



AGENDA
for the Board of Trustees
of the Town of Palisade, Colorado
341 W 7th Street (Palisade Civic Center)

May 25, 2021

6:00 pm Regular and Virtual Meeting w/ In-Person Seating

- I. REGULAR MEETING CALLED TO ORDER AT 6:00 pm
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- 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 (virtually or in-person) at the meeting and make said statements to the Board directly.
 - B. **Swimming Pool Opened Saturday, May 22, 2021. Hours and pricing can be found at www.palisade.colorado.gov.**
 - C. **COVID-19 Vaccination bus will be returning to Palisade on May 28, 2021, in the Community Center parking lot (120 W 8th Street, Palisade) from 10:00 am – 6:00 pm.** Walk-ins are welcome, and no ID will be required. The bus will continue to offer first doses of the Pfizer Vaccine and the single-dose Johnson and Johnson vaccine.
 - D. **The Palisade Sunday Farmers Market begins Sunday, June 6, 2021, in downtown Palisade from 9:30 am – 1:30 pm**
 - E. **Mesa Glow Throwers – Glow Around the Valley Disc Golf Tour will be at Riverbend Park Saturday, May 29, 2021, from 7:00 pm – 10:00 pm.**
 - F. **The trailer for grass clippings and yard waste will be back in the fire station parking area starting Friday, May 20, 2021, and will be available to residents Fridays through Mondays.**
- VI. PRESENTATIONS
 - A. **Recognition of Colorado Winery of the Year: Carlson Vineyards**
 - B. **Palisade American Legion Presentation - they will be handing out poppies on May 29, 2021, in the Palisade Plaza to honor our fallen heroes on Memorial Day.**

C. Life-Saving Award presented to Officer Rob Segers – Presented by the Palisade Police Department

VII. TOWN MANAGER REPORT

VIII. CONSENT AGENDA

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

A. Expenditures

Approval of Bills from Various Town Funds – May 8, 2021 – May 21, 2021

B. Minutes

Minutes from May 11, 2021, Regular Board Meeting

IX. PUBLIC COMMENT

***Please keep comments to 3 MINUTES OR LESS, and state your name and address. IF ATTENDING VIRTUALLY, PLEASE TURN ON YOUR CAMERA WHEN SPEAKING TO THE BOARD.** Neither the Board of Trustees nor staff will respond to comments at this time. The Board may direct staff to look into specific comments to bring back as an Agenda item at a future meeting.*

X. PUBLIC HEARING I

A. PRO 2021-8 – Text Amendments To The Land Development Code Table 6.1 – Use Table

The Board of Trustees will consider text amendments to the Land Development Code and Table 6.1 Use Table relating to warehouses, storage, manufacturing, research, development uses, and amendments to allowed uses within the TC (Town Center) zone district.

1. Staff Presentation
2. Public Comment (**Please keep comments to 3 minutes or less and state your name and address. If attending virtually, please turn on your camera when speaking to the Board.**)
3. Board Discussion
4. Decision – Motion, Second, Rollcall Vote

XI. NEW BUSINESS

A. Amendment to Highway 6 TAP Grant Sidewalk Construction Project

The Board of Trustees will review a contract amendment for additional funding from the Colorado Department of Transportation (CDOT) to replace existing ADA ramps in the area with this project.

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

B. Old High School/Clinic Asbestos Mitigation

The Board of Trustees will hear an update from staff on the progress of asbestos mitigation at the old high school (341 W 7th Street) and discuss options for moving forward with the project.

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

C. Palisade Chamber of Commerce Representative Discussion and Appointment

The Board of Trustees will appoint a new representative to the Palisade Chamber of Commerce.

1. Board Discussion
2. Decision – *Motion, Second, Rollcall Vote*

XII. OPEN DISCUSSION

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

XIII. COMMITTEE REPORTS

XIV. ADJOURNMENT



TOP Board of Trustees Regular Scheduled Virtual Meeting Electronic Participation Instructions

Due to the increase in public participation in Town meetings, the Town of Palisade has decided to continue virtual public attendance, with in-person seating at the Board Chambers

Regular meeting starts at 6:00 pm

<https://zoom.us/j/3320075780>

Meeting ID Number: 332 007 5780

To Join Zoom Meeting:

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

***BY TELEPHONE:** Members of the public who wish to provide public comment on any specific agenda item or during general public comment must call the number provided below between 5:00 pm and 5:29 pm. During that time, the **moderator of the call will ask your name and the agenda item or if you wish to speak to an item not on the Agenda.** Once that information has been provided, your line will be muted. When it is time to talk during the meeting, the moderator will unmute the line, state the person's name who will be speaking. The person has three minutes to speak. The line will be muted at the end of the three minutes.

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

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



State of the Valley – hosted by the Grand Junction Chamber – the Palisade Mayor and Manager were part of the panel to answer community questions. There were over 130 in attendance and held at the CMU Ballroom. The panel included: Janet Rowland, County Commissioner, Pete Bair, County Manager, Greg Caton, GJ Manager, GJ Mayor, Mike Bennett, Fruita Manager & Fruita Mayor. It was a very successful event.

The Town did not receive the EPA Asbestos remediation grant for the Old High School. If the grant receives additional funding, Palisade is next to receive funds. Other funding options for the project are in review.

Estimated Time-Line of on-going Projects & Grants:

May – August 2021

1. Phase 1 of Palisade Plunge opening on Saturday May 29 – Official ribbon cutting July 23 and opening of the entire trail.
2. Arriving mid-June: Parklet Main Street Revitalization Grant \$50,000 - Build 2 parklets for social distancing – Peche’ and Di Orios’ for COVID19 recovery –
3. Sidewalk Main Street Revitalization Grant \$50,000 construct extended walk next to bakery parklet and sidewalk expansion to town parking lot on 2nd street
4. June - GOCO Grant – complete bus stop – Plunge Kiosk and history scale feature
5. Palisade Plunge Downtown Ribbon Cutting – July 23 -4:00 – 9:00pm
6. August 19 Peachfest Ice Cream Social hosted by the Town
7. June 1 submit application for \$100,000 Main Street Revitalization Grant for sidewalks on Hwy 6

September – December 2021

1. Clifton Sanitation District IGA and USDA grant/loan completion
2. Remove old high school – prepare site for new clinic
3. October - Construction of Highway 6 with MPPO grant - \$1 million

January – March 2022

1. TAP Grant: Complete engineering design for sidewalks to high school
2. Construction of sidewalks to high school – TAP Grant \$1 million
3. Design & Build Community Hospital Clinic



PALISADE BOARD OF TRUSTEES Staff Report

Meeting Date: May 25, 2021

Department: Community Development

Department Director: Brian Rusche

The first few months of my tenure have been quite busy. I am working to get to know people in the community and to learn what makes Palisade unique. Here are some highlights from the last couple of months:

Planning Projects

- Subdivision and Conditional Use approval for new drive-through Subway restaurant
- Rezone approval for future Colorado Cellars tasting room on Elberta
- Conditional Use approval for Harvest Hosts RV parking at Colorado Vintners
- Variance approval for a fence at 3719 G Road (adjacent to Montclair)
- Administrative approval of retail location for Sage Creations lavender farm at 223 Main
- Administrative change of use approval for winery at 202 Peach (adjacent to brewery)
- Administrative approval of paddle board shop at 3816 N River Road
- 109 Planning Clearances issued so far in 2021 (for reference – 143 issued in all of 2020)

Organizational Efforts

- Community Development Department fully staffed and open in person
- Planning Commission successfully conducting hybrid meetings
- All current agendas and minutes of the Planning Commission posted to website
- Working with various valley-wide committees including TAC (Transportation Advisory Committee), addressing, and AMGD (developers and realtors)
- Assisting other Town departments as appropriate

Grants

- Worked with staff on two Main Street grants worth \$100,000 for downtown improvements – parklets & sidewalks
- Open House for Highway 6 improvements was successful
- Exploring other grant opportunities, including additional Main Street funds

On the Horizon

- Code Amendments – two groups of changes proposed (one approved in February) with additional review and proposals coming forward as necessary
- Comprehensive Plan – will need to secure a grant for funding before beginning outreach



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EXPENDITURES - APPROVAL BY DEPARTMENT

Council Meeting Date – May 25, 2021

Date Range of Payables – May 8, 2021 – May 21, 2021

Report Criteria:

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

Invoice Detail.Input date = 05/08/2021-05/21/2021

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
RECREATION PROGRAM REFU	042221 DEPO	DEPOSIT REFUND	04/22/2021	125.00	.00		
RECREATION PROGRAM REFU	DEPOSIT REF	COMM CENTER REFUND	04/25/2021	250.00	.00		
TIMOTHY CORBETT PLATKO	2021 OUTDOO	OUTDOOR HERITAGE DAYS ON	05/13/2021	250.00	250.00	05/14/2021	
Total :				625.00	250.00		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
ADMINISTRATION							
CIRSA	211004	BOND - HAWKINSON	05/12/2021	100.00	100.00	05/14/2021	
CURRENT SOLUTIONS, LLC.	9725	HID PROX CARDS - ADMIN	04/28/2021	492.70	492.70	05/14/2021	
MESA COUNTY	RT-000555	GRAND VALLEY TRANSIT	05/06/2021	2,350.00	.00		
MESA COUNTY	RT-000555	GVRTC LEGAL FEE - SIMPSON	05/06/2021	212.26	.00		
OFFICE DEPOT	170265970002	OFFICE SUPPLY - ADMIN	04/30/2021	10.82	10.82	05/14/2021	
OFFICE DEPOT	172805944001	OFFICE SUPPLY - ADMIN	05/10/2021	90.54	.00		
PINNACOL ASSURANCE COMP	104	Workers Comp	02/01/2021	312.69	312.69	03/31/2021	
PINNACOL ASSURANCE COMP	105	Workers Comp	03/11/2021	312.69	312.69	03/31/2021	
PROVELOCITY LLC	30723	COMPUTER SERVICES	05/01/2021	6,623.00	6,623.00	05/14/2021	
CENTURY LINK	05012021	1343 - TOWN HALL INTERNET-R	05/01/2021	163.49	163.49	05/14/2021	
CENTURY LINK	05012021	9016 - ADMIN. FAX	05/01/2021	109.86	109.86	05/14/2021	
KARP NEU HANLON, PC	30072	PROFESSIONAL SERVICES - AT	05/05/2021	5,112.00	.00		
SPECTRUM ENTERPRISE	108289601050	IT CHARGES - FACILITIES	05/01/2021	119.99	119.99	05/14/2021	
Total ADMINISTRATION:				16,010.04	8,245.24		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
COMMUNITY DEVELOPMENT							
PALISADE CHAMBER OF COMM	11645	CHAMBER OF COMMERCE ME	05/14/2021	1,500.00	1,500.00	05/14/2021	
PINNACOL ASSURANCE COMP	104	Workers Comp	02/01/2021	245.68	245.68	03/31/2021	
PINNACOL ASSURANCE COMP	105	Workers Comp	03/11/2021	245.68	245.68	03/31/2021	
COLUMN	4E584DA7-004	COMM DEV - NOTICE	05/12/2021	11.62	.00		
Total COMMUNITY DEVELOPMENT:				2,002.98	1,991.36		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
RECREATION							
PINNACOL ASSURANCE COMP	104	Workers Comp	02/01/2021	279.19	279.19	03/31/2021	
PINNACOL ASSURANCE COMP	105	Workers Comp	03/11/2021	279.19	279.19	03/31/2021	
Total RECREATION:				558.38	558.38		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
COURT							
PINNACOL ASSURANCE COMP	104	Workers Comp	02/01/2021	44.67	44.67	03/31/2021	
PINNACOL ASSURANCE COMP	105	Workers Comp	03/11/2021	44.67	44.67	03/31/2021	
Total COURT:				89.34	89.34		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
POLICE							
JIM DIBLE OIL COMPANY	112382	POLICE DEPT - GAS / DIESEL	04/30/2021	149.11	149.11	05/14/2021	
JIM DIBLE OIL COMPANY	112455	POLICE DEPT - GAS / DIESEL	05/07/2021	161.82	161.82	05/14/2021	
PINNACOL ASSURANCE COMP	104	Workers Comp	02/01/2021	2,010.15	2,010.15	03/31/2021	
PINNACOL ASSURANCE COMP	105	Workers Comp	03/11/2021	2,010.15	2,010.15	03/31/2021	
CENTURY LINK	05012021	1343 - PD INTOXICATOR PORTI	05/01/2021	35.00	35.00	05/14/2021	
COOP COUNTRY	240964	PD CAR WASH	04/29/2021	2.00	2.00	05/14/2021	
COOP COUNTRY	240965	PD CAR WASH	05/03/2021	2.29	2.29	05/14/2021	
COOP COUNTRY	241145	PD CAR WASH	05/12/2021	5.92	5.92	05/14/2021	
COOP COUNTRY	241146	PD CAR WASH	05/12/2021	2.58	2.58	05/14/2021	
BLACK OF GRAND JUNCTION	7203	TOWING FEE	05/05/2021	205.00	.00		
HARPER, NYKOLAI	FBP 04232021	FLEXIBLE BENEFIT PLAN	04/23/2021	68.00	68.00	05/14/2021	
KINETIC LEASING, INC.	251031	INTERCEPTOR LEASE (3)	05/11/2021	3,869.04	.00		
Total POLICE:				8,521.06	4,447.02		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
CEMETERY							
GOODWIN SERVICE, INC.	92673	TOILET CLEANING - CEMETER	05/01/2021	60.00	60.00	05/14/2021	
JIM DIBLE OIL COMPANY	112382	CEMETERY - GAS / DIESEL	04/30/2021	31.27	31.27	05/14/2021	
JIM DIBLE OIL COMPANY	112455	CEMETERY - GAS / DIESEL	05/07/2021	65.28	65.28	05/14/2021	
MUNRO SUPPLY INC.	429405	CEMETERY - IRRIGATION PUM	04/28/2021	1,380.35	.00		
PINNACOL ASSURANCE COMP	104	Workers Comp	02/01/2021	201.01	201.01	03/31/2021	
PINNACOL ASSURANCE COMP	105	Workers Comp	03/11/2021	201.01	201.01	03/31/2021	
Total CEMETERY:				1,938.92	558.57		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
FIRE / EMS							
BOUND TREE MEDICAL, LLC	84048296	MEDICAL SUPPLIES/EMS	05/05/2021	303.48	303.48	05/14/2021	
CLIFTON FIRE PROTECTION	21-05-003	FIRE MANAGEMENT FEES	05/13/2021	5,000.00	.00		
JIM DIBLE OIL COMPANY	112382	FIRE/EMS GAS & DIESEL	04/30/2021	19.24	19.24	05/14/2021	
JIM DIBLE OIL COMPANY	112455	FIRE/EMS GAS & DIESEL	05/07/2021	532.38	532.38	05/14/2021	
MESA COUNTY LANDFILL	26081	HAZARDOUS MATERIALS DISP	05/12/2021	547.00	.00		
PALISADE PHARMACY	07312020	MEDICAL SUPPLIES	07/31/2020	159.00	.00		
PALISADE PHARMACY	176071	MEDICAL SUPPLIES	05/17/2021	197.36	.00		
PINNACOL ASSURANCE COMP	104	Workers Comp	02/01/2021	1,255.88	1,255.88	03/31/2021	
PINNACOL ASSURANCE COMP	105	Workers Comp	03/11/2021	1,172.58	1,172.58	03/31/2021	
CENTURY LINK	05012021	4735 - FIRE INTERNET	05/01/2021	163.93	163.93	05/14/2021	
CENTURY LINK	05012021	9913 - FIRE ALARM	05/01/2021	209.10	209.10	05/14/2021	
CENTURY LINK	05012021	0032 DATA - FIRE ALERT SYS.	05/01/2021	375.00	375.00	05/14/2021	
CENTURY LINK	05012021	0032 PHONE - FIRE ALERT SYS.	05/01/2021	2,085.29	2,085.29	05/14/2021	
E & E DOOR AND WINDOW	32746	FD DOOR REPAIRS	05/10/2021	191.42	.00		
Total FIRE / EMS:				12,211.66	6,116.88		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
EMS							
BOBCAT OF THE ROCKIES	12093296	SHARED STREETS & PARKS	04/30/2021	804.17	804.17	05/14/2021	
BOOKCLIFF AUTO PARTS INC	242465	STREETS / PARKS SHARED CO	04/28/2021	58.06	58.06	05/14/2021	
BOOKCLIFF AUTO PARTS INC	243143	STREETS / PARKS SHARED CO	04/29/2021	29.96	29.96	05/14/2021	
BOOKCLIFF AUTO PARTS INC	247286	STREETS / PARKS SHARED CO	05/07/2021	39.88	39.88	05/14/2021	
BOOKCLIFF AUTO PARTS INC	248459	STREETS / PARKS SHARED CO	05/11/2021	49.99	.00		
BOOKCLIFF AUTO PARTS INC	248466	STREETS / PARKS SHARED CO	05/11/2021	96.76	.00		
BOOKCLIFF AUTO PARTS INC	248673	STREETS / PARKS SHARED CO	05/11/2021	39.88	.00		
BOOKCLIFF AUTO PARTS INC	249405	STREETS / PARKS SHARED CO	05/12/2021	166.98	.00		
BOOKCLIFF AUTO PARTS INC	249467	STREETS / PARKS SHARED CO	05/12/2021	39.99	.00		
BOOKCLIFF AUTO PARTS INC	251383	STREETS / PARKS SHARED CO	05/17/2021	6.99	.00		
HEUTON TIRE COMPANY INC.	156557	SHARED EXPENSES	05/07/2021	313.50	.00		
HEUTON TIRE COMPANY INC.	156682	SHARED EXPENSES	05/17/2021	861.40	.00		
HONNEN EQUIPMENT CO.	1271982	SHARED DEPT EXPENSES	05/18/2021	86.32	.00		
MUNRO SUPPLY INC.	430352	SHARED EXPENSES	05/17/2021	185.73	.00		
WESTERN IMPLEMENT	IN38779	SHARED EXPENSES	05/13/2021	137.05	.00		
COOP COUNTRY	240966	PW CAR WASH	04/28/2021	2.00	2.00	05/14/2021	
COOP COUNTRY	240967	PW CAR WASH	04/30/2021	2.00	2.00	05/14/2021	
COOP COUNTRY	240968	PW CAR WASH	05/02/2021	7.23	7.23	05/14/2021	
COOP COUNTRY	241147	PW CAR WASH	05/12/2021	9.36	9.36	05/14/2021	
TYLER BATTERY	042905	SHARED COSTS	04/29/2021	103.46	.00		
TYLER BATTERY	095835	SHARED COSTS	05/17/2021	3.52	.00		
TYLER BATTERY	513220	SHARED COSTS	05/13/2021	79.66	.00		
WESTERN SLOPE IRON & SUP	160400	MINI EX TRAILER REPAIR - WAT	04/27/2021	1,648.72	.00		
Total EMS:				4,692.85	952.66		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
STREETS							
JIM DIBLE OIL COMPANY	112382	STREETS - GAS / DIESEL	04/30/2021	78.16	78.16	05/14/2021	
JIM DIBLE OIL COMPANY	112455	STREETS - GAS / DIESEL	05/07/2021	163.20	163.20	05/14/2021	
PINNACOL ASSURANCE COMP	104	Workers Comp	02/01/2021	446.70	446.70	03/31/2021	
PINNACOL ASSURANCE COMP	105	Workers Comp	03/11/2021	446.70	446.70	03/31/2021	
Total STREETS:				1,134.76	1,134.76		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
WATER							
BOOKCLIFF AUTO PARTS INC	248735	WATER - VEHICLE MAINTENAN	05/11/2021	111.14	.00		
FERGUSON US HOLDINGS, INC	1214847	WATER LINE - DELANEY PROJE	05/03/2021	69.15	.00		
JIM DIBLE OIL COMPANY	112382	WATER - GAS / DIESEL	04/30/2021	109.43	109.43	05/14/2021	
JIM DIBLE OIL COMPANY	112455	WATER - GAS / DIESEL	05/07/2021	228.48	228.48	05/14/2021	
PINNACOL ASSURANCE COMP	104	Workers Comp	02/01/2021	670.05	670.05	03/31/2021	
PINNACOL ASSURANCE COMP	105	Workers Comp	03/11/2021	670.05	670.05	03/31/2021	
CENTURY LINK	05012021	7148 - CARETAKER RESERVOI	05/01/2021	66.76	66.76	05/14/2021	
WESTERN SLOPE AUTO	148275	WATER - VEHICLE REPAIR/MAI	05/12/2021	205.62	.00		
SKYLINE CONTRACTING, INC.	20-30-04	BOWER AVE SEWER & WATER	04/30/2021	8,387.08	.00		
US BANK TRUST NA	1739386	CO WATER REV BONDS 2012 -	03/16/2021	12,253.13	.00		
Total WATER:				22,770.89	1,744.77		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
SEWER PLANT							
JOHN DEERE FINANCIAL	195481	SEWER PLANT SUPPLIES	03/11/2021	69.99	.00		
JIM DIBLE OIL COMPANY	112382	SEWER - GAS / DIESEL	04/30/2021	31.26	31.26	05/14/2021	
JIM DIBLE OIL COMPANY	112455	SEWER - GAS / DIESEL	05/07/2021	65.28	65.28	05/14/2021	
PINNACOL ASSURANCE COMP	104	Workers Comp	02/01/2021	201.01	201.01	03/31/2021	
PINNACOL ASSURANCE COMP	105	Workers Comp	03/11/2021	201.01	201.01	03/31/2021	
CENTURY LINK	05012021	1319 - SEWER & CALL OUT	05/01/2021	159.07	159.07	05/14/2021	
THATCHER COMPANY	1518927	SEWER PLANT SUPPLIES	04/26/2021	749.60	.00		
Total SEWER PLANT:				1,477.22	657.63		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
SEWER COLLECTION							
PINNACOL ASSURANCE COMP	104	Workers Comp	02/01/2021	223.35	223.35	03/31/2021	
PINNACOL ASSURANCE COMP	105	Workers Comp	03/11/2021	223.35	223.35	03/31/2021	
SKYLINE CONTRACTING, INC.	20-30-04	BOWER AVE SEWER & WATER	04/30/2021	47,328.52	.00		
Total SEWER COLLECTION:				47,775.22	446.70		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
MESA COUNTY LANDFILL	1322701	TIRE DISPOSAL	04/30/2021	213.00	.00		
PINNACOL ASSURANCE COMP	104	Workers Comp	02/01/2021	55.84	55.84	03/31/2021	
PINNACOL ASSURANCE COMP	105	Workers Comp	03/11/2021	55.84	55.84	03/31/2021	
WASTE MANAGEMENT INC -	1699440-0576-	DUMPSTER SERVICE	04/29/2021	1,641.52	1,641.52	05/14/2021	
WASTE MANAGEMENT INC -	1699592-0576-	TOWN CLEAN UP DAY	05/03/2021	1,769.62	.00		
WASTE MANAGEMENT INC -	1699648-0576-	GARBAGE SERVICE	05/03/2021	14,859.92	14,859.92	05/14/2021	
Total :				18,595.74	16,613.12		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
PARKS							
GOODWIN SERVICE, INC.	92673	TOILET CLEANING - RIVERBEN	05/01/2021	120.00	120.00	05/14/2021	
GOODWIN SERVICE, INC.	92673	TOILET CLEANING-BIKE TREK	05/01/2021	60.00	60.00	05/14/2021	
GOODWIN SERVICE, INC.	92673	VAULT CLEANING	05/01/2021	300.00	300.00	05/14/2021	
FERGUSON US HOLDINGS, INC	1212375	IRRIGATION MAINTENANCE	04/21/2021	179.99	.00		
HOME DEPOT CREDIT SERVICE	151300002006	PARKS SUPPLIES	04/23/2021	203.13	.00		
IMPACT PROMOTIONAL PRODU	70635	PARKS - UNIFORMS	04/28/2021	310.50	.00		
JIM DIBLE OIL COMPANY	112382	PARKS - GAS / DIESEL	04/30/2021	62.53	62.53	05/14/2021	
JIM DIBLE OIL COMPANY	112455	PARKS - GAS / DIESEL	05/07/2021	130.56	130.56	05/14/2021	
PEACHTREE HARDWARE AND	447932	PARK SPRINKLERS	04/21/2021	16.78	.00		
PINNACOL ASSURANCE COMP	104	Workers Comp	02/01/2021	670.05	670.05	03/31/2021	
PINNACOL ASSURANCE COMP	105	Workers Comp	03/11/2021	670.05	670.05	03/31/2021	
CENTURY LINK	05012021	1207 - RIVERBEND PARK	05/01/2021	128.31	128.31	05/14/2021	
WESTERN COLORADO AG-SER	8244	WEED CONTROL	05/04/2021	275.50	.00		
WESTERN IMPLEMENT	IN39098	PARKS - SMALL EQUIPMENT	05/14/2021	413.99	.00		
CROPWORX	65797	WEED CONTROL	04/30/2021	967.50	.00		
MESA FEED MART	24127	PARK MAINTENANCE - GRASS	05/11/2021	600.00	.00		
MTH FAMILY LLC	386310	TREES - PLAZA	04/15/2021	1,555.78	.00		
COLIN CHRISTIAN	2021.03.12	BOOTS - COCO	03/12/2021	100.00	100.00	05/14/2021	
Total PARKS:				<u>6,764.67</u>	<u>2,241.50</u>		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
POOL							
BRODY CHEMICAL COMPANY, L	502233	ACID MAGIC	04/28/2021	1,178.91	1,178.91	05/14/2021	
CENTURY LINK	05012021	1067 - POOL INTERNET	05/01/2021	159.07	159.07	05/14/2021	
CEM SALES & SERVICE	153991	POOL CHEMICALS	05/14/2021	319.60	.00		
WESTELK SUPPLY	21202	POOL SUPPLIES	05/10/2021	195.65	.00		
Total POOL:				1,853.23	1,337.98		

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
FACILITIES							
GUSTAVO ORTIZ	TP-05 2021	JANITORIAL SERVICES	05/16/2021	1,240.00	.00		
PINNACOL ASSURANCE COMP	104	Workers Comp	02/01/2021	469.03	469.03	03/31/2021	
PINNACOL ASSURANCE COMP	105	Workers Comp	03/11/2021	469.03	469.03	03/31/2021	
DANSCO ENTERPRISES INC D	000642	BUILDING MAINTENANCE - FIR	05/07/2021	70.90	.00		
KIMBALL MIDWEST	8797212	FACILITIES - SHOP SUPPLIES	04/13/2021	80.50	.00		
TERMINIX	252929	PEST CONTROL	04/07/2021	65.00	.00		
TERMINIX	253373	PEST CONTROL	05/05/2021	62.00	.00		
TERMINIX	253684	PEST CONTROL	05/05/2021	65.00	.00		
CHAVEZ, BRYAN	FBP04212021	FLEX PLAN BENEFIT	04/21/2021	65.00	65.00	05/14/2021	
GLOBAL EQUIPMENT COMPAN	117403146 - C	COVID - OUTDOOR AREA HEAT	03/18/2021	4,693.60-	.00		
GLOBAL EQUIPMENT COMPAN	117561709	COVID - OUTDOOR AREA HEAT	04/21/2021	4,692.00	.00		
ALSCO INC	LGRA2492118	BUILDING - REP & MAINT - FLO	04/30/2021	45.91	.00		
ALSCO INC	LGRA2494407	BUILDING - REP & MAINT - FLO	05/07/2021	45.91	.00		
Total FACILITIES:				2,676.68	1,003.06		
Grand Totals:				149,698.64	48,388.97		

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

Date: 5/20/21

Town Manager: 
 (Administrative Review and Approval for Payment)

Date: 5-20-2021

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 = 05/08/2021-05/21/2021



**MINUTES OF THE REGULAR (and VIRTUAL) MEETING OF THE
PALISADE BOARD OF TRUSTEES
May 11, 2021**

The regular meeting of the Board of Trustees for the Town of Palisade was called to order at 6:00 pm by Mayor Mikolai with Trustees Somerville, L’Hommedieu, Turner, Carlson, Maxwell, and Mayor Pro-Tem Chase present. Also present were Town Manager Janet Hawkinson, Town Attorney Jim Neu, Town Clerk Keli Frasier, Community Development Director Brian Rusche, Finance Director Travis Boyd, and Police Chief Deb Funston.

AGENDA ADOPTION

Motion #1 by Trustee Somerville, seconded by Trustee L’Hommedieu, to approve the agenda as presented.

A voice vote was requested.
Motion carried unanimously.

PRESENTATIONS

Proclamation for National Police Week was presented to Palisade Police Chief Funston by Trustee Somerville. Also accepting the Proclamation were Palisade Police Office Rob Segers, Colorado State Patrol Captain Matt Ozanic, Fruita Chief of Police Dave Krouse, and Mesa County Sheriff Matt Lewis.

Proclamation for National EMS Week was presented to Palisade Police Chief Balke by Trustee L’Hommedieu. Also accepting the Proclamation were volunteers of the Palisade Fire Department.

Proclamation for National Public Works Week was presented to Parks, Recreation and Events Director Troy Ward, Parks Supervisor Derek Malik, and Utility Maintenance Person Brian Flenniken by Trustee Carlson.

Proclamation for Colorado Public Lands Day was presented by Mayor Mikolai.

TOWN MANAGER REPORT

Town Manager Janet Hawkinson reviewed her report, and Finance Director Travis Boyd gave a brief finance update.

Comments from the Board included direction to staff to send an invite to Board members for a tour of Wine Valley Road and agreement to create a Community Hospital Project Outreach Committee that consists of Trustee L’Hommedieu and Trustee Maxwell.

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 – April 24, 2021 – May 7, 2021
- **Minutes**
Minutes from the April 27, 2021 Board Meeting

Motion #2 by Trustee Somerville, 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 Carlson, Trustee L'Hommedieu, Trustee Maxwell

No:

Absent:

Motion carried.

PUBLIC COMMENT

Glenn Hayes, 159 E 5th Street: requested that the Board endorse an application to the BLM to get a small peak east of Palisade named Plunge Mesa.

Stan Harbaugh, 409 Pendleton Street: Compliment the April 24, 2021, Town Clean-Up Day and commended Parks, Recreation and Events Director Troy Ward and Utilities Director Matt Lemon on their responses and assistance in assisting him with getting branches picked up from his home around that same time.

PUBLIC HEARING I

Beer and Wine Liquor License Application for Boardom Bound, LLC

Mayor Mikolai opened the public hearing at 6:34 pm.

Town Clerk Keli Frasier reviewed her staff report, reiterating the results of the investigation and reminding the Board of the criteria they need to consider with approving or denying the application.

Before entering any decision, approving or denying the application, the local licensing authority shall:

- Consider the facts and evidence gathered as part of its investigation, as well as any other facts, the reasonable requirements of the neighborhood for the type of license being considered
- The desires of the adult inhabitants of the neighborhood
- The number, type, and availability of alcohol beverage outlets located in or near the neighborhood under consideration
- Any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.

Applicant Danny Tebbenkamp detailed his reasons for applying for a beer and wine liquor license and expressed his desire to enhance his customer's experience and connect with them over a beer or glass of wine upon returning from their excursions.

Mayor Mikolai opened the hearing to public comment.

Tammy Tallant, 3819 North River Road: noted that the safety concerns for previously denying a marijuana store in the same location as the proposed liquor licensed premises have not been addressed and remain the same. Ms. Tallant asked the Board to deny the application.

Bill McDonald, 311 Troyer Avenue: reiterated that the proposed location is next to a bus stop on a dangerous road and the idea of people leaving the business after having a few drinks isn't safe. Mr. McDonald requested that the Board deny the application.

Debbie Ottaviano, 126 E 5th Street: expressed her support of the application, the need for more businesses in Palisade and commended the owners for being responsible people.

Bruce Talbott 3778 Horse Mountain Road: gave a philosophical commentary regarding local businesses working together and encouraged supporting local start-up businesses.

Rondo Beucheler, 255 E 2nd Street: stressed his opposition to any business going in the proposed location due to the lack of sidewalks, defined driveways on the property, and other safety measures in the area.

Tim Wedel, 3815 North River Road: raised concerns about outdoor patios, music, and alcohol affecting his business, rental properties, and residential neighbors in the area. He also stated that he felt alcohol is appropriate with the rental of electric bicycles and paddleboards.

Charles Talbott, 3544 E ½ Road: Existing businesses (wineries, breweries, distilleries, and marijuana) have the same safety concerns being brought up by public comments and are still allowed to conduct business.

Adam Paulson, 123 Majestic Court: has known the applicant for over ten years and believes he is a responsible business owner.

Gail Evans, 126 Majestic Court: traffic along North River Road is dangerous and worsens in the summer. She stated that she is not against the business proposal; she is simply against the location.

Mayor Mikolai opened the hearing to Board comment.

Town Manager Hawkinson clarified that the safety concerns raised by the Police and Fire Chiefs were to the patrons of the business, not the business causing safety problems to the drivers on North River Road. The safety concerns were mitigated by the removal of the outdoor sitting area. Staff's concerns regarding lack of defined driveway could be addressed by requiring a fence or other measures that would define the entrance/exit points, which should be done regardless of the type of business located in the property.

Trustee Somerville stated that he is a reluctant supporter of this application. The quantity of traffic will not increase due to a liquor license, nor will it increase the amount of liquor being consumed on the river. The responsibility of limiting alcohol consumption will rest on the business owner and staff, and during the liquor license renewal process, local residents will bring forward any indiscretions.

Trustee L'Hommedieu feels the business plan is a unique idea but also understands the surrounding residents' concerns.

Mayor Pro-Tem Chase asked if the staff has any immediate plans to address the safety concerns on North River Road? Town Manager Hawkinson stated that plans to address sidewalks on North River Road are on staff's priority list. Mayor Pro-Tem Chase echoed Trustee Somerville's comments about traffic and alcohol consumption. She stressed the importance of addressing the ingress/egress of the business and property.

Trustee Turner also mirrored Trustee Somerville and Mayor Pro-Tem Chase's comments and added questions regarding if customers could come into the shop just for a beer (without renting a paddleboard, etc.) and if alcohol sales would be allowed before customers go on the river.

Trustee Maxwell reiterated previous Board comments and suggested putting restrictions on the amount of alcohol served per customer, restrictions that only rental customers can purchase alcohol, and she asked the applicant what time they propose beginning alcohol sales.

Town Attorney Jim Neu stated that the Board COULD impose the suggested restrictions; however, enforcement would be near impossible.

Discussions with the Board addressed that most liquor license reviews are done administratively; however, the Board could make a condition that this renewal application be brought before them for approval.

The applicant addressed the Board's questions stating that they can put up additional signage for traffic flow, hours of operation proposed are 3:00 pm – 7:00 pm, and he is not looking to market his business as a bar for outside clientele. The plans for the beer in wine are for sale after the customer's event, not before.

Property owner Gary Miller addressed the new lease and expectations of the applicant.

Motion #3 by Trustee Somerville, seconded by Mayor Pro-Tem Chase to approve the application for a beer and wine liquor license as applied for by Danny Tebbenkamp at 3816 North River Road with the conditions that a fence is put up along the property line to define the ingress/egress (driveway), serving hours will be limited to 3:00 pm – 7:00 pm and the Board will review the license renewal in one year.

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.

Mayor Mikolai closed the public hearing at 7:32 pm and called for a five-minute recess.

PUBLIC HEARING II

PRO 2021-7 – CUP for a Drive-Through Restaurant

Mayor Mikolai opened the public hearing at 7:40 pm.

Community Development Director (CDD) Brian Rusche reviewed his staff report citing the approval criteria:

In order to approve a conditional use permit, the Board of Trustees must make certain findings of the request:

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

The drive-through restaurant would be located adjacent to an existing auto-oriented use and accessible via a public street, built to current development standards. The drive-through window is located on the west side of the building, next to an existing semi-truck parking lot and fueling station. The window location provides sufficient queuing for automobiles (a total of 10 vehicles), as required by Section 10.01.F.1 – Off-street stacking requirements. Sufficient parking is provided - based on the square footage of the restaurant (using Table 10.1), a minimum of 20 spaces is required (1 per 100 sq. ft. of floor area), and 29 spaces are provided. In addition, the drive-through exit is physically separated from the rest of the parking lot and the patio area, and bicycle parking is also provided.

In granting approval of a conditional use permit, the Board of Trustees may impose reasonable conditions which serve to assure that the conditional use permit does not endanger public health or safety. Staff is recommending that a pedestrian walk be constructed from the public sidewalk on the north side of Wine Valley Road to the primary entrance of the restaurant (as was required of the Golden Gate convenience store). This requirement, if adopted, would not conflict with the proposed drive-through exit and would only impact one parking space while providing a well-defined place for pedestrians (and bikes) to access the business.

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 practices of sound land use planning. Drive-through restaurants, particularly during the pandemic, serve the needs of local and regional customers who are unable to physically enter a traditional sit-down restaurant due to social-distancing requirements and mandatory public health closures. It is anticipated that demand for this use will continue regardless of the current public health orders. The proposed restaurant, taken as a whole, provides several alternatives for people to access its business. The applicant notes that “Restaurant type uses, including drive-thru [sic], are typical in commercial business areas, especially when near major transportation systems and interstate highway interchanges.”

The design of the proposed restaurant is unlike a typical “fast-food” establishment. The low-rise building utilizes earth-tone colors, including brick accents, to ensure that it blends into the high-desert landscape. An outdoor patio area (shown on the elevations) is provided in front of the restaurant, allowing people to enjoy the outdoors during the peak tourist season in Palisade. Xeric landscaping is also planned along the street frontage.

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 property is currently a vacant commercial lot and has been vacant for some time. The development of the Golden Gate convenience store has undoubtedly increased the value of the remaining undeveloped commercial property due to the construction of public infrastructure. The establishment of a complementary use to the gas station will only increase the value of the remaining commercial parcel.

The nearest residential property to the east (owned by Mr. Voorhees, who, as noted earlier, manages the irrigation lines in this neighborhood) is at least 500 feet from the proposed drive-through. To the south, the residential Willow Tree Subdivision is separated by a canal with roads on both sides, a strip of undeveloped commercial property, Wine Valley Road (with future sidewalks on both sides), and at least 120 additional feet of setback from the back of sidewalk to the drive-through window itself.

The applicant has prepared a traffic study and has submitted it to CDOT, who controls access and traffic volumes in the vicinity of the I-70, Exit 42 interchange, for review and approval. The projected traffic volumes at the intersection of Elberta Avenue and Wine Valley Road generated by the existing Golden Gate convenience store (who constructed the new intersection) and the proposed drive-through restaurant, as well as the soon-to-be-completed Peach Shack, could increase to the point of 10% higher than the level anticipated (and approved) by CDOT in 2017, which is less than the threshold (20% increase) used by CDOT to require additional physical improvements to the intersection.

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 Comprehensive Plan (2007) predates the incorporation of the subject property into the Town limits. Nevertheless, it notes in Desired Future Condition – Policy 7: “For the area near I-70 Exit 42, encourage commercial development on vacant or undeveloped land that is consistent with preserving the agricultural character and an attractive entry into Palisade.”*

Prior to the annexation of the property in 2017, Mesa County had designated this area around Exit 42 as commercial, but it had historically been underutilized, and there does not appear to be any agricultural production present in the decade between the 2007 Comprehensive Plan and the 2017 annexation and development of the Golden Gate convenience store, based upon a review of available aerial photos.

The application complies with the intent of the Hospitality Retail zoning district by providing retail development in the vicinity of Exit 42 in an environment compatible with the character of existing land uses.

Planning Commission recommended conditions:

- 1) A pedestrian walk be constructed from the public sidewalk on the north side of Wine Valley Road to the entrance of the restaurant.
- 2) A Site Plan shall be approved by the Community Development Director prior to the issuance of a Planning Clearance/Building Permit for the proposed restaurant.
- 3) The extension of public infrastructure in Wine Valley Road shall be completed to the property line of Lot 2, Wine Valley Subdivision, prior to issuance of a Certificate of Occupancy (CO) for the restaurant.

- 4) Any improvement at the intersection of Elberta Avenue and Wine Valley Road required by the Colorado Department of Transportation (CDOT) after a review of the completed traffic study will be the responsibility of the applicant and not the Town of Palisade.

Mark Austin with Austin Civil Group in Grand Junction gave a brief review of the revised plan presented to the Board.

Mayor Mikolai opened the hearing to public comment.

James Sanders, 451 Wine Valley Road: explained that the Golden Gate Gas Station development increased his business no less than four-fold. He feels that franchise developments should be encouraged along I-70.

Mayor Mikolai opened the hearing to Board comment.

Mayor Pro-Tem Chase stated that her understanding was that this application was previously denied because a drive-through does not match the surrounding area's character and asked staff and the applicant how that has now changed? She went on to review articles and reports of negative impacts drive-throughs have regarding climate change.

Trustee Somerville: commented that COVID doesn't impact this application as more and more businesses are opening and no longer need social distancing.

Trustee Turner: stated she feels the application meets the four requirements in the Land Development Code and matches the surrounding area's character as it is next to a gas station.

Trustee L'Hommedieu: echoed Trustee Turner's comments, and she supports the application.

Trustee Maxwell: felt the previous presentation was unclear and is glad to have a second opportunity to consider the application.

Mayor Mikolai: supported the application and said Palisade has multiple drive-throughs in Town and understands that while COVID may not be a current threat, but a drive-through may help this business in a future pandemic.

The applicant Jim Cagle agreed about looking to a future pandemic as one of the reasons for wanting a drive-through at this location, and he described the drive-through process as a speechless touch screen experience.

Skip Hudson with Turnkey Consulting wanted to clarify that the restaurant will not open until 10:00 am, and the afternoon peak hour between 4:00pm – 6:00 pm will see about 31-32 cars enter and exit the restaurant.

Motion #4 by Trustee Turner, seconded by Trustee L'Hommedieu to approve *PRO 2021-7 – CUP for a Drive-Through Restaurant* with staff and Planning Commission recommendations on the grounds that the application meets the criteria required in the Palisade Land Development Code.

A roll call vote was requested.

Yes: Trustee L'Hommedieu, Trustee Maxwell, Mayor Mikolai, Trustee Turner

No: Trustee Somerville, Mayor Pro-Tem Chase, Trustee Carlson

Absent:

Motion carried.

Mayor Mikolai closed the public hearing at 8:10 pm.

NEW BUSINESS

Ruedi Reservoir Water Use Agreement with Colorado Water Trust

Town Manager Hawkinson reviewed her staff report, reiterating that this agreement was approved in 2020, and Colorado Water Trust is making the same request and offers to purchase the Town's water in Ruedi Reservoir to be released this summer or fall as determined by conditions for the fish in the river.

Motion #5 by Trustee Somerville, seconded by Mayor Pro-Tem Chase to direct the Town Manager to enter into an agreement with Colorado Water Trust for water use from Ruedi Reservoir.

A roll call vote was requested.

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

No:

Absent:

Motion carried.

Environmental Study for USDA Grant

Town Manager Hawkinson explained that staff is working with the USDA grant/loan program, and a requirement of the application is to perform an environmental and cultural study. This study will take 4-6 months.

J-U-B Engineers have submitted a Scope of Work and fee for the Environmental & Cultural Assessment with the cost of \$57,000.

Motion #6 by Mayor Pro-Tem Chase, seconded by Trustee Somerville to direct the Town Manager to enter into a contract with J-U-B Engineers to provide an Environmental & Cultural Assessment.

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.

OPEN DISCUSSION

Trustee Turner stated that she and Trustee Maxwell have been investigating different opportunities for broadband services to Town and will bring more information to the Board when available.

Trustee Somerville recognized the passing of long-time Palisade resident Tim Lincoln, and all agreed he will be missed.

Mayor Pro-Tem Chase commented on the state of and lack of BBQ grills at Riverbend Park.

Trustee L’Hommedieu complimented all of the improvements to Riverbend Park and observed how wonderful it looks.

Trustee Maxwell agreed with Trustee L’Hommedieu and noted that there is a spot by the lagoons that would make a great beachfront area by the river. She also suggested placing more bicycle racks around Town due to the Plung opening this summer.

COMMITTEE REPORTS

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

Trustee Maxwell resigned from the Chamber of Commerce Board, and the consensus of the Board is to appoint a new member at the May 25, 2021, regular meeting.

ADJOURNMENT

Motion #10 by Mayor Pro-Tem Chase, seconded by Trustee Somerville to adjourn the meeting at 8:35 pm.

A voice vote was requested.
Motion carried unanimously.

X

Greg Mikolai
Mayor

X

Keli L. Frasier
Town Clerk



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE PLANNING COMMISSION
341 W 7th Palisade Civic Center
(Also Virtual Participation Via ZOOM)
May 18, 2021**

The regular meeting of the Planning Commission for the Town of Palisade was called to order at 6:04 pm by Chairman Parker with Commissioners present: Harbaugh, Hull, Wheeler, Prinster, Hamilton and Curry attended via Zoom. A quorum was declared. Also, in attendance were Community Development Director Brian Rusche and Town Clerk, Keli Frasier.

AGENDA ADOPTION

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

A voice vote was requested.
Motion carried unanimously.

ANNOUNCEMENTS and PRESENTATIONS

Community Development Director Brian Rusche announced Farmer's Market will open Sunday, June 6th. Mr. Rusche stated the mobile vaccine bus will be at the Community Center parking lot on May 28th from 10:00am to 6:00pm.

MINUTES

Motion #2 by Commissioner Prinster, seconded by Commissioner Hamilton, to approve the Minutes of May 4th, 2021.

A voice vote was requested.
Motion carried unanimously.

PUBLIC COMMENT

None

PUBLIC HEARING

PRO 2021-8 – Text Amendments to the Land Development Code Table 6.1 – Use Table

STAFF PRESENTATION

Community Development Director Brian Rusche displayed the Use Table from the LDC and explained that since the beginning of 2021, there have been a few commercial spaces that have come open for lease on Third Street and Bower Avenue that have spurred staff to review whether the uses allowed in these areas fit with the desires of the Town. Specifically, there is a limited amount of retail/restaurant space available on Third and Main Street, the lack of which could be detrimental to the marketing of Palisade as a tourist destination. In addition, the anticipated relocation of the Food Bank of the Rockies warehouse has prompted an evaluation of the warehouse use category within the Town.

As a result of this review, two primary changes have been identified to Table 6.1 (Use Table) that can be summarized as follows:

- 1) Warehouse and freight movement has been reclassified as a Conditional Use. The intent is to give the Town the opportunity to restrict the number of trucks utilizing such a facility to a number that can be reasonably accommodated on Town streets.
- 2) Office uses within the Town Center zone have been limited to only the upper-story of buildings. The intent is to reserve the street level space for uses that would promote shopping and dining within the Town Center and, by extension, generate sales tax revenue for the Town.
- 3) Other changes that clean up existing uses and/or are consistent with the two goals stated above.

Mr. Rusche added that it is important to note that this change does not affect any of these uses which may already exist under the current code (prior to adoption of these amendments) and/or approval by the Town. Instead, it is part of an ongoing effort to clarify and refine the Code so that staff can better respond to business inquiries regarding these uses that reflect the desires of the community. Any existing use that would be affected by these changes would be categorized as legal nonconforming and be subject to the standards of Section 12.03 – Nonconforming Uses.

PUBLIC COMMENT

None

COMMISSIONER DISCUSSION

Commissioner Prinster asked about the Chamber of Commerce location and noted that tourists would not want to walk upstairs for information. Rusche stated that they would not be affected because they are already existing, but with the code change, future office/business such as the Chamber, would have to be located in the upper floor. Commissioner Hull expressed concern that if medical offices have to be upstairs, the building would have to be ADA compliant. Mr. Rusche reminded the Commissioners that this only applies in TC which is a limited part of the downtown. Mr. Rusche then displayed a zoning map to illustrate where the TC parcels are located. Mr. Rusche explained how current businesses are considered “existing non-conforming.”

Commissioner Harbaugh noted that Short Term Vacation Rentals (STVR) are not allowed in TC and a Bed and Breakfast is allowed. Mr. Rusche explained that the Short Term Vacation Rental is a more recent addition to the code and there is a cap that has been reached. In addition, although allowed by code, there are no Bed and Breakfast businesses currently in the TC zone district. Commissioner Harbaugh asked to eliminate the “permitted” status of the Bed and Breakfast in the TC zone since STVRs are not allowed.

Commissioner discussion continued regarding minor utility, conditional use permits and marijuana cultivation in the TC zone district. Mr. Rusche explained that this proposal is to make a few changes to the Land Use Table that have been identified, but not to consider all possible changes to all uses at this time.

Motion #3 by Commissioner Prinster and seconded by Commission Wheeler, to approve item **PRO 2021-8 – Text Amendments to the Land Development Code Table 6.1 – Use Table with a recommendation to remove “Bed and Breakfast” as a permitted use in the TC zone district.**

A roll call vote was requested and the vote on the motion was as follows:

YES: Chairman Parker, Commissioners: Prinster, Hamilton, Harbaugh, Hull, Curry and Wheeler
NO: None
ABSENT: None

The motion passed unanimously.

ADJOURNMENT

Motion #4 by Commissioner Hamilton and seconded by Commission Hull, to adjourn.

The motion passed unanimously

The meeting was adjourned at 6:40 pm.

X

Riley Parker
Planning Commission Chairman

X

Lydia Reynolds
Planning Technician



PALISADE BOARD OF TRUSTEES Agenda Item Cover Sheet

Meeting Date: May 25, 2021

Presented By: Brian Rusche, Community Development Director

Department: Planning

Re: Text Amendments to the Land Development Code

SUBJECT: PRO-2021-8 – TEXT AMENDMENTS TO THE LAND DEVELOPMENT CODE
TABLE 6.1 – USE TABLE

SUMMARY: Recently, there have been a few commercial spaces that have come open for lease on Third Street and Bower Avenue that have spurred staff to review whether the uses allowed in these areas fit with the desires of the Town. There is a limited amount of retail/restaurant space available on Third and Main Street, the lack of which could be detrimental to the marketing of Palisade as a tourist destination. In addition, the anticipated relocation of the Food Bank of the Rockies warehouse has prompted an evaluation of the warehouse use category within the Town.

As a result of this review, the following changes have been identified to Table 6.1 (Use Table) that can be summarized as follows:

- 1) Warehouse and freight movement has been reclassified as a Conditional Use. The intent is to give the Town the opportunity to restrict the number of trucks utilizing such a facility to a number that can be reasonably accommodated on Town streets.
- 2) Office uses within the Town Center (TC) zone have been limited to only the upper-story of buildings. The intent is to reserve the street level space for uses that would promote shopping and dining within the Town Center and, by extension, generate sales tax revenue for the Town.
- 3) Other changes that clean up existing uses and/or are consistent with the two goals stated above.
- 4) The Planning Commission discussed bed and breakfast, hotel/motel, and short-term vacation rental (STVR) uses within the TC. Because the STVR have specific parameters, the Director recommended not making changes to that use anywhere in the Table at this time. Since there is not currently a bed and breakfast in the TC zone, and hotel/motel is an allowed use, the Commission recommended striking Bed and Breakfast from the allowed uses in the Town Center zone.

It is important to note that these changes do not affect any of these uses which already legally exist under the current code (prior to adoption of these amendments). Instead, it is part of an ongoing effort to clarify and refine the Code so that staff can better respond to business inquiries regarding these uses that reflect the desires of the community. Any existing use that would be affected by these changes would be categorized as legal nonconforming and be subject to the

standards of Section 12.03 – Nonconforming Uses.

BOARD DIRECTION: The Planning Commission conducted a Public Hearing on May 18, 2021 and the Commission forwards a unanimous recommendation of approval to the Board of Trustees, with the removal of Bed and Breakfast from the TC zone as noted above.

PRO 2021-8, TEXT AMENDMENTS TO THE LAND DEVELOPMENT CODE

TABLE 6.1 – USE TABLE

SUMMARY

Recently, there have been a few commercial spaces that have come open for lease on Third Street and Bower Avenue that have spurred staff to review whether the uses allowed in these areas fit with the desires of the Town. There is a limited amount of retail/restaurant space available on Third and Main Street, the lack of which could be detrimental to the marketing of Palisade as a tourist destination. In addition, the anticipated relocation of the Food Bank of the Rockies warehouse has prompted an evaluation of the warehouse use category within the Town.

As a result of this review, the following changes have been identified to Table 6.1 (Use Table) that can be summarized as follows:

- 1) Warehouse and freight movement has been reclassified as a Conditional Use. The intent is to give the Town the opportunity to restrict the number of trucks utilizing such a facility to a number that can be reasonably accommodated on Town streets.
- 2) Office uses within the Town Center (TC) zone have been limited to only the upper-story of buildings. The intent is to reserve the street level space for uses that would promote shopping and dining within the Town Center and, by extension, generate sales tax revenue for the Town.
- 3) Other changes that clean up existing uses and/or are consistent with the two goals stated above.
- 4) The Planning Commission discussed bed and breakfast, hotel/motel, and short-term vacation rental (STVR) uses within the TC. Because the STVR have specific parameters, the Director recommended not making changes to that use anywhere in the Table at this time. Since there is not currently a bed and breakfast in the TC zone, and hotel/motel is an allowed use, the Commission recommended striking Bed and Breakfast from the allowed uses in the Town Center zone.

It is important to note that these changes do not affect any of these uses which already legally exist under the current code (prior to adoption of these amendments). Instead, it is part of an ongoing effort to clarify and refine the Code so that staff can better respond to business inquiries regarding these uses that reflect the desires of the community. Any existing use that would be affected by these changes would be categorized as legal nonconforming and be subject to the standards of Section 12.03 – Nonconforming Uses.

LAND DEVELOPMENT CODE

Table 6.1, Use Table:

The following is Table 6.1, Use Table, which details the allowable uses allowed under the Land Development Code within specified zoning districts. Impacted sections are highlighted in **RED/BOLD TEXT with new additions underlined and removals in strikethrough.**

ARTICLE 6 USE REGULATIONS

Section 6.01 Use Table

A. Permitted

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

B. Conditional

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

C. Uses Not Allowed

A blank cell indicates that a use is not allowed.

D. Specific Use Standards

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

Table 6.1: Use Table												
Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	LI	HR	CP	Specific Use Standards
Residential Uses												
Alley-loaded house			P	P	P	P						Section 7.01C
Group home (8 or more)		C	C	C	P	P	C	P				Section 7.01J
Manufactured home park or subdivision			C	C								Section 7.01I
Multifamily					C					C		Section 7.01G
Nursing home or assisted living center		C			P	C	P	P	P			Section 7.01K
Single-family detached		P	P	P	P	P						Section 7.01A
Short term vacation rental		P	P	P	P	P						Section 7.01M
Townhouse				P	P	P				P		Section 7.01F
Two-family dwelling (duplex)				P	P	P						Section 7.01B
Upper-story residential		P				P	P	P	P	P		Section 7.01H
Zero lot line house				P	P	P						Section 7.01D
Public and Civic Uses												
Airport, heliport									P		P	
Child care center					C	C	C	P		P	P	Section 7.02A
Civic club						P	P	P	P	P	P	
Hospital						C	C	P	P		C	
Museum, library		C			C	P	P	P	P	P	P	
Park, open area*	Tot lot and playgrounds; mini-parks; plazas; squares; greens; neighborhood parks; botanical gardens; nature preserves and recreation trails; areas suitable for concerts, festivals, and special events or any similar use.	P	P	P	P	P	P	P	P	P	P	
Place of worship		P	P	P	P	P	P	P	P	P	P	
Public facility		C					P	P	P	C	P	

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

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

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

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

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

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

Section 4.01.E., Text Amendment Approval Criteria

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

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

The proposed text amendment is consistent with the remainder of the LDC. The text amendments simply convert some uses permitted by right into conditional uses, allowing for additional review by the Planning Commission and Board of Trustees. Other changes reflect inconsistencies embedded in the code that, if changed, would not substantially alter the purpose or intent of the affected zones.

For reference, a summary of the Town zoning district abbreviations is attached to this report.

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

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

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

The proposed text amendment is specifically designed to address the economic conditions of the Town Center area, whereby a shortage of retail and/or restaurant space would impact the tourist draw that downtown strives to be. In addition, the evolution of certain warehouse uses has created additional truck traffic through this very downtown area and would benefit from additional review and input by the Planning Commission and Board of Trustees to reflect the community's desires.

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

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

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

The adopted Comprehensive Plan delegates the regulation of individual uses to the Land Development Code. The proposed amendment changes the type of review required for some of these uses, and provides specific standards for the Town Center zone related to office space.

RECOMMENDATION

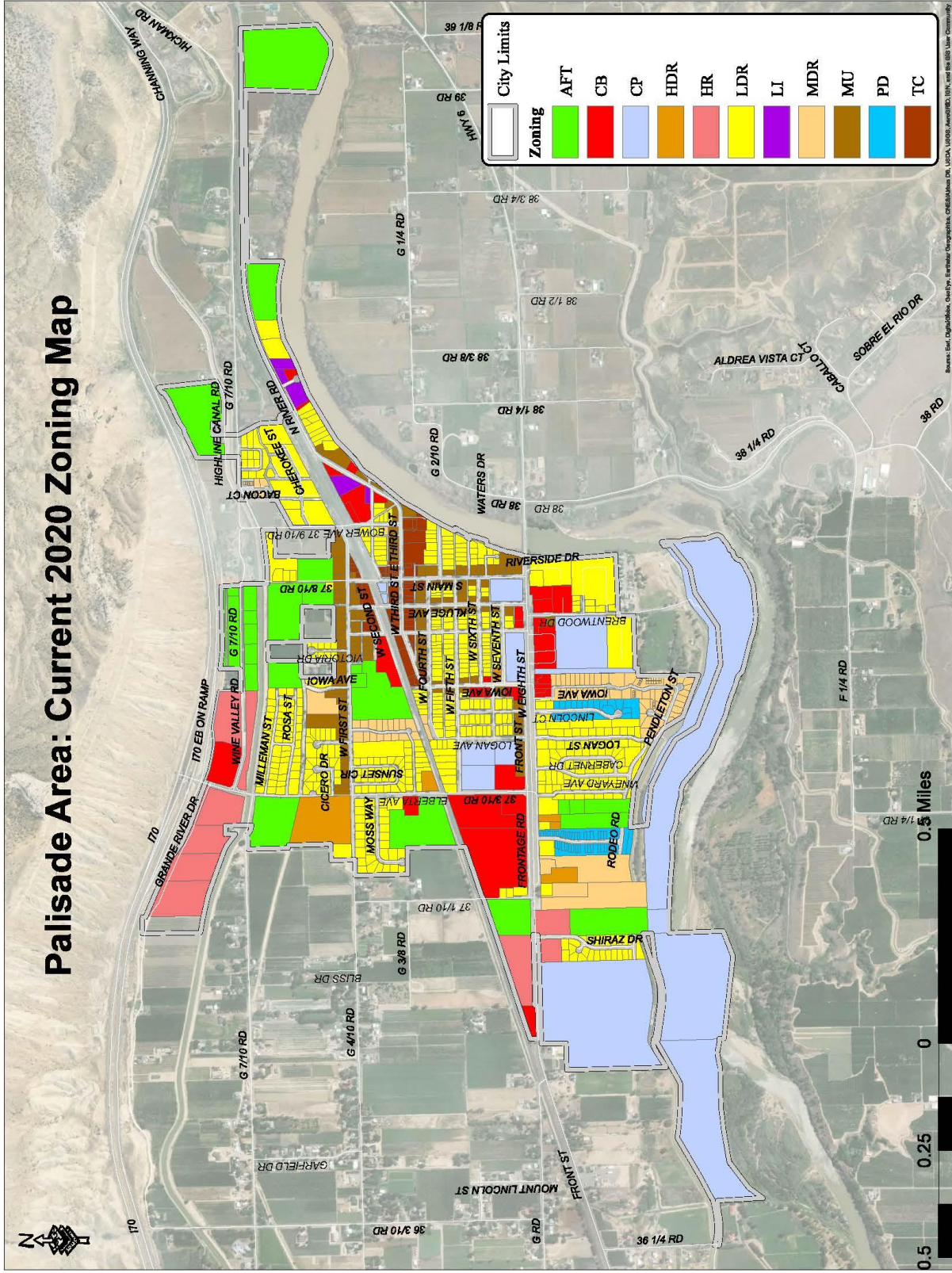
The Planning Commission conducted a Public Hearing on May 18, 2021 and the Commission forwards a unanimous recommendation of approval to the Board of Trustees, with the removal of Bed and Breakfast from the TC zone as noted above.

ATTACHMENTS

Palisade Zoning Map
Zoning Abbreviations

PALISADE ZONING MAP

Palisade Area: Current 2020 Zoning Map



ZONING ABBREVIATIONS

TOWN OF PALISADE ZONING DISTRICTS

AFT – AGRICULTURAL AND FORESTRY TRANSITIONAL

Provides for wineries, vineyards and related lodging and commercial activity compatible with Town's rural and agricultural character.

LDR – LOW DENSITY RESIDENTIAL

Provides for orderly residential development, intended to maintain and protect residential areas at moderate densities, characterized predominantly by single-family detached units.

MDR – MEDIUM DENSITY RESIDENTIAL

To maintain and protect residential areas of higher density which include a variety of small lot residential development options – proximity to public parks and open space is an asset.

HDR – HIGH DENSITY RESIDENTIAL

Provides for orderly high density residential areas which include multifamily dwellings mixed with other housing types – appropriate as a transitional district between low density residential and MU, TC and CB districts.

MU – MIXED USE

Facilitates adaptive re-use and preservation of older residential structures and compatible new nonresidential uses, which are encouraged to occupy existing structures without changing the residential character and to emphasize pedestrian rather than vehicular access.

TC – TOWN CENTER

Provides for business and civic functions that make up the Town core – has a strong pedestrian character and provides buildings that cover the entire street frontage.

CB – COMMERCIAL BUSINESS

Provides for commercial uses such as offices, services, and retail for the community as a whole – provides for auto-oriented uses with site design standards to mitigate impacts on adjacent residential neighborhoods.

LI – LIGHT INDUSTRIAL

Promotes the retention and growth of employment opportunities in areas with industrial uses that are relatively clean and quiet.

HR – HOSPITALITY RETAIL

Provides for hospitality and retail along I-70 and in pedestrian-oriented village or mall environments that are complementary to the historic Town and existing wineries and agricultural uses.

CP – COMMUNITY PUBLIC

Designates areas for public uses, including recreation, within the Town.

PD – PLANNED DEVELOPMENT

A development option to encourage and incorporate innovations in residential, commercial and industrial development that represent a more efficient use of land and relate to the site's natural characteristics.

Source: Article 5 – Zoning (Land Development Code – LDC)

**TOWN OF PALISADE, COLORADO
ORDINANCE NO. 2021-06**

AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO AMENDING LAND DEVELOPMENT CODE SECTION 6.01 USE TABLE AMENDING THE PERMITTED AND CONDITIONAL USES AVAILABLE IN VARIOUS ZONE DISTRICT.

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

WHEREAS, the Palisade Board of Trustees desires to amend the Land Development Code section 6.01 Use Table to amend the permitted and conditional uses available in various zone districts; and

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

WHEREAS, in accordance with Sections 3.02 and 4.01 of the Land Development Code, and Section 31-23-306, C.R.S., on May 18, 2021 a public hearing was held before the Planning Commission to consider a recommendation of an amendment of the Land Development Code to the Board of Trustees as set forth herein, following public notice as required by law; and

WHEREAS, in accordance with Sections 3.02 and 4.01 of the Land Development Code, and Section 31-23-304, C.R.S., on May 25, 2021 a public hearing was held before the Board of Trustees to consider the amendment of the Land Development Code as set forth herein, following public notice as required by law; and

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

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

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

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

ARTICLE 6 USE REGULATIONS

Section 6.01 Use Table

A. Permitted

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

B. Conditional

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

C. Uses Not Allowed

A blank cell indicates that a use is not allowed.

D. Specific Use Standards

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

Table 6.1: Use Table												
Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	LI	HR	CP	Specific Use Standards
Residential Uses												
Alley-loaded house			P	P	P	P						Section 7.01C
Group home (8 or more)		C	C	C	P	P	C	P				Section 7.01J
Manufactured home park or subdivision			C	C								Section 7.01I
Multifamily					C						C	Section 7.01G
Nursing home or assisted living center		C			P	C	P	P	P			Section 7.01K
Single-family detached		P	P	P	P	P						Section 7.01A
Short term vacation rental		P	P	P	P	P						Section 7.01M
Townhouse				P	P	P					P	Section 7.01F
Two-family dwelling (duplex)				P	P	P						Section 7.01B
Upper-story residential		P				P	P	P	P	P		Section 7.01H
Zero lot line house				P	P	P						Section 7.01D
Public and Civic Uses												
Airport, heliport										P	P	
Child care center					C	C	C	P		P	P	Section 7.02A
Civic club						P	P	P	P	P	P	
Hospital						C	C	P	P		C	
Museum, library		C			C	P	P	P	P	P	P	
Park, open area*	Tot lot and playgrounds; mini-parks; plazas; squares; greens; neighborhood parks; botanical gardens; nature preserves and recreation trails; areas suitable for concerts, festivals, and special events or any similar use.	P	P	P	P	P	P	P	P	P	P	
Place of worship		P	P	P	P	P	P	P	P	P	P	
Public facility		C					P	P	P	C	P	

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

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

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

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

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

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

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of the Trustees of the Town of Palisade, Colorado, held on May 25, 2021.

TOWN OF PALISADE, COLORADO

By: _____
Greg Mikolai, Mayor

ATTEST:

Town Clerk



PALISADE BOARD OF TRUSTEES
Agenda Item Cover Sheet

Meeting Date: **May 20, 2021**

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

Re: **Contract amendment to the TAP Grant Highway 6 Sidewalk Project**

SUBJECT:

CDOT scheduled to replace and update the ADA ramps along highway 6 in CDOT right of way. Since this scheduling, the Town has been awarded 2 grants for construction on Highway 6. The first grant being the MMOF grant to add landscape pedestrian buffers and sidewalks on highway 6 between Iowa and Main. The Town second grant was awarded a \$1million dollar grant for sidewalk construction along the south frontage road of highway 6.

Because of these 2 projects occurring now – CDOT is submitting a contract amendment, providing \$10,000 per ADA ramp to be added to each project. The ADA ramps are determined and outlined in the contract. The work will occur with the new projects to meet the correct grades and designs instead of being done separately.

BOARD DIRECTION:

Direct Town Manager to sign the contract amendment with CDOT.

STATE OF COLORADO AMENDMENT

Amendment #: 1

Project #: TAP M021-001 (23616) & C M021-003 (23955)

SIGNATURE AND COVER PAGE

State Agency Department of Transportation		Amendment Routing Number 20-HA3-XC-03086-M0001
Local Agency TOWN OF PALISADE		Original Agreement Routing Number 20-HA3-XC-03086
Agreement Maximum Amount	\$1,160,000.00	Agreement Performance Beginning Date The later of the effective date or July 30, 2020
		Initial Agreement expiration date May 31, 2030

THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT

Each person signing this Amendment represents and warrants that he or she is duly authorized to execute this Amendment and to bind the Party authorizing his or her signature.

STATE OF COLORADO Jared S. Polis, Governor Department of Transportation Shoshana M. Lew, Executive Director <hr style="width: 50%; margin: 10px auto;"/> Stephen Harelson, P.E., Chief Engineer Date: _____	
<p style="text-align: center;">LOCAL AGENCY TOWN OF PALISADE</p> <hr style="width: 80%; margin: 10px auto;"/> <p style="text-align: center;">Signature</p> <hr style="width: 80%; margin: 10px auto;"/> <p style="text-align: center;">By: (Print Name and Title)</p> <hr style="width: 80%; margin: 10px auto;"/> <p>Date: _____</p>	<p style="text-align: center;">LOCAL AGENCY (2nd Signature if Necessary)</p> <hr style="width: 80%; margin: 10px auto;"/> <p style="text-align: center;">Signature</p> <hr style="width: 80%; margin: 10px auto;"/> <p style="text-align: center;">By: (Print Name and Title)</p> <hr style="width: 80%; margin: 10px auto;"/> <p>Date: _____</p>

In accordance with §24-30-202 C.R.S., this Amendment is not valid until signed and dated below by the State Controller or an authorized delegate.

STATE CONTROLLER Robert Jaros, CPA, MBA, JD By: _____ Department of Transportation Effective Date: _____
--

1) PARTIES

This Amendment (the “Amendment”) to the Original Agreement shown on the Signature and Cover Page for this Amendment (the “Agreement”) is entered into by and between the Local Agency and the State.

2) TERMINOLOGY

Except as specifically modified by this Amendment, all terms used in this Amendment that are defined in the Agreement shall be construed and interpreted in accordance with the Agreement.

3) EFFECTIVE DATE AND ENFORCEABILITY

A. Amendment Effective Date

This Amendment shall not be valid or enforceable until the Amendment Effective Date shown on the Signature and Cover Page for this Amendment. The State shall not be bound by any provision of this Amendment before that Amendment Effective Date, and shall have no obligation to pay the Local Agency for any Work performed or expense incurred under this Amendment either before or after the Amendment term shown in **§3.B** of this Amendment

B. Amendment Term

The Parties’ respective performances under this Amendment and the changes to the Agreement contained herein shall commence on the Amendment Effective Date shown on the Signature and Cover Page for this Amendment and shall terminate on the termination of the Agreement.

4) PURPOSE

Town of Palisade – US 6 Sidewalk Improvement Project including ADA ramps.

5) MODIFICATIONS

- a) Combine C M021-003 (23955) with existing project TAP M021-001 (23616).
- b) Add \$160,000.00 in 100% State Funds with C M021-003 (23955).
- c) Increase Total Budgeted Funds of \$1,000,000.00 by \$160,000.00 to a new Total Budgeted Funds of \$1,160,000.00.
- d) Replace Exhibit C-1 with Exhibit C-2, which is attached hereto.

6) LIMITS OF EFFECT

This Amendment is incorporated by reference into the Agreement, and the Agreement and all prior amendments or other modifications to the Agreement, if any, remain in full force and effect except as specifically modified in this Amendment. Except for the Special Provisions contained in the Agreement, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Agreement or any prior modification to the Agreement, the provisions of this Amendment shall in all respects supersede, govern, and control. The provisions of this Amendment shall only supersede, govern, and control over the Special Provisions contained in the Agreement to the extent that this Amendment specifically modifies those Special Provisions.

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EXHIBIT C-2 – FUNDING PROVISIONS

**TAP M021-001 (23616)
C M021-003 (23955)**

A. Cost of Work Estimate

The Local Agency has estimated the total cost the Work to be \$1,160,000.00, which is to be funded as follows:

1. BUDGETED FUNDS	
TAP M021-001 (23616)	
a. Federal Funds (80% of Participating Costs)	\$800,000.00
b. Local Agency Matching Funds (20% of Participating Costs)	\$200,000.00
C M021-003 (23955)	
c. State Funds (100% of Participating Costs)	\$160,000.00
TOTAL BUDGETED FUNDS	
\$1,160,000.00	
2. OMB UNIFORM GUIDANCE	
a. Federal Award Identification Number (FAIN):	TBD
b. Federal Award Date:	See Below
c. Amount of Federal Funds Obligated:	\$83,084.00
d. Total Amount of Federal Award:	\$800,000.00
e. Name of Federal Awarding Agency:	FHWA
f. CFDA Number	CFDA 20.205
g. Is the Award for R&D?	No
h. Indirect Cost Rate (if applicable)	N/A
3. ESTIMATED PAYMENT TO LOCAL AGENCY	
a. Federal Funds Budgeted	\$800,000.00
b. State Funds Budgeted	\$160,000.00
c. Less Estimated Federal Share of CDOT-Incurred Costs	\$0.00
TOTAL ESTIMATED PAYMENT TO LOCAL AGENCY	
\$960,000.00	
4. FOR CDOT ENCUMBRANCE PURPOSES	
TAP M021-001 (23616)	
a. Total Encumbrance Amount	\$1,000,000.00
b. Less ROW Acquisition 3111 and/or ROW Relocation 3109	\$0.00
C M021-003 (23955)	
c. Total Encumbrance Amount (Only CDOT funds are encumbered)	\$160,000.00
d. Less ROW Acquisition 3111 and/or ROW Relocation 3109	\$0.00
Net to be encumbered as follows:	
\$1,160,000.00	
<i>Note: Only \$103,855.00 in Design funds are currently available. Additional Design and Construction funds will become available after execution of an Option Letter (Exhibit B) or formal amendment.</i>	

WBS Element 23616.10.30	Performance Period Start*/End Date May 15, 2020 / October 31, 2022	Design	3020	\$103,855.00
WBS Element 23616.20.10	Performance Period Start*/End Date TBD / TBD	Const.	3301	\$0.00
WBS Element 23955.10.30	Performance Period Start*/End Date N/A / N/A	Design	3020	\$0.00
WBS Element 23955.20.10	Performance Period Start*/End Date N/A / N/A	Const.	3301	\$0.00

***For TAP M021-001 (23616) the Local Agency should not begin work until all three (3) of the following are in place: 1) Phase Performance Period Start Date; 2) the execution of the document encumbering funds for the respective phase; and 3) Local Agency receipt of the official Notice to Proceed. Any work performed before these three (3) milestones are achieved will not be reimbursable.**

****For C M021-003 (23955) the Local Agency should not begin work until both of the following are in place: 1) the execution of the document encumbering funds for the respective phase; and 2) Local Agency receipt of the official Notice to Proceed. Any work performed before these two (2) milestones are achieved will not be reimbursable.**

B. Matching Funds

TAP M021-001 (23616)

The matching ratio for the federal participating funds for this Work is 80.00% federal-aid funds to 20.00% Local Agency funds, it being understood that such ratio applies only to the \$1,000,000.00 that is eligible for federal participation, it being further understood that all non-participating costs are borne by the Local Agency at 100.00%. If the total participating cost of performance of the Work exceeds \$1,000,000.00, and additional federal funds are made available for the Work, the Local Agency shall pay 20.00% of all such costs eligible for federal participation and 100.00% of all non-participating costs; if additional federal funds are not made available, the Local Agency shall pay all such excess costs. If the total participating cost of performance of the Work is less than \$1,000,000.00, then the amounts of Local Agency and federal-aid funds will be decreased in accordance with the funding ratio described herein. The performance of the Work shall be at no cost to the State.

C M021-003 (23955)

The matching ratio for this Work is 100.00% State funds to 0.00% Local Agency funds, it being understood that such ratio applies only to the \$160,000.00 of total budgeted funds, it being further understood that all non-participating costs are borne by the Local Agency at 100.00%. If the total cost of performance of the Work is less than \$160,000.00, then the amounts of Local Agency and State funds will be decreased in accordance with the funding ratio described herein.

C. Maximum Amount Payable

TAP M021-001 (23616)

The maximum amount payable to the Local Agency under this Agreement shall be \$800,000.00 (for CDOT accounting purposes, the federal funds of \$800,000.00 and the Local Agency matching funds of \$200,000.00 will be encumbered for a total encumbrance of \$1,000,000.00), unless such amount is increased by an appropriate written modification to this Agreement executed before any increased cost is incurred. It is understood and agreed by the parties hereto that the total cost of the Work stated hereinbefore is the best estimate available, based on the design data as approved at the time of execution of this Agreement, and that such cost is subject to revisions (in accord with the procedure in the previous sentence) agreeable to the parties prior to bid and award.

The maximum amount payable shall be reduced without amendment when the actual amount of the Local Agency's awarded contract is less than the budgeted total of the federal participating funds and the Local

Agency matching funds. The maximum amount payable shall be reduced through the execution of an Option Letter as described in Section 7. E. of this contract.

C M021-003 (23955)

The maximum amount payable to the Local Agency under this Agreement shall be \$160,000.00 (for CDOT accounting purposes, the State funds of \$160,000.00 will be encumbered, but the Local Agency matching funds of \$0.00 will NOT be encumbered), unless such amount is increased by an appropriate written modification to this Agreement executed before any increased cost is incurred. The total budget of this project is \$160,000.00. It is understood and agreed by the parties hereto that the total cost of the Work stated herein before is the best estimate available, based on the design data as approved at the time of execution of this Agreement, and that such cost is subject to revisions (in accord with the procedure in the previous sentence) agreeable to the parties prior to bid and award.

The maximum amount payable shall be reduced without amendment when the actual amount of the Local Agency's awarded contract is less than the budgeted total of the State funds and the Local Agency matching funds. The maximum amount payable shall be reduced through the execution of an Option Letter as described in Section 6 of this contract.

D. Single Audit Act Amendment

All state and local government and non-profit organizations receiving \$750,000 or more from all funding sources defined as federal financial assistance for Single Audit Act Amendment purposes shall comply with the audit requirements of 2 CFR part 200, subpart F (Audit Requirements) see also, 49 C.F.R. 18.20 through 18.26. The Single Audit Act Amendment requirements applicable to the Local Agency receiving federal funds are as follows:

i. Expenditure less than \$750,000

If the Local Agency expends less than \$750,000 in Federal funds (all federal sources, not just Highway funds) in its fiscal year then this requirement does not apply.

ii. Expenditure of \$750,000 or more-Highway Funds Only

If the Local Agency expends \$750,000 or more, in Federal funds, but only received federal Highway funds (Catalog of Federal Domestic Assistance, CFDA 20.205) then a program specific audit shall be performed. This audit will examine the "financial" procedures and processes for this program area.

iii. Expenditure of \$750,000 or more-Multiple Funding Sources

If the Local Agency expends \$750,000 or more in Federal funds, and the Federal funds are from multiple sources (FTA, HUD, NPS, etc.) then the Single Audit Act applies, which is an audit on the entire organization/entity.

iv. Independent CPA

Single Audit shall only be conducted by an independent CPA, not by an auditor on staff. An audit is an allowable direct or indirect cost.