shall be billed directly to the owner of the User by the District, and such costs shall become part of the total charges due and owing to the District and shall constitute a lien on the User until paid in full.

## 5.9 Industrial Wastewater Discharge Standards

It shall be unlawful for any person to discharge any domestic or non-domestic wastewater into any natural waterway, any surface drainage, or storm sewer within the District, or in any area under the jurisdiction of the District. No industrial wastewater shall be discharged to the District's POTW unless done so in compliance with the provisions of these Rules and Regulations and applicable county, State or federal regulations.

### 5.9.1 General Prohibitions

A User may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions of this Section apply to each User introducing pollutants into a POTW whether or not the User is subject to other pretreatment standards or any federal, State, or local pretreatment requirements.

5.9.2 Specific Prohibitions

It shall be unlawful for any Industrial User to discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment system of the District any wastewater which contains the following:

- (a) Storm water drainage from ground, surface, roof drains, catch basins, unroofed area drains (e.g., commercial car washing facilities) or any other source. Specifically prohibited is the connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to the District's wastewater collection system. No person shall connect or discharge water from underground drains, sump pump discharges, natural springs and seeps, water accumulated in excavation or grading or any other water associated with construction activities.
- (b) Wastewater containing free or floating oil and grease, or any discharge containing animal fat or grease by-product in excess of two hundred milligrams per liter (200 mg/L) except where a food service establishment has installed an appropriate grease interceptor and is properly operating and maintaining such interceptor and implementing all BMPs. No wastewater containing total oil and grease at a concentration that would cause or contribute to Pass Through or Interference shall be discharged.
- (c) Explosive mixtures consisting of liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater treatment system or to the operation of the system. At no time shall a reading on an explosion hazard meter at the point of discharge into

the wastewater system be more than ten percent (10%) of the lower explosive limit (L.E.L.) of the meter. Specifically prohibited are pollutants which create a fire or explosion hazard in the District's POTW, including but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) or sixty degrees Centigrade (60°C) using the test methods specified in 40 CFR §261.21.

- (d) Noxious material consisting of noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or are or may be sufficient to prevent entry into any portion of the wastewater system for its maintenance and repair.
- (e) Radioactive wastes or isotopes of such a half-life or concentration that they do not meet regulations set forth by the Colorado Department of Health, State of Colorado, in the latest edition of Rules and Regulations Pertaining to Radiological Control and any applicable federal regulations that may apply. Users shall notify the Manager of any such discharges.
- (f) Solid, Viscous or liquid wastes which allow or may cause obstruction to the flow in a collection line or otherwise interfere with the proper operation of the wastewater treatment system.
- (g) Substances which are not amenable to treatment or prescribed reduction by the treatment process employed by the District or are amenable to such a limited degree of reduction that a discharge of such wastewater would result in effluent discharge from the POTW that does not meet requirements of State, federal and other agencies having jurisdiction over discharge or application to receiving waters and/or lands.

- (h) Wastes with color not removable by the treatment process.
- (i) Wastewater which has an instantaneous pH value less than five and five-tenths (5.5) standard units.
- (j) Spent process chemicals, solutions or materials, filter press solids, hazardous waste as defined by the Federal Resource Conservation and Recovery Act; and other materials normally used in industrial/commercial operations unless specifically authorized in writing by the Manager and after suitable treatment as approved by the Manager has been affected.
- (k) Wastes from hospitals, clinics, dental offices, offices of medical doctors, and convalescent homes consisting of but not limited to laboratory pathological wastes, surgical operating room wastes or delivery room wastes that causes or contributes to Interference or Pass Through.
- (l) Wastewater which has a temperature exceeding one hundred fifty degrees Fahrenheit (150°F). Specifically prohibited is heat in amounts which will inhibit biological activity in the District's wastewater POTW resulting in Interference, but in no event, shall heat be permitted to be received in such quantities that the temperature at the District's wastewater treatment plant exceeds forty degrees Centigrade (40°C) or one hundred four degrees Fahrenheit (104°F).
- (m) Any pollutant including oxygen demanding pollutants (biochemical oxygen demand, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference.
- (n) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause Interference or Pass Through.



- (o) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (p) Any trucked or hauled pollutants, except at discharge points designated by the District.
- (q) Any substance directly into a manhole or other opening in the POTW unless specifically authorized by the Manager or as otherwise permitted under these Rules and Regulations.
- (r) Liquid wastes from chemical toilets, and trailers, campers or other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the POTW except at locations authorized by the Manager to collect such wastes within the District.
- (s) Cooling waters or process waters to a storm sewer or natural outlet unless such person has a valid CDPS permit issued by the Colorado Department of Public Health and Environment.
- (t) Wastes where such wastes have been collected and/or held in a tank or other container and where such wastes fail to comply with any limitation set out in these Rules and Regulations.
- (u) Bulk, expired, outdated or concentrated prescription or non-prescription drugs.
- (v) Detergents, surfactants and other surface-active, or other substances which may cause excessive foaming in the POTW or cause or contribute to Pass Through or Interference.
- (w) Discharge of Nonylphenol from the use of bulk or concentrated Nonylphenol containing detergents as employed by some industrial or commercial laundries, car

washes or asphalt manufacturers or other industrial users.

- (x) Discharge of any wastewater containing perchloroethylene (PCE) (also known as Tetrachloroethene and Tetrachloroethylene) from any industrial user involved in the dry-cleaning business.

5.9.3 Wastewater Discharge Limitations

- (a) No Significant Industrial User, industrial users that Department of Public Health and Environment (“CDPHE”) pursuant to Regulation 63 or other permitted industrial users designated by the District shall discharge or cause to be discharged, wastewater that exceeds the following Local Discharge Limits:

Pollutant	Daily Maximum Discharge Limitation <sup>(1)</sup>
Arsenic	0.044
Cadmium	0.009
Chromium	1.46
Chromium (VI), filterable	0.170
Copper	0.62
Lead	0.29
Mercury	0.0012
Nickel	0.79
Silver	0.46
Selenium	0.010
Zinc	2.86
5-Day Biochemical Oxygen Demand (BOD <sub>5</sub> ), lbs/day	2,457 <sup>(2)</sup>
Total Suspended Solids (TSS), lbs/day	2,407 <sup>(2)</sup>
Ammonia, lbs/day	754 <sup>(2)</sup>
Phosphorus, lbs/day	210 <sup>(2)</sup>

1. All limits are in mg/L unless otherwise specified and shall be analyzed as total.

2. This limit is the total mass in pounds per day (lbs/day) that are available to allocate to all Significant Industrial Users and other designated and Permitted non-SIUs.
- (b) The following limits shall apply to wastewaters that are discharged from:
1. Groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants;
  2. Discharges where one or more of these pollutants are present; or
  3. Where these pollutants are appropriate surrogates. It shall be unlawful for any Industrial User to discharge or cause to be discharged any waste or wastewater to the POTW that exceeds the following limits, as applicable.

Pollutant <sup>(1)</sup>	Daily Maximum Discharge Limit <sup>(3)</sup>
Benzene	0.050
BTEX <sup>(2)</sup>	0.750

1. All pollutants shown in the Table are total and as mg/L.
  2. BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.
  3. These limits are based upon installation of air stripping technology as described in the EPA document: "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989."
- (c) Standards for Hydrogen Sulfide

Hydrogen Sulfide	ppm
10-minute Ceiling	10 <sup>(1)</sup>
8-hour Ceiling	20 <sup>(2)</sup>
Peak Concentration	50 <sup>(3)</sup>
IDLH	100 <sup>(4)</sup>

1. This limit is based upon the NIOSH Recommended Exposure Limit (REL). The District may require that an industrial user install treatment or take any other actions if hydrogen sulfide exceeds this level in any part of the District's collection system.
  2. This limit shall not be exceeded for more than ten (10) minutes during any eight (8)-hour period.
  3. This limit shall not be exceeded at any time for any length time.
  4. Any Industrial user discharging wastewater that causes this limit to be exceeded shall immediately cease all discharges. IDLH means Immediately Dangerous to Life of Health.
- (d) Dilution is prohibited as substitute for treatment. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement.
- (e) The Manager may establish more stringent pollutant limits, additional site-specific pollutant limits, Best Management Practices (BMPs) or additional Pretreatment Requirements when, in the judgment of the Manager,

such limitations are necessary to implement the provisions of these Rules and Regulations.

#### 5.10 Surcharges for High Strength Waste

- 5.10.1 The Extra Strength Treatment Surcharge allows the District to recover actual treatment costs associated with treating wastewater containing Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) in excess of normal domestic discharges. Surcharges for FOG are discussed in Section 5.6.12.
- 5.10.2 BOD discharges in excess of 250 mg/L are surcharged at a rate of \$0.8230 per pound.
- 5.10.3 TSS discharges in excess of 250 mg/L are surcharged at a rate of \$0.4073 per pound.
- 5.10.4 Surcharges apply to the additional pounds discharged above and beyond the concentrations expected for domestic wastewater.

#### 5.11 Specific Powers of the Manager

If wastewaters from a User covered by these Rules and Regulations are discharged or proposed to be discharged into the POTW, the Manager may take any of the following actions:

- 5.11.1 Prohibit the discharge of such wastewater;
- 5.11.2 Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substance so that the discharge will not violate these Rules and Regulations;
- 5.11.3 Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the District for handling, treating or disposing excess loads imposed on the wastewater treatment system;

- 5.11.4 Take enforcement and issue fines and penalties for violations of these Rules and Regulations. The District may also assess charges against the User for any fines or legal expenses associated with violations of the District's CDPS Permit that resulted from the discharge of pollutants from a User;
- 5.11.5 Require the User to apply for and obtain a permit;
- 5.11.6 Require timely and factual reports from the facility responsible for such discharge; or
- 5.11.7 Take such other or further remedial action as may be deemed to be desirable or necessary to achieve the purposes of these Rules and Regulations.

#### 5.12 General Powers of the Manager

In addition to his authority to prevent or eliminate discharges through enforcement of Pretreatment Standards and Requirements, the Manager shall have the following authorities:

- 5.12.1 Endangerment to Health or Welfare of the Community  
The Manager, after informal notice to the affected discharger, may immediately and effectively halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the District, any area under jurisdiction of the District, the POTW of the District or any wastewater system tributary thereto, by any means available to him, including physical disconnection from the wastewater system, whenever it reasonably appears that such discharge presents an imminent endangerment to the health or welfare of the community.
- 5.12.2 Endangerment to Environment or Publicly Owned Treatment Works  
The Manager, after written notice to the discharger may halt or prevent any discharge of pollutants into any natural waterway, surface drainage within the District, any area under jurisdiction of the District, the POTW, wastewater system tributary thereto, by any means available to him, including physical disconnection

from the wastewater system, whenever such discharge presents or may present an endangerment to the environment or threatens to interfere with the operation of the POTW.

- 5.12.3 The discharges referred to above may be halted or prevented without regard to the compliance of the discharge with other provisions of these Rules and Regulations.

### 5.13 Pretreatment and Monitoring Facilities

- 5.13.1 Pretreatment Facilities Users shall provide wastewater treatment, including flow equalization, to comply with these Rules and Regulations and shall achieve compliance with all Pretreatment Standards and Requirements within the time limitations specified by the Manager. Any facilities determined by the Manager to be necessary for compliance or monitoring shall be provided, operated, and maintained at the User's expense. All treatment facilities shall be properly operated and maintained. Detailed plans describing such facilities and operating procedures shall be submitted to the Manager. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of these Rules and Regulations.

Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without notice to the Manager.

- 5.13.2 Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- 5.13.3 Should the Manager deem it necessary to fulfill the purposes of these Rules and Regulations, the owner or operator of any premises or facility discharging industrial wastewater into the collection system shall install at the Users expense suitable monitoring facilities or equipment. The monitoring facilities

and equipment shall allow for the accurate observation, sampling and measurement of regulated discharges. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

- 5.13.4 When more than one user is able to discharge into a common service line, the Manager may require installation of separate monitoring equipment for each user.
- 5.13.5 Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Manager's requirements and all applicable construction standards and specifications.

#### 5.14 Slug Discharge and Spill Control Plans

- 5.14.1 Each SIU and other Users required by the Manager shall provide protection from slug loads or spills of pollutants regulated under these Rules and Regulations. Facilities to prevent discharge or slug loads of pollutants shall be provided and maintained at the User's cost and expense.

The Manager may establish specific requirements and conditions to prevent spills or slug discharges for any User.

- 5.14.2 Notice to Employees  
A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees to call in the event of a spill or slug discharge to the sewer system. Employers shall ensure that all employees who work in any area where a spill or slug discharge may occur or originate are advised to the emergency notification procedures. The notice shall specify that the Clifton Sanitation District shall be notified immediately (Monday-Friday 8 am – 4:30 pm) at (970) 434-7422. At other times, the posted notice shall indicate that the employees shall dial 911 and report the discharge.



## 5.15 Wastewater Discharge Permits

- 5.15.1 All Significant Industrial Users, proposing to connect to or discharge into any part of the wastewater system, shall complete an Industrial User Discharge Information Questionnaire prior to commencing discharge to the POTW.
- 5.15.2 The Industrial User Discharge Information Questionnaire may be obtained by contacting the Clifton Sanitation District at (970) 434-7422.
- 5.15.3 Users proposing to discharge hauled wastes shall complete and file with the Manager an application on the form prescribed by the Manager. Such application shall be filed within thirty (30) days of receipt of the application form from the Manager.
- 5.15.4 The Manager may issue a wastewater discharge permit containing all Pretreatment Standards and Requirements that the Manager deems necessary. The conditions of wastewater discharge permits shall be enforced in accordance with these Rules and Regulations and applicable State and Federal regulations.
- 5.15.5 A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Manager to prevent Pass Through or Interference, protect the quality of the body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
- 5.15.6 Discharge permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than five (5) years at the Manager's discretion or may be stated to expire on a specific date.
- 5.15.7 Wastewater discharge permits are issued to a specific User for a specific operation. No permit shall be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation.

#### 5.16 Discharge Permit Modification

The Manager may modify a wastewater discharge permit for good cause including, but not limited to, the following reasons:

- 5.16.1 To incorporate any new or revised federal, State, or local Pretreatment Standards or Requirements;
- 5.16.2 To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- 5.16.3 A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- 5.16.4 Information indicating that the permitted discharge poses a threat to the POTW, District personnel, or the receiving waters;
- 5.16.5 Violation of any terms or conditions of the individual wastewater discharge permit;
- 5.16.6 Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting; or
- 5.16.7 To correct typographical or other errors in the individual wastewater discharge permit.

#### 5.17 Discharge Permit Revocation

A violation of the conditions of a permit or of these Rules and Regulations or of applicable State and federal regulations may be reason for revocation of such permit. Upon revocation of this permit, any wastewater discharge from the affected User shall be considered prohibited and illegal. Grounds for revocation of a permit include, but are not limited to, the following:

- 5.17.1 Failure of a user to accurately disclose or report the wastewater constituents and characteristics of his discharge;
- 5.17.2 Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- 5.17.3 Refusal of access to the user's premises for the purpose of inspection or monitoring;
- 5.17.4 Falsification of records, reports or monitoring results relating to chemical materials
- 5.17.5 Tampering with monitoring equipment;
- 5.17.6 Violation of conditions of the permit;
- 5.17.7 Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- 5.17.8 Failure to pay fines;
- 5.17.9 Failure to pay sewer charges;
- 5.17.10 Failure to pay permit and sampling fees; or
- 5.17.11 Failure to meet compliance schedules.

#### 5.18 Special Agreements and Contracts

No statement contained in these Rules and Regulations shall be construed as prohibiting special written agreements between the District and any industrial user allowing industrial waste of unusual strength or character to be discharged to the POTW, provided the industrial user compensates the District for any additional costs of treatment where appropriate. Such agreement, however, shall not allow or cause.

- 5.18.1 Any adverse effect to the POTW;
- 5.18.2 A violation of the POTW CDPS permit;
- 5.18.3 A violation of a General or Specific Prohibition; or

5.18.4 A violation of State or federal law or regulation, if known.

## 5.19 Reporting Requirements

### 5.19.1 Reporting for Industrial User Regulated by the State or EPA

(a) All industrial users that are applying for or hold a Notice of Discharge Requirements ("NDR") issued by the CDPHE pursuant to Regulation 63, shall copy the District on the following items:

1. NDR application information;
2. The NDR issued by the CDPHE;
3. All reports required by the NDR; and
4. Any other report or documentation reported to the CDPHE as required by the NDR or Regulation 63.

(b) All industrial users that are Categorical Industrial Users shall notify the District that they are located within the District and meet the definition of an Industrial User. The Industrial User shall copy the District on all reports, documents and notifications that are reported to EPA pursuant to 40 CFR Part 403 and the applicable Categorical Standard.

### 5.19.2 Self-monitoring Reports (SMR)

(a) Any industrial user required by the District to submit self-monitoring reports shall submit such reports at a frequency required by the District but no less than once per six (6) months. In cases where the permit or other control mechanism requires compliance with Best Management Practices (BMPs), the industrial user must submit documentation required by the District necessary to determine compliance status of the industrial user. All industrial monitoring reports must be signed and certified in accordance with Section 5.19.10.

- (b) All wastewater samples must be representative of the industrial user's discharge.
- (c) If an industrial user monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District, using the methods and procedures prescribed in Section 5.19.9, the results of this monitoring shall be included in the SMR.

5.19.3 Change in Discharge or Operations

Every SIU shall file a Change in Discharge or Operations notification to the District a minimum of fourteen (14) days prior to any planned significant change in operations or wastewater characteristics. A significant change shall be a change equal to or greater than twenty percent (20%) in the mass of a pollutant or volume of flow discharged to the POTW. In addition, this notification shall include changes to:

- (a) Change in number of shifts, and/or hours of operation.
- (b) Additional processing, manufacturing or other production operations.
- (c) New regulated substances used which may be discharged.
- (d) Changes in the listed or characteristic hazardous waste for which the user has submitted or is required to submit information to the District under these Rules and Regulations and 40 CFR Part 403.12 (p) as amended.

5.19.4 Slug Discharge and Spill Reporting

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Manager of the incident.

(b) Within five (5) working days following such discharge, the User shall, unless waived by the Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to these Rules and Regulations.

5.19.5 Notification of the Discharge of Hazardous Waste

Any User shall notify the District, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Such notification to the POTW shall be made immediately upon discovery of the discharge. Notification to the State and EPA is the responsibility of the User and shall be made as required under 40 CFR §403.12(p). The User shall copy the Manager on all notifications made to the State and EPA. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these Rules and Regulations, a permit issued hereunder, or any applicable federal or State law.

5.19.6 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, posted prepaid, into a mail facility serviced by the United States Postal Service, the date of the receipt of the report shall govern.

5.19.7 Records Retention

Users subject to the reporting requirements of these Rules and Regulations shall retain, and make available for inspection and

copying, all records of information obtained pursuant to any monitoring activities required by these Rules and Regulations, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the sample; the dates analyses were performed; who performed the analyses; and analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the District, or where the User has been specifically notified of a longer retention period by the Manager.

5.19.8 Admission to Property and Access to Information

Whenever it shall be necessary for the purposes of these Rules and Regulations, the Manager may enter upon any User's facility, property or premises subject to these Rules and Regulations is located or conducted or where records are required to be kept for the purposes of:

- (a) Performing all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial or other users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by industrial or other users.  
Compliance monitoring and inspection shall be conducted at a frequency as determined by the Manager and may be announced or unannounced;
- (b) Examining and copying any records required to be kept under the provisions of these Rules and Regulations or of any other local, State or federal regulation;

- (c) Inspecting any monitoring equipment or method, pretreatment system equipment and/or operation;
- (d) Sampling any discharge of wastewater into POTW; and/or
- (e) Inspecting any production, manufacturing, fabricating or storage area where pollutants, regulated under these Rules and Regulations, could originate, be stored, or be discharged to the POTW.
- (f) The occupant of such property or premises shall render all proper assistance for such activities.

5.19.9 Analytical Requirements

- (a) All pollutant analysis, including sampling techniques, to be submitted as part of a wastewater discharge permit application, report, permit or other analysis required under these Rules and Regulations shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Manager or other parties approved by the EPA.
- (b) Records shall include for all samples:
  - 1. The date, exact place, method, and time of sampling and the name of the person(s) taking the samples;
  - 2. The date(s) and time analyses were performed;



3. The name of the person performing the analyses;
4. The analytical techniques/methods used, including method detection limits and QA/QC sample results;
5. All chain-of-custody records; and
6. The results of such analyses.
7. A signed statement from the laboratory director stating that the samples were properly handled and analyzed pursuant to 40 CFR Part 136 or other approved methodology.

5.19.10 Signatory Certification

All reports and other submittals required to be submitted to the District shall include the following statement and signatory requirements.

- (a) The authorized representative of the industrial user signing any application, questionnaire, any report or other information required to be submitted to the District must sign and attach the following certification statement with each such report or information submitted to the District.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons who manage the system or the persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations."

- (b) If the authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this Section and meeting the definition in Section 5.4 must be submitted to the District prior to or together with any reports to be signed by an authorized representative.

#### 5.19.11 Requests for Information

When requested by the District, any industrial user shall submit information to the Manager regarding industrial processes, nature and characteristics of wastes and wastewaters generated at the industrial facility, method of disposal of wastes, or other information required by the Manager to meet the responsibilities under these Industrial Wastewater Control Regulations. Failure to provide information within the timeframe specified shall be a violation of these Industrial Wastewater Control Regulations.

### 5.20 Administrative Enforcement Actions

#### 5.20.1 Notification of Violation

When the Manager finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may serve upon the User a written notice of violation.

Within five (5) working days of and a plan for the satisfactory correction of prevention thereof, to include specific required actions, shall be submitted by the User to the Manager.

Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the notice of violation.

Nothing in this Section shall limit the authority of the Manager to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

5.20.2 Administrative Compliance Orders

When the Manager finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may issue an order to the User responsible for the discharge directing that the User to come into compliance within a specific time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

5.20.3 Administrative Fines

(a) When the Manager finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Manager may fine such User in an amount not to exceed One Thousand and NO/100 Dollars (\$1,000.00) per day. Such fines shall be assessed on a per-violation, per day basis. In the case of monthly or

other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

- (b) A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
- (c) Users desiring to appeal such fines must file a written request for the Manager to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Such notice or appeal shall set forth the nature of the order or determination being appealed, the date of such order or determination, the reason for the appeal, and request a hearing by the Board.
- (d) Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other action against the User.

5.20.4 Civil/Administrative Fine Pass Through

If an Industrial User discharges such pollutants which cause the District to violate any condition of its CDPS permit and the District is fined by the EPA or the State for such violation, then such industrial user shall be fully liable for the total amount of the fine assessed against the District by the EPA and/or the State.

5.20.5 Remedies Nonexclusive

The remedies provided for in these Rules and Regulations are not exclusive of any other remedies that the District may have under the provisions of Colorado law.

The Manager may take any, all, or any combination of these actions against a noncompliant User.

5.20.6 Public Nuisances

A violation of any provision of these Rules and Regulations, a wastewater discharge permit, or order issued hereunder, or any

other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager. Any person(s) creating a public nuisance shall be subject to the provisions of the Mesa County Municipal Code governing such nuisances, including reimbursing the District for any costs incurred in removing, abating, or remedying said nuisance.

## 5.21 Extra Monitoring Charge

- 5.21.1 The Manager may assess an extra monitoring charge to any User who is found to have:
- (a) Discharged a waste which causes an obstruction, damage, interference or other impairment to the District POTW;
  - (b) Violated provisions of these Rules and Regulations and was placed in Significant Noncompliance; or
  - (c) Failed to comply with provisions of the User's discharge permit.
- 5.21.2 The amount of this charge shall be determined by the Manager and may include:
- (a) Sampling and analysis costs.
  - (b) Time, material and equipment costs incurred as a result of inspection procedures.
  - (c) Costs incurred in the administrative analysis of all pertinent information, or extraordinary costs incurred by the POTW as a result of discharge such as time, material and equipment costs including polymer usage, preventing or correcting Interference of POTW, etc.
  - (d) Other associated costs as the Manager may deem necessary.

- 5.21.3 The affected user shall be notified in writing by the Manager of the extra monitoring charges within five (5) days of determination.
- 5.21.4 Such fees shall be payable by the User within thirty (30) days of being notified of the charges.

## 5.22 Confidentiality

- 5.22.1 All records, reports, data or other information supplied by any person or industrial user because of any disclosure required by these Industrial Wastewater Control Regulations or information and data from inspections shall be available for public inspection except as otherwise provided in this Section, 40 CFR Section 403.14 and the Colorado Open Records Act (C.R.S. Section 24-72-201, *et seq.*).
- 5.22.2 These provisions shall not be applicable to any information designated as a trade secret by the person supplying such information. Materials designated as a trade secret may include, but shall not be limited to, processes, operations, style of work or apparatus or confidential commercial or statistical data. Any information and data submitted by the industrial user which is desired to be considered a trade secret shall have the words, "Confidential Business Information," stamped in a reasonably noticeable manner on each page containing such information. The industrial user must demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.
- 5.22.3 Information designated as a trade secret pursuant to this Section shall remain confidential and shall not be subject to public inspection. Such information shall be available only to officers, employees or authorized representatives of the District charged with implementing and enforcing the provisions of these Industrial Wastewater Control Regulations.

- 5.22.4 Effluent data from any industrial user whether obtained by self-monitoring, monitoring by the District or monitoring by any state or federal agency, shall not be considered a trade secret or otherwise confidential. All such effluent data shall be available for public inspection.

### 5.23 Regulation of Users from Outside Jurisdictions

- 5.23.1 If a User, located in another municipality, county, state, or other jurisdiction contributes wastewater to the POTW, the District shall enter into an intergovernmental agreement ("IGA") with the contributing jurisdiction.
- 5.23.2 Prior to entering into an IGA, the District shall request the following information from the contributing jurisdiction:
- (a) A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;
  - (b) An inventory of all sources of Indirect Discharge located within the contributing jurisdiction that are discharging to the POTW; and
  - (c) Such other information as the District may deem necessary.
- 5.23.3 The IGA shall contain the following conditions:
- (a) A requirement for the contributing jurisdiction to adopt a sewer use ordinance or rules which specifically require that all non-domestic users shall be under the jurisdiction of this Article for the purposes of implementation and enforcement of Pretreatment Standards and Requirements;
  - (b) A requirement for the contributing jurisdiction to submit an updated user inventory on at least an annual basis;
  - (c) A provision specifying that the District shall be delegated full responsibility for implementation and enforcement of

the pretreatment program unless otherwise agreed to and specified in the IGA;

- (d) A requirement for the contributing jurisdiction to provide the District with access to all information that the contributing jurisdiction obtains regarding effluent quantity and quality from non-domestic users;
- (e) Requirements for monitoring the contributing jurisdiction's discharge; and
- (f) A provision specifying remedies available for breach of the terms of the interjurisdictional agreement.



**Pretreatment Intergovernmental Agreement**  
**Between the Clifton Sanitation District, Clifton, Colorado**  
**and**  
**Town of Palisade, Colorado**

**April 6, 2022**

# **Pretreatment Intergovernmental Agreement**

Between the Clifton Sanitation District, Clifton, Colorado  
and  
Town of Palisade, Colorado

This Pretreatment Intergovernmental Agreement (IGA) is entered into this 6<sup>th</sup> day of April 2022, (“Effective Date”) between Clifton Sanitation District (“CSD”) a quasi-municipal corporation and political subdivision of the State of Colorado and the Town of Palisade, Colorado (the “Town”), collectively referred to as the “parties”.

## **RECITALS**

1. CSD and the Town have the power and authority to enter into agreements and contracts affecting their respective affairs, including the authority to construct, acquire, install, operate, and maintain wastewater facilities; and
2. The Board of Directors of CSD and the Board of Trustees of the Town have determined that it is in their respective best interests to enter into this Pretreatment IGA.
3. CSD owns and operates a Publicly Owned Treatment Plant (“POTW”) as defined in Section 5.4.37 of the CSD Rules and Regulations which includes the sanitary sewer system.
4. The Colorado Department of Public Health and Environment has issued a Colorado Discharge Permit System (“CPDS”) permit to CSD (CO0033791) that requires CSD protect its POTW from Industrial User discharges that may cause Pass Through, Interference or violate a Specific Prohibition.
5. CSD has adopted Article V of the CSD Rules and Regulations (hereafter the “Rules”) that establishes standards and requirements for Industrial Users that have connections that allow a discharge of wastewater to enter the POTW.
6. CSD has defined “Industrial Users” at Section 5.4.20 of the Rules, and such definition is incorporated herein by reference. “Industrial Users” generally includes all commercial, industrial and governmental facilities, whether or not the Industrial User discharges non-domestic waste.
7. The CSD Rules include among other standards and requirements, General and Specific Prohibitions that apply to Industrial User discharges (Section 5.9), numeric discharge limitations that apply to permitted Industrial Users (Section 5.9.3) and Best Management Practices (“BMPs”) for facilities for the control of Fats, Oils and Grease, Sand/Oil separators and Car Washes (Section 5.6).
8. The Town proposes to discharge all wastewater that is collected from within the jurisdictional boundaries of the Town to the POTW owned by CSD, and CSD is willing to accept the wastewater for treatment upon terms that are mutually agreeable to CSD and the Town.

9. The Town and CSD have entered into an intergovernmental agreement (“Sewer Service IGA”) that will establish the terms pursuant to which CSD will accept all wastewater that is collected from within the jurisdictional boundaries of the Town for treatment by CSD.
9. This Pretreatment IGA applies to the regulation of Industrial Users that discharge wastewater or have the potential to discharge wastewater to the Town’s sanitary sewer system that enters the CSD collection system and is ultimately treated by CSD’s POTW.
10. The Town has established sewer use regulations as defined at Article IV of the Palisade Municipal Code (PMC), including prohibited discharges and numeric loadings that are available to permitted Industrial Users.

### **PRETREATMENT INTERGOVERNMENTAL AGREEMENT**

1. CSD will determine the flow of wastewater to the POTW from the Town at or near the constructed lift station that accepts the wastewater discharged by the Town.
2. CSD will accept up to 1,185 lbs/day of 5-Day Biochemical Oxygen Demand (BOD<sub>5</sub>), 1,042 lbs/day of Total Suspended Solids (TSS), 149 lbs/day of Ammonia and 28 lbs/day of Phosphorus. CSD will be sampling the wastewater accepted from the Town for these pollutants, as well as other pollutants that may be discharged to the POTW.
3. As provided for in the Sewer Service IGA, the Town will continue to maintain its collection system and expressly affirms that this includes applying appropriate building codes to prevent the introduction of storm water to the collection system in violation of Section 5.9.2(a) of the CSD Rules.
4. The Town will adopt a resolution or take other appropriate formal action that grants authority to CSD to implement and enforce regulations that apply to Industrial Users that discharge to or otherwise have a connection to the Town’s sanitary sewer within forty-five (45) days of the Effective Date of this Pretreatment IGA. As of the date that CSD begins accepting wastewater flow discharge pursuant to the Sewer Service IGA and as further detailed below, the Town shall have discretion and authority, independent of CSD, to take enforcement action related to regulations and requirements that apply to Industrial Users that discharge to or otherwise have a connection to the Town’s sanitary sewer; however, CSD shall have the right to make final decisions regarding any enforcement action or issue, whether initiated by the Town or CSD. The Town will also incorporate the CSD Article V Rules by reference or in their entirety into the PMC and the resulting PMC shall be no less stringent and as broad in scope as Article V of the CSD Rules. Such adoption of a resolution or other formal action shall occur within ninety (90) days of the Effective Date of this Pretreatment IGA. The Town will forward to CSD for review a draft of its proposed revisions to Article IV of the PMC within forty-five (45) days of the Effective Date of this Agreement. The adoption of the revised PMC Article IV shall allow for at least a 30-day public comment period.
5. Subsequent to the Effective Date of this Pretreatment IGA, whenever CSD revises its Rules and Regulations that affect the discharges from Industrial Users, CSD will forward a copy of the revisions to the Town. The Town will adopt revisions to its PMC that are at least as stringent as those adopted by CSD. The Town will forward to CSD for review its proposed revisions within 30 days of receipt of the CSD’s revisions. The Town will adopt its revisions within sixty (60) days of

receiving approval from CSD of the draft PMC. The adoption of the PMC revisions shall allow for at least a 30-day public comment period.

6. Industrial Users covered by this Pretreatment IGA shall comply with all Pretreatment standards and requirements of the CSD and the Town. The Town will support CSD in all pretreatment program implementation and enforcement activities where appropriate including terminating wastewater and/or water service where necessary.
7. The CSD and Town agree as follows:

A. Update the Industrial Waste Survey.

- (1) The Town shall provide a copy to CSD of the updated listing and identification of Industrial Users and the business activity of each such non-domestic Industrial User with sewer connections to the Town sanitary sewer system on or before the Effective Date of this Pretreatment IGA. This submittal shall include the name and address of the user and a record of water consumption and/or wastewater discharge volume for the past year, where available.
- (2) New/existing non-domestic Industrial Users: Following the adoption of the revised PMC required by paragraph 4 above, the Town shall consult with CSD regarding its review of any new Industrial User permit applications, and no such new permits may be issued without CSD approval. Beginning as of the date that CSD begins accepting wastewater flow discharge pursuant to the Sewer Service IGA, the Town shall require each new or existing non-domestic Industrial User that is obtaining a building permit, new water and/or sewer connection or change in ownership to complete an Industrial Waste Survey (“IWS”) form and submit to CSD as a part of the permit or application process. The Town shall take measures to assure that IWS forms are being distributed to all non-domestic Industrial Users within the jurisdiction served by the Town’s sanitary sewer system. The IWS shall be on a form provided by or approved by CSD. CSD shall have the authority to prohibit a non-domestic discharge request.
- (3) The Town shall provide to CSD an updated list of all Industrial Users: (a) thirty (30) days before CSD begins accepting wastewater from the Town pursuant to the Sewer Service IGA, and (b) by January 15 of each year after the Effective Date of this Pretreatment IGA. This submittal shall include the name and address of the user and a record of water consumption and/or wastewater discharge volume for the past year, where available.
- (4) Trucked and Hauled Waste: The Town shall not allow any discharge of trucked and hauled waste, including chemical toilets or sanitary waste to the collection system.

B. Notify Industrial Users of requirements.

On or before the date that CSD begins accepting wastewater flow discharge pursuant to the Sewer Service IGA, the Town shall provide written notice of the applicability of the CSD Article V, the updates or revisions to the PMC as required by paragraph 4 above and contact information for CSD to each Industrial User connected or proposing to

connect to the Town's sanitary sewer system. This is in addition to the Board of Trustee's adoption process notification.

C. Issuance of control mechanisms, including permits.

- (1) CSD will provide a copy to the Town of all permits and other control mechanisms issued to and required of Industrial Users that discharge to the Town's sanitary sewer system upon issuance of a permit by CSD.
- (2) All permits issued by CSD will include General and Specific Prohibitions and discharge limitations adopted by CSD. Upon request by the Town, CSD will include additional prohibitions and limitations. The Town will be responsible for enforcing its unique prohibitions and limitations against violating Industrial Users.
- (3) The Town shall provide a copy of all permits, files and other information for Industrial Users covered by this Pretreatment IGA within thirty (30) days of the Effective Date of this Pretreatment IGA, and within seven (7) days after issuance of any new Industrial User permit prior to the date that CSD begins accepting wastewater flow discharge pursuant to the Sewer Service IGA.
- (4) CSD will send out permit applications and other information needed to issue/reissue permits. CSD will copy the Town on these actions and require Industrial Users to copy the Town on any submittals.

D. Receive and review IU reports

CSD will require that Industrial Users provide copies of reports to the Town. This includes self-monitoring reports and other reports required by CSD and an Industrial User permit.

E. Notifications by Industrial Users:

CSD will require that Industrial Users provide a copy of each notification to the Town, as required. This includes change in discharge, hazardous waste discharge, 24-hour notice of violation, upset and bypass notifications.

F. Slug Discharge Notification

- (1) CSD will require that permitted Industrial Users provide immediate notification to CSD and the Town of any slug discharge or spill. The Town will provide any notification to CSD of a spill or slug discharge to ensure both CSD and the Town are aware.
- (2) In the case of a spill or slug discharge, CSD and the Town will coordinate response(s) to the extent possible. However, each agency shall have independent authority to take immediate action to protect the collection system, treatment plant and public health.

- G. Conduct of inspections (also see Conduct compliance monitoring)
- (1) CSD and the Town will notify one another at least seven (7) days prior to a routine Industrial User inspection to allow the other party to attend if it chooses to do so.
  - (2) For emergency or demand inspections, the CSD and the Town will notify one another via phone and/or email as soon as possible.
  - (3) CSD and the Town will copy one another on inspection reports as they are provided to the Industrial User.
- H. Best Management Practices (“BMPs”) for Fats, Oils and Grease (“FOG”) and BMPs for Sand/Oil separators and BMPs for Car Washes (CSD, Article V, Section 5.6).
- (1) The Town shall notify CSD of any significant grease accumulation directly downstream of any Industrial Users in its sanitary sewer system within 48 hours.
  - (2) The Town shall notify each food facility of the requirement to install grease interceptors and implement BMPs consistent with CSD Article V, Section 5.6. within one-hundred and twenty (120) days after the effective date of this Pretreatment IGA. Each interceptor design and building permit shall be provided to CSD for review and approval.
  - (3) Food facilities shall be required to install and properly operate a grease interceptor within sixty (60) days after the date that CSD begins accepting wastewater flow discharge pursuant to the Sewer Service IGA, or sooner if required by the Town. Until such time as a grease interceptor is installed or during the period subsequent to an approved variance being granted, the food facility shall implement the BMPs specified at 5.6.11(a) of the CSD Rules. Variances are discussed in Section 5.6 of the CSD Rules.
  - (4) Certain Industrial Users shall install a sand/oil separator as specified in Section 5.6 of the CSD Rules. The Town shall notify each automotive service or repair, machine shop, automotive care center, auto body shop, and car wash that their facility is required to install a sand/oil separator if they have any drains connected to the sanitary sewer other than restrooms or kitchens consistent with CSD Article V, Section 5.6. within one-hundred and twenty (120) days of the effective date of the Pretreatment IGA.
  - (5) After the Effective Date of this Pretreatment IGA, each separator design, regardless of whether CSD or the Town is reviewing the permit application, shall be provided to CSD for review and approval prior to issuance of a permit.
  - (6) These sand/oil separator facilities shall install and properly operate a sand/oil/water separator within sixty (60) days after the date that CSD begins accepting wastewater flow discharge pursuant to the Sewer Service IGA, or sooner if required by the Town. Until such time as a sand/oil separator is installed the facility shall implement the BMPs specified at 5.6.11(b) of the CSD Rules.
  - (7) CSD shall implement and enforce these BMPs programs subsequent to the date that CSD begins accepting wastewater flow discharge pursuant to the Sewer Service IGA. Notwithstanding the foregoing, nothing in this IGA shall serve to prevent the Town

from exercising discretion and authority to take an enforcement action with respect to an Industrial User, independent of CSD's ability to take enforcement action; however, CSD shall have the right to make final decisions regarding any enforcement action or issue, whether initiated by the Town or CSD.

I. Conduct of compliance monitoring (also see Conduct of Inspections)

- (1) CSD will notify the Town at least seven (7) days prior to the Industrial User site visit where samples will be taken.
- (2) For emergency or demand sampling, CSD will notify the Town via phone and email as soon as possible.
- (3) CSD will allow the Town to set up a second, parallel sampler if desired (no split samples).
- (4) CSD will copy the Town on correspondence to the Industrial User related to results of the compliance sampling event.

J. Informal enforcement for violations

- (1) CSD will provide a copy to the Town of all informal enforcement actions in response to an Industrial User violation of the CSD Rules at the same time the action or notice is provided to the Industrial User.
- (2) The Town will provide to CSD a copy of all informal enforcement actions in response to an Industrial User violation of the PMC at the same time the action or notice is provided to the Industrial User.

K Formal Enforcement for violations. CSD and the Town shall cooperate to ensure that duplicative enforcement actions are not separately taken by CSD or the Town against an Industrial User.

- (1) Where CSD intends to take a formal enforcement action for violation by Industrial Users covered by this Pretreatment IGA, CSD will schedule a meeting with the Town and provide a briefing on the proposed formal enforcement action.
- (2) CSD will provide a copy of all formal enforcement actions to the Town at the same time the action or notice is provided to the Industrial User or at the meeting in K(1) if appropriate.
- (3) The Town will provide CSD with prior notice of any formal enforcement action to be taken by the Town against an Industrial User. The Town shall provide a copy of the formal enforcement action to CSD at the same time the action or notice is provided to the Industrial User. CSD may assume control over an enforcement proceeding following initiation by the Town, in the event the

Town's enforcement action involves matters addressed in Article V of the CSD Rules. If the enforcement action involves matters addressed in Article V of the CSD Rules, CSD shall have the right to make final decisions regarding any enforcement action or issue, whether initiated by the Town or CSD.

L. Emergency Authority to halt discharges

CSD and the Town shall immediately notify the other party where either party intends to exercise emergency authority to halt a discharge from an Industrial User. This notification shall not be required prior to taking an emergency action to protect the treatment plant, collection system, the environment or public health.

M. Administration

- (1) CSD and the Town shall establish procedures to ensure that records are available for review by either jurisdiction without delay.
- (2) CSD and the Town shall hold meetings at least quarterly after the Effective Date of this Pretreatment IGA and during the first 24 months after CSD begins accepting wastewater flow discharge pursuant to the Sewer Service IGA to discuss implementation issues and activities surrounding this Pretreatment IGA. The quarterly meeting shall alternate locations unless otherwise agreed to. After 24 months, the meetings will be held no less than once per year.

9. In the event that an action or lack of action by the Town as required by the IGA related to a discharge of pollutant(s) from an Industrial User in the service area causes CSD to violate any condition of its CPDS permit and the CSD is fined by the EPA or the State for such violation, then the Town shall be fully liable for the total amount of the fine assessed against the CSD by the EPA and/or the State plus legal costs.
10. The Town acknowledges that CSD's monitoring, review, inspection and enforcement activities taken pursuant to this Pretreatment IGA is in furtherance of the general public health, safety and welfare and that no specific relationship with, or duty of care to the Town, any customer of the Town, any property owner, or any third parties is created as a result of such monitoring, review, inspection and enforcement. CSD assumes no liability under this Pretreatment IGA for the Town's wastewater collection system. The Town will indemnify CSD for all claims, damages, fines and costs and attorney's fees either incurred as a result of industrial wastewater discharged from Industrial Users of the Town or from the failure of the Town to comply with this Pretreatment IGA.
11. CSD and the Town will review and revise this Pretreatment IGA to ensure compliance with the Federal Clean Water Act (42 U.S.C. ' 1251 et seq.), 40 CFR Part 403 and the CPDS permit issued thereunder, as necessary, but at least every 5 years in the second quarter of the calendar year. Where required by EPA or the State, this Pretreatment IGA may be revised more often.



12. CSD and the Town shall comply with all federal, state and local laws, rules and regulations that are now, or in the future may become applicable to the parties during the term of this Pretreatment IGA that apply to Industrial Users covered by this Pretreatment IGA.
13. Liability. CSD shall not be liable for interruption in the operation of the Town's collection system. No portion of this Agreement shall be deemed to constitute a waiver of any immunities the parties or their officers or employees may have nor shall any portion of this Pretreatment IGA be deemed to have created a duty of care which did not previously exist with respect to any person not a party to this Agreement. No part of this Pretreatment IGA is intended to circumvent or replace the immunities that exist in favor of CSD or the Town under the Colorado Governmental Immunities Act, CRS 24-10-101, et. seq.
14. Enforcement. In addition to other means of enforcement set forth in this Pretreatment IGA, every obligation assumed or imposed by this Pretreatment IGA may be enforceable by either Party by appropriate action, suit, or proceeding in law or in equity, and each party may have and may pursue any and all remedies provided hereunder or in law or equity individually, concurrently or in sequence without requirement of election. In the event of litigation between the parties arising out of this Pretreatment IGA, each party pays their own litigation costs including court costs, reasonable attorney's fees and expenses incurred.
15. Legislative Independence. This Pretreatment IGA shall not impair the Constitutional and statutory authority of the elected officials of each party to exercise independent judgment with respect to any matter which may come before the CSD Board or the Town Board of Trustees.
16. If any term of this Pretreatment IGA is held to be invalid in any judicial action, the remaining terms of this Pretreatment IGA will be unaffected.
17. This Pretreatment IGA shall remain in effect for a period of one year after the Effective Date hereof, and shall automatically renew for subsequent one year terms for so long as the Sewer Service Agreement remains in effect, or until one of the following occurs: (a) CSD provides at least one-hundred and twenty (120) days written notice to the Town of its intent to terminate without cause, (b) upon sixty (60) days advance written notice to the Town by CSD following a material breach of the terms of this Pretreatment IGA by the Town, or (c) upon written acceptance by CSD of a plan submitted to CSD by the Town under which the Town will assume all monitoring, review, inspection and enforcement related to Industrial Users contemplated under this Pretreatment IGA.
18. Effective Date. This Pretreatment IGA shall be in full force and effect as of the Effective Date first written above, at which time it shall be legally binding upon each party. Each party agrees to execute, approve, and adopt any instruments, documents, ordinances, and resolutions necessary to effectuate the covenants, terms, conditions, and provisions of this Pretreatment IGA.
19. Governing Law. This Pretreatment IGA shall be governed and construed in accordance with the laws of the State of Colorado. It is entered into in Mesa County, Colorado, and the parties agree that proper jurisdiction and venue of any action pertaining to the interpretation or enforcement of this Pretreatment IGA is in the District Court of Mesa County, Colorado.

IN WITNESS WHEREOF, Clifton Sanitation District and Town of Palisade have executed this Agreement as of the day and year first above written.

CLIFTON SANITATION DISTRICT

\_\_\_\_\_  
Kent Brumback, Board Chairman

\_\_\_\_\_ (date signed)

ATTEST:

\_\_\_\_\_  
Dale Welch, Board Secretary

TOWN OF PALISADE, COLORADO

\_\_\_\_\_  
Greg Mikolai, Mayor

\_\_\_\_\_ (date signed)

ATTEST:

\_\_\_\_\_  
Keli Frasier, Town Clerk



## **PALISADE BOARD OF TRUSTEES**

### **Agenda Cover Item**

**Meeting Date:**                    **March 22, 2022**

**Department:**                    **Administration - Water**

**Department Director:**        **J. Hawkinson, Manager & Bret Guillory, Engineer**

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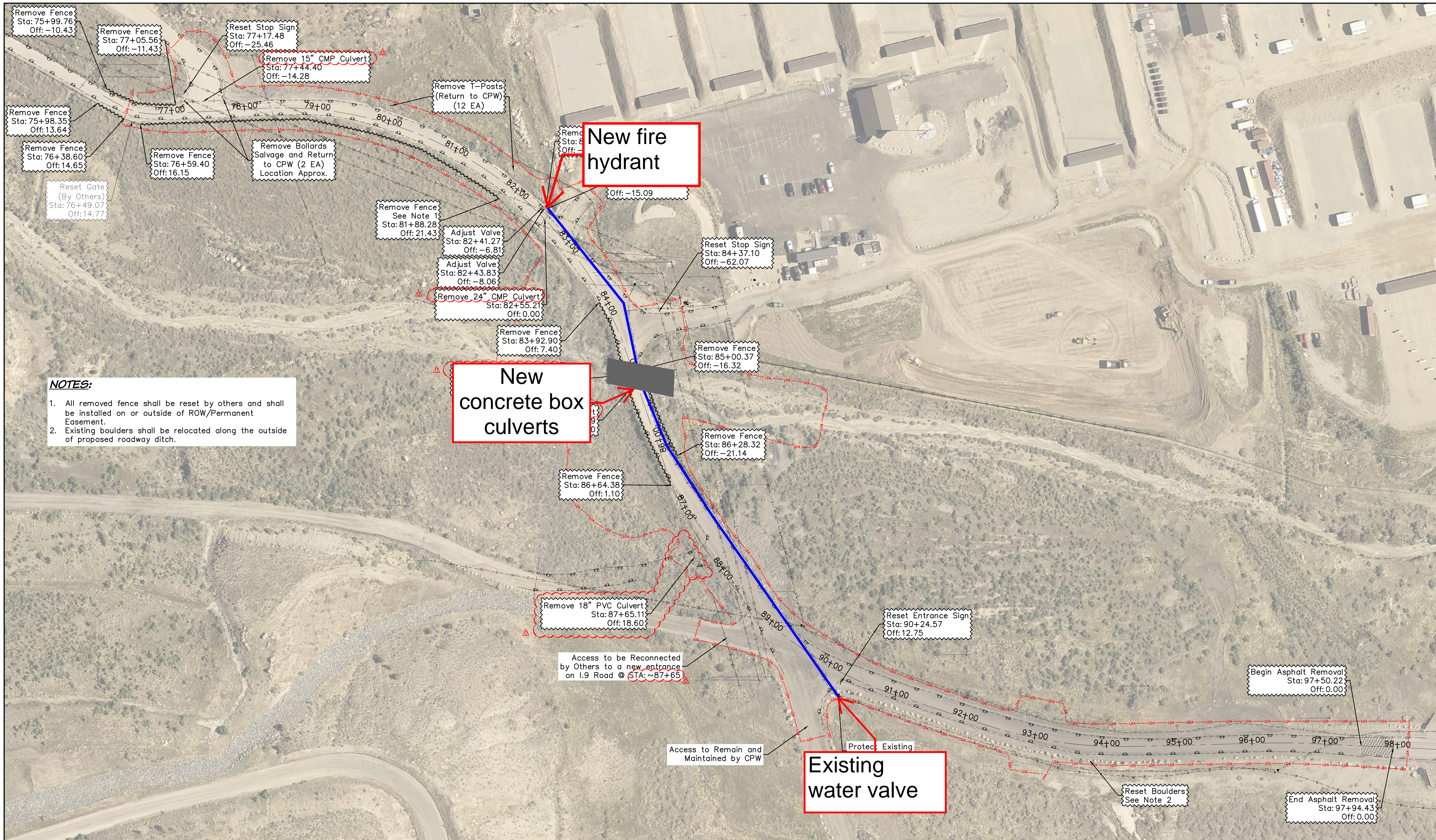
#### **SUBJECT:**

The Town of Palisade has a water line to Cameo Shooting Range to provide water to this Colorado Parks & Wildlife facility.

Mesa County Road & Bridge is currently upgrading the road and culvert and paving the Cameo road. With this project, the town is able to partner to update the waterline to 4 inch, add 2 valves and a new fire hydrant. The cost to the town will be \$21,995.00 with Mesa County partnering and paying the remaining.

#### **Board Action:**

Board of Trustees to authorize the Manager to partner with Mesa County on the Cameo Water line project and expend funds from the Palisade Water Fund.



**NOTES:**

1. All removed fence shall be reset by others and shall be installed on or outside of ROW/Permanent Easement.
2. Existing boulders shall be relocated along the outside of proposed roadway ditch.

<p><b>UNCC</b> UTILITY NOTIFICATION CONSULTANTS 800.922.1987 www.uncc.org CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.</p>	<p><b>811</b> Know what's below. Call before you dig.</p>	<p>Project Benchmark See sheet 06 for project control info</p>	<p>SCALE 60 0 30 60 120 ( IN FEET ) ORIGINAL SHEET SIZE: 22 x 34</p>	<p><b>REVISIONS</b></p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>01.Dec.2021</td> <td>Re-issued for Construction with Updated Existing Surface and CPW Additions</td> <td>nmr</td> </tr> </tbody> </table>			NO.	DATE	DESCRIPTION	BY	0	01.Dec.2021	Re-issued for Construction with Updated Existing Surface and CPW Additions	nmr	<p>COLORADO REGISTERED PROFESSIONAL ENGINEER 3551A 6/10/2021</p>	<p><b>RIVER CITY CONSULTANTS</b> 215 Pitkin Avenue, Unit 201 Grand Junction, CO 81501 www.rcwest.com Phone: 970.241.4722 Fax: 970.241.8841</p>	<p><b>MESA COUNTY</b> Cameo Roadway Improvements Project Demolition Plan</p>	<p>11</p>
				NO.	DATE	DESCRIPTION	BY											
0	01.Dec.2021	Re-issued for Construction with Updated Existing Surface and CPW Additions	nmr															
<p>PROJECT #: 0171-075 DATE ISSUED: 10.Jun.2021 DRAWN BY: nmr HORIZ: 1" = 60' CHECKED BY: idg VERT: n/a</p>																		



**2802 Highway 50 Grand Junction, CO 81503 | Phone: 970-242-1436 | Fax: 970-242-9040**

<b>To:</b> Mesa County Public Works	<b>Contact:</b> Josh Springer
<b>Address:</b> 200 S Spruce Street Grand Junction, CO 81501	<b>Phone:</b> (970) 244-1765 <b>Fax:</b>
<b>Project Name:</b> Cameo Roadway Improvements - Field Order #2 - Water Changes	<b>Bid Number:</b> 2022-16JN REV1
<b>Project Location:</b> I 9/10 Rd, Palisade, CO	<b>Bid Date:</b> 3/17/2022


Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
1	Pipe Removal	760.00	LF	\$13.00	\$9,880.00
2	4" C900 Water Main * <b>INCLUDES 6" OF BLUE BOARD INSULATION OVER BOX CULVERT PER JUB SKETCH*</b>	860.00	LF	\$36.00	\$30,960.00
3	12" X 4" Reducer * <b>NOT EPOXY COATED, TO BE WRAPPED IN PLASTIC*</b>	1.00	EACH	\$714.00	\$714.00
4	4" X 3" Reducer	1.00	EACH	\$441.00	\$441.00
<b>Total Bid Price:</b>					<b><u>\$41,995.00</u></b>

**Notes:**

- Any alteration from the above scope of work involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate
- Schedule to be mutually agreed upon between customer and Sorter Construction, Inc.

**Payment Terms:**

Payments are due upon receipt of invoice

<p><b>ACCEPTED:</b> The above prices, specifications and conditions are satisfactory and hereby accepted.</p> <p><b>Buyer:</b> _____</p> <p><b>Signature:</b> _____</p> <p><b>Date of Acceptance:</b> _____</p>	<p><b>CONFIRMED:</b> <b>Sorter Construction Inc</b></p> <p><b>Authorized Signature:</b> </p> <p><b>Estimator:</b> Jesse Nelson (970) 242-1436 jesse@sorterdigs.com</p>
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## PALISADE BOARD OF TRUSTEES Agenda Item Cover Sheet

**Meeting Date:** March 22, 2022

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

**Department:** Community Development

**Re:** Text Amendments to Section 10-231 of the Palisade Municipal Code

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**SUBJECT:** Ordinance No. 2022-10 – Text Amendments to Section 10-231 of the Palisade Municipal Code regulating concerts.

**SUMMARY:** Concert permits for private businesses are required under Section 10-231 of the Palisade Municipal Code (PMC). The ordinances requiring these permits were adopted in 2011 as part of an update to the noise ordinance (Ord. 2011-02 and 2011-12).

Many commercial businesses in Palisade host outdoor concerts, increasing in popularity after COVID forced people outdoors to increase business and to enjoy the natural atmosphere that Palisade has to offer. Unfortunately, the small size of the community can cause outdoor concerts to have an outsized impact on neighboring residents, as well as on parking and public safety.

Town staff has been working for several months to assess what changes could be made in Town policy that would improve the concert experience for both tourists and residents. One component of this assessment is revisions to the concert permits for private businesses.

**The attached ordinance is a draft of proposed amendments to concert permits. The proposed amendments would do the following:**

- **Allow for an annual, rather than per event, concert permit issued to a venue, rather than the concert promoter – one-time concert permits would still be available**
- **Would modify the ending hours of allowed outdoor concerts to 10 pm on Friday and Saturday nights (instead of all summer) and 9 pm on all other nights (regardless of season)**
- **Would require a calculation of maximum occupancy for each venue hosting a concert that the venue would be responsible for enforcing**
- **Provides a process for revoking a concert permit due to violations of either the noise ordinance or occupancy limit**
- **Removes provisions that allow for consideration of the type of music being played**
- **Provides the ability to charge a fee for a concert permit**

No changes to the maximum permitted noise levels are proposed. The current maximum decibel (dbA) level between 7 pm and 7 am is 50 dB(A) in residential districts, 55 dB(A) in commercial districts, and 65 dB(A) in light industrial districts (Section 10-226 PMC).

Town staff is also reviewing policies and procedures relating to special events that are hosted on or otherwise impact public property (such as closing a park or a street) or public resources. The attached ordinance only applies to outdoor concerts on private and/or business property.

**BOARD DIRECTION:**

The Board of Trustees reviewed the proposed ordinance changes at the March 15, 2022, workshop meeting, and no additional changes were made to the proposal. The Board will conduct a public hearing on the proposed ordinance and can either approve, amend, or deny the proposed ordinance.

**SUGGESTED MOTION:**

I move to **APPROVE Ordinance 2022-10**, amending Section 10-231 of the Palisade Municipal Code.

**TOWN OF PALISADE, COLORADO  
ORDINANCE NO. 2022-10**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO,  
AMENDING CHAPTER 10, ARTICLE XI OF THE PALISADE  
MUNICIPAL CODE REGARDING CONCERT PERMITS.**

**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**, Article XI of Chapter 10 of the Palisade Municipal Code (the “Code”) establishes standards that eliminate and reduce excessive noise that is physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and the conduct of business; and

**WHEREAS**, Section 10-231 of the Code sets for the requirements for concert permits in the Town; and

**WHEREAS**, the Board of Trustees finds and determines that it is in the interest of the Town to update and amend the Code for concert permits as set forth herein.

**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 XI of Chapter 10 of the Palisade Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language deleted~~:

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**Sec. 10-231. Concert permits required.**

(a) For purposes of this Section:

*Concert* means any music event that presents a group of more than three (3) musicians.

*Percussion instrument* means any instrument, including drums, bells, cymbals, xylophones, electronic keyboards, gongs or any other device, emitting a noise in association with the strike of a hand, stick or club.

A *trio* that incorporates the use of a percussion instrument as described above shall be required to secure a permit, and the event shall be considered a concert.

(b) A permit to sponsor or provide an outdoor concert shall be obtained from the Town ~~Administrator~~. Such permit may be also obtained for a specific outdoor venue for a specific time frame, not to exceed a calendar year. The Town may charge a fee for a concert permit, as provided for in the approved fee schedule. The application for the permit shall be made



within a reasonable time prior to the event and shall include the ~~number of performers and the~~ hours and length of the concert, as well as the location and maximum occupancy of the event and/or venue. The sponsor of the concert and/or the venue hosting the concert, shall be responsible for obtaining said permit and posting it conspicuously, as well as ensuring compliance with the limits set out in this Article ~~pertaining to acceptable~~ of allowed decibel levels and maximum occupancy of the event and/or venue. Police officers shall issue a summons to the sponsor of the concert and/or the host venue as the responsible party. ~~Individual band members may also be summoned depending on the totality of the circumstances.~~

- (1) Outdoor concerts shall end no later than 10:00 p.m. on Friday and Saturday nights during the summer season (dates the regular school year is out of session), or at any other time of the year when school is not in session by reason of holidays, teacher work days or for emergency reasons not specified.
  - (2) Outdoor concerts shall end at 9:00 p.m. at all other times, ~~regardless of the season, or~~ unless a permit extending these hours has been approved by the Town ~~Administrator~~.
  - (3) Indoor concerts shall not require a concert permit but shall abide by the same ~~time requirements unless a permit to extend the hours has been approved by the Town Administrator, and the~~ noise limitations found in this chapter as well as maximum occupancy of the venue ~~and requirements shall be enforced~~ notwithstanding a permit.
- (c) The Town ~~Administrator~~ may grant or deny a permit application for an outdoor concert and/or specific outdoor venue after taking into consideration the ~~style of music, volume and~~ duration of the noise/activity sought to be permitted, the location of the proposed noise/activity, the anticipated impact of the proposed noise/activity on surrounding properties and neighborhoods, and whether the public health and safety will be ~~injured or served~~ impacted by the issuance of the permit. The Town ~~Administrator~~ may deny the permit at ~~his or her~~ its discretion, based on the timeliness of the application and any ~~or all of the~~ relevant circumstances concerning impacts on the adjacent residential zones, including previous history with police complaints and/or other enforcement action relative to noise or occupancy. The Town may also implement, at its discretion, black-out dates, during which no outdoor concerts may be held, due to conflicts with other community events and/or holidays. All concert permits, including those issued to specific outdoor venues, may be subject to review and or revocation at any time due to noncompliance. Business licenses are required for specific outdoor venues and may be suspended or revoked as provided for in Article 1, Chapter 6 of this Municipal Code.
- (d) An applicant or citizen dissatisfied with a decision of the Town ~~Administrator~~ in either approving or denying a permit may seek an appeal of the decision to the Board of Trustees by submitting a written notice of appeal to the Town Clerk within five (5) days from the date of the decision to approve/deny the permit. The Board of Trustees shall review the appeal and of the decision on the permit ~~of the Town Administrator~~ as soon as can be reasonably accommodated on the Board's meeting schedule/agenda. The Board of Trustees

may reverse, modify or affirm the decision ~~of the Town Administrator~~. The decision of the Board of Trustees shall be final.

**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 March 22, 2022.

TOWN OF PALISADE, COLORADO

By: \_\_\_\_\_  
Greg Mikolai, Mayor

ATTEST:

\_\_\_\_\_  
Keli Frasier, Town Clerk