



TOWN OF PAONIA
214 GRAND AVE
REGULAR TOWN BOARD MEETING AGENDA
TUESDAY, APRIL 25, 2023 6:30 PM
[HTTPS://US02WEB.ZOOM.US/J/82598359090](https://us02web.zoom.us/j/82598359090)
MEETING ID: 825 9835 9090
ONE TAP MOBILE
17193594580

Roll Call

Correspondence Received

Approval of Agenda

Announcements

Public Comment

Consent Agenda

Minutes

March 14, 2023 Regular Meeting

March 28, 2023 Regular Meeting

April 7, 2023 Emergency Meeting

April 17, 2023 Special Meeting

April 21, 2023 Special Meeting

Disbursements

Liquor License Renewals

133 Liquor dba West Elk Wine & Spirits

Curiel LLC dba Rio Bravo

Friends of the Paradise Theatre dba Paradise Theatre

Staff Reports

Interim Town Administrator

Town Clerk

Actions & Presentations

Other Items

1. Consideration of approval of Pickleball Tournament at Apple Valley Park - Max Heepke
2. Review and consideration of approval for Urban Rural Continuum contract.
3. Decision to repeal or send to Special Election: Section 1 of Ordinance 2023-02: Clarifying the moratorium of water tap sales by the Town by Referendum Petition.
4. Resolution 2023-04 Declaration of Board of Trustees Vacancy
5. Board meeting procedures discussion
6. Consideration of approval of contracting ADP for Payroll and HR services
7. Consideration of approval of ESRI Renewal Contract

- [8. Consideration of approval to hire hourly seasonal worker to plant and tend flower beds downtown.](#)
- [9. Board discussion of Town position of Jumbo Mountain Trail](#)
- [10. Recommendations from Planning Commission for Zoning/Building proposed code changes](#)
- [11. Discussion of Sidewalk fee ballot renewal language](#)
- [12. Discussion of CML request to Oppose SB 23-213 and approval of opposition Resolution and Letter](#)

Mayor & Trustee Reports

Adjournment

I. RULES OF PROCEDURE

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

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

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

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

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

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

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

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

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

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

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

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

II. CONSENT AGENDA

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

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

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

III. EXECUTIVE SESSION

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

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

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

IV. SUBJECT TO AMENDMENT

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

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

Town of Paonia



Correspondence Received

Samira V

From: Leslie
Sent: Wednesday, April 12, 2023 1:19 PM
To: Eleanor Yeager
Cc: Samira V
Subject: RE: Trees on town property

Thank you for your correspondence. It will be placed in the Board of Trustees April 25 agenda packet.

I have also forwarded it to the Public Works Director.

Leslie Klusmire
Interim Town Administrator
Town of Paonia, Colorado

"Every time you are tempted to react in the same old way, ask if you want to be a prisoner of the past or a pioneer of the future." — Deepak Chopra

Please consider the environment before printing this e-mail.

Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.

From: Eleanor Yeager <eycorealtor@gmail.com>
Sent: Wednesday, April 12, 2023 12:43 PM
To: Corinne Ferguson <corinne@townofpaonia.com>; Mary B <maryb@townofpaonia.com>; Thomas M <ThomasM@townofpaonia.com>; Paoniatreebord@gmail.com; Ruben Santiago <RubenS@townofpaonia.com>; coryheinigerPW@townofpaonia.com; Dave K <DaveK@townofpaonia.com>; Paige S <paiges@townofpaonia.com>; John V <JohnV@townofpaonia.com>; Rick S <RickS@townofpaonia.com>; D Weber <dweber@townofpaonia.com>
Subject: Trees on town property

To Town Staff and Board -

I have observed that a maple tree on town property across the sidewalk at 10-3rd St (on the Main St. side) is almost dead. I know the town has taken out trees in the past, so I hope this one will make it to your list. I also do not understand why these trees are not maintained by the town. I know of instances where folks have worked on trees, spent hundreds of dollars, just to have the town remove them.

I've already had no (good neighbor) assistance with the sewer line, which town says was my issue. But, it was impossible to repair, as the line in Main St. was too small, and it is not buried deep enough to obtain a pitch to run the line so it would not back up into the house. This one really still irritates me to no end.

Please let me know if tree removal is in the budget this year or not, and if this tree would be considered for removal. I'd also like to have you reconsider some compensation for the money I spent relocating the sewer line which was over \$11,000.

Best, Eleanor

Eleanor Yeager, GRI, CRS

U.S. Army Veteran

Broker/Owner

Rocky Mountain West Real Estate

Serving the Roaring Fork Valley, Colorado

Glenwood Springs to Aspen

"Homes with Altitude"

Direct: (303) 886-2929



****Be aware! Online banking fraud is on the rise. If you receive an email containing WIRE TRANSFER INSTRUCTIONS CALL your escrow officer (title company) immediately to verify the information prior to sending funds.*******

This message may contain confidential or proprietary information intended only for the use of the addressee(s) named above or may contain information that is legally privileged. If you are not the intended addressee, or the person responsible for delivering it to the intended addressee, you are hereby notified that reading, disseminating, distributing or copying this message is strictly prohibited. If you have received this message by mistake, please immediately notify us by replying to the message and delete the original message and any copies immediately thereafter. Thank you.

Samira V

From: Leslie
Sent: Monday, April 17, 2023 8:04 AM
To: Christina Patterson; Paige S; Samira V
Cc: Thomas M
Subject: RE: Financial deficiencies - Town of Paonia - findings from 2021 audit

Dear Ms. Patterson,

Your correspondence will be included in the next Board packet.

Leslie

Leslie Klusmire
 Interim Town Administrator
 Town of Paonia, Colorado

"Every time you are tempted to react in the same old way, ask if you want to be a prisoner of the past or a pioneer of the future." — Deepak Chopra

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From: Christina Patterson <christinap@mac.com>
Sent: Sunday, April 16, 2023 9:11 PM
To: Paige S <paiges@townofpaonia.com>
Cc: Thomas M <ThomasM@townofpaonia.com>; Leslie <leslie@townofpaonia.com>
Subject: Financial deficiencies - Town of Paonia - findings from 2021 audit

Paonia Trustees-

I want to thank you all, and most especially Interim-Town Administrator Leslie Klusmire, for dealing with the severe inadequacies of the Town's financial system.

It appears that these issues are not a recent development, but an ongoing one. Many similar examples of financial inadequacies were raised nearly 2 years ago during an audit.

During the 07/27/21 Audit Work Session & Regular Town Meeting, Trustee Pattison makes the following comment and a motion regarding the Auditor's report. (At 2:03:10 in the [video](#))

"The auditor, in her presentation, identified material weakness (adjustments that were made impacting internal control) and significant deficiencies [with] ability to develop full financial statements without assistance. My motion is that staff prepare a report on how those deficiencies will be addressed."

TOWN OF PAONIA
SCHEDULE OF FINDINGS
YEAR ENDED DECEMBER 31, 2020

Internal Control Findings

Significant Adjustments

- Adjustments to the government wide accounts to properly recognize pension activity in the statements of net position and activities.
- An adjustment to properly recognize grant revenue in the governmental funds.

Material Weakness—a deficiency or combination of deficiencies in internal control such that there is a reasonable possibility that a material misstatement will not be prevented, or detected and corrected, on a timely basis

- There were adjustments for the pension's balances in the current year, though the finance department made improvements in assisting in updating those schedules in the current year.
- There was an adjustment for revenues that fell out of the period of availability in the governmental funds. Management should review the revenue recognition requirements under the modified accrual basis of accounting.

Significant deficiency—less severe than a material weakness, yet important enough to merit attention by those charged with governance.

- A properly designed and implemented internal control system includes the tools and ability to prepare financial statements and footnotes in accordance with generally accepted accounting principles. Town accounting personnel currently do not possess these skills. We are happy to provide the tools and training for them to acquire these skills in the future.

Material Weakness-a deficiency or combination of deficiencies in internal control such that there is a reasonable possibility that a material misstatement will not be prevented, or detected and corrected, on a timely basis

- There were adjustments for the pension’s balances in the current year, though the finance department made improvements in assisting in updating those schedules in the current year.

Status: Correction in progress.

Criteria: Management is responsible for establishing and maintaining effective internal controls over financial reporting. Effective internal controls are an important component of a system that helps ensure transactions are recorded timely and in the proper reporting period, thereby providing accurate financial data. Specifically, the Town should have controls in place to ensure the Town’s FPPA pension activities are properly recorded in the financial statements annually.

Condition: The original FPPA reports provided were inaccurate requiring follow up to obtain sufficient reports to substantiate the year-end FPPA balances which identified the need for audit adjustments to correct the balance originally recorded by the Town.

Corrective Action: We agree with the finding. The Finance department will create a policy to standardize the date and timing of the FPPA reports creation. The department will work closely with FPPA to receive an accurate reporting amount. The Finance department will continue to benefit from all the hard work done in 2020 to improve the reporting in Caselle to further improve the reporting.

Person(s) Responsible for Implementation: Cindy Jones, Finance Director
Implementation Date: December 31, 2021

- There was an adjustment for revenues that fell out of the period of availability in the governmental funds. Management should review the revenue recognition requirements under the modified accrual basis of accounting.

Status: Correction in progress.

Criteria: Management is responsible for establishing and maintaining effective internal controls over financial reporting. Effective internal controls are an important component of a system that helps ensure transactions are recorded timely and in the proper reporting period, thereby providing accurate financial data. Specifically, the Town should have controls in place to ensure the Town’s grant revenues are properly recorded and updated within the Town’s software (Caselle).

Condition: Grant revenue was recorded as Accounts Receivable as the Town expected to receive the revenue from the granting agencies within the prescribed period of time (90-days). However, due to unforeseen circumstances the Town didn’t receive the Grant revenue within the 90-days. Therefore, the Grant revenue had to be reclassified as Deferred Grant Revenue during the audit.

Corrective Action: We agree with the finding. The Finance department will monitor grant revenue request to and submission timing to ensure receipt of Grant revenue in the 90-day period.

Person(s) Responsible for Implementation: Cindy Jones, Finance Director
Implementation Date: December 31, 2021

Samira V

From: Paonia
Sent: Tuesday, April 11, 2023 1:59 PM
To: Samira V
Subject: FW: Open burning in town

Follow Up Flag: Follow up
Flag Status: Flagged

Ruben Santiago

Administrative Assistant for Town of Paonia

Phone: 970-527-4101
Mobile: 970-508-1799
Email: RubenS@townofpaonia.com

214 Grand Avenue
P.O. Box 460
Paonia, CO 81428-0460

<https://townofpaonia.colorado.gov/>

From: Brendan Delaney <mtns.plains@gmail.com>
Sent: Tuesday, April 11, 2023 1:30 PM
To: Paonia <paonia@townofpaonia.com>
Subject: Open burning in town

Hello.

I am writing this email to ask that the town please consider adding an ordinance in regards to open burning within the town limits.

I have a neighbor who constantly burns rubbish and yard waste in a fire pit in his backyard. Often times the fire is left unattended and I rarely see a hose near by as a precaution.

I was surprised to learn that the town does not have an existing ordinance that adequately address this issue.

I have lived in an area that was consumed by a wildfire as a result of a carless resident burning yard waste. It happens so quickly and can be devastating for so many people.

I am asking the town to please consider at the very minimum to require a permit or phone call to notify the town or fire department of any and all outdoor open burning.

Thank you.

Brendan Delaney
970-531-7702

Samira V

From: Leslie
Sent: Wednesday, April 12, 2023 8:32 AM
To: Susie Kaldis Lowe; Samira V
Cc: Amy DeLuca; Jen Ramsey; NfVCC; Mary B
Subject: RE: Town Of Paonia - info needed for Creative District recertification

Thank you for your correspondence. It will be included in the next Board packet scheduled for April 24th, under correspondence received.

Leslie Klusmire
Interim Town Administrator
Town of Paonia, Colorado

"Every time you are tempted to react in the same old way, ask if you want to be a prisoner of the past or a pioneer of the future." — Deepak Chopra

Please consider the environment before printing this e-mail.
Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.

From: Susie Kaldis Lowe <susiekaldis@gmail.com>
Sent: Wednesday, April 12, 2023 12:39 AM
To: Samira V <SamiraV@townofpaonia.com>
Cc: Leslie <leslie@townofpaonia.com>; Amy DeLuca <cirquepaonia@gmail.com>; Jen Ramsey <jenramsey17@gmail.com>; NfVCC <nfvcreativecoalition@gmail.com>; Mary B <maryb@townofpaonia.com>
Subject: Re: Town Of Paonia - info needed for Creative District recertification

Mary, Leslie, & Sam -

I just watched the recording of tonight's town council meeting, specifically the section related to the Creative Coalition and agreements we have with the Town.

In my opinion, we ask very little of the town - a few letters of support, street closures, and some meager financial contribution annually. When I asked for sales tax data recently, no one from the town provided any. I found it myself through the financial audits on your website.

I ask that moving forward with an MOU, the Coalition and the Town work together to create an agreement that works for both. Mainly, we need to show grantors and the state OEDIT that we have your support.

I do not believe we need a town representative on our board. I've been with the Coalition since its inception in 2011, and we have never had a town rep on our board. But, what we did have, was the faith in our group that we do have the people of Paonia's best interest at heart. I find it appalling that several trustees suggest otherwise - even your attorney eluded to this.

I believe there is a lot of work to be done to regain trust by both entities and foster a healthy working relationship. Hopefully the master planning process and an updated MOU will help us learn to cooperate rather than tear one another apart.

Thanks again for supporting the Coalition's efforts to keep the Creative District designation current. Please let us know when to expect a revised resolution and new MOU to review.

Susie

Susie Kaldis Lowe
susiekaldis@gmail.com
970-275-3453
Paonia, CO

On Mar 30, 2023, at 7:12 PM, Susie Kaldis Lowe <susiekaldis@gmail.com> wrote:

I found sales tax information on the town's website - under the audits. I created this document.

Susie

Dear Mayor Bachran:

About 10 years ago I had a problem with my truck on a mountain road outside of your town. No cell service, not many people around.

I finally asked a man in a truck to help me (his young son was with him), he was able to help me get back on the road. I tried to pay him, he would not take the money but told me to pay it forward. I believe he was from your town.

I grew up in a town that now has fallen upon very hard times. I am in a position where I can afford to help so I have donated a substantial amount to the local college I went to. I hope it will help kids there become successful. I will donate more to the town and the college in the future.

I was able to donate money for the victims of the Ukraine war and will continue to donate more.

I am grateful that this man helped me and that I have the resources to help others.

Please read this at your town council meeting.

DENVER CO 802

14 APR 2023 PM 4 L



MAYOR BACHRAN
TOWN OF PAONIA
274 GRAND AV
PAONIA CO 81428

61428-630214



Samira V

From: Leslie
Sent: Friday, April 14, 2023 7:40 AM
To: Samira V
Subject: FW: Clarks End Minor subdivision

Follow Up Flag: Flag for follow up
Flag Status: Flagged

I think we should put this in correspondence received. I'm not sure what the issue is, but it probably should go to the Board.

Leslie Klusmire
Interim Town Administrator
Town of Paonia, Colorado

"Every time you are tempted to react in the same old way, ask if you want to be a prisoner of the past or a pioneer of the future." — Deepak Chopra

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-----Original Message-----
From: Lynn Mattingly <ldmqilt@gmail.com>
Sent: Thursday, April 13, 2023 4:47 PM
To: Leslie <leslie@townofpaonia.com>
Subject: Re: Clarks End Minor subdivision

Thanks for the response.
No questions now.

But will approach town after trail is built to get the public part of the property in town' s name.
I will see you then.
thanks
Lynn Mattingly

> On Apr 13, 2023, at 2:35 PM, Leslie <leslie@townofpaonia.com> wrote:
>
> I am unclear what the purpose of you email is. Do you have a question?
>

- >
- > The final approved subdivision is three R-2 lots, two accessed from the cal-de-sac that this development provided, and one parcel has access off "Colorado Ave" or County Rd. O-50.
- >
- > Thank you.
- > Lynn Mattingly
- > 970-260-2460

Town of Paonia

1.

17



Consent Agenda

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
March 14, 2023

RECORD OF PROCEEDINGS

Roll Call

Mayor Bachran called the meeting to order at 6:30 pm

PRESENT

Mayor Mary Bachran
Trustee/Mayor Pro-Tem Thomas Markle
Trustee Dave Knutson
Trustee Paige Smith
Trustee Dave Weber
Trustee Rick Stelter

ABSENT

Trustee John Valentine

Correspondence Received

Trustee Smith asked for more information on the Omniprocessor item and why it was there. The Town Clerk explained that there were a couple of community members that just wanted the Board to be aware of some different systems.

Approval of Agenda

Motion made by Trustee Stelter, Seconded by Trustee Weber to approve the agenda.

Discussion ensued about having the school discussion from the February 28th meeting and vote again to meet legal requirements and to satisfy public concern. Town Attorney Nick Cotton-Baez agrees and informs them that they can 'cure' the item by having a significant discussion and not rubber stamping it at the next meeting. Trustee Smith asks about the CML request on input about upcoming legislation and whether they can have a discussion without it being individually agendaized.

Discussion continues about the importance of public comment, notification requirements, informed discussion and decisions and proper protocol.

Trustee Stelter calls the question.

Main Motion:

Voting Aye: Trustee Knutson, Trustee Stelter , Trustee Weber, Trustee Markle

Voting Nay: Trustee Smith

Motion Carries.

Announcements

Trustee Knutson announces that the Parks Committee and Public Safety Committee meetings will be cancelled for the month of March.

Trustee Weber: Citizens Water Committee will be meeting on the last Wednesday of the month at 5pm. Trustee Markle will be running the meeting.

Public Comment

L. Lucas: Requests that board approval be put back into the Street Closure Permit ordinance

M. Foguth: Question about her item on the agenda

S. Watson: Congressional funding for the school building discussion shouldn't have happened since it wasn't agendized in the proper way.

W. Brunner: comments about the 2023-02 seeming to be set up for buying the school and feels it is creating loopholes. Announced there is a citizens referendum currently under review in the Town Clerks office to repeal 2023-02: Clarifying the Moratorium on the Sale of Water Taps by the Town.

S. Keenan: thinks the Town should wait or get a better price on the school building and consider being a refuge center and finding program funding for that.

Consent Agenda

Trustee Weber makes a motion, Seconded by Trustee Smith to approve the Consent Agenda. Trustee Knutson requests having the departments employees are in, attached to the payroll information.

Trustee Markle asks why the disbursements were separate from the digital packet.

Finance Director Jones answers that she didn't have everything she needed for them at the time the packet was published.

Main motion carries unanimously

Trustee Knutson makes a motion, Seconded by Trustee Weber, to have the list of employees include their department on payroll.

Motion carries unanimously

Interim Town Administrator-

Interim Administrator Klusmire talks about her plans for a community survey about the and asks about getting Survey Monkey and whether the cost is worth it for the Board.

Trustee Stelter points out that this could be a solution to the earlier discussed problem of getting public comment on time limited items.

T

Trustee Smith brought up that they have two different projects going, Master Plan Update and Affordable Housing, that have community surveys written into their plans that it could be used for as well.

Interim Administrator Klusmire asks the Board for direction about a water bill that includes a leak in excess of a million gallons of water and was already at least six months behind. The water has been turned off after the leak was discovered by a public works employee. She asks permission to offer to credit the leak amount if the leak is repaired and bill is made whole. Town Attorney is drafting an emergency ordinance to deal with situations like this in the future and enforcement will be a priority again.

Trustee Knutson makes a motion, Seconded by Trustee Stelter, to authorize the Interim Town Administrator to pursue the suggested solution.

Aye: Trustee Knutson, Trustee Smith and Trustee Stelter

Nay: Trustee Markle and Trustee Weber

The motion carries.

Finance Director-

Trustee Weber makes a motion, Seconded by Trustee Knutson, to approve the transfer of \$2,390,000 from United Business Bank to ColoTrust General Fund Account.

Trustee Knutson likes that it is a conservative fund with wise investments.

Motion carries unanimously.

Police Department-

Trustee Markle makes a motion to go into executive session pursuant to C.R.S. Section 24-6-402 (4)(f) to discuss a personnel matter involving staff access to secure police facilities.

There is a discussion about whether the executive session is appropriate.

Trustee Knutson Seconds.

Discussion ensues about an employee's right to attend, whether that applies to former employees and the Town Attorney's questions and then advice that it would not be appropriate without inviting the former employee to be present or have it discussed in public.

Trustee Knutson withdraws his Second.

Motion dies for lack of Second.

Public Works Director-

Public Works Director Heiniger provides some background to the accident involving the Apple Valley Park shed resulting in it needing to be torn down. The shed has two patches of asbestos that need to be removed before demolition.

Public Comment-

S. Patterson: asks if it was a Town vehicle or a private vehicle involved in the accident. Trustee Weber makes a motion, Seconded by Trustee Stelter to accept the bid of Regional Asbestos Mitigation Services for \$7,165.95.

The Board asks questions about tearing down the building, CIRSA coverage for the asbestos mitigation and whether the company will have to bring a generator.

Motion carries unanimously.

Actions & Presentations

Public Hearing- Home occupation permit for podcast studio

Public Hearing opens: 7:42 pm

Brandon Mason (owner) and Filip Sipos (resident of 120 Dorris) are both in attendance. They provide information about traffic, noise levels, topics of podcast.

Trustee Weber thanks them for following the process of applying for a permit and says it seems as though it is a minimally invasive venture.

Trustee Markle asks what the name of the podcast is. Mr. Mason answers Torchcast and that it is about regional directions with economics and development and issues.

Trustee Markle asks if this is the process that is supposed to be followed for every home business.

Trustee Stelter asks about whether the off-street parking requirement is fulfilled.

Trustee Knutson asks questions to clarify exact location of the house.

Trustee Smith asks that staff update the application template .

Public Comment:

None

Public Hearing Closes at 7:47 pm

Trustee Weber makes a motion, Seconded by Trustee Smith, to approve Brandon Mason's Home Occupation Permit for a podcast studio.

Trustee Knutson asks if there were any comments by the neighbors. The Town Clerk Vetter replies that none were received.

Motion carries unanimously.

Other Items

Delta County request for Support and Direction Regarding Wildfire Mitigation on Town of Paonia Property

Kris Stewart and Matt Jennings are in attendance to present their request and answer questions.

Trustee Weber makes a motion, Seconded by Trustee Markle, to support wildfire mitigation on P Hill and select the Western Colorado Conservation Corps to do it. Board questions and discussion cover the risk and danger of wildfire, wildlife impact, who the county has selected, qualifications, concern about chipping and point of contact- Cory Heiniger.

Motion carries unanimously.

Trustee Knutson makes a motion, Seconded by Trustee Stelter, for a five-minute recess.

The motion carries unanimously.

Meeting resumes at 8:03 pm

Hotchkiss Chamber of Commerce updating Paonia Board of Trustees on Chamber activities and requesting Town's involvement in a North Fork Valley Chamber of Commerce

Trustee Knutson makes a motion, Seconded by Trustee Weber, to table this item until Terry O'Brien returns to Zoom.

Motion carries unanimously.

Request to Install and Maintain a Pantry Shelf in Town Hall – Monica Foguth

Monica Foguth is in attendance and provides an explanation of what she is requesting, a small bookcase with shelf stable donated supplies or necessities, that she would be responsible for maintaining.

Public Comment:

S. Watson: asks about liability issues.

Discussion from the board include: staff time and added responsibility, SNAP benefits dropping 30%, food insecurities, church's, trial basis, community involvement.

Interim Town Administrator recommends no staff involvement at all due to time constraints and heavy work load.

Trustee Knutson makes a motion, Seconded by Trustee Stelter to approve the pantry shelf on a pilot basis for 3 months and then reconsider it.

Trustee Stelter makes a motion, Seconded by Trustee Knutson, to amend the main motion to say that there will be no staff involvement in cleaning or maintenance.

Trustee Smith states that while it is a wonderful idea, she feels that a place of business is not the appropriate place for this and it is not right for the Town staff to have to keep an eye on it and call someone if there are problems.

Motion to amend the main motion:

Motion carries with Trustee Smith voting Nay.

Main Motion: to approve the pantry shelf on a pilot basis for 3 months, with no town staff involvement in cleaning or maintaining and then reconsider.

Aye: Trustee Stelter, Trustee/ Mayor Pro-Tem Markle, Trustee Knutson

Nay: Trustee Smith, Trustee Weber

Motion carries.

Hotchkiss Chamber of Commerce updating Paonia Board of Trustees on Chamber activities and requesting Town's involvement in a North Fork Valley Chamber of Commerce

Terry O'Brien asks for the Town's participation in working on the Delta County Official Visitor Guide which helps bring tourists to the North Fork Valley.

Public Comment:

W. Brunner: Chamber is a fine organization but feels like there should be separation between the Chamber and the town government. Government should be providing rules and level playing field while Chamber should be advocating for businesses.

Board discussion and questions include information on One Delta County, tourism, various visitors guides, economic development and Board of Tourism.

Mr O'Brien is looking for a revamp of the write-up about Paonia in the Delta County Visitor's Guide that is more inviting to tourists.

The Board suggests that the Chamber ask the North Fork Valley Creative Coalition. Amy DeLuca from the NFVCC asks to be recognized and says they would be happy to help with this project.

North Fork Pool Park & Recreation Request for Board Direction on Options for the Skate Park

Max Heepke presents the options they are asking for Town input on. They have two options available to them with the denial of the GOCO grant: use the \$115,000 already raised for improvements to the existing skate park or try again for a GOCO grant later this year.

Public Comment:

S. Watson: Likes the idea of improving on what is existing instead of tearing up unpaved, green spaces and makes something already existing great again.

R. Miller: asks question NFPP&R about doing improvements and going for the GOCO grant again.

S. Sharer: NFPP&R President- have been in touch with a designer that says they can make something really unique with the skate park for the money that they have; in favor of option one.

S. Patterson- who is managing this? Would like to see extra pressure taken off of the Town of Paonia.

Trustee Weber makes a motion, Seconded by Trustee Stelter, to approve option 1, using the funds already raised (\$115,000) to make improvements to the existing skate park.

Discussion about the feedback from the GOCO grant board, how to approach differently, town contributions, other grants, responsibility and partnership with the town, better planning in the future, effect of the water crisis, Paonia in Motion focus group make-up, in kind contribution, better outreach and coordination needed.

Trustee Knutson asks if the Town can get a reviewed and updated MOU with NFPP&R in the next month.

Motion carries unanimously.

Mayor Bachran clarifies that the NFPP&R is going to choose the contractor and do the RFP while the Town manages the funds.

North Fork Valley Creative Coalition Request for Reimbursement of Corridor Dues

Amy DeLuca provides background on the Creative Corridor, the Corridor Map, economic development and what the dues are for. Historically, the NFVCC pays the dues and the Town has reimbursed them.

Public Comment:

S. Watson: Not comfortable with the Town paying for the content and not approving it and curious what tax base the funds come from.

S. Patterson: do all the communities that participate in the corridor pay for this or just Paonia.

Trustee Weber states that he thinks it is a bad idea for the Town to pay dues for any organization and the Town is involved in a lot of projects using a lot of money right now and this shouldn't be another.

J. Ramsey: writes grants for the Creative Coalition and being a certified Creative Corridor brings in more money than the thousand dollars being asked for. Board discussion ensues about purview of Chamber of Commerce funding, a tight budget this year, where the dues go, who contributes, updated MOU between Town and NFVCC, tourism revenue supports many local businesses.

Trustee Markle asks advice about conflict of interest as a hostel owner and a need to recuse himself. Town Attorney Cotten-Baez determines it is not a conflict of interest for Trustee Markle to continue.

Trustees continue discussing seasonal services vs everyday services, importance of locally sustained business and balancing needs, sales tax revenue and promoting business.

Trustee Weber makes a motion to deny the \$1000.00 reimbursement.

Motion dies for lack of Second.

Trustee Knutson makes a motion, Seconded by Trustee Smith, to match up to \$500.00 from what the NFVCC can raise towards the bill.

Trustee Smith points out they have already paid the fee.

Trustee Knutson states he would like them to do a special fundraiser for it.

Amy Deluca asks to be recognized and clarifies that the bill is paid and they have other projects they are working on. The NFVCC would be happy for whatever the Town would like to contribute towards the dues, without conditions or stipulations.

The motion fails unanimously.

Trustee Knutson makes a motion, Seconded by Trustee Stelter, to reimburse \$500.00 for the Creative Corridor dues.

Aye: Trustee Knutson, Trustee Stelter, Trustee Smith

Nay: Trustee Weber

Abstain: Trustee Markle

The motion carries.

North Fork Valley Creative Coalition Request for Letter of Support for Town of Paonia for Colorado Creative District Renewal

Public Comment:

S. Patterson: There are plenty of places that promote Paonia all ready, do we really need another?

S. Keenan: neuroartblueprints.com, brand new field to explore

S. Watson: not opposed to Town writing a Letter of Support for the Creative Coalition but they should be billed for staff time. Tired of constant requests for money, bill them \$500 for staff time.

?: Support the NFVCC as they support local artists and business. They are doing great work and we need to work together to grow.

Trustee Weber makes a motion, Seconded by Trustee Stelter, to approve a Letter of Support for the NFVCC

Trustee Markle reads the past letter of support and emphasizes the property value increase while the Town is trying to create affordable housing.

Motion carries with Trustee Markle voting Nay.

Approval to Enter into Contract Negotiations with Selected Housing Firm

Trustee Knutson makes a motion, Seconded by Trustee Weber, to approve proposal by Urban Rural Continuum.

Motion carries unanimously

Trustee Knutson makes a motion, Seconded by Trustee Stelter, to extend the meeting until 9:45 pm

Motion carries with Trustee Weber voting Nay.

Ordinance 03-2023: Amending Street Closure Permits

Public Comment:

M. Morgan: business owner Paonia Farm & Home, describes impact on his business when street closures happen, requests port a potties and trash can requirements.

L. Cusak: requests Board Approval put back in the ordinance

S. Watson: no street closures on business days

Business owner: Street closures affect different businesses differently. The street closures accounted for her three best days.

J. Kleinman: thought the spirit of rewriting the ordinance was to give the Board authority to make exceptions, evening events take longer to set up and tear down.

S. Kane: please add Board Approval back into the ordinance, need to be supportive of businesses.

Community Member: Used to be nothing here, now there are popular events and many of them close streets and also bring people to town. Maybe extend closures just for clean-up if not event.

L. Hayes: voicing support for Mountain Harvest Festival because it helps him stay open in the lean winter.

R. Miller: Setting up and tearing down can not go faster safely, please extend the closures or events like this may not be able to happen

W. Brunner: Mountain Harvest Festival is great, do it in the park.

The Board has discussion covering C-1 and C-2 rules, making good plans for the future, not putting future Boards in same position, working together to find compromise, like the Town Attorney's suggestions.

Trustee/Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Smith to extend the meeting until 10 pm

Aye: Trustee Markle, Trustee Smith, Trustee Stelter

Nay: Trustee Weber and Trustee Knutson

Motion carries.

Board discussion continues about how what helps one business can hurt another and building sustainable events and community.

Trustee Knutson makes a motion, Seconded by Trustee Weber, that streets can only be closed in C-1 and C-2 5 times per year and a single organization can only do once per year.

A. DeLuca makes a statement about Legacy events.

Trustee Knutson makes a motion, Seconded by Trustee Weber, to amend the main motion to say a single organization cannot do it more than twice in a year.

Voting Aye: Trustee Knutson, Trustee Smith, Trustee Stelter

Voting Nay: Trustee/ Mayor Pro-Tem Markle

The motion carries.

Main Motion: That C-1 and C-2 cannot be closed more than 5 times in a year and a single organization cannot do more than two street closure events in a year.

Voting Aye: Trustee Knutson, Trustee Smith, Trustee Stelter

Voting Nay: Trustee/ Mayor Pro-Tem Markle

The motion carries.

Interim Town Administrator Klusmire thinks there is nothing wrong with the Board having authority to make exceptions for special circumstances. Also thinks that the bathrooms issue is important and so is incentivizing clean up with a higher deposit.

Trustee Knutson makes a motion, Seconded by Trustee Smith, to extend the meeting by 15 minutes.

Voting Aye: Trustee Knutson, Trustee Smith, Trustee Stelter

Voting Nay: Trustee Weber and Trustee/ Mayor Pro-Tem Markle

The Motion carries.

Trustee Knutson makes a motion, Seconded by Trustee Stelter, to direct the Town Attorney and Interim Town Administrator include language for the Board to review about Board exceptions to the Street closure limits and add language in the applications about fees being increased and restrooms.

Trustee Weber makes a motion, Seconded by Trustee Stelter to split Trustee Knutson's motion into two parts.

Motion carries unanimously

First motion: to direct the Town attorney and Interim Town administrator to include language for the Board to review about Board exceptions to Street Closure ordinance.

Voting Aye: Trustee Knutson, Trustee Stelter, Trustee Smith

Voting Nay: Trustee/ Mayor Pro-tem Markle

Second motion: to add language to the Street Closure Application about fees being increased and restrooms.

Second motion rescinded in favor of staff working on a new application for special events.

Request for Board direction establishing ‘needs and desires’ boundaries for liquor licensing

Trustee Stelter makes a motion, Seconded by Trustee Knutson, to send the Needs and Desires Boundaries to the planning commission for a recommendation.

Motion carries unanimously.

Direction from the Board regarding possible zoning violation investigation

A short discussion about the need for a code enforcement investigator and various options to look into.

Approve the Mayor to sign documents allocating the Town’s 2023 Opioid Settlement Funds to the Region 14 Opioid Abatement Council (Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel Counties)

Trustee Stelter makes a motion, Seconded by Trustee Weber, to approve the Mayor signing documents allocating the Town's 2023 Opioid Settlement Funds to the Region 24 Opioid Abatement Council.

Motion carries unanimously.

Mayor and Trustee Reports

Trustee Markle asks that any discussion item be agendaized as its own item in the future.

Meeting adjourns at 10:15 pm

Adjournment

Samira M Vetter, Town Clerk

Mary Bachran, Mayor

Minutes
Regular Town Board Meeting
Town of Paonia, Colorado
March 28, 2023

RECORD OF PROCEEDINGS

Roll Call

Mayor Bachran calls the meeting to order at 6:30 pm

PRESENT

Mayor Mary Bachran

Trustee/Mayor Pro-Tem Thomas Markle

Trustee Dave Knutson

Trustee Paige Smith

Trustee Dave Weber

Correspondence Received

1. Water Company Leak Credits
Attached Images
Memo from Town Clerk
2. BLM Open House Comment
3. Gridline Skateparks Communication
4. Potholes on bridge
5. Paonia in Motion Comments
6. Tree Board Update

Trustee Weber comments about Trustees not being able to attend the BLM Open House due to doing interviews at the same time.

Approval of Agenda

Trustee Weber makes a motion, Seconded by Trustee Smith to approve the agenda.

Motion carries unanimously.

Announcements

Trustee Weber announces he is resigning from the Finance Committee effective immediately due to feeling as though he was not given all of the information he needed to do the job effectively. His committee seat is up for grabs to whomever wants it.

Public Comment

S. Watson: served CORA requests to Mayor Bachran, Trustee Smith, Trustee Stelter (absent) and one for Trustee Knutson who was on Zoom for the meeting for cell phone records. She is interested in seeing who the Mayor has been talking to during a specific period of time.

Consent Agenda

Trustee Weber makes a motion, Seconded by Trustee Smith, to approve the consent agenda.

Trustee Weber states that he did not review the disbursements but he trusts Mayor Bachran and Trustee Smith to do a good job.

Trustee Markle wants it on the record that this is the second meeting that no disbursements were in the digital packet, and he understand there are extenuating circumstances, but he would like to be able to review them and they were not emailed to him separately like they were the week before.

The motion carries unanimously.

Interim Town Administrator gave updates on grants/loans and announcement for travel plans in April.

Spring Clean-up-
Board discussion on whether the Town can afford giving a free service after raising rates, Spring Cleanup is not budgeted for, e-waste, transfer station on K road take metal, trash isn't sorted at landfill, and the Town overspends every year. Interim Administrator Klusmire and Cory will work out a different plan.

Mayor Bachran recognized Jordan Redden for passing his Sewer test with the second highest score his proctor had seen.

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Weber for staff to establish a tap relinquishment policy based on the historical way it has been done.

Motion carries unanimously.

Town Clerk notified the Board about upcoming IT upgrade and the need to close the office while it happens. Board provided feedback on the best day to do it and Town Clerk Vetter said she would keep the Board posted when day was set and provide information about the closure to the public.

Trustee Markle recognized the Town Clerk for the digital packets being live links and home and also recognized Administrative Assistant Ruben Santiago for getting the Towns forms on the website converted to electronic fillable forms.

Trustee Knutson asks about how often the town data is backed up and how well we are protected from Ransomware.

Actions & Presentations

1. Brandt Thibodeaux and Shaun Larson present on their interest in having the Town begin the process to establish an Entertainment District and Common Consumption Areas. This can open

up breweries and wineries to the ability to serve the same customers while keeping their businesses separate and be able to have special events since special events permits are limited to Non-profits at this time.

The Board and public had questions about open containers, security requirements, licensing, establishment of districts, how breweries and wineries cannot have manufacturing and bar license at the same time, allows multiple businesses, legal fee responsibility, and benefits to the community.

M. Pattison: State statute says lawyer fees can be built into the policy.

C. Patterson: question about combining manufacturing and bar.

S. Watson: what are the zoning requirements/ needs for this.

S. Patterson: Local liquor distribution comments.

Board wants it to come back on a future agenda with more information.

2. All of the finalists withdrew so the Board discusses the options available to them: exploring Hotchkiss's model without an administrator, raising the high end salary and advertising again and discussing some changes in the interview processes.

(John V joins at 7:31 p)

Trustee/Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Smith, to continue the administrator search.

Aye: Trustee/ Mator Pro-Tem Markle

Nay: Trustee Knutson, Trustee Weber

Abstain: Trustee Valentine

Mayor Bachran votes Aye, breaking the tie.

The motion carries.

Trustee Smith makes a motion, Seconded by Trustee Weber, to raise the high end of the salary to a To Be Determined amount after some research.

Aye: Trustee Valentine, Trustee Weber and Trustee Smith

Nay: Trustee Markle and Trustee Knutson

The motion carries.

3. Mayor Bachran re-presents what Congressional Funding is and explains the process of getting the funding, process of reaching the suggestion for the school, request letter has been submitted, explains the grant process for these appropriations. Restated proposal again and the grant amount and that the affordable housing,

Trustee Knutson states that the Mayor did contact me before the meeting and he thought it sounded good, however since then he has learned information that makes him have second thoughts. It would take large amounts of money per unit to remodel and that doesn't include asbestos remediation.

Mayor Bachran discloses that after asking attorney about sunshine laws she did poll the board which is allowed since no decisions were made.

Trustee Weber: Voted yes the first time but now thinks that the Town priorities should be water and sewer projects.

Interim Administrator states that affordable housing is a smart move and that it has a different process than traditional land development using assets.

Trustee/ Mayor Pro-Tem Markle states that he feels we have underplanned and under prepared, we do not use the community centers we have now to their full potential, let alone a huge building that will be hard to convert. Feels like we are being premature.

Trustee Smith: Felt differently at the last meeting but wonders if it is more than the Town can handle right now. She doesn't feel like it is worth the issues that has caused with distrust.

Public Comment:

M. Pattison: had a lot to share but seems the Board is already leaning that way. Would like to see you stop voting when things are not brought forward properly.

S. Watson: Why would the lawyer tell you that this was legal? Why couldn't we have used this funding for stuff we needed like street engineering? Thinks a more honest conversation could have been beneficial.

C. Patterson: Thought we were moving forward and there was going to be more transparency, but we may have missed an opportunity because we didn't work together on this.

Trustee Weber makes a motion, Seconded by Trustee Smith, to not proceed with the Congressional Funding Request for purchase of school building.

Aye: Trustee Knutson, Trustee/ Mayor Pro-Tem Markle, Trustee Smith

Nay: Trustee Valentine

The motion carries.

4. Mayor Bachran reads out the changes made to Ordinance since last meeting.

Public Comment:

M. Morgan: Thank you for work on proposed ordinances and it seems to strike a delicate balance between non-profits and businesses.

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Knutson, to accept Ordinance 2023-03.

Trustee Weber still doesn't like the board approval part otherwise thinks it is a good example of people working together to find a common solution.

Motion carries unanimously.

5. Summarized meeting attended with Cory and answered questions from the Board on ownership, simple structuring and proper foundation so it won't be washed away, discussion on pros and cons, in-kind donations, cost responsibility, and there might be some property swapping in the future.

6. The Board appointed a negotiations committee for Urban Rural Continuum contract: Trustee Knutson and Mayor Bachran volunteer

Trustee/ Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Weber to accept Mayor Bachran and Trustee Knutson as a negotiations committee.

The motion carries unanimously

7. EXECUTIVE SESSION:

Trustee/Mayor Pro-Tem makes a motion, Seconded by Trustee Smith, to go into executive session pursuant to C.R.S. 24-6-402(4)(b) for purposes of conferencing with the Town Attorney to receive legal advice on specific legal questions regarding the encroachment of a fence on Town-owned property.

The motion carries unanimously

Trustee Smith makes a motion, Seconded by Trustee Weber to have a five-minute break before they go into executive session.

The motion carries unanimously.

Executive Session begins: 8:15 pm

Executive Session ends: 8:58 pm

Present during the executive session: Mayor Bachran, Trustee/ Mayor Pro-Tem Markle, Trustee Knutson, Trustee Weber, Trustee Smith, Interim Town Administrator Klusmire and Town Attorney Cotton-Baez.

No concerns were noted.

Trustee/Mayor Pro-Tem Markle makes a motion, Seconded by Trustee Smith to pursue encroachment permit with property owner.

The motion carries unanimously.

Mayor & Trustee Reports

Adjournment

Meeting adjourns at 9:12 pm

Samira M Vetter, Town Clerk

Mary Bachran, Mayor

Minutes
***Emergency Town Board Meeting**
Town of Paonia, Colorado
April 07, 2023

RECORD OF PROCEEDINGS

Roll Call

Mayor Bachran calls the meeting to order at 3:00 pm

Roll Call

PRESENT

Mayor Mary Bachran
Trustee/Mayor Pro-Tem Thomas Markle
Trustee Dave Knutson
Trustee Paige Smith
Trustee John Valentine
Trustee Rick Stelter (Zoom)

Approval of Agenda

Approval of Agenda

There is only one item on the agenda so no approval was done.

Actions & Presentations

Actions & Presentations

Interim Town Administrator Klusmire provides a brief summary of the conversations that she has had with DOLA and CDPHE about funding for the sewer line collapse found on Main Street.

Public Works Director Cory Heiniger explains how the collapse was found and that it is affecting 533 ft of Clay pipe and 2 manholes that also need to be fixed.

Trustee/ Mayor Pro-Tem Markle ask what options they have for contractors to try and find the best price and do their due diligence.

Trustee Weber makes a motion, Seconded by Trustee Smith, to approve expenditures up to \$350,000.00 to fix the collapsed sewer line.

Trustee Markle restates his request that other contractors be called to at least attempt to get other quotes, understanding it is an emergency and that there isn't time to wait on answers.

Motion carries unanimously.

Approval of funding for sewer line repair

Adjournment

Adjournment

Meeting adjourns at 3:20 pm

Samira M Vetter, Town Clerk

Mary Bachran, Mayor

DRAFT

Minutes
Special Town Board Meeting
Town of Paonia, Colorado
April 17, 2023

RECORD OF PROCEEDINGS

Mayor Bachran called the meeting to order at 10 am.

Roll Call

PRESENT

Mayor Mary Bachran
Trustee/Mayor Pro-Tem Thomas Markle
Trustee Dave Knutson
Trustee Paige Smith
Trustee John Valentine (Zoom)
Trustee Rick Stelter

Approval of Agenda

Motion made by Trustee/Mayor Pro-Tem Markle, Seconded by Trustee Knutson, to approve the agenda.

Motion carried unanimously.

Executive Session

1. Trustee Markle makes a motion, Seconded by Trustee Smith, to go into Executive Session pursuant to C.R.S. 24-6-402(4)(e), for the purpose of determining positions, developing strategy and instructing negotiators relative to an employment separation agreement.

Motion carries unanimously.

Executive Session begins at 10:02 am

Executive Session Ends at 11:35 am

Participants in the executive session were: Mayor Bachran, Trustee/ Mayor Pro-Tem Markle, Trustee Knutson, Trustee Valentine, Trustee Stelter, Trustee Smith, Interim Town Administrator Leslie Klusmire and Town Attorney Nick Cotten-Baez

Trustee Knutson stated that comments were made about individuals and he felt that was inappropriate.

2. Motion made by Trustee Knutson, Seconded by Trustee Smith to direct the Interim Town Administrator and the Town attorney to draft a response to the proposed employment separation

agreement and bring it back to the Board of Trustees at a Special Meeting on Friday, April 21st at 12pm.

Motion carries unanimously.

Adjournment

Meeting adjourned at 11:37 am.

Samira M Vetter, Town Clerk

Mary Bachran, Mayor

DRAFT

Minutes
Special Town Board Meeting
Town of Paonia, Colorado
April 21, 2023

RECORD OF PROCEEDINGS

Mayor Bachran calls the meeting to order at 12 pm

Roll Call

PRESENT

Mayor Mary Bachran

Trustee/Mayor Pro-Tem Thomas Markle (arrives at 12:02 pm)

Trustee Dave Knutson

Trustee Paige Smith

Trustee John Valentine

Trustee Rick Stelter

Approval of Agenda

Motion made by Trustee Knutson, Seconded by Trustee Stelter, to approve the agenda.

The motion carries unanimously.

Actions & Presentations

Trustee Knutson makes a motion, Seconded by Trustee Stelter to go into executive session pursuant to C.R.S. 24-6-402(4)(e), for the purpose of determining positions, developing strategy and instructing negotiators relative to an employment separation agreement.

The motion carries unanimously.

Executive Session begins at 12:03 pm

Executive Session ends at 1:07 pm

In attendance at the executive session: Mayor Bachran, Trustee/Mayor Pro-Tem Markle, Trustee Knutson, Trustee Stelter, Trustee Smith, Trustee Valentine, Town Attorney Nick Cotton-Baez and Interim Town Administrator Leslie Klusmire.

No concern were raised about the executive session.

Other items

Trustee Smith made a motion seconded by Trustee Stelter , approve the agreement and authorize the Mayor to sign and authorize the Mayor and Town Attorney to negotiate the terms of the agreement so long as the essential terms of the agreement are not altered.

The motion carries unanimously

Adjournment

The meeting is adjourned at 1:09 pm.

Samira M Vetter, Town Clerk

Mary Bachran, Mayor

DRAFT

Town of Paonia

1.

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Current Disbursements

Employee Number	Name	85-00 Net Pay Emp Amt
1300	Bachran, Mary A	184.70
1055	Byrge, Rodney A	1,760.44
1053	Cecil, Raymond Cole	1,412.49
1051	Erickson, Jason C	1,844.73
1071	Garcla, Jeremiah	2,214.64
1023	Gilliam, William J	1,637.88
1072	Heiniger Burum, Derek J	1,558.92
1050	Heiniger, Cory	2,036.33
1021	Henderson, Garrett W	1,586.70
1022	Hinyard, Patrick	1,866.06
1012	Huffman, Julie J	507.92
1001	Jones, Cynthia	2,486.34
1010	Katzer, JoAnn	1,160.04
1301	Knutson, David A	92.35
1024	Kramer, Lance W	1,459.51
1020	Laiminger, Matt	1,726.18
1305	Markle, Thomas	92.35
9221059	Matthew Taylor	1,031.24
1003	Mojarro-Lopez, Amanda	1,391.14
1070	Redden, Jordan	1,914.47
1052	Reich, Dennis	1,416.67
1056	Rose, Clinton A	1,258.29
1006	Santiago, Ruben	1,473.74
1025	Seeley, Thomas J	983.87
1303	Smith, Paige W	92.35
1304	Steker, Rick	92.35
1302	Valentine, John C	92.35
1005	Vetter, Samira	1,637.95
1063	Walton, Matthew	728.84
1306	Weber, David	92.35
1004	Wuollet, Candice C	147.76
Grand Totals:		31 35,979.85



Report Criteria:
Report type: GL detail

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	16-0201	3.99
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	20-0201	10.99
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	20-0201	7.99
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	16-0201	3.78
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	16-0201	5.99
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	16-0201	24.78
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	20-0201	8.27
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	20-0201	8.78
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	20-0201	32.56
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	20-0201	13.98
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	20-0201	19.58
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	20-0201	49.05
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	18-0201	17.99
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	18-0201	5.76
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	16-0201	8.99
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	20-0201	30.98
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	16-0201	2.49
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	16-0201	10.99
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	60-0201	20.99
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	60-0201	195.19
04/23	04/21/2023	0	46	Dependable Lumber, Inc.	80-0201	24.99
04/23	04/21/2023	0	48	Don's Market	20-0201	52.98
04/23	04/21/2023	0	48	Don's Market	16-0201	7.25
04/23	04/21/2023	0	48	Don's Market	20-0201	7.24
04/23	04/21/2023	0	48	Don's Market	60-0201	7.25
04/23	04/21/2023	0	48	Don's Market	70-0201	7.24
04/23	04/21/2023	0	48	Don's Market	80-0201	7.24
04/23	04/21/2023	0	48	Don's Market	16-0201	3.89
04/23	04/21/2023	0	48	Don's Market	20-0201	10.28
04/23	04/21/2023	0	48	Don's Market	14-0201	391.46
04/23	04/21/2023	0	50	Duckworks Auto Parts Inc	70-0201	56.60
04/23	04/21/2023	0	50	Duckworks Auto Parts Inc	60-0201	56.60
04/23	04/21/2023	0	50	Duckworks Auto Parts Inc	20-0201	56.62
04/23	04/21/2023	0	50	Duckworks Auto Parts Inc	16-0201	56.63
04/23	04/21/2023	0	50	Duckworks Auto Parts Inc	80-0201	233.19
04/23	04/21/2023	0	50	Duckworks Auto Parts Inc	20-0201	386.64
04/23	04/21/2023	0	50	Duckworks Auto Parts Inc	16-0201	22.84
04/23	04/21/2023	0	50	Duckworks Auto Parts Inc	20-0201	22.84
04/23	04/21/2023	0	50	Duckworks Auto Parts Inc	60-0201	22.84
04/23	04/21/2023	0	50	Duckworks Auto Parts Inc	70-0201	22.84
04/23	04/21/2023	0	50	Duckworks Auto Parts Inc	80-0201	22.84
04/23	04/21/2023	0	50	Duckworks Auto Parts Inc	16-0201	113.25
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	70-0201	1,763.64
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	16-0201	67.28
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	16-0201	61.00
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	16-0201	61.00
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	16-0201	92.03
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	16-0201	336.28
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	18-0201	61.72
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	70-0201	65.71
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	80-0201	65.72
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	18-0201	65.72
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	60-0201	65.72
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	20-0201	65.72

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	20-0201	1,384.82
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	10-0201	223.90
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	14-0201	223.90
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	60-0201	1,448.58
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	60-0201	203.16
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	60-0201	75.26
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	60-0201	53.82
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	16-0201	40.80
04/23	04/21/2023	0	43	Delta Montrose Electric Assn.	16-0201	81.00
04/23	04/21/2023	0	56	Delta County Landfill	80-0201	405.25
04/23	04/21/2023	0	56	Delta County Landfill	80-0201	441.50
04/23	04/21/2023	0	56	Delta County Landfill	80-0201	501.00
04/23	04/21/2023	0	122	Paonia Auto Parts	20-0201	14.91
04/23	04/21/2023	0	122	Paonia Auto Parts	70-0201	13.79
04/23	04/21/2023	0	122	Paonia Auto Parts	60-0201	13.79
04/23	04/21/2023	0	122	Paonia Auto Parts	20-0201	13.80
04/23	04/21/2023	0	122	Paonia Auto Parts	20-0201	12.19
04/23	04/21/2023	0	122	Paonia Auto Parts	20-0201	51.81
04/23	04/21/2023	0	122	Paonia Auto Parts	20-0201	19.44
04/23	04/21/2023	0	122	Paonia Auto Parts	60-0201	19.44
04/23	04/21/2023	0	122	Paonia Auto Parts	70-0201	19.44
04/23	04/21/2023	0	122	Paonia Auto Parts	20-0201	30.08
04/23	04/21/2023	0	122	Paonia Auto Parts	20-0201	18.48
04/23	04/21/2023	0	122	Paonia Auto Parts	20-0201	5.74
04/23	04/21/2023	0	122	Paonia Auto Parts	20-0201	56.38
04/23	04/21/2023	0	122	Paonia Auto Parts	20-0201	33.00
04/23	04/21/2023	0	122	Paonia Auto Parts	16-0201	12.95
04/23	04/21/2023	0	122	Paonia Auto Parts	70-0201	12.95
04/23	04/21/2023	0	122	Paonia Auto Parts	20-0201	12.95
04/23	04/21/2023	0	122	Paonia Auto Parts	60-0201	12.96
04/23	04/21/2023	0	122	Paonia Auto Parts	20-0201	5.74
04/23	04/21/2023	0	152	Southwestern Systems, Inc	70-0201	968.00
04/23	04/21/2023	0	152	Southwestern Systems, Inc	70-0201	688.75
04/23	04/21/2023	0	491	WINSUPPLY COMMERCIAL CHARGE	60-0201	2,149.00
04/23	04/21/2023	0	491	WINSUPPLY COMMERCIAL CHARGE	60-0201	1,199.52
04/23	04/21/2023	0	566	Simmons Lock & Key Delta	20-0201	111.00
04/23	04/21/2023	0	645	Mail Services, LLC.	60-0201	214.74
04/23	04/21/2023	0	645	Mail Services, LLC.	70-0201	209.38
04/23	04/21/2023	0	645	Mail Services, LLC.	80-0201	112.74
04/23	04/21/2023	0	873	City Of Grand Junction	60-0201	131.00
04/23	04/21/2023	0	141	North Fork Service (Reedy's)	14-0201	42.00
04/23	04/21/2023	0	141	North Fork Service (Reedy's)	14-0201	81.05
04/23	04/21/2023	0	141	North Fork Service (Reedy's)	14-0201	88.55
04/23	04/21/2023	0	141	North Fork Service (Reedy's)	20-0201	71.00
04/23	04/21/2023	0	158	TDS Telecom	70-0201	475.44
04/23	04/21/2023	0	441	USA Blue Book	60-0201	1,984.48
04/23	04/21/2023	0	861	The Paper-Clip LLC	10-0201	150.30
04/23	04/21/2023	0	14	Bolinger & Queen Inc	70-0201	14.40
04/23	04/21/2023	0	14	Bolinger & Queen Inc	60-0201	14.40
04/23	04/21/2023	0	14	Bolinger & Queen Inc	70-0201	714.77
04/23	04/21/2023	0	986	Elevate Fiber	70-0201	15.99
04/23	04/21/2023	0	986	Elevate Fiber	80-0201	15.99
04/23	04/21/2023	0	986	Elevate Fiber	16-0201	15.99
04/23	04/21/2023	0	986	Elevate Fiber	60-0201	15.99
04/23	04/21/2023	0	986	Elevate Fiber	20-0201	15.99
04/23	04/21/2023	0	986	Elevate Fiber	70-0201	79.95
04/23	04/21/2023	0	986	Elevate Fiber	60-0201	129.94

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
04/23	04/21/2023	0	986	Elevate Fiber	14-0201	154.65
04/23	04/21/2023	0	986	Elevate Fiber	10-0201	154.65
04/23	04/21/2023	0	1170	Shums Coda Associates	12-0201	1,500.00
04/23	04/21/2023	0	1170	Shums Coda Associates	12-0201	720.00
04/23	04/21/2023	0	1170	Shums Coda Associates	12-0201	420.00
04/23	04/21/2023	0	1190	Empower Trust Company LLC	10-0201	250.00
04/23	04/21/2023	0	1240	Kramer, Lance	14-0201	108.64
04/23	04/21/2023	0	1246	Green Analytical Laboratories	60-0201	530.00
04/23	04/21/2023	0	1251	Laiminger, Matt	14-0201	331.43
04/23	04/21/2023	0	1251	Laiminger, Matt	14-0201	125.76
04/23	04/21/2023	0	1295	Santiago, Ruben	10-0201	756.00
04/23	04/21/2023	0	1297	PHOENIX RISING RESOURCES LLC	10-0201	5,567.50
04/23	04/21/2023	0	1298	BUDY, DIANE	10-0201	761.00
04/23	04/21/2023	0	1299	National Trench Safety	70-0201	194.00
04/23	04/21/2023	0	1300	Intermountain Sweeper Co.	20-0201	344.42
04/23	04/21/2023	0	1301	Western Implement	20-0201	73.87
04/23	04/21/2023	0	1302	Jay Roth	12-0201	366.45
04/23	04/21/2023	0	1303	Debbie Hunt	10-0201	30.58
04/23	04/12/2023	49994	1245	Archuleta, Benny	60-0201	1,500.00
04/23	04/12/2023	49995	377	Benson Brothers LLC	70-0201	115.75
04/23	04/12/2023	49995	377	Benson Brothers LLC	20-0201	115.75
04/23	04/12/2023	49995	377	Benson Brothers LLC	20-0201	232.50
04/23	04/12/2023	49995	377	Benson Brothers LLC	70-0201	232.63
04/23	04/12/2023	49995	377	Benson Brothers LLC	70-0201	361.51
04/23	04/12/2023	49995	377	Benson Brothers LLC	20-0201	361.50
04/23	04/12/2023	49995	377	Benson Brothers LLC	70-0201	483.66
04/23	04/12/2023	49995	377	Benson Brothers LLC	20-0201	483.66
04/23	04/12/2023	49996	987	Black Hills Energy	10-0201	234.14
04/23	04/12/2023	49996	987	Black Hills Energy	14-0201	234.14
04/23	04/12/2023	49996	987	Black Hills Energy	16-0201	204.57
04/23	04/12/2023	49996	987	Black Hills Energy	20-0201	256.71
04/23	04/12/2023	49996	987	Black Hills Energy	60-0201	256.71
04/23	04/12/2023	49996	987	Black Hills Energy	70-0201	256.70
04/23	04/12/2023	49996	987	Black Hills Energy	80-0201	256.70
04/23	04/12/2023	49996	987	Black Hills Energy	16-0201	256.70
04/23	04/12/2023	49996	987	Black Hills Energy	60-0201	370.84
04/23	04/12/2023	49997	901	Blue Sage Center For The Arts	10-0201	480.00
04/23	04/12/2023	49998	1128	Browns Hill Engineering & Controls	60-0201	1,710.00
04/23	04/12/2023	49998	21	Caselle, Inc	80-0201	315.25
04/23	04/12/2023	49998	21	Caselle, Inc	60-0201	315.25
04/23	04/12/2023	49999	21	Caselle, Inc	70-0201	315.25
04/23	04/12/2023	49999	21	Caselle, Inc	10-0201	315.25
04/23	04/12/2023	50000	1284	Cedar Creek Supply LLC	60-0201	1,360.00
04/23	04/12/2023	50001	1183	Column Software PBC	10-0201	79.57
04/23	04/12/2023	50001	1183	Column Software PBC	10-0201	67.33
04/23	04/12/2023	50001	1183	Column Software PBC	10-0201	41.20
04/23	04/12/2023	50001	1183	Column Software PBC	10-0201	57.85
04/23	04/12/2023	50001	1183	Column Software PBC	10-0201	49.17
04/23	04/12/2023	50001	1183	Column Software PBC	10-0201	30.80
04/23	04/12/2023	50001	1183	Column Software PBC	10-0201	175.11
04/23	04/12/2023	50002	58	Delta County Landfill	80-0201	3,376.50
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	10-0201	143.07
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	14-0201	77.50
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	16-0201	156.83
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	20-0201	692.16
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	20-0201	31.17
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	60-0201	31.15

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	70-0201	31.15
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	80-0201	31.15
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	14-0201	31.15
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	16-0201	45.72
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	16-0201	33.46
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	16-0201	30.86
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	16-0201	30.50
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	16-0201	30.50
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	16-0201	30.50
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	60-0201	1,446.56
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	60-0201	203.16
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	10-0201	75.26
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	60-0201	53.82
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	16-0201	40.80
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	20-0201	48.98
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	20-0201	9.49
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	60-0201	12.99
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	60-0201	4.16
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	20-0201	5.72
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	70-0201	15.98
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	20-0201	1.49
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	60-0201	1.49
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	70-0201	1.49
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	80-0201	1.49
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	60-0201	101.83
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	60-0201	16.56
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	60-0201	4.29
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	20-0201	1.90
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	60-0201	1.90
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	70-0201	1.89
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	80-0201	1.89
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	20-0201	4.78
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	60-0201	4.78
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	70-0201	4.77
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	80-0201	4.77
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	10-0201	5.79
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	20-0201	.60
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	60-0201	.60
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	70-0201	.60
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	80-0201	.60
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	80-0201	29.99
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	60-0201	7.49
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	20-0201	4.39
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	60-0201	4.39
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	70-0201	4.40
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	80-0201	4.40
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	80-0201	27.99
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	60-0201	154.98
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	60-0201	24.46
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	16-0201	51.96
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	60-0201	22.97
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	20-0201	27.98
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	20-0201	43.98
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	80-0201	15.08
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	20-0201	3.99
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	80-0201	7.99
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	80-0201	10.99

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
04/23	04/12/2023	50004	48	Dependable Lumber, Inc.	60-0201	2.29
04/23	04/12/2023	50004	48	Dependable Lumber, Inc.	80-0201	9.90
04/23	04/12/2023	50005	48	Don's Market	16-0201	4.52
04/23	04/12/2023	50005	48	Don's Market	20-0201	4.52
04/23	04/12/2023	50005	48	Don's Market	60-0201	4.52
04/23	04/12/2023	50005	48	Don's Market	70-0201	4.52
04/23	04/12/2023	50005	48	Don's Market	80-0201	4.50
04/23	04/12/2023	50006	50	Duckworks Auto Parts Inc	60-0201	32.04
04/23	04/12/2023	50006	50	Duckworks Auto Parts Inc	20-0201	32.04
04/23	04/12/2023	50006	50	Duckworks Auto Parts Inc	70-0201	32.04
04/23	04/12/2023	50006	50	Duckworks Auto Parts Inc	16-0201	32.03
04/23	04/12/2023	50006	50	Duckworks Auto Parts Inc	16-0201	13.25
04/23	04/12/2023	50006	50	Duckworks Auto Parts Inc	60-0201	13.51
04/23	04/12/2023	50006	50	Duckworks Auto Parts Inc	20-0201	13.51
04/23	04/12/2023	50006	50	Duckworks Auto Parts Inc	70-0201	13.51
04/23	04/12/2023	50007	1221	ENVIRO-CHEM ANALYTICAL INC	70-0201	61.00
04/23	04/12/2023	50008	888	Filter Tech Systems, Inc.	60-0201	1,546.10
04/23	04/12/2023	50009	1124	JDS-Hydro Consultants, Inc	60-0201	3,942.50
04/23	04/12/2023	50009	1124	JDS-Hydro Consultants, Inc	70-0201	1,075.00
04/23	04/12/2023	50009	1124	JDS-Hydro Consultants, Inc	60-0201	2,193.75
04/23	04/12/2023	50010	1277	Kelly PC	10-0201	9,052.50
04/23	04/12/2023	50010	1277	Kelly PC	14-0201	937.20
04/23	04/12/2023	50010	1277	Kelly PC	60-0201	2,002.20
04/23	04/12/2023	50011	1251	Laiminger, Matt	14-0201	370.98
04/23	04/12/2023	50012	482	Paonia Car Wash	14-0201	77.95
04/23	04/12/2023	50012	482	Paonia Car Wash	20-0201	19.49
04/23	04/12/2023	50012	482	Paonia Car Wash	60-0201	19.49
04/23	04/12/2023	50012	482	Paonia Car Wash	70-0201	19.49
04/23	04/12/2023	50012	482	Paonia Car Wash	80-0201	19.48
04/23	04/12/2023	50013	470	Leon, Susan	10-0201	775.00
04/23	04/12/2023	50014	645	Mail Services, LLC.	60-0201	179.11
04/23	04/12/2023	50014	645	Mail Services, LLC.	70-0201	179.11
04/23	04/12/2023	50014	645	Mail Services, LLC.	80-0201	179.11
04/23	04/12/2023	50015	122	Paonia Auto Parts	20-0201	4.00
04/23	04/12/2023	50015	122	Paonia Auto Parts	16-0201	3.97
04/23	04/12/2023	50015	122	Paonia Auto Parts	60-0201	3.97
04/23	04/12/2023	50015	122	Paonia Auto Parts	70-0201	3.97
04/23	04/12/2023	50015	122	Paonia Auto Parts	80-0201	3.97
04/23	04/12/2023	50015	122	Paonia Auto Parts	60-0201	143.45
04/23	04/12/2023	50015	122	Paonia Auto Parts	20-0201	11.59
04/23	04/12/2023	50015	122	Paonia Auto Parts	60-0201	56.06
04/23	04/12/2023	50015	122	Paonia Auto Parts	20-0201	11.48
04/23	04/12/2023	50015	122	Paonia Auto Parts	80-0201	69.08
04/23	04/12/2023	50015	122	Paonia Auto Parts	20-0201	7.80
04/23	04/12/2023	50015	122	Paonia Auto Parts	16-0201	29.46
04/23	04/12/2023	50015	122	Paonia Auto Parts	16-0201	92.63
04/23	04/12/2023	50015	122	Paonia Auto Parts	16-0201	16.89
04/23	04/12/2023	50015	122	Paonia Auto Parts	20-0201	16.89
04/23	04/12/2023	50015	122	Paonia Auto Parts	60-0201	16.89
04/23	04/12/2023	50015	122	Paonia Auto Parts	70-0201	16.89
04/23	04/12/2023	50015	122	Paonia Auto Parts	80-0201	16.89
04/23	04/12/2023	50015	122	Paonia Auto Parts	20-0201	22.86
04/23	04/12/2023	50015	122	Paonia Auto Parts	20-0201	2.54
04/23	04/12/2023	50015	122	Paonia Auto Parts	60-0201	2.54
04/23	04/12/2023	50015	122	Paonia Auto Parts	16-0201	2.53
04/23	04/12/2023	50015	122	Paonia Auto Parts	20-0201	42.56
04/23	04/12/2023	50015	122	Paonia Auto Parts	60-0201	42.56

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
04/23	04/12/2023	50015	122	Paonia Auto Parts	70-0201	42.56
04/23	04/12/2023	50015	122	Paonia Auto Parts	20-0201	9.43
04/23	04/12/2023	50015	122	Paonia Auto Parts	60-0201	9.42
04/23	04/12/2023	50015	122	Paonia Auto Parts	70-0201	9.42
04/23	04/12/2023	50015	122	Paonia Auto Parts	20-0201	148.50
04/23	04/12/2023	50016	125	Paonia Farm & Home Supply Inc	20-0201	34.99
04/23	04/12/2023	50016	125	Paonia Farm & Home Supply Inc	60-0201	17.97
04/23	04/12/2023	50016	125	Paonia Farm & Home Supply Inc	80-0201	25.39
04/23	04/12/2023	50016	125	Paonia Farm & Home Supply Inc	20-0201	7.77
04/23	04/12/2023	50016	125	Paonia Farm & Home Supply Inc	60-0201	107.97
04/23	04/12/2023	50017	1119	Peak Alarm Co., Inc	10-0201	470.58
04/23	04/12/2023	50017	1119	Peak Alarm Co., Inc	10-0201	137.64
04/23	04/12/2023	50018	737	Ricoh USA Inc	10-0201	18.56
04/23	04/12/2023	50018	737	Ricoh USA Inc	14-0201	1.27
04/23	04/12/2023	50018	737	Ricoh USA Inc	20-0201	1.27
04/23	04/12/2023	50018	737	Ricoh USA Inc	16-0201	12.74
04/23	04/12/2023	50018	737	Ricoh USA Inc	60-0201	63.71
04/23	04/12/2023	50018	737	Ricoh USA Inc	70-0201	6.37
04/23	04/12/2023	50018	737	Ricoh USA Inc	80-0201	25.50
04/23	04/12/2023	50018	737	Ricoh USA Inc	10-0201	18.56
04/23	04/12/2023	50018	737	Ricoh USA Inc	14-0201	1.27
04/23	04/12/2023	50018	737	Ricoh USA Inc	20-0201	1.27
04/23	04/12/2023	50018	737	Ricoh USA Inc	16-0201	12.74
04/23	04/12/2023	50018	737	Ricoh USA Inc	60-0201	63.71
04/23	04/12/2023	50018	737	Ricoh USA Inc	70-0201	6.37
04/23	04/12/2023	50018	737	Ricoh USA Inc	80-0201	25.50
04/23	04/12/2023	50018	737	Ricoh USA Inc	10-0201	.83
04/23	04/12/2023	50018	737	Ricoh USA Inc	14-0201	.06
04/23	04/12/2023	50018	737	Ricoh USA Inc	20-0201	.06
04/23	04/12/2023	50018	737	Ricoh USA Inc	16-0201	.84
04/23	04/12/2023	50018	737	Ricoh USA Inc	60-0201	3.19
04/23	04/12/2023	50018	737	Ricoh USA Inc	70-0201	.32
04/23	04/12/2023	50018	737	Ricoh USA Inc	80-0201	1.27
04/23	04/12/2023	50018	737	Ricoh USA Inc	10-0201	16.56
04/23	04/12/2023	50018	737	Ricoh USA Inc	14-0201	1.27
04/23	04/12/2023	50018	737	Ricoh USA Inc	20-0201	1.27
04/23	04/12/2023	50018	737	Ricoh USA Inc	16-0201	12.74
04/23	04/12/2023	50018	737	Ricoh USA Inc	60-0201	63.71
04/23	04/12/2023	50018	737	Ricoh USA Inc	70-0201	6.37
04/23	04/12/2023	50018	737	Ricoh USA Inc	80-0201	25.50
04/23	04/12/2023	50018	737	Ricoh USA Inc	10-0201	.83
04/23	04/12/2023	50018	737	Ricoh USA Inc	14-0201	.06
04/23	04/12/2023	50018	737	Ricoh USA Inc	20-0201	.06
04/23	04/12/2023	50018	737	Ricoh USA Inc	16-0201	.84
04/23	04/12/2023	50018	737	Ricoh USA Inc	60-0201	3.19
04/23	04/12/2023	50018	737	Ricoh USA Inc	70-0201	.32
04/23	04/12/2023	50018	737	Ricoh USA Inc	80-0201	1.27
04/23	04/12/2023	50018	737	Ricoh USA Inc	10-0201	45.50
04/23	04/12/2023	50018	737	Ricoh USA Inc	14-0201	3.50
04/23	04/12/2023	50018	737	Ricoh USA Inc	20-0201	3.50
04/23	04/12/2023	50018	737	Ricoh USA Inc	16-0201	35.00
04/23	04/12/2023	50018	737	Ricoh USA Inc	60-0201	175.00
04/23	04/12/2023	50018	737	Ricoh USA Inc	70-0201	17.50
04/23	04/12/2023	50018	737	Ricoh USA Inc	80-0201	70.00
04/23	04/12/2023	50018	737	Ricoh USA Inc	10-0201	2.28
04/23	04/12/2023	50018	737	Ricoh USA Inc	14-0201	.18
04/23	04/12/2023	50018	737	Ricoh USA Inc	20-0201	.18

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
04/23	04/12/2023	50018	737	Ricoh USA Inc	16-0201	1.75
04/23	04/12/2023	50018	737	Ricoh USA Inc	80-0201	8.75
04/23	04/12/2023	50018	737	Ricoh USA Inc	70-0201	.88
04/23	04/12/2023	50018	737	Ricoh USA Inc	80-0201	3.48
04/23	04/12/2023	50019	1170	Shums Coda Associates	12-0201	840.00
04/23	04/12/2023	50019	1170	Shums Coda Associates	12-0201	630.00
04/23	04/12/2023	50019	1170	Shums Coda Associates	12-0201	300.00
04/23	04/12/2023	50020	566	Simmons Lock & Key Delta	16-0201	5.00
04/23	04/12/2023	50020	566	Simmons Lock & Key Delta	20-0201	5.00
04/23	04/12/2023	50020	566	Simmons Lock & Key Delta	60-0201	5.00
04/23	04/12/2023	50020	566	Simmons Lock & Key Delta	70-0201	5.00
04/23	04/12/2023	50020	566	Simmons Lock & Key Delta	80-0201	5.00
04/23	04/12/2023	50021	152	Southwestern Systems, Inc	70-0201	1,102.50
04/23	04/12/2023	50022	1283	Sustainable Futures LLC	10-0201	18,342.59
04/23	04/12/2023	50023	861	The Paper-Clip LLC	10-0201	99.35
04/23	04/12/2023	50023	861	The Paper-Clip LLC	10-0201	93.50
04/23	04/12/2023	50023	861	The Paper-Clip LLC	10-0201	36.94
04/23	04/12/2023	50023	861	The Paper-Clip LLC	10-0201	72.68
04/23	04/12/2023	50024	883	Town of Cedaredge	16-0201	91.16
04/23	04/12/2023	50024	883	Town of Cedaredge	20-0201	91.16
04/23	04/12/2023	50025	161	UNCC	60-0201	10.97
04/23	04/12/2023	50025	161	UNCC	70-0201	10.96
04/23	04/12/2023	50026	946	Varner Equipment	60-0201	99.99
04/23	04/12/2023	50026	946	Varner Equipment	20-0201	99.99
04/23	04/12/2023	50026	946	Varner Equipment	70-0201	99.99
04/23	04/12/2023	50027	171	Weekender Sports, Inc	16-0201	85.49
04/23	04/12/2023	50028	491	WINSUPPLY COMMERCIAL CHARGE	60-0201	1,160.75
Grand Totals:						99,820.81

Report Criteria:
Report type: GL detail

Town of Paonia

1.

52



License Renewals



Town Board Staff Memo

Subject: Finding of Fact for Liquor License Renewal

Author: Amanda Mojarro

Representing: Deputy Town Clerk

Date: April 25, 2023

Specific request: Approval of Liquor License Renewal for One Thirty-Three LLC dba West Elk Wine & Spirits

- Local fees are paid.
- State Fees are in the custody of the Deputy Town Clerk and ready to be sent with the paperwork to the Colorado Department of Revenue.
- Police Department has no issue with the renewal.
- Town Staff has all the required paperwork and has no issue with the renewal of the license.

Fees Due		
Renewal Fee		277.50
Storage Permit	\$100 X _____	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X _____	\$
Related Facility - Campus Liquor Complex	\$160.00 per facility	\$
Amount Due/Paid		\$

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

Submit to Local Licensing Authority

WEST ELK WINE & SPIRITS
PO BOX 1805
PAONIA CO 81428-1805

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name ONE THIRTY-THREE LLC		Doing Business As Name (DBA) WEST ELK WINE & SPIRITS	
Liquor License # 26-49220-0000	License Type Liquor Store (city)		
Sales Tax License Number 026492200000	Expiration Date 06/09/2023	Due Date 04/25/2023	
Business Address 427 SAMUEL WADE ROAD PAONIA CO 81428-6127			Phone Number 9705274575
Mailing Address PO BOX 1805 PAONIA CO 81428-1805		Email jmegavin133@gmail.com	
Operating Manager JENNIFER MCGAVIN	Date of Birth [REDACTED]	Home Address [REDACTED]	Phone Number [REDACTED]
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <u>Dec 31, 2024</u>			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

COLORADO DEPARTMENT OF REVENUE

Liquor Enforcement Division

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

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

Affirmation & Consent

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

Type or Print Name of Applicant/Authorized Agent of Business JENNIFER MCGAVIN	Title <i>owner</i>
Signature <i>J McGavin</i>	Date <i>4/10/23</i>

Report & Approval of City or County Licensing Authority

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

Therefore this application is approved.

Local Licensing Authority For	Date
Signature	Title
	Attest

Tax Check Authorization, Waiver, and Request to Release Information

I, JENNIFER MCGAVIN am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of ONE THIRTY THREE, LLC (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

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

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

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

Name (Individual/Business) <u>JENNIFER MCGAVIN / ONE THIRTY THREE LLC</u>		Social Security Number/Tax Identification Number <u>[REDACTED] 33-1082715</u>	
Address <u>427 SAMUEL WADE RD</u>			
City <u>PAONIA</u>		State <u>CO</u>	Zip <u>81428</u>
Home Phone Number <u>[REDACTED]</u>		Business/Work Phone Number <u>970 527 4575</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>J MCGAVIN</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>J McGavin</u>			Date signed <u>4/10/23</u>

Privacy Act Statement

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



Town Board Staff Memo

Subject: Finding of Fact for Liquor License Renewal

Author: Amanda Mojarro

Representing: Deputy Town Clerk

Date: April 25, 2023

Specific request: Approval of Liquor License Renewal for **Rio Bravo**

- Local fees are paid.
- State Fees are in the custody of the Deputy Town Clerk and ready to be sent with the paperwork to the Colorado Department of Revenue.
- Police Department has no issue with the renewal.
- Town Staff has received all required paperwork and has no issue with the renewal of the license.

1.

OR 8400 (03/31/23)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division

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Fees Due	
Annual Renewal Application Fee	\$ 50.00
Renewal Fee	500.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$

Submit to Local Licensing Authority

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

Retail Liquor License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name Curiel LLC		Doing Business As Name (DBA) Rio Bravo	
Liquor License # 03-08033	License Type Hotel & Restaurant		
Sales Tax License Number 32138292-0000	Expiration Date 5/10/2023	Due Date	
Business Address 240 Grand ave			Phone Number 970-527-3258
Mailing Address P.O. Box 868 Paoia CO 81428		Email curielrio@gmail.com	
Operating Manager Juan Curiel	Date of Birth [REDACTED]	Home Address [REDACTED]	Phone Number [REDACTED]

- Do you have legal possession of the premises at the street address above? Yes No
Are the premises owned or rented? Owned Rented* *If rented, expiration date of lease **6-1-23**
- Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in the upper right hand corner and include all fees due. Yes No
- Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) Yes No
- If so, which are you renewing? Delivery Takeout Both Takeout and Delivery
- Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? Yes No
- Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? Yes No
- Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. Yes No
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. Yes No

Rec 11.17.23 @ 2:55PM

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

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

Affirmation & Consent

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

Type or Print Name of Applicant/Authorized Agent of Business	Title
Juan Curiel	Owner
Signature	Date
<i>Juan Curiel</i>	4/14/2023

Report & Approval of City or County Licensing Authority

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

Therefore this application is approved.

Local Licensing Authority For	Date
Signature	Title
	Attest



Town Board Staff Memo

Subject: Finding of Fact for Liquor License Renewal

Author: Amanda Mojarro

Representing: Deputy Town Clerk

Date: April 25, 2023

Specific request: Approval of Liquor License Renewal for **Friends of The Paradise Theatre dba Paradise Theatre**

- Local fees are paid.
- State Fees are in the custody of the Deputy Town Clerk and ready to be sent with the paperwork to the Colorado Department of Revenue.
- Police Department has no issue with the renewal.
- Town Staff has received all required paperwork and has no issue with the renewal of the license.

1.

8400 (02/22/23)

COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division

Submit to Local Licensing Authority

PARADISE THEATRE
PO BOX 886
Paonia CO 81428

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Fees Due		
Renewal Fee		550.00
Storage Permit	\$100 X _____	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X _____	\$
Related Facility - Campus Liquor Complex	\$160.00 per facility	\$
Amount Due/Paid		\$ 550.00

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

Colorado Beer and Wine License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name FRIENDS OF THE PARADISE THEATRE		Doing Business As Name (DBA) PARADISE THEATRE	
Liquor License # 03-03234	License Type Lodging & Entertainment (City)		
Sales Tax License Number 30480955	Expiration Date 07/27/2023	Due Date 06/12/2023	
Business Address 215 GRAND AVENUE Paonia CO 81428		Phone Number 9705276610	
Mailing Address PO BOX 886 Paonia CO 81428		Email director@paradiseofpaonia.com	
Operating Manager PHILIP SALAMBERG	Date of Birth [REDACTED]	Home Address [REDACTED]	Phone Number 970-527-6610
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* *If rented, expiration date of lease _____			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? if yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

COLORADO DEPARTMENT OF REVENUE

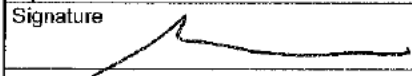
Liquor Enforcement Division

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

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

Affirmation & Consent

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

Type or Print Name of Applicant/Authorized Agent of Business <i>MILNOEL COOPER, EXECUTIVE DIRECTOR FOR FRIENDS OF THE PREMISES</i>	Title <i>THE PRESIDENT</i>
Signature 	Date <i>4/14/23</i>

Report & Approval of City or County Licensing Authority

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

Therefore this application is approved.

Local Licensing Authority For	Date
Signature	Title
	Attest


Tax Check Authorization, Waiver, and Request to Release Information

I, MICHAEL COOPER am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of FRIENDS OF THE PARADISE TRACT (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

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

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

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

Name (Individual/Business) <u>FRIENDS OF THE PARADISE TRACT</u>		Social Security Number/Tax Identification Number <u>46-4780502</u>	
Address <u>215 GRAND AVE / P.O. BOX 886</u>			
City <u>PAONIA</u>		State <u>CO</u>	Zip <u>81428</u>
Home Phone Number <u>/</u>		Business/Work Phone Number <u>970-527-6610</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>MICHAEL COOPER, EXECUTIVE DIRECTOR</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed <u>4/14/23</u>

Privacy Act Statement

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

Town of Paonia

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Staff Reports



Town Board Staff Report

Subject: Town Office Updates

Author: Samira Vetter

Representing: Town Clerk/ Town Office

Date: April 25, 2023

Summary Recommendation

- Please see the attached last two disbursements for review. I know they aren't what you are used to seeing but bills and payroll have been/are getting paid and oversight/internal controls are still happening.
- Our Point & Pay and Caselle integrations have not happened yet. I spoke with our Point & Pay representative and we are ready to go as soon as Caselle has finished up some real-time updates on their end. I am sure we can find a few things to occupy our time until then. 😊
- We are mid-process with our first payments from the Low-Income Household Water Assistance Program. That process has gone very smoothly.
- IT upgrades went well and though there are some new things to learn for us all, it is a much more secure system.
- One of our CIRSA representatives will be in-house doing some system and process/procedure training with staff this week for claims and coverage.

Report Criteria:
Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
✓ 03/23	03/27/2023	49984	1288	All Copy Products Inc	80-0201	764.85
✓ 03/23	03/27/2023	49985	48	Don's Market	20-0201	101.53
✓ 03/23	03/27/2023	49986	1246	Green Analytical Laboratories	60-0201	289.00
✓ 03/23	03/27/2023	49987	261	Main Street Printers, Inc.	60-0201	247.87
✓ 03/23	03/27/2023	49988	802	Municipal Treatment Equipment	60-0201	1,778.49
✓ 03/23	03/27/2023	49989	821	West Elk Land & Hops LLC	10-0201	250.00
✓ 03/23	03/27/2023	49990	552	Pan American Homeowners Assn.	16-0201	125.00
✓ 03/23	03/27/2023	49991	145	Robert's Enterprises Inc	80-0201	102.00
✓ 03/23	03/27/2023	49992	152	Southwestern Systems, Inc	70-0201	1,131.00
✓ 03/23	03/27/2023	49993	156	TDS Telecom	70-0201	241.60
Grand Totals:						5,031.34

ms 3-28-23
PS 3-28-23

Report Criteria:

Report printed and checks created

Due Date	Vendor Number	Name	Invoice Number	Net Due Amount	Pay	Payment Amount	Discount Amount	Remittance
03/28/2023	1268	All Copy Products Inc	50242650	764.85	Y	764.85	.00	Vendor Address
03/28/2023	48	Don's Market	01-176241	27.56	Y	27.56	.00	Vendor Address
03/28/2023	48	Don's Market	01-176491	20.99	Y	20.99	.00	Vendor Address
03/28/2023	48	Don's Market	01-176491	52.98	Y	52.98	.00	Vendor Address
03/28/2023	1246	Green Analytical Laboratories	GAL2303-	289.00	Y	289.00	.00	Vendor Address
03/28/2023	261	Main Street Printers, Inc.	25702	247.87	Y	247.87	.00	Vendor Address
03/28/2023	802	Municipal Treatment Equipmen	22937	1,728.01	Y	1,728.01	.00	Vendor Address
03/28/2023	802	Municipal Treatment Equipmen	22980	50.48	Y	50.48	.00	Vendor Address
03/28/2023	821	ONE TIME	02212023-	250.00	Y	250.00	.00	West Elk Land & Ho
03/28/2023	552	Pan American Homeowners As	2023-LOT	125.00	Y	125.00	.00	Vendor Address
03/28/2023	145	Robert's Enterprises Inc	0301-0430	102.00	Y	102.00	.00	Vendor Address
03/28/2023	152	Southwestern Systems, Inc	203133	1,131.00	Y	1,131.00	.00	Vendor Address
03/28/2023	158	TDS Telecom	3-2023	241.60	Y	241.60	.00	Vendor Address
Totals:				5,031.34		5,031.34	.00	

Number of invoices to be fully paid: 13
 Number of invoices to be partially paid: 0
 Number of invoices with no payment: 0
 Total number of invoices listed: 13
 Total checks from invoices selected: 10
 Total adjustment checks: 0
 Total adjusted invoices: 0
 Total negative checks not created: 0

Cash Requirements Summary

Date	Net Due Amount	Payment Amount	Discount Taken
03/28/2023	5,031.34	5,031.34	.00
	5,031.34	5,031.34	.00

*WPS - 3-28-23
 PS 3-24-23*

Report Criteria:
Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
04/23	04/12/2023	49994	1245	Archuleta, Benny	60-0201	1,500.00 ✓
04/23	04/12/2023	49995	377	Benson Brothers LLC	20-0201	2,386.96 ✓
04/23	04/12/2023	49996	987	Black Hills Energy	60-0201	2,327.21 ✓
04/23	04/12/2023	49997	901	Blue Sage Center For The Arts	10-0201	480.00 ✓
04/23	04/12/2023	49998	1126	Browns Hill Engineering & Controls	60-0201	1,710.00 ✓
04/23	04/12/2023	49999	21	Caselle, Inc	10-0201	1,261.00 ✓
04/23	04/12/2023	50000	1284	Cedar Creek Supply LLC	60-0201	1,360.00 ✓
04/23	04/12/2023	50001	1183	Column Software PBC	10-0201	500.83 ✓
04/23	04/12/2023	50002	56	Delta County Landfill	80-0201	3,378.50 ✓
04/23	04/12/2023	50003	43	Delta Montrose Electric Assn.	16-0201	3,246.47 ✓
04/23	04/12/2023	50004	46	Dependable Lumber, Inc.	80-0201	720.45 ✓
04/23	04/12/2023	50005	48	Don's Market	80-0201	22.56 ✓
04/23	04/12/2023	50006	50	Duckworks Auto Parts Inc	70-0201	181.93 ✓
04/23	04/12/2023	50007	1221	ENVIRO-CHEM ANALYTICAL INC	70-0201	61.00 ✓
04/23	04/12/2023	50008	888	Filter Tech Systems, Inc.	60-0201	1,546.10 ✓
04/23	04/12/2023	50009	1124	JDS-Hydro Consultants, Inc	60-0201	7,211.25 ✓
04/23	04/12/2023	50010	1277	Kelly PC	80-0201	11,991.90 ✓
04/23	04/12/2023	50011	1251	Laiminger, Matt	14-0201	370.98 ✓
04/23	04/12/2023	50012	482	Paonia Car Wash	80-0201	155.90 ✓
04/23	04/12/2023	50013	470	Leon, Susan	10-0201	775.00 ✓
04/23	04/12/2023	50014	645	Mail Services, LLC.	80-0201	537.33 ✓
04/23	04/12/2023	50015	122	Paonia Auto Parts	20-0201	880.78 ✓
04/23	04/12/2023	50016	125	Paonia Farm & Home Supply Inc	60-0201	194.09 ✓
04/23	04/12/2023	50017	1119	Peak Alarm Co., Inc	10-0201	608.22 ✓
04/23	04/12/2023	50018	737	Ricoh USA Inc	80-0201	762.50 ✓
04/23	04/12/2023	50019	1170	Shums Coda Associates	12-0201	1,770.00 ✓
04/23	04/12/2023	50020	666	Simmons Lock & Key Delta	80-0201	25.00 ✓
04/23	04/12/2023	50021	152	Southwestern Systems, Inc	70-0201	1,102.50 ✓
04/23	04/12/2023	50022	1283	Sustainable Futures LLC	10-0201	18,342.59 ✓
04/23	04/12/2023	50023	861	The Paper-Clip LLC	10-0201	302.47 ✓
04/23	04/12/2023	50024	883	Town of Cedaredge	20-0201	182.32 ✓
04/23	04/12/2023	50025	161	UNCC	70-0201	21.93 ✓
04/23	04/12/2023	50026	946	Varner Equipment	70-0201	299.97 ✓
04/23	04/12/2023	50027	171	Weekender Sports, Inc	16-0201	85.49 ✓
04/23	04/12/2023	50028	491	WINSUPPLY COMMERCIAL CHARGE	60-0201	1,160.75 ✓
Grand Totals:						<u>67,443.80</u>

MS 4-12-23
 PS 4-12-23
 Page: 1
 Apr 11, 2023 04:57PM

Town of Paonia

Cash Requirements Report - Paonia

Due date(s): All-All

Check Issue Date: 04/11/2023

Due Date	Vendor Number	Vendor Name	Invoice Number	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Pay	Partial Pmt Amt	Part Pmt Disc Amt
✓ 04/15/2023	1245	Archuleta, Benny	ARCH4-1-20	1,500.00	.00	.00	1,500.00			
✓ 04/10/2023	377	Benson Brothers L	44299	231.50	.00	.00	231.50			
✓ 04/10/2023	377	Benson Brothers L	44300	465.13	.00	.00	465.13			
✓ 04/10/2023	377	Benson Brothers L	44304	723.01	.00	.00	723.01			
✓ 04/10/2023	377	Benson Brothers L	44305	967.32	.00	.00	967.32			
✓ 04/10/2023	987	Black Hills Energy	04112023	468.28	.00	.00	468.28			
✓ 04/10/2023	987	Black Hills Energy	04112023 1	204.57	.00	.00	204.57			
✓ 04/10/2023	987	Black Hills Energy	04112023 2	1,283.52	.00	.00	1,283.52			
✓ 04/10/2023	987	Black Hills Energy	04112023 3	370.84	.00	.00	370.84			
✓ 04/15/2023	901	Blue Sage Center	032023	480.00	.00	.00	480.00			
✓ 05/01/2023	1126	Browns Hill Engine	980	1,710.00	.00	.00	1,710.00			
✓ 04/25/2023	21	Caselle, Inc	123970	1,261.00	.00	.00	1,261.00			
✓ 04/10/2023	1284	Cedar Creek Suppl	INV-0115	1,330.00	.00	.00	1,360.00			
✓ 04/17/2023	1183	Column Software	615674	79.57	.00	.00	79.57			
✓ 04/17/2023	1183	Column Software	615675	67.33	.00	.00	67.33			
✓ 04/17/2023	1183	Column Software	615748	41.20	.00	.00	41.20			
✓ 04/17/2023	1183	Column Software	615757	57.65	.00	.00	57.65			
✓ 04/17/2023	1183	Column Software	615830	49.17	.00	.00	49.17			
✓ 04/17/2023	1183	Column Software	615834	30.60	.00	.00	30.60			
✓ 04/30/2023	1183	Column Software	619793	175.11	.00	.00	175.11			
✓ 04/30/2023	56	Delta County Land	3312023	3,378.50	.00	.00	3,378.50			
✓ 04/10/2023	43	Delta Montrose Ele	41-2	220.57	.00	.00	220.57			
✓ 04/10/2023	43	Delta Montrose Ele	41-2A	156.83	.00	.00	156.83			
✓ 04/10/2023	43	Delta Montrose Ele	41-2C	892.16	.00	.00	892.16			
✓ 04/10/2023	43	Delta Montrose Ele	41-2D	155.77	.00	.00	155.77			
✓ 04/10/2023	43	Delta Montrose Ele	41-2E	45.72	.00	.00	45.72			
✓ 04/10/2023	43	Delta Montrose Ele	41-2F	33.46	.00	.00	33.46			
✓ 04/10/2023	43	Delta Montrose Ele	41-2G	30.86	.00	.00	30.86			
✓ 04/10/2023	43	Delta Montrose Ele	41-2H	30.50	.00	.00	30.50			
✓ 04/10/2023	43	Delta Montrose Ele	41-2I	30.50	.00	.00	30.50			
✓ 04/10/2023	43	Delta Montrose Ele	41-2J	30.50	.00	.00	30.50			
✓ 05/01/2023	43	Delta Montrose Ele	40-1	1,446.56	.00	.00	1,446.56			
✓ 05/01/2023	43	Delta Montrose Ele	40-1B	203.16	.00	.00	203.16			
✓ 05/01/2023	43	Delta Montrose Ele	40-1C	75.26	.00	.00	75.26			
✓ 05/01/2023	43	Delta Montrose Ele	40-1D	53.82	.00	.00	53.82			
✓ 05/01/2023	43	Delta Montrose Ele	40-1E	40.80	.00	.00	40.80			
✓ 03/31/2023	46	Dependable Lumb	2303269688	48.98	.00	.00	48.98			
✓ 04/01/2023	46	Dependable Lumb	2303269810	9.49	.00	.00	9.49			
✓ 04/01/2023	46	Dependable Lumb	2303269822	12.99	.00	.00	12.99			
✓ 04/01/2023	46	Dependable Lumb	2303269824	4.16	.00	.00	4.16			
✓ 04/01/2023	46	Dependable Lumb	2303269831	5.72	.00	.00	5.72			
✓ 04/02/2023	46	Dependable Lumb	2303269952	15.98	.00	.00	15.98			
✓ 04/08/2023	46	Dependable Lumb	2303270616	5.96	.00	.00	5.96			
✓ 04/08/2023	46	Dependable Lumb	2303270708	101.83	.00	.00	101.83			
✓ 04/08/2023	46	Dependable Lumb	2303270741	16.56	.00	.00	16.56			
✓ 04/08/2023	46	Dependable Lumb	2303270744	4.29	.00	.00	4.29			
✓ 04/09/2023	46	Dependable Lumb	2303270825	7.58	.00	.00	7.58			
✓ 04/09/2023	46	Dependable Lumb	2303270863	19.10	.00	.00	19.10			
✓ 04/09/2023	46	Dependable Lumb	2303270871	5.79	.00	.00	5.79			
✓ 04/09/2023	46	Dependable Lumb	2303270877	2.40	.00	.00	2.40			
✓ 04/14/2023	46	Dependable Lumb	2303271304	29.99	.00	.00	29.99			
✓ 04/16/2023	46	Dependable Lumb	2303271519	7.49	.00	.00	7.49			
✓ 04/19/2023	46	Dependable Lumb	2303270620	17.58	.00	.00	17.58			
✓ 04/19/2023	46	Dependable Lumb	2303271757	27.99	.00	.00	27.99			
✓ 04/19/2023	46	Dependable Lumb	2303271768	154.98	.00	.00	154.98			
✓ 04/19/2023	46	Dependable Lumb	2303271833	24.46	.00	.00	24.46			

WJ 4-12-23

Town of Paonia

Cash Requirements Report - Paonia

Due date(s): All-All

Check Issue Date: 04/11/2023

PS 4-12-23

Due Date	Vendor Number	Vendor Name	Invoice Number	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Pay	Partial Pmt Amt	Part Pmt Disc Amt
04/19/2023	46	Dependable Lumb	2303271874	51.96	.00	.00	51.96			
04/22/2023	46	Dependable Lumb	2303272246	22.97	.00	.00	22.97			
04/26/2023	46	Dependable Lumb	2303272591	27.98	.00	.00	27.98			
04/27/2023	46	Dependable Lumb	2303272878	43.98	.00	.00	43.98			
04/27/2023	46	Dependable Lumb	2303272883	15.08	.00	.00	15.08			
04/28/2023	46	Dependable Lumb	2303272805	3.99	.00	.00	3.99			
04/29/2023	46	Dependable Lumb	2303272948	7.99	.00	.00	7.99			
04/29/2023	46	Dependable Lumb	2303272951	10.99	.00	.00	10.99			
04/29/2023	46	Dependable Lumb	2303272952	2.29	.00	.00	2.29			
04/30/2023	46	Dependable Lumb	2303273115	9.90	.00	.00	9.90			
04/15/2023	48	Don's Market	01-1777791	22.58	.00	.00	22.58			
04/10/2023	50	Duckworks Auto P	ID406937	128.15	.00	.00	128.15			
04/10/2023	50	Duckworks Auto P	ID407053	53.78	.00	.00	53.78			
04/20/2023	1221	ENVIRO-CHEM A	14170593	61.00	.00	.00	61.00			
04/13/2023	888	Filter Tech System	9386	1,546.10	.00	.00	1,546.10			
04/15/2023	1124	JDS-Hydro Consul	INV-0223-12	3,942.50	.00	.00	3,942.50			
04/15/2023	1124	JDS-Hydro Consul	INV-0223-12	1,075.00	.00	.00	1,075.00			
04/15/2023	1124	JDS-Hydro Consul	INV-0223-12	2,193.75	.00	.00	2,193.75			
04/15/2023	1277	Kelly PC	04022023	11,991.90	.00	.00	11,991.90			
04/15/2023	1251	Laiminger, Matt	042023-TRA	370.98	.00	.00	370.98			
04/15/2023	482	Larry D Gillenwate	693110	155.90	.00	.00	155.90			
04/15/2023	470	Leon, Susan	042023	775.00	.00	.00	775.00			
04/04/2023	646	Mail Services, LLC	1880055	5,537.33	.00	.00	5,537.33		537.33	
03/31/2023	122	Paonia Auto Parts	397934	19.88	.00	.00	19.88			
04/10/2023	122	Paonia Auto Parts	397949	143.45	.00	.00	143.45			
04/10/2023	122	Paonia Auto Parts	398057	11.59	.00	.00	11.59			
04/10/2023	122	Paonia Auto Parts	398097	56.06	.00	.00	56.06			
04/10/2023	122	Paonia Auto Parts	398143	11.46	.00	.00	11.46			
04/10/2023	122	Paonia Auto Parts	398144	69.08	.00	.00	69.08			
04/10/2023	122	Paonia Auto Parts	398157	7.80	.00	.00	7.80			
04/10/2023	122	Paonia Auto Parts	39820	29.46	.00	.00	29.46			
04/10/2023	122	Paonia Auto Parts	398235	92.63	.00	.00	92.63			
04/10/2023	122	Paonia Auto Parts	398275	84.46	.00	.00	84.46			
04/10/2023	122	Paonia Auto Parts	398293	22.86	.00	.00	22.86			
04/10/2023	122	Paonia Auto Parts	398415	7.61	.00	.00	7.61			
04/10/2023	122	Paonia Auto Parts	398535	127.68	.00	.00	127.68			
04/10/2023	122	Paonia Auto Parts	398546	28.27	.00	.00	28.27			
04/10/2023	122	Paonia Auto Parts	39870	148.50	.00	.00	148.50			
04/15/2023	125	Paonia Farm & Ho	148501	34.99	.00	.00	34.99			
04/15/2023	125	Paonia Farm & Ho	149653	17.97	.00	.00	17.97			
04/15/2023	125	Paonia Farm & Ho	150014	25.39	.00	.00	25.39			
04/15/2023	125	Paonia Farm & Ho	150435	7.77	.00	.00	7.77			
04/15/2023	125	Paonia Farm & Ho	150517	107.97	.00	.00	107.97			
03/27/2023	1119	Peak Alarm Co., In	1286099	470.58	.00	.00	470.58			
04/11/2023	1119	Peak Alarm Co., In	1281195	137.64	.00	.00	137.64			
08/11/2022	737	Ricoh USA Inc	36957128	127.42	.00	.00	127.42			
10/16/2022	737	Ricoh USA Inc	37051484	127.42	.00	.00	127.42			
10/27/2022	737	Ricoh USA Inc	37141653	6.37	.00	.00	6.37			
11/13/2022	737	Ricoh USA Inc	37162521	127.42	.00	.00	127.42			
12/01/2022	737	Ricoh USA Inc	37260292	6.37	.00	.00	6.37			
12/30/2022	737	Ricoh USA Inc	37371315	350.00	.00	.00	350.00			
02/14/2023	737	Ricoh USA Inc	37539212	17.50	.00	.00	17.50			
04/15/2023	1170	Shums Coda Asso	16511	840.00	.00	.00	840.00			
04/15/2023	1170	Shums Coda Asso	16512	630.00	.00	.00	630.00			
04/15/2023	1170	Shums Coda Asso	16513	300.00	.00	.00	300.00			
04/15/2023	566	Simmons Lock & K	4980	25.00	.00	.00	25.00			

P5 4-12-23
 WWS 4.12.23
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Town of Paonia

Cash Requirements Report - Paonia

Page: 3

Due date(s): All-All

Apr 11, 2023 04:57PM

Check Issue Date: 04/11/2023

Due Date	Vendor Number	Vendor Name	Invoice Number	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Pay	Partial Pmt Amt	Part Pmt Disc Amt
04/28/2023	152	Southwestern Syst	203140	1,102.50	.00	.00	1,102.50			
04/15/2023	1283	Sustainable Future	032023	18,342.59	.00	.00	18,342.59			
04/15/2023	861	The Paper-Clip LL	2046477-0	99.35	.00	.00	99.35			
04/15/2023	861	The Paper-Clip LL	2046529-0	93.50	.00	.00	93.50			
04/15/2023	861	The Paper-Clip LL	2046529-1	36.94	.00	.00	36.94			
04/15/2023	861	The Paper-Clip LL	2046533-0	72.68	.00	.00	72.68			
04/09/2023	883	Town of Cedaredg	1167	182.32	.00	.00	182.32			
04/30/2023	161	UNCC	223031042	21.93	.00	.00	21.93			
04/30/2023	946	Vamer Equipment	38791	299.97	.00	.00	299.97			
04/15/2023	171	Weekender Sports,	48299	85.49	.00	.00	85.49			
04/15/2023	491	Winwater Corp	1647995449	1,160.75	.00	.00	1,160.75			
Grand Totals:			123	72,443.80	.00	.00	72,443.80			

Cash Requirements Summary

Date	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Net Cumulative Amount
09/11/2022	127.42	.00	.00	127.42	127.42
10/16/2022	127.42	.00	.00	127.42	254.84
10/27/2022	6.37	.00	.00	6.37	261.21
11/13/2022	127.42	.00	.00	127.42	388.63
12/01/2022	6.37	.00	.00	6.37	395.00
12/30/2022	350.00	.00	.00	350.00	745.00
02/14/2023	17.50	.00	.00	17.50	762.50
03/27/2023	470.58	.00	.00	470.58	1,233.08
03/31/2023	68.86	.00	.00	68.86	1,301.94
04/01/2023	32.36	.00	.00	32.36	1,334.30
04/02/2023	15.98	.00	.00	15.98	1,350.28
04/04/2023	5,537.33	.00	.00	5,537.33	6,887.61
04/08/2023	128.64	.00	.00	128.64	7,016.25
04/09/2023	217.19	.00	.00	217.19	7,233.44
04/10/2023	8,523.87	.00	.00	8,523.87	15,757.31
04/11/2023	137.64	.00	.00	137.64	15,894.95
04/13/2023	1,546.10	.00	.00	1,546.10	17,441.05
04/14/2023	29.99	.00	.00	29.99	17,471.04
04/15/2023	44,388.00	.00	.00	44,388.00	61,859.04
04/16/2023	7.49	.00	.00	7.49	61,866.53
04/17/2023	325.52	.00	.00	325.52	62,192.05
04/19/2023	276.97	.00	.00	276.97	62,469.02
04/20/2023	61.00	.00	.00	61.00	62,530.02
04/22/2023	22.97	.00	.00	22.97	62,552.99
04/25/2023	1,261.00	.00	.00	1,261.00	63,813.99
04/26/2023	27.98	.00	.00	27.98	63,841.97
04/27/2023	59.06	.00	.00	59.06	63,901.03
04/28/2023	1,106.49	.00	.00	1,106.49	65,007.52
04/29/2023	21.27	.00	.00	21.27	65,028.79
04/30/2023	3,885.41	.00	.00	3,885.41	68,914.20
05/01/2023	3,529.60	.00	.00	3,529.60	72,443.80
Grand Totals:	72,443.80	.00	.00	72,443.80	

Due Date	Vendor Number	Vendor Name	Invoice Number	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Pay	Partial Pmt Amt	Part Pmt Disc Amt
04/15/2023	1245	Archuleta, Benny	ARCH4-1-20	1,500.00	.00	.00	1,500.00			
04/10/2023	377	Benson Brothers L	44299	231.50	.00	.00	231.50			
04/10/2023	377	Benson Brothers L	44300	465.13	.00	.00	465.13			
04/10/2023	377	Benson Brothers L	44304	723.01	.00	.00	723.01			
04/10/2023	377	Benson Brothers L	44305	967.32	.00	.00	967.32			
04/10/2023	987	Black Hills Energy	04112023	468.26	.00	.00	468.26			
04/10/2023	987	Black Hills Energy	04112023 1	204.57	.00	.00	204.57			
04/10/2023	987	Black Hills Energy	04112023 2	1,283.52	.00	.00	1,283.52			
04/10/2023	987	Black Hills Energy	04112023 3	370.84	.00	.00	370.84			
04/15/2023	901	Blue Sage Center	032023	480.00	.00	.00	480.00			
05/01/2023	1126	Browns Hill Engine	980	1,710.00	.00	.00	1,710.00			
04/25/2023	21	Caselle, Inc	123970	1,261.00	.00	.00	1,261.00			
04/10/2023	1284	Cedar Creek Suppl	INV-0115	1,360.00	.00	.00	1,360.00			
04/17/2023	1163	Column Software	615674	79.57	.00	.00	79.57			
04/17/2023	1163	Column Software	615675	67.33	.00	.00	67.33			
04/17/2023	1163	Column Software	615746	41.20	.00	.00	41.20			
04/17/2023	1163	Column Software	615757	57.65	.00	.00	57.65			
04/17/2023	1163	Column Software	615830	49.17	.00	.00	49.17			
04/17/2023	1163	Column Software	615834	30.60	.00	.00	30.60			
04/30/2023	1163	Column Software	619793	175.11	.00	.00	175.11			
04/30/2023	56	Delta County Land	3312023	3,378.50	.00	.00	3,378.50			
04/10/2023	43	Delta Montrose Ele	41-2	220.57	.00	.00	220.57			
04/10/2023	43	Delta Montrose Ele	41-2A	156.83	.00	.00	156.83			
04/10/2023	43	Delta Montrose Ele	41-2C	692.16	.00	.00	692.16			
04/10/2023	43	Delta Montrose Ele	41-2D	155.77	.00	.00	155.77			
04/10/2023	43	Delta Montrose Ele	41-2E	45.72	.00	.00	45.72			
04/10/2023	43	Delta Montrose Ele	41-2F	33.46	.00	.00	33.46			
04/10/2023	43	Delta Montrose Ele	41-2G	30.86	.00	.00	30.86			
04/10/2023	43	Delta Montrose Ele	41-2H	30.50	.00	.00	30.50			
04/10/2023	43	Delta Montrose Ele	41-2I	30.50	.00	.00	30.50			
04/10/2023	43	Delta Montrose Ele	41-2J	30.50	.00	.00	30.50			
05/01/2023	43	Delta Montrose Ele	40-1	1,446.56	.00	.00	1,446.56			
05/01/2023	43	Delta Montrose Ele	40-1B	203.16	.00	.00	203.16			
05/01/2023	43	Delta Montrose Ele	40-1C	75.26	.00	.00	75.26			
05/01/2023	43	Delta Montrose Ele	40-1D	53.82	.00	.00	53.82			
05/01/2023	43	Delta Montrose Ele	40-1E	40.80	.00	.00	40.80			
03/31/2023	46	Dependable Lumb	2303269688	48.98	.00	.00	48.98			
04/01/2023	46	Dependable Lumb	2303269810	9.49	.00	.00	9.49			
04/01/2023	46	Dependable Lumb	2303269822	12.99	.00	.00	12.99			
04/01/2023	46	Dependable Lumb	2303269824	4.16	.00	.00	4.16			
04/01/2023	46	Dependable Lumb	2303269831	5.72	.00	.00	5.72			
04/02/2023	46	Dependable Lumb	2303269952	15.98	.00	.00	15.98			
04/08/2023	46	Dependable Lumb	2303270616	5.96	.00	.00	5.96			
04/08/2023	46	Dependable Lumb	2303270708	101.83	.00	.00	101.83			
04/08/2023	46	Dependable Lumb	2303270741	16.56	.00	.00	16.56			
04/08/2023	46	Dependable Lumb	2303270744	4.29	.00	.00	4.29			
04/08/2023	46	Dependable Lumb	2303270825	7.58	.00	.00	7.58			
04/09/2023	46	Dependable Lumb	2303270863	19.10	.00	.00	19.10			
04/09/2023	46	Dependable Lumb	2303270871	5.79	.00	.00	5.79			
04/09/2023	46	Dependable Lumb	2303270977	2.40	.00	.00	2.40			
04/14/2023	46	Dependable Lumb	2303271304	29.99	.00	.00	29.99			
04/18/2023	46	Dependable Lumb	2303271519	7.49	.00	.00	7.49			
04/19/2023	46	Dependable Lumb	2303270620	17.58	.00	.00	17.58			
04/19/2023	46	Dependable Lumb	2303271757	27.99	.00	.00	27.99			
04/19/2023	46	Dependable Lumb	2303271768	154.98	.00	.00	154.98			
04/19/2023	46	Dependable Lumb	2303271833	24.46	.00	.00	24.46			

Due Date	Vendor Number	Vendor Name	Invoice Number	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Pay	Partial Pmt Amt	Part Pmt Disc Amt
04/19/2023	46	Dependable Lumb	2303271874	51.96	.00	.00	51.96			
04/22/2023	46	Dependable Lumb	2303272248	22.97	.00	.00	22.97			
04/26/2023	46	Dependable Lumb	2303272591	27.98	.00	.00	27.98			
04/27/2023	46	Dependable Lumb	2303272678	43.98	.00	.00	43.98			
04/27/2023	46	Dependable Lumb	2303272683	15.08	.00	.00	15.08			
04/28/2023	46	Dependable Lumb	2303272805	3.99	.00	.00	3.99			
04/29/2023	46	Dependable Lumb	2303272948	7.99	.00	.00	7.99			
04/29/2023	46	Dependable Lumb	2303272951	10.99	.00	.00	10.99			
04/29/2023	46	Dependable Lumb	2303272952	2.29	.00	.00	2.29			
04/30/2023	46	Dependable Lumb	2303273115	9.90	.00	.00	9.90			
04/15/2023	48	Don's Market	01-1777791	22.58	.00	.00	22.58			
04/10/2023	50	Duckworks Auto P	ID408937	128.15	.00	.00	128.15			
04/10/2023	50	Duckworks Auto P	ID407053	53.78	.00	.00	53.78			
04/20/2023	1221	ENVIRO-CHEM A	14170593	61.00	.00	.00	61.00			
04/13/2023	888	Filter Tech System	9386	1,546.10	.00	.00	1,546.10			
04/15/2023	1124	JDS-Hydro Consul	INV-0223-12	3,942.50	.00	.00	3,942.50			
04/15/2023	1124	JDS-Hydro Consul	INV-0223-12	1,075.00	.00	.00	1,075.00			
04/15/2023	1124	JDS-Hydro Consul	INV-0223-12	2,193.75	.00	.00	2,193.75			
04/15/2023	1277	Kelly PC	04022023	11,991.90	.00	.00	11,991.90			
04/15/2023	1251	Lalminger, Matt	042023-TRA	370.98	.00	.00	370.98			
04/15/2023	482	Larry D Gillenwate	693110	155.90	.00	.00	155.90			
04/15/2023	470	Leon, Susan	042023	775.00	.00	.00	775.00			
04/04/2023	645	Mall Services, LLC	1880055	537.33	.00	.00	537.33			MS PS
03/31/2023	122	Paonia Auto Parts	397934	19.88	.00	.00	19.88			
04/10/2023	122	Paonia Auto Parts	397949	143.45	.00	.00	143.45			
04/10/2023	122	Paonia Auto Parts	398057	11.59	.00	.00	11.59			
04/10/2023	122	Paonia Auto Parts	398097	58.06	.00	.00	58.06			
04/10/2023	122	Paonia Auto Parts	398143	11.46	.00	.00	11.46			
04/10/2023	122	Paonia Auto Parts	398144	69.08	.00	.00	69.08			
04/10/2023	122	Paonia Auto Parts	398157	7.80	.00	.00	7.80			
04/10/2023	122	Paonia Auto Parts	39820	29.46	.00	.00	29.46			
04/10/2023	122	Paonia Auto Parts	398235	92.63	.00	.00	92.63			
04/10/2023	122	Paonia Auto Parts	398275	84.45	.00	.00	84.45			
04/10/2023	122	Paonia Auto Parts	398293	22.86	.00	.00	22.86			
04/10/2023	122	Paonia Auto Parts	398415	7.61	.00	.00	7.61			
04/10/2023	122	Paonia Auto Parts	398535	127.68	.00	.00	127.68			
04/10/2023	122	Paonia Auto Parts	398546	28.27	.00	.00	28.27			
04/10/2023	122	Paonia Auto Parts	39870	148.50	.00	.00	148.50			
04/15/2023	125	Paonia Farm & Ho	148501	34.99	.00	.00	34.99			
04/15/2023	125	Paonia Farm & Ho	149953	17.97	.00	.00	17.97			
04/15/2023	125	Paonia Farm & Ho	150014	25.39	.00	.00	25.39			
04/15/2023	125	Paonia Farm & Ho	150435	7.77	.00	.00	7.77			
04/15/2023	125	Paonia Farm & Ho	150517	107.97	.00	.00	107.97			
03/27/2023	1119	Peak Alarm Co., In	1288099	470.58	.00	.00	470.58			
04/11/2023	1119	Peak Alarm Co., In	1281195	137.64	.00	.00	137.64			
09/11/2022	737	Ricoh USA Inc	36957128	127.42	.00	.00	127.42			
10/18/2022	737	Ricoh USA Inc	37051484	127.42	.00	.00	127.42			
10/27/2022	737	Ricoh USA Inc	37141653	6.37	.00	.00	6.37			
11/13/2022	737	Ricoh USA Inc	37162521	127.42	.00	.00	127.42			
12/01/2022	737	Ricoh USA Inc	37260292	6.37	.00	.00	6.37			
12/30/2022	737	Ricoh USA Inc	37371315	350.00	.00	.00	350.00			
02/14/2023	737	Ricoh USA Inc	37539212	17.50	.00	.00	17.50			
04/15/2023	1170	Shums Coda Asso	16511	840.00	.00	.00	840.00			
04/15/2023	1170	Shums Coda Asso	16512	630.00	.00	.00	630.00			
04/15/2023	1170	Shums Coda Asso	16513	300.00	.00	.00	300.00			
04/15/2023	586	Simmons Lock & K	4980	25.00	.00	.00	25.00			

Due date(s): All-All

Check Issue Date: 4/12/2023

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04/15/2023	1283	Sustainable Future	032023	18,342.59	.00	.00	18,342.59			
04/15/2023	861	The Paper-Clip LL	2046477-0	99.35	.00	.00	99.35			
04/15/2023	861	The Paper-Clip LL	2046529-0	93.50	.00	.00	93.50			
04/15/2023	861	The Paper-Clip LL	2046529-1	36.94	.00	.00	36.94			
04/15/2023	861	The Paper-Clip LL	2046533-0	72.68	.00	.00	72.68			
04/09/2023	883	Town of Cedaredg	1157	182.32	.00	.00	182.32			
04/30/2023	181	UNCC	223031042	21.93	.00	.00	21.93			
04/30/2023	946	Vamer Equipment	38791	299.97	.00	.00	299.97			
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04/15/2023	491	Wlnwater Corp	1647985449	1,160.75	.00	.00	1,160.75			
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Cash Requirements Summary

Date	Invoice Amount	Discount Amount	Partial Payments	Net Due Amount	Net Cumulative Amount
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10/27/2022	6.37	.00	.00	6.37	261.21
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04/11/2023	137.64	.00	.00	137.64	10,894.95
04/13/2023	1,546.10	.00	.00	1,546.10	12,441.05
04/14/2023	29.99	.00	.00	29.99	12,471.04
04/15/2023	44,388.00	.00	.00	44,388.00	56,859.04
04/16/2023	7.49	.00	.00	7.49	56,866.53
04/17/2023	325.52	.00	.00	325.52	57,192.05
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04/20/2023	61.00	.00	.00	61.00	57,530.02
04/22/2023	22.97	.00	.00	22.97	57,552.99
04/25/2023	1,261.00	.00	.00	1,261.00	58,813.99
04/26/2023	27.98	.00	.00	27.98	58,841.97
04/27/2023	59.06	.00	.00	59.06	58,901.03
04/28/2023	1,106.49	.00	.00	1,106.49	60,007.52
04/29/2023	21.27	.00	.00	21.27	60,028.79
04/30/2023	3,885.41	.00	.00	3,885.41	63,914.20
05/01/2023	3,529.60	.00	.00	3,529.60	67,443.80
Grand Totals:	67,443.80	.00	.00	67,443.80	

Town of Paonia

75



Pickleball Tournament

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



Here are things you need to know:

Formal Board agenda items should be matters of substance for the Board to consider. Examples include: Presentations to the Board seeking support or wishing to inform the Board of plans that affect the Town, Committees presenting their goals and accomplishments, Items that need Board approval to proceed.

Submitting an agenda request does not guarantee placement on an agenda. The Mayor will determine if this is an appropriate item for consideration on the Board of Trustees' formal agenda.

Should this request be denied, the requester may present their item in writing to the Board under correspondence received or by making a verbal comment within the established time limit at the beginning of a regular meeting.

Please complete the following information and return this form no later than Tuesday, two weeks prior to the Board meeting to the Town Hall at 214 Grand Avenue. If the regular meeting is on the Tuesday the 28th, the request must be received before 5pm on Tuesday the 14th.

If your issue is placed on the agenda, be aware that your presentation is limited to 5 minutes.

Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.
Regular Board meetings are scheduled for the second and fourth Tuesdays of each month.

Subject: Up to 6 words (example: Town Park, Potholes, Open Meetings, etc.)
Paonia Pickleball Tournament and Park Jam

Name of Requester or Presenter: Max Heepke

Representing: (Group or Agency name, or Self) North Fork Pool, Parks & Rec District

Date of submittal: 04/10/2023

Date of Requested Board Meeting: (Insert Board Meeting date) 04/25/2023

Specific request:

The NFPPRD is working with Paonia Pickleball players to organize a double's tournament in Apple Valley Park on June 10th 2023. We would like to make this an inviting, family event by having 1 or 2 food vendors, a beer-garden, and music. We will be applying for a Special Event Park Permit.

Contact information:

Name: Max Heepke
Physical Address: 28 Pan American Ave
Mailing Address: 28 Pan American Ave
E-mail: max@northforkrecreation.com
Daytime Phone: 970-380-2637

[Print Form](#)

[Email Form](#)

Office Use Only:
Received: 4-12-23
Approved for Agenda: 4-13-23
Board Meeting Date: 4-25-23

Town of Paonia



Urban Rural Contract Review

**PROFESSIONAL SERVICES AGREEMENT
BY AND BETWEEN THE TOWN OF PAONIA
AND URBAN RURAL CONTINUUM LLC
(Housing Needs Assessment)**

1.0 PARTIES

This Professional Services Agreement (this "Agreement") is made and entered into this 25th day of April, 2023 (the "Effective Date"), by and between the Town of Paonia, a Colorado municipal corporation, hereinafter referred to as the "Town", and Urban Rural Continuum LLC, a Colorado limited liability company, hereinafter referred to as the "Contractor".

2.0 RECITALS AND PURPOSE

2.1 The Town desires to engage the Contractor for the purpose of providing services as further set forth in the Contractor's Scope of Services (which services are hereinafter referred to as the "Services").

2.2 The Contractor represents that it has the special expertise, qualifications and background necessary to complete the Services.

3.0 SCOPE OF SERVICES

The Contractor agrees to provide the Town with the specific Services and to perform the specific tasks, duties and responsibilities set forth in Scope of Services attached hereto as Exhibit A and incorporated herein by reference. In the event of any conflict between the terms and conditions of this Agreement and the terms and conditions of Exhibit A, the terms and conditions of this Agreement shall control. The Contractor shall furnish all tools, labor and supplies in such quantities and of the proper quality as are necessary to professionally and timely perform the Services. The Contractor acknowledges that this Agreement does not grant any exclusive privilege or right to supply Services to the Town. In its sole discretion, the Town may contract with other contractors to provide the same or similar services during the term of this Agreement.

4.0 COMPENSATION

4.1 The Town shall pay the Contractor for Services under this agreement a total not to exceed the amounts set forth in Exhibit A attached hereto and incorporated herein by this reference. For Services compensated on a per-task basis, such costs per task shall not exceed the amounts set forth in Exhibit A. The Town shall not pay mileage and other reimbursable expenses (such as meals, parking, travel expenses, necessary memberships, etc.), unless such expenses are (1) clearly set forth in the Scope of Services, and (2) necessary for performance of the Services ("Pre-Approved Expenses"). The foregoing amounts of compensation shall be inclusive of all costs of whatsoever nature associated with the Contractor's efforts, including but not limited to salaries, benefits, overhead, administration, profits, expenses, and outside contractor fees. The Scope of Services and payment therefor shall only be changed by a properly authorized amendment to this Agreement. No Town employee has the authority to bind the Town with regard to any payment for any services which exceeds the amount payable under the terms of this Agreement.

4.2 The Contractor shall submit monthly an invoice to the Town for Services rendered and a detailed expense report for Pre-Approved Expenses incurred during the previous month. The invoice shall document the Services provided during the preceding month, identifying by work category and subcategory the work and tasks performed and such other information as may be required by the Town. The Contractor shall provide such additional backup documentation as may be required by the Town. The Town shall pay the invoice within thirty (30) days of receipt unless the Services or the documentation therefore are unsatisfactory. Payments made after thirty (30) days may be assessed an interest charge of one percent (1%) per month unless the delay in payment resulted from unsatisfactory work or documentation therefor.

5.0 PROJECT REPRESENTATION

5.1 The Town designates Mary Bachran, Mayor, as the responsible Town officer to provide direction to the Contractor during the conduct of the Services. The Contractor shall comply with the directions given by said Town officer and such person's designees.

5.2 The Contractor designates Andrew Coburn as its project manager and as the principal in charge who shall be providing the Services under this Agreement. Should any of the representatives be replaced, and such replacement require the Town or the Contractor to undertake additional reevaluations, coordination, orientations, etc., the Contractor shall be fully responsible for all such additional costs and services.

6.0 TERM

6.1 The term of this Agreement shall be from the Effective Date to December 31, 2023, unless sooner terminated pursuant to Section 13, below. The Contractor's Services under this Agreement shall commence on the Effective Date, and Contractor shall proceed with diligence and promptness so that the Services are completed in a timely fashion consistent with the Town's requirements.

6.2 Nothing in this Agreement is intended or shall be deemed or construed as creating any multiple-fiscal year direct or indirect debt or financial obligation on the part of the Town within the meaning of Colorado Constitution Article X, Section 20 or any other constitutional or statutory provision. All financial obligations of the Town under this Agreement are subject to annual budgeting and appropriation by the Paonia Board of Trustees, in its sole discretion. Notwithstanding anything in this Agreement to the contrary, in the event of non-appropriation, this Agreement shall terminate effective December 31 of the then-current fiscal year.

7.0 INSURANCE

- 7.1 The Contractor agrees to procure and maintain, at its own cost, the policies of insurance set forth in Subsections 7.1.1 through 7.1.4. The Contractor shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to this Agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types. The coverages required below shall be procured and maintained with forms and insurers acceptable to the Town. All coverages shall be continuously maintained from the date of commencement of services hereunder throughout the term of the Agreement. The required coverages are:
- 7.1.1 Workers' Compensation insurance as required by the Labor Code of the State of Colorado and Employers Liability Insurance. Evidence of qualified self-insured status may be substituted.
 - 7.1.2 General Liability insurance with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000) each occurrence and ONE MILLION DOLLARS (\$1,000,000) aggregate. The policy shall include the Town of Paonia, its officers and its employees, as additional insureds, with primary coverage as respects the Town of Paonia, its officers and its employees, and shall contain a severability of interests provision.
 - 7.1.3 Automobile Liability insurance with minimum combined single limits for bodily injury of not less than ONE HUNDRED THOUSAND DOLLARS (\$100,000) per person, and THREE HUNDRED THOUSAND DOLLARS (\$300,000) for two or more persons in any one occurrence, and property damage insurance of at least ONE HUNDRED THOUSAND DOLLARS (\$100,000) per occurrence, with respect to each of Contractor's owned, hired or non-owned vehicles assigned to or used in performance of the services.
 - 7.1.4 Professional Liability coverage with minimum combined single limits of TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000) per claim and TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000) aggregate.
- 7.2 The Contractor's general liability insurance, automobile liability and physical damage insurance shall be endorsed to include the Town, and its elected and appointed officers and employees, as additional insureds, unless the Town in its sole discretion waives such requirement. Every policy required above shall be primary insurance, and any insurance carried by the Town, its officers, or its employees, shall be excess and not contributory insurance to that provided by the Contractor. The policies required under subsections 7.1.2 shall contain a severability of interests provision. The Contractor shall be solely responsible for any deductible losses under each of the policies required above.
- 7.3 Certificates of insurance shall be provided by the Contractor as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be subject to review and approval by the Town. No required coverage shall be cancelled, terminated or materially changed until at least 30 days prior written notice has been given to the Town. The Town reserves the right to request and receive a certified copy of any policy and any endorsement thereto.
- 7.4 Failure on the part of the Contractor to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of contract

upon which the Town may immediately terminate the contract, or at its discretion may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the Town shall be repaid by Contractor to the Town upon demand, or the Town may offset the cost of the premiums against any monies due to Contractor from the Town.

7.5 The parties understand and agree that the Town is relying on, and does not waive or intend to waive by any provision of this contract, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, § 24-10-101 et seq., C.R.S., as from time to time amended, or otherwise available to the Town, its officers, or its employees.

8.0 INDEMNIFICATION

To the fullest extent permitted by law, the Contractor agrees to indemnify and hold harmless the Town, and its elected and appointed officers and its employees, from and against all liability, claims, and demands, on account of any injury, loss, or damage, which arise out of or are connected with the services hereunder (including but not limited to vehicle transportation to and from Town Hall or any project site by Contractor, or of any officer, employee, or agent of the Contractor or of any subcontractor of Contractor), if such injury, loss, or damage is caused by the negligent act, omission, or other fault of the Contractor or any subcontractor of the Contractor, or any officer, employee, or agent of the Contractor or any subcontractor, or any other person for whom Contractor is responsible. The Contractor shall investigate, handle, respond to, and provide defense for and defend against any such liability, claims, and demands. The Contractor shall further bear all other costs and expenses incurred by the Town or Contractor and related to any such liability, claims and demands, including but not limited to court costs, expert witness fees and attorneys' fees if the court determines that these incurred costs and expenses are related to such negligent acts, errors, and omissions or other fault of the Contractor. The Town shall be entitled to its costs and attorneys' fees incurred in any action to enforce the provisions of this Section 8.0. The insurance coverage specified herein shall in no way lessen or limit the liability of the Contractor under the terms of the Agreement. The Contractor's indemnification obligation shall not be construed to extend to any injury, loss, or damage which is caused by the act, omission, or other fault of the Town.

9.0 QUALITY OF WORK

Contractor shall exercise in its performance of the Services hereunder in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.

10.0 INDEPENDENT CONTRACTOR

It is the expressed intent of the parties that the Contractor is an independent contractor and not the agent, employee or servant of the Town, and that:

10.1. **CONTRACTOR SHALL SATISFY ALL TAX AND OTHER GOVERNMENTALLY IMPOSED RESPONSIBILITIES INCLUDING, BUT NOT LIMITED TO, PAYMENT OF STATE, FEDERAL AND SOCIAL SECURITY TAXES, UNEMPLOYMENT TAXES, WORKERS' COMPENSATION AND SELF-EMPLOYMENT TAXES. NO STATE, FEDERAL OR LOCAL TAXES OF ANY KIND SHALL BE WITHHELD OR PAID BY THE TOWN.**

10.2. **CONTRACTOR IS NOT ENTITLED TO WORKERS' COMPENSATION BENEFITS EXCEPT AS MAY BE PROVIDED BY THE INDEPENDENT CONTRACTOR NOR TO UNEMPLOYMENT INSURANCE BENEFITS UNLESS UNEMPLOYMENT COMPENSATION COVERAGE IS PROVIDED BY THE INDEPENDENT CONTRACTOR OR SOME ENTITY OTHER THAN THE TOWN.**

11.0 ASSIGNMENT

Contractor shall not assign or delegate this Agreement or any portion thereof, or any monies due to or become due hereunder without the Town's prior written consent.

12.0 DEFAULT

Each and every term and condition hereof shall be deemed to be a material element of this Agreement. In the event either party should fail or refuse to perform according to the terms of this Agreement, such party may be declared in default.

13.0 TERMINATION

13.1 This Agreement may be terminated by either party for material breach or default of this Agreement by the other party not caused by any action or omission of the other party by giving the other party written notice at least thirty (30) days in advance of the termination date. Termination pursuant to this Subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

13.2 In addition to the foregoing, this Agreement may be terminated by the Town for its convenience and without cause of any nature by giving written notice at least fifteen (15) days in advance of the termination date. In the event of such termination, the Contractor will be paid for the reasonable value of the services rendered to the date of termination, not to exceed a pro-rated daily rate, for the services rendered to the date of termination, and upon such payment, all obligations of the Town to the Contractor under this Agreement will cease. Termination pursuant to this Subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

14.0 INSPECTION AND AUDIT

The Town and its duly authorized representatives shall have access to any books, documents, papers, and records of the Contractor that are related to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

15.0 DOCUMENTS

All computer input and output, analyses, plans, documents photographic images, tests, maps, surveys, electronic files and written material of any kind generated in the performance of this Agreement or developed for the Town in performance of the Services are and shall remain the sole and exclusive property of the Town. All such materials shall be promptly provided to the Town upon request therefor and at the time of termination of this Agreement, without further charge or expense to the Town. Contractor shall not provide copies of any such material to any other party without the prior written consent of the Town.

16.0 ENFORCEMENT

16.1 In the event that suit is brought upon this Agreement to enforce its terms, the prevailing party shall be entitled to its reasonable attorneys' fees and related court costs.

16.2 This Agreement shall be deemed entered into in Delta County, Colorado, and shall be governed by and interpreted under the laws of the State of Colorado. Any action arising out of, in connection with, or relating to this Agreement shall be filed in the courts of Delta County or the federal district court for the District of Colorado, and in no other court. Contractor hereby waives its right to challenge the personal jurisdiction of the courts of Delta County and the federal district court for the District of Colorado over it. Colorado law shall apply to the construction and enforcement of this Agreement.

17.0 COMPLIANCE WITH LAWS

Contractor shall be solely responsible for compliance with all applicable federal, state, and local laws, including the ordinances, resolutions, rules, and regulations of the Town; for payment of all applicable taxes; and obtaining and keeping in force all applicable permits and approvals.

18.0 INTEGRATION AND AMENDMENT

This Agreement represents the entire Agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties.

19.0 NOTICES

All notices required or permitted under this Agreement shall be in writing and shall be given by hand delivery, by United States first class mail, postage prepaid, registered or certified, return receipt requested, by national overnight carrier, or by electronic mail or facsimile transmission, addressed to the party for whom it is intended at the following address:

If to the Town:

Town of Paonia
Attn: Mary Bachran, Mayor
214 Grand Avenue
P.O. Box 460
Paonia, CO 81428
Telephone: 970-527-4101
Fax: 970-527-4102

Email: maryb@townofpaonia.com

If to the Contractor:

Urban Rural Continuum LLC
Attn: Andrew Coburn, Member/Manager
PO Box 904
Hotchkiss, CO 81419
720-464-5821
andrew@urbanruralcontinuum.com

Any such notice or other communication shall be effective when received as indicated on the delivery receipt, if by hand delivery or overnight carrier; on the United States mail return receipt, if by United States mail; or on facsimile transmission receipt. Either party may by similar notice given, change the address to which future notices or other communications shall be sent.

20.0 EQUAL OPPORTUNITY EMPLOYER

20.1 Contractor will not discriminate against any employee or applicant for employment because of age 40 and over, race, sex, sexual orientation, gender identity, pregnancy, color, religion, national origin, disability, genetic information, veteran status, or any other applicable status protected by federal, state, or local law. Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to any status set forth in the preceding sentence. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Laws.

20.2 Contractor shall be in compliance with the applicable provisions of the American with Disabilities Act as enacted and from time to time amended and any other applicable federal, state, or local laws and regulations. A signed, written certificate stating compliance with the Americans with Disabilities Act may be requested at any time during the life of this Agreement or any renewal thereof.

21.0 NO THIRD PARTY BENEFICIARIES

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to Town and Contractor, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the parties that any person other than Town or Contractor receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

22.0 SUBCONTRACTORS

Contractor may utilize subcontractors identified in its qualifications submittal to assist with works as necessary to complete projects as identified in Exhibit "A." Contractor will submit any proposed

subcontractor not identified in Exhibit "A", including a description of its services, to the Town for approval. The Town will not work directly with subcontractors.

23.0 AUTHORITY TO BIND

Each of the persons signing below on behalf of any party hereby represents and warrants that such person is signing with full and complete authority to bind the party on whose behalf of whom such person is signing, to each and every term of this Agreement.

In witness whereof, the parties have executed this Agreement to be effective as of the day and year first above written.

TOWN OF PAONIA
a Colorado Municipal Corporation

By: _____
Mary Bachran, Mayor

Attest: _____
Samira Vetter, Town Clerk

CONTRACTOR:
URBAN RURAL CONTINUUM LLC

By: _____
Andrew Coburn, Member/Manager

Exhibit A – Scope of Services and Price Information
[See Following Page(s)]

~~TEMPLATE— Before Sending to Contractor, Attach Exhibit A; Fill in Blanks; Remove Bracketed Language; Remove Header; Contractor Changes Require Town Attorney Approval~~

**PROFESSIONAL SERVICES AGREEMENT
BY AND BETWEEN THE TOWN OF PAONIA
AND URBAN RURAL CONTINUUM LLC
(Housing Needs Assessment)**

1.0 PARTIES

This Professional Services Agreement (this "Agreement") is made and entered into this ____ day of _____, 20__ (the "Effective Date"), by and between the Town of Paonia, a Colorado municipal corporation, hereinafter referred to as the "Town", and Urban Rural Continuum LLC, [Name of Contractor] a Colorado limited liability company [State of Formation and Type of Entity], hereinafter referred to as the "Contractor".

Commented [AC1]: Urban Rural Continuum LLC
Note: there is no comma before LLC.

2.0 RECITALS AND PURPOSE

- 2.1 The Town desires to engage the Contractor for the purpose of providing services as further set forth in the Contractor's Scope of Services (which services are hereinafter referred to as the "Services").
- 2.2 The Contractor represents that it has the special expertise, qualifications and background necessary to complete the Services.

3.0 SCOPE OF SERVICES

The Contractor agrees to provide the Town with the specific Services and to perform the specific tasks, duties and responsibilities set forth in Scope of Services attached hereto as Exhibit A and incorporated herein by reference. In the event of any conflict between the terms and conditions of this Agreement and the terms and conditions of Exhibit A, the terms and conditions of this Agreement shall control. The Contractor shall furnish all tools, labor and supplies in such quantities and of the proper quality as are necessary to professionally and timely perform the Services. The Contractor acknowledges that this Agreement does not grant any exclusive privilege or right to supply Services to the Town. In its sole discretion, the Town may contract with other contractors to provide the same or similar services during the term of this Agreement.

4.0 COMPENSATION

- 4.1 The Town shall pay the Contractor for Services under this agreement a total not to exceed the amounts set forth in Exhibit A attached hereto and incorporated herein by this reference. For Services compensated on a per-task basis, such costs per task shall not exceed the amounts set forth in Exhibit A. The Town shall not pay mileage and other reimbursable expenses (such as meals, parking, travel expenses, necessary memberships, etc.), unless such expenses are (1) clearly set forth in the Scope of Services, and (2) necessary for performance of the Services ("Pre-Approved Expenses"). The foregoing amounts of compensation shall be inclusive of all costs of whatsoever nature associated with the Contractor's efforts, including but not limited to salaries, benefits, overhead, administration, profits, expenses, and outside contractor fees. The Scope of Services and payment therefor shall only be changed by a properly authorized amendment to this

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Agreement. No Town employee has the authority to bind the Town with regard to any payment for any services which exceeds the amount payable under the terms of this Agreement.

4.2 The Contractor shall submit monthly an invoice to the Town for Services rendered and a detailed expense report for Pre-Approved Expenses incurred during the previous month. The invoice shall document the Services provided during the preceding month, identifying by work category and subcategory the work and tasks performed and such other information as may be required by the Town. The Contractor shall provide such additional backup documentation as may be required by the Town. The Town shall pay the invoice within thirty (30) days of receipt unless the Services or the documentation therefor are unsatisfactory. Payments made after thirty (30) days may be assessed an interest charge of one percent (1%) per month unless the delay in payment resulted from unsatisfactory work or documentation therefor.

5.0 PROJECT REPRESENTATION

5.1 The Town designates _____ [staff member], _____ [staff title], as the responsible Town staff to provide direction to the Contractor during the conduct of the Services. The Contractor shall comply with the directions given by said Town staff and such person's designees.

5.2 The Contractor designates Andrew Coburn _____ [~~Contractor's project manager's name~~] as its project manager and as the principal in charge who shall be providing the Services under this Agreement. Should any of the representatives be replaced, and such replacement require the Town or the Contractor to undertake additional reevaluations, coordination, orientations, etc., the Contractor shall be fully responsible for all such additional costs and services.

Commented [AC2]: Andrew Coburn

6.0 TERM

6.1 The term of this Agreement shall be from the Effective Date to December 31, 2023 _____, ~~20~~, unless sooner terminated pursuant to Section 13, below. The Contractor's Services under this Agreement shall commence on _____, ~~20~~ the Effective Date, and Contractor shall proceed with diligence and promptness so that the Services are completed in a timely fashion consistent with the Town's requirements.

Commented [AC3]: Trustee Negotiation Mtg on 4/6: determination was contract end date of December 31, 2023.

6.2 Nothing in this Agreement is intended or shall be deemed or construed as creating any multiple-fiscal year direct or indirect debt or financial obligation on the part of the Town within the meaning of Colorado Constitution Article X, Section 20 or any other constitutional or statutory provision. All financial obligations of the Town under this Agreement are subject to annual budgeting and appropriation by the Paonia Board of Trustees, in its sole discretion. Notwithstanding anything in this Agreement to the contrary, in the event of non-appropriation, this Agreement shall terminate effective December 31 of the then-current fiscal year.

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7.0 INSURANCE

7.1 The Contractor agrees to procure and maintain, at its own cost, the policies of insurance set forth in Subsections 7.1.1 through 7.1.4. The Contractor shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to this Agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types. The coverages required below shall be procured and maintained with forms and insurers acceptable to the Town. All coverages shall be continuously maintained from the date of commencement of services hereunder throughout the term of the Agreement. The required coverages are:

Commented [AC4]: This does not have an end date. We believe the intent is for coverage to be continuously maintained during the contract term. True?

7.1.1 Workers' Compensation insurance as required by the Labor Code of the State of Colorado and Employers Liability Insurance. Evidence of qualified self-insured status may be substituted.

7.1.2 General Liability insurance with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000) each occurrence and ONE MILLION DOLLARS (\$1,000,000) aggregate. The policy shall include the Town of Paonia, its officers and its employees, as additional insureds, with primary coverage as respects the Town of Paonia, its officers and its employees, and shall contain a severability of interests provision.

7.1.3 ~~Comprehensive~~ Automobile Liability insurance with minimum combined single limits for bodily injury ~~and property damage~~ of not less than ~~FOUR ONE~~ HUNDRED THOUSAND DOLLARS (~~\$400,000,000~~) per person, ~~in any one occurrence~~ and ~~ONE MILLION THREE HUNDRED THOUSAND~~ DOLLARS (~~\$1,300,000,000~~) for two or more persons in any one occurrence, and ~~auto~~ property damage insurance of at least ~~FIFTY ONE HUNDRED~~ THOUSAND DOLLARS (~~\$50,100,000~~) per occurrence, with respect to each of Contractor's owned, hired or non-owned vehicles assigned to or used in performance of the services. ~~The policy shall contain a severability of interests provision. If the Contractor has no owned automobiles, the requirements of this paragraph shall be met by each employee of the Contractor providing services to the Town of Paonia under this contract.~~

Commented [AC5]: URC does not have a commercial automobile liability policy because insurers do not consider our use of vehicles to be commercial in nature. I am checking on the severability of interests provision, etc. Vehicles are covered with the following limits. Are these dollar limits acceptable to the Town?

7.1.4 Professional Liability coverage with minimum combined single limits of TWO ~~MILLION HUNDRED AND FIFTY THOUSAND~~ DOLLARS (~~\$250,000,000~~) per claim and TWO ~~MILLION HUNDRED AND FIFTY THOUSAND~~ DOLLARS (~~\$250,000,000~~) aggregate

\$100k bodily injury per person/\$300k per incident
\$100k property damage per incident

7.2 The Contractor's general liability insurance, automobile liability and physical damage insurance shall be endorsed to include the Town, and its elected and appointed officers and employees, as additional insureds, unless the Town in its sole discretion waives such requirement. Every policy required above shall be primary insurance, and any insurance carried by the Town, its officers, or its employees, shall be excess and not contributory insurance to that provided by the Contractor. ~~Such~~ The policies required under subsections 7.1.2 and 7.1.4 shall contain a severability of interests provision. The Contractor shall be solely responsible for any deductible losses under each of the policies required above.

Commented [AC6]: URC currently has a policy that is \$250k/\$250k. Is this acceptable to the Town?

Commented [NC7]: Let's leave this for now. The Town can waive the endorsement under the Contractor's automobile liability insurance policy (after contract execution) if the insurance company can't do it.

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- 7.3 Certificates of insurance shall be provided by the Contractor as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be subject to review and approval by the Town. No required coverage shall be cancelled, terminated or materially changed until at least 30 days prior written notice has been given to the Town. The Town reserves the right to request and receive a certified copy of any policy and any endorsement thereto.
- 7.4 Failure on the part of the Contractor to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of contract upon which the Town may immediately terminate the contract, or at its discretion may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the Town shall be repaid by Contractor to the Town upon demand, or the Town may offset the cost of the premiums against any monies due to Contractor from the Town.
- 7.5 The parties understand and agree that the Town is relying on, and does not waive or intend to waive by any provision of this contract, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, § 24-10-101 et seq., C.R.S., as from time to time amended, or otherwise available to the Town, its officers, or its employees.

8.0 INDEMNIFICATION

To the fullest extent permitted by law, the Contractor agrees to indemnify and hold harmless the Town, and its elected and appointed officers and its employees, from and against all liability, claims, and demands, on account of any injury, loss, or damage, which arise out of or are connected with the services hereunder (including but not limited to vehicle transportation to and from Town Hall or any project site by Contractor, or of any officer, employee, or agent of the Contractor or of any subcontractor of Contractor), if such injury, loss, or damage is caused by the negligent act, omission, or other fault of the Contractor or any subcontractor of the Contractor, or any officer, employee, or agent of the Contractor or any subcontractor, or any other person for whom Contractor is responsible. The Contractor shall investigate, handle, respond to, and provide defense for and defend against any such liability, claims, and demands. The Contractor shall further bear all other costs and expenses incurred by the Town or Contractor and related to any such liability, claims and demands, including but not limited to court costs, expert witness fees and attorneys' fees if the court determines that these incurred costs and expenses are related to such negligent acts, errors, and omissions or other fault of the Contractor. The Town shall be entitled to its costs and attorneys' fees incurred in any action to enforce the provisions of this Section 8.0. The insurance coverage specified herein shall in no way lessen or limit the liability of the Contractor under the terms of the Agreement. The Contractor's indemnification obligation shall not be construed to extend to any injury, loss, or damage which is caused by the act, omission, or other fault of the Town.

9.0 QUALITY OF WORK

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Contractor shall exercise in its performance of the Services hereunder in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.

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10.0 INDEPENDENT CONTRACTOR

It is the expressed intent of the parties that the Contractor is an independent contractor and not the agent, employee or servant of the Town, and that:

- 10.1. CONTRACTOR SHALL SATISFY ALL TAX AND OTHER GOVERNMENTALLY IMPOSED RESPONSIBILITIES INCLUDING, BUT NOT LIMITED TO, PAYMENT OF STATE, FEDERAL AND SOCIAL SECURITY TAXES, UNEMPLOYMENT TAXES, WORKERS' COMPENSATION AND SELF-EMPLOYMENT TAXES. NO STATE, FEDERAL OR LOCAL TAXES OF ANY KIND SHALL BE WITHHELD OR PAID BY THE TOWN.
- 10.2. CONTRACTOR IS NOT ENTITLED TO WORKERS' COMPENSATION BENEFITS EXCEPT AS MAY BE PROVIDED BY THE INDEPENDENT CONTRACTOR NOR TO UNEMPLOYMENT INSURANCE BENEFITS UNLESS UNEMPLOYMENT COMPENSATION COVERAGE IS PROVIDED BY THE INDEPENDENT CONTRACTOR OR SOME ENTITY OTHER THAN THE TOWN.

11.0 ASSIGNMENT

Contractor shall not assign or delegate this Agreement or any portion thereof, or any monies due to or become due hereunder without the Town's prior written consent.

12.0 DEFAULT

Each and every term and condition hereof shall be deemed to be a material element of this Agreement. In the event either party should fail or refuse to perform according to the terms of this Agreement, such party may be declared in default.

13.0 TERMINATION

- 13.1 This Agreement may be terminated by either party for material breach or default of this Agreement by the other party not caused by any action or omission of the other party by giving the other party written notice at least thirty (30) days in advance of the termination date. Termination pursuant to this Subsection shall not prevent either party from exercising any other legal remedies which may be available to it.
- 13.2 In addition to the foregoing, this Agreement may be terminated by the Town for its convenience and without cause of any nature by giving written notice at least fifteen (15) days in advance of the termination date. In the event of such termination, the Contractor will be paid for the reasonable value of the services rendered to the date of termination, not to exceed a pro-rated daily rate, for the services rendered to the date of termination, and upon such payment, all obligations of the Town to the Contractor under this Agreement will cease. Termination pursuant to this Subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

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The Town and its duly authorized representatives shall have access to any books, documents, papers, and records of the Contractor that are related to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

15.0 DOCUMENTS

All computer input and output, analyses, plans, documents photographic images, tests, maps, surveys, electronic files and written material of any kind generated in the performance of this Agreement or developed for the Town in performance of the Services are and shall remain the sole and exclusive property of the Town. All such materials shall be promptly provided to the Town upon request therefor and at the time of termination of this Agreement, without further charge or expense to the Town. Contractor shall not provide copies of any such material to any other party without the prior written consent of the Town.

16.0 ENFORCEMENT

16.1 In the event that suit is brought upon this Agreement to enforce its terms, the prevailing party shall be entitled to its reasonable attorneys' fees and related court costs.

16.2 This Agreement shall be deemed entered into in Delta County, Colorado, and shall be governed by and interpreted under the laws of the State of Colorado. Any action arising out of, in connection with, or relating to this Agreement shall be filed in the courts of Delta County or the federal district court for the District of Colorado, and in no other court. Contractor hereby waives its right to challenge the personal jurisdiction of the courts of Delta County and the federal district court for the District of Colorado over it. Colorado law shall apply to the construction and enforcement of this Agreement.

17.0 COMPLIANCE WITH LAWS

Contractor shall be solely responsible for compliance with all applicable federal, state, and local laws, including the ordinances, resolutions, rules, and regulations of the Town; for payment of all applicable taxes; and obtaining and keeping in force all applicable permits and approvals.

18.0 INTEGRATION AND AMENDMENT

This Agreement represents the entire Agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties.

19.0 NOTICES

All notices required or permitted under this Agreement shall be in writing and shall be given by hand delivery, by United States first class mail, postage prepaid, registered or certified, return receipt requested, by national overnight carrier, or by electronic mail or facsimile transmission, addressed to the party for whom it is intended at the following address:

~~TEMPLATE — Before Sending to Contractor, Attach Exhibit A; Fill in Blanks; Remove Bracketed Language; Remove Header; Contractor Changes Require Town Attorney Approval~~

If to the Town:

Town of Paonia
Attn: _____
214 Grand Avenue
P.O. Box 460
Paonia, CO 81428
Telephone: 970-527-4101
Fax: 970-527-4102
Email: _____

Commented [NC8]: Town to fill in prior to execution.

If to the Contractor:

Urban Rural Continuum LLC
Attn: Andrew Coburn, Member/Manager
PO Box 904
Hotchkiss, CO 81419
720-464-5821
andrew@urbanruralcontinuum.com
[Contractor name]
[Contact person]
[Address]
[city, state, zip]
[Telephone]
[Fax/Email]

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Any such notice or other communication shall be effective when received as indicated on the delivery receipt, if by hand delivery or overnight carrier; on the United States mail return receipt, if by United States mail; or on facsimile transmission receipt. Either party may by similar notice given, change the address to which future notices or other communications shall be sent.

Commented [AC9]: Urban Rural Continuum LLC
Andrew Coburn, Member/Manager
PO Box 904
Hotchkiss, CO 81419
720-464-5821
andrew@urbanruralcontinuum.com

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20.0 EQUAL OPPORTUNITY EMPLOYER

20.1 Contractor will not discriminate against any employee or applicant for employment because of age 40 and over, race, sex, sexual orientation, gender identity, pregnancy, color, religion, national origin, disability, genetic information, veteran status, or any other applicable status protected by federal, state, or local law. Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to any status set forth in the preceding sentence. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Laws.

20.2 Contractor shall be in compliance with the applicable provisions of the American with Disabilities Act as enacted and from time to time amended and any other applicable

~~TEMPLATE— Before Sending to Contractor, Attach Exhibit A; Fill in Blanks; Remove Bracketed Language; Remove Header; Contractor Changes Require Town Attorney Approval~~

federal, state, or local laws and regulations. A signed, written certificate stating compliance with the Americans with Disabilities Act may be requested at any time during the life of this Agreement or any renewal thereof.

~~TEMPLATE— Before Sending to Contractor, Attach Exhibit A; Fill in Blanks; Remove Bracketed Language; Remove Header; Contractor Changes Require Town Attorney Approval~~

21.0 NO THIRD PARTY BENEFICIARIES

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to Town and Contractor, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the parties that any person other than Town or Contractor receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

22.0 SUBCONTRACTORS

Contractor may utilize subcontractors identified in its qualifications submittal to assist with ~~non-~~specialized works as necessary to complete projects as identified in Exhibit "A." Contractor will submit any proposed subcontractor ~~not identified in Exhibit "A", and the~~including a description of its services, to the Town for approval. The Town will not work directly with subcontractors.

Commented [AC10]: The submitted proposal that was accepted included Urban Rural Continuum as the prime and Ayres Associates, Inc. as the subcontractor. Is there anything else the Town needs to move forward with this contract and have Ayres Associates serve as a subcontractor providing the services outlined in the scope of work?

23.0 AUTHORITY TO BIND

Each of the persons signing below on behalf of any party hereby represents and warrants that such person is signing with full and complete authority to bind the party on whose behalf of whom such person is signing, to each and every term of this Agreement.

In witness whereof, the parties have executed this Agreement to be effective as of the day and year first above written.

TOWN OF PAONIA
a Colorado Municipal Corporation

By: _____
Mary Bachran, Mayor

Attest: _____
Samira Vetter, Town Clerk

CONTRACTOR:

URBAN RURAL CONTINUUM LLC

By: _____
Andrew Coburn, Member/Manager

Title: _____

Commented [AC11]: Urban Rural Continuum LLC
By: Andrew Coburn
Title: Member/Manager

~~TEMPLATE— Before Sending to Contractor, Attach Exhibit A; Fill in Blanks; Remove Bracketed Language; Remove Header; Contractor Changes Require Town Attorney Approval~~

~~TEMPLATE— Before Sending to Contractor, Attach Exhibit A; Fill in Blanks; Remove Bracketed Language; Remove Header; Contractor Changes Require Town Attorney Approval~~

Exhibit A – Scope of Services and Price Information

[See Following Page(s)]

SCOPE OF WORK

COMMUNITY ENGAGEMENT

Community engagement is vital to the success of this project. We will gather a lot of data, but listening to and learning from the lived experience of Paonia's residents and employers is crucial to completing the HNA. It is also how we will educate and involve the community in action planning - identifying ways that the Town of Paonia and other stakeholders can begin to reduce barriers to housing production, capitalize on opportunities, and generally invest in the hard, collaborative work involved in creating community housing that benefits the community, economy, and residents.

The community engagement strategy below is for Phase 1: Housing Needs Assessment and Phase 2: Housing Action Plan. It is inclusive and robust, with many opportunities for the community to be heard and informed. We envision leaning heavily on in-person meetings since we live in the North Fork Valley, but can also use virtual meeting platforms when that makes sense, such as for individual or small group meetings.

All outreach materials will be provided in Spanish. We will attempt to reach out directly to the Spanish speaking community through a targeted outreach meeting.

1. KICK-OFF CALL WITH TOWN STAFF

The first step for this project will be a discussion with key Town staff to ensure joint understanding of the project scope and goals, to immediately initiate formation of the Housing Committee, learn about existing resources (lists of contacts, background documents, existing data, etc.), and set important dates.

2. FORM THE HOUSING COMMITTEE

We propose to stand up a Housing Committee within the first two weeks following selection. We propose that it be a relatively small (12-15 members max), informal committee associated with this project, rather than a formal committee of the Town government. We see the Committee's role as advisory in which they review project materials before being distributed to the community, review preliminary findings, and generally provide guidance throughout the project. The Committee could be formalized in the future, but this approach will benefit this project and not impact the tight schedule.

Consultant Roles

Shay Coburn will lead all community engagement efforts with ample assistance from Andrew Coburn, especially for the employer questionnaire and Realtor/Property Manager Focus Groups. Shay and Andrew plan to be available in person for all engagement activities. Ayres will assist in preparing materials like fliers, posters, and meeting summaries in addition to attending Town Board meetings virtually if needed.



This Committee would ideally include people representing a cross section of the community from the public, private, and non-profit sectors. Potential participants could include someone from the Town Board of Trustees, Delta County Joint School District 50J, Delta Health, Paonia Chamber of Commerce, North Fork Senior Connections, the newly formed Community Land Trust, and a local realtor and property manager.

3. HOUSING COMMITTEE MEETING 1

This first meeting of the Committee would kick off the project and focus on roles, goals, and desired outcomes.

4. EMPLOYER QUESTIONNAIRE

This brief questionnaire would be developed to inform the HNA and will be targeted to all employers doing business in the Town of Paonia, large and small. In our experience, the information gleaned from such confidential questionnaires is imperative to identifying current and future housing demand. Once created, our team will work to distribute the questionnaire through existing formal networks like the Paonia Chamber of Commerce and in-person. Visiting businesses in person will allow us to share the questionnaire and information about the project and gather employer feedback. Visiting in person typically increases the response rate and the quality of the responses, which will be confidential and only reported on in aggregate to ensure sensitive business information is not published and cannot be associated with any business in Paonia.

5. REALTOR/PROPERTY MANAGER FOCUS GROUP OR INTERVIEWS

If possible, we will set up an in-person meeting with local Realtors and property managers to gather information about the local for sale and rental market. If the organization of such a meeting is impacting the schedule, individual interviews will be conducted to the extent practicable.



6. HOUSING COMMITTEE MEETING 2

During this second gathering of the Committee, we intend to share feedback received thus far and prepare for the Community-wide Open House, likely discussing potential strategies.

7. COMMUNITY-WIDE OPEN HOUSE

Our team will prepare an open house type meeting and invite the entire community. The open house format will include a quick introduction about the project and then shift to an interactive session where the community will have the opportunity to provide input about the housing market and their thoughts about priorities to address affordable housing in Paonia. This open house will be published widely with the goal of getting a large cross-section of the community to attend. We would create fliers in English and Spanish that could be stacked at cash registers throughout town, passed out in front of the post office, and available at other locations in the community (posting boards). Our team may even reach out to the North Fork Valley Creative Coalition to incorporate some sort of art into the Open House like a visual note taker, live painter, or a poet who could write during the event.

If desired, we could substitute this Open House for a resident survey. While resident surveys can be very helpful in collecting data, the data gathered is often duplicative with existing data and misses the opportunity to engage residents directly and provide space for meaningful conversation around the complexities of housing issues.

8. TARGETED OUTREACH MEETINGS

Our team will conduct targeted outreach, including to marginalized and vulnerable populations. We will attempt to attend regularly established meetings or meet them at their place of business or desired location to talk about their experience, challenges, and needs. This step will likely start before the Open House to stay on schedule. We propose meeting with some of the many churches in town, the Senior Center, the Spanish speaking community, among others. We will also seek to connect with owner/representatives and residents of the North Fork Trailer & RV Park even though it is not technically within the municipal boundary. We'd hope to also talk with anyone experiencing homelessness or displacement, though this can be a difficult population to reach. We anticipate around eight meetings.



9. HOUSING COMMITTEE MEETING 3

During this meeting, we will debrief the Open House, share findings from the Targeted Outreach Meetings, and discuss all input and data findings thus far in the project. We will also present and discuss the draft HNA, and briefly discuss strategies and the Action Plan.

10. TOWN BOARD MEETING

The draft HNA will be submitted to the Town in time for it to be part of the packet for the June 13th Town Board meeting. URC can attend this meeting in person if desired to present the report, gather input on the draft, and answer questions.

11. HOUSING COMMITTEE MEETING 4

During this meeting we will review and discuss the draft Housing Action Plan.

12. TOWN BOARD MEETING

The draft Housing Action Plan will be submitted to the Town in time for it to be part of the packet for the July 11th Town Board meeting. URC can attend this meeting if desired to present the report, gather input on the draft, and answer questions.

13. TOWN BOARD MEETING

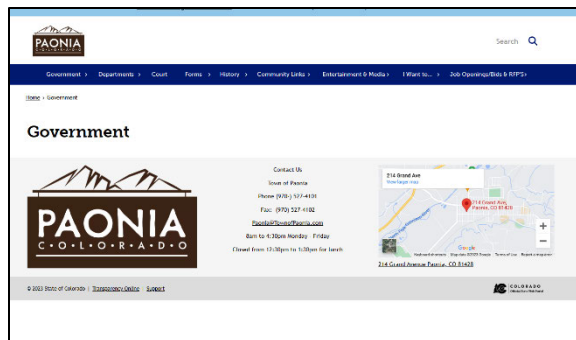
URC can attend this meeting in person on July 25th if desired to present the final reports and answer any questions that may arise.

Additional Engagement Tools

Webpage

Our team proposes to add a “Housing” page to the existing Town’s website. This webpage will be the one-stop-shop location for all information about this project. The page will include a short project overview, upcoming important dates like community meetings, and all documents created along the way including meeting summaries. Our team will prepare the

content, but the Town would need to add it to the website. We believe this will help drive traffic to the Town’s website and after completion of this project, the page can evolve to include all housing resources like the HNA, Action Plan, and the existing Rent/Mortgage Assistance link.



Getting the Word Out

We will use established resources to share surveys, meeting dates, and other important elements of this project like the Town of Paonia and Paonia Message Board Facebook Pages, The North Fork Merchant Herald, Delta County Independent, High Country Shopper, KVNF radio, and/or posted throughout town (i.e., at Don’s Market and the board in front of the Paonia Laundromat).

Coordination with Related Town Projects

To ensure alignment with other Town efforts, our team will coordinate with existing projects like the recently awarded Master Plan and any water studies/plans to address the water tap moratorium, to the extent practicable given the very tight timeline. Our team is available to work directly with other consultants if desired by the Town.

Meeting Summaries

Our team will create summaries from all Housing Committee meetings and the Open House. These will be simple summaries that can be an appendix to the Final Housing Action Plan if desired. Depending on the sensitivity of the feedback received during the Targeted Outreach Meetings, we will work to create a very high-level summary.

COMMUNITY ENGAGEMENT DELIVERABLES

1. Employer Questionnaire
2. Meeting materials - fliers, advertisements, handouts, boards, presentations
3. Webpage content
4. Meeting Summaries

PHASE 1: HOUSING NEEDS ASSESSMENT

We propose to analyze Paonia’s housing market and prepare and deliver a comprehensive, clear, concise, stand-alone Housing Needs Assessment (HNA) that is well documented. The HNA will analyze, consider, and report on demand and supply drivers, including the items outlined on page 4 of the RFP unless otherwise specified below.

The HNA will be prepared in the following manner, with many tasks occurring simultaneously.

Consultant Roles

Andrew Coburn will lead the Housing Needs Assessment. Mike Scholl will help significantly with the development analysis. Ayres will also help with document creation.

1. Gather, Compile, and Analyze Public and Private Data
2. Develop and Distribute Employer Questionnaire
3. Meet with and Interview Key Stakeholders
4. Prepare a Draft Housing Needs Assessment
5. Revise Draft and Deliver the Final Housing Needs Assessment

As requested in the RFP, the Needs Assessment will include the following:

Demographic Data

All topics listed in the RFP will be assessed, except it should be noted that the RFP’s reference to household employment will be part of identifying the number of housing units needed in “Need and Gap Analysis” by looking at the number of households with a worker. Moreover, household income by tenure and AMI (30% to 180%, although this can be adjusted during the project if desired by the Town) will be covered under “Need and Gap Analysis.” Special needs populations, such as seniors, seasonal workers and the small homeless population in town will be discussed under “Special Populations.”

Primary data sources: U.S. Census Bureau, Colorado Demography Office, and ESRI.

Economic Conditions

All topics listed in the RFP will be assessed, but it should be noted that a lot of publicly available economic data is published at the county level. County data will therefore be used in conjunction with data for Paonia to assess the local economy, including trends and projections. Although job growth by sector can be included, we believe the sector change is less important than the overall projected change in the number of jobs and projected household income, both of which we will consider as part of the “Need and Gap Analysis” below. Two topics not requested in the RFP that are important to consider, and we propose including, are commuting and those working from home.

Primary data sources: U.S. Bureau of Labor Statistics, U.S. Census Bureau, Colorado Department of Labor and Employment, and ESRI. Additional sources may include the U.S. Bureau of Economic Analysis, University of Washington Center for Women’s Welfare Self Sufficiency Standard, and Data Axle.

Housing Stock and Trends

Topics listed in the RFP that will be included are the age of the housing stock, the share of housing units by type (e.g., single family, multi-family, mobile/manufactured), and building permits (certificate of occupancy data will also be reviewed/used if available). Housing tenure will be included under “Demographic Data” above. The number of homes not occupied, often referred to as vacant, will be identified along with the share of these used as seasonal/vacation homes. We will also look at the housing stock by number of bedrooms relative to the size of households to identify whether and where the housing stock may be misaligned.

A deep dive and written or visual analysis of individual home conditions would likely mean certain property owners or areas of town would be identified/highlighted and, we believe, could have a deleterious effect on this project and the ultimate goal of seeking solutions. Therefore, the condition of homes will be considered generally by reviewing the age of the housing stock and conducting visual surveys to inform solutions to help with Paonia’s aging housing and stock of mobile homes in the Action Plan.

The density of the existing housing stock (number of units per acre) is not typically included in HNA’s and we are not proposing to do so. Rather, Paonia’s current residential density will be considered during action planning when reviewing the land use code, and in identifying barriers to new community housing.

We will review available information about homes used as short-term rentals, including any information the Town has. We also hope to learn the extent to which long term rentals are being converted to short term rentals, impacting the supply of rental units available to locals. We are well aware of the issues and tradeoffs associated with the rise of short-term rentals and will address them in the HNA and in action planning.

We will catalog existing affordable housing in the Town of Paonia, including deed or income restricted properties, along with their expiration dates if known. This inventory may be limited to the Creek Vista Senior Living apartments, but will be added to if additional properties are identified. The number of housing vouchers being used in Paonia (and any available but not in use) will also be identified if possible from interviewing the Delta County Housing Authority.

Primary data sources: U.S. Census Bureau, Colorado Demography Office, ESRI, building permit/Certificate of Occupancy data from the Town of Paonia, AirDNA, and the National Housing Preservation Database.

Homeownership Market

We propose to obtain Multiple Listing Service (MLS) data and use ArcGIS to ensure the data is clipped to the Town of Paonia municipal boundary. We are very flexible, however, and are able to analyze data for a different geographic boundary, if desired. We will analyze the data and report on the number of home sales, the price of home sales (average, median, by price range, and by square foot if possible), and sales by the number of bedrooms, along with the months of inventory. If the data is available, we will also report on the financing type used, particularly the share of cash purchases. Ideally, we would get MLS data from 2018 through the end of 2022, and any 2023 sales, to be able to highlight five-year market changes, including Covid-era changes.

The rate of homeownership will be accounted for under tenure above. Although the vacancy rate can be provided, we believe that the more important metric is the months of inventory because the goal is to ensure a balanced homeownership market, which will be one component of how we intend to determine the number of new housing units needed by 2028.

Primary data sources: Multiple Listing Service. U.S. Census Bureau, Colorado Demography Office, and ESRI data may also be used.

Rental Market

We propose to monitor rental listings from March 20 (assumed project start) through April 30th at minimum. We will track available rentals by price (to include median rental price), number of bedrooms, security deposit amount, whether utilities are included in the rental amount, and other important factors like whether pets are allowed. We will do so by scouring online platforms like Facebook and Craigslist, along with print publications like The North Fork Merchant Herald, Delta County Independent, and High Country Shopper. In addition, we will monitor hard copy listings on public posting boards around town, such as at Don's Super Market and Paonia Laundromat. The share of households who rent will be captured under tenure above. The vacancy rate will be manually calculated, although we will also consider vacancy information from the American Community Survey. This rate will be another key component of how we intend to determine the number of new housing units needed by 2028.

We will attempt to get aggregated utility data from local providers and summarize as much information as possible subject to data limitations. Even without data from private utility providers, we will obtain local utility cost information from interviews and other community engagement.

Special Populations

We propose to learn about and report on housing issues faced by the following populations identified in the RFP to inform the action planning process.

- Seniors - information about senior housing demand and gaps in the market will be based at minimum on U.S. Census Bureau and ESRI data, interviews with North Fork Senior Connections, Paonia Senior Center, Creek Vista Senior Living, Paonia Care & Rehabilitation, and information gathered as part of broader public and stakeholder engagement.

- Seasonal Workers - information about seasonal workers will primarily come from key questions included in the employer questionnaire.

- Homeless - we will gather and report on the local homeless population to the extent we can. We propose to identify and interview key stakeholders, to include the Delta County Housing Authority, service providers, and those experiencing homelessness if possible. We will also interview the City of Delta Homeless Coordinator. Point-in-Time count data for the region will be reviewed and if possible discussed with one of the Western Slope regional coordinators.

Need and Gap Analysis

Need: We propose to provide you with the number of housing units needed by 2028 and will include the steps by which we arrive at the number. Our work will primarily focus on housing needed for the workforce, but will also consider housing for senior residents as well. Our need figures will be broken down into the catch up need (needed today) and the keep up need (demand forecast). The keep up

need will identify the number of new homes needed to accommodate new workers to fill new jobs and backfill current workers anticipated to retire in the next 5 years. Housing currently under construction or formally in the pipeline with a reasonable likelihood of being constructed by 2028, and targeted at prices that the local workforce can afford, will be accounted for. Homes being constructed and priced/marked for second homeownership would not be counted as reducing the number of housing units needed to house the local workforce.

Gap: We will provide the distribution of household income by tenure, Area Median Income (AMI), and maximum sale price and gross rent. This will then be compared to prices and availability of rental and for sale housing to identify where there are gaps in the market (by income/AMI). Given a desire to consider the Town's older population, including seniors, we intend to look at household income by tenure and AMI for two age cohorts, those age 15 to 54 and 55+, which will allow us to highlight any relevant information to better address the housing needs of those in or near the prime age workforce and those nearing retirement or already retired.

We will specify the recommended number of housing units needed by tenure and AMI/price. In addition, we will identify undersupplied housing types. Based on our knowledge of the current housing stock, a more diversified housing inventory is needed.

Barriers Analysis

We propose to assess and report on items 3 and 4 under "Barriers Analysis" in the RFP as part of the HNA. Items 1 and 2 will be addressed in the Action Plan. This will include identifying the current cost of construction (land, soft and hard costs, infrastructure and fees). This analysis will be used to identify the capital gap - the difference between the cost to construct and what local households can afford. Typically we show this for a single family home, but can look at other housing types too. We intend to estimate the total amount of funding needed to close the capital gap through 2028 based on the catch-up and keep-up need. We anticipate providing the dollar amount as an estimated range to account for the many variables involved. Paonia could then use this alongside a forthcoming report being prepared for Region 10 by a consultant team that includes Urban Rural Continuum to gain additional insights regarding the economic impacts of housing construction.

Other market forces impeding the housing supply will be discussed, which could include topics such as the supply of skilled labor in the North Fork Valley.

Primary data sources not already listed: Colorado Housing and Finance Authority (CHFA) Income Limits, Ribbon Demographics, LLC, Zillow or similar online platform, and interviews with one or more local builders.

PHASE 1 DELIVERABLES

1. Draft Housing Needs Assessment
2. Final Housing Needs Assessment, formatted as the Town desires, potentially in line with the Paonia in Motion Parks, Recreation and & Trails Master Plan

PHASE 2: HOUSING ACTION PLAN

Our team will work with the Town, stakeholders, and community to facilitate the co-creation of a Housing Action Plan that incorporates the voice of the community in prioritizing and pursuing the types of housing that are needed and desired. Due to the schedule outlined for this project in the RFP, the Housing Action Plan will be completed mostly in parallel with the HNA. With a small consultant team, we can ensure the two phases will be coordinated and inform each other. The Action Plan will identify and prioritize recommendations for the Town and partners to take toward creating and encouraging affordable and workforce housing.

Consultant Roles

Shay Coburn will lead the Action Plan with significant support from Andrew Coburn. Ayres will also support action planning through the development and detailing of strategies as well as assist in document and graphic creation, GIS mapping, and other specific needs as they arise.

1. DOCUMENT REVIEW AND BACKGROUND RESEARCH

Our team would dive right in to learn all about the Town through reviewing existing reports and resources including Town Board and Planning Commission meeting packets and minutes, Paonia In Motion, 1996 Comprehensive Plan, and others identified by Town staff. We will also review the Town's municipal code and other regulatory documents to uncover any barriers that may need to be addressed in the Action Plan like density allowances, housing sizes, parking regulations, processes, and much more.

2. HOUSING RESOURCES

Research all existing resources for housing applicable to the Town of Paonia, like any rehabilitation funds or vouchers through organizations like the Delta Housing Authority and/or the Area Agency on Aging through Region 10. Use this information to create a Housing Resources in Paonia brochure or flier that can be shared widely and is in a format that can be updated by the Town at any time. Some of the community engagement efforts may inform this step.

3. INITIAL LIST OF STRATEGIES

Compile a list of potential strategies to address housing in the Town of Paonia, including review of all DOLA Qualifying Strategies listed in HB21-1271. This list will likely be organized into the following categories: Incentives, Regulations, Partnerships, and Initiatives. This list will give us a place to start discussions with the community and will be refined throughout the project.

4. REFINE LIST OF STRATEGIES

The initial list of strategies will be refined through robust community engagement detailed elsewhere in this proposal. Strategies that are not applicable or unlikely to be effective at this time may be removed, new ideas may be added, and some of the strategies may be refined to fit the local context. We will also begin to identify priorities through a balanced approach that addresses the long term needs and desires of the community. For example, it is always good to identify some quick win projects that will keep the momentum going toward the larger goals.

5. DRAFT HOUSING ACTION PLAN

The Draft Action Plan will be developed based on all project research and community engagement combined with the specialized knowledge of our consulting team. It will be in a simple format so that changes can easily be made as needed. This draft plan will be reviewed by the Housing Committee and the Town Board. Based on feedback, the draft will be edited into the Final Action Plan.



6. FINAL HOUSING ACTION PLAN

The Final Action Plan will be detailed and thoughtful but also simple and clean. The Action Plan will be in an easy to read format that can be a living document used to track progress. The Action Plan will include detailed steps to specifically address the Town of Paonia's housing needs and desires. These actions will be prioritized with timeframes, strategies to implement or adopt suggested action steps, potential partners, and funding sources. As requested in the RFP, the following will be included in the Action Plan, along with additional strategies identified throughout the process:



- a. Recommendations on municipal code revisions to remove barriers and incentivize affordable housing. These recommendations will aim to include at least four of DOLA's Qualifying Strategies including addressing expedited review, ADUs, smaller residential units, and short-term rentals as prioritized by the Town Board at their regular September 22, 2022, meeting.



Optional Add On: First draft of proposed/revised code language for up to four of DOLA's qualifying strategies, assumed to be ADUs, Short Term Rentals, smaller unit size, and expedited review.

- b. A list of potential development sites, primarily public or institutional land, along with potential funding sources for acquisition and construction. Site identification was requested in the RFP to be included in the HNA, but we believe it is a better fit as part of the Action Plan.



Optional Add On: A detailed strategy for the development of an affordable housing project including site identification, potential partners, rough project design, range of units and programming mix, and potential financing.

- c. Steps to form a housing authority, if determined to be a priority strategy.
- d. GIS data and maps as appropriate to support the HNA and Action Plan.

PHASE 2 DELIVERABLES

1. Housing Resources in Paonia flier
2. Draft Housing Action Plan
3. Final Housing Action Plan, formatted as the Town desires, potentially in line with the Paonia in Motion Parks, Recreation and & Trails Master Plan

Town assistance desired to complete this project:

- Attend regular check in meetings with the consultants, perhaps every other week.
- Staff expertise to share local knowledge, known barriers, trends, opportunity sites, and other background information.
- Assistance forming the Housing Committee and contact information for key stakeholders.
- Scheduling, coordinating and all arrangements for Town Board meetings; assistance in setting dates and securing space for the Housing Committee meetings and Open House.
- Connection with local Realtor to assist obtaining MLS data.
- Provide historical data on number of building permits/Certificates of Occupancy per year, and residential development projects in the planning pipeline.
- Share existing GIS data relevant to this project.
- Provide data on known deed restricted properties or housing units in town.
- Add key information to the Town's website and post on the Town's Facebook using information provided by the consultant team.
- Review and consolidate feedback on draft documents.



COST PROPOSAL

HOURLY RATES

URBAN RURAL CONTINUUM

Andrew Coburn \$140

Shay Coburn \$140

AYRES ASSOCIATES

Josh Olhava \$155

Mike Scholl \$180

Additional staff \$120

BUDGET

The share of the project to be completed by URC is estimated to be 75%, with Ayres completing 25%.

Budget Table Notes

- Costs include all personnel time, equipment, data purchase, supplies, overhead expenses, and profit.
- URC travel to and from Paonia is free.

Community Engagement	\$22,230
Phase 1: Housing Needs Assessment	\$25,660
Phase 2: Housing Action Plan	\$22,260
PROJECT TOTAL	\$70,150
OPTIONAL Add-On: First draft of proposed code language	\$6,580
OPTIONAL Add-On: Detailed strategy for development of one affordable housing project	\$2,180
Project Total (with Optional Add-Ons)	\$78,910

Town of Paonia

113



Referendum Petition on Ordinance 2023-02
Clarifying the moratorium on the sale of
water taps by the Town



Town Board Staff Report Template

Subject: Referendum Petition on Ordinance 2023-02

Author: Samira Vetter

Representing: Town Clerk

Date: April 25th, 2023

Options for the Board to Consider:

1. Repeal Section 1 of Ordinance 2023-02: Clarifying the moratorium on the sale of water taps by the Town.
2. Send Section 1 of Ordinance 2023-02 to Special Election

Executive Summary:

- March 20, 2023- I approved the final form of the Referendum Petition and advised sponsors William Brunner and Shirin Patterson of the required amount of signatures and deadline for filing of March 31, 2023 and notified the Delta County Elections office.
- March 31, 2023- Referendum Petition filed with Town Clerk
- April 17, 2023- Delivered Statement of Sufficiency and notification of item being on the agenda to Sponsors of Referendum Petition by Email and USPS.

The Intent

The Referendum Petition seeks either the repeal of Section 1 of Ordinance 2023-02 Clarifying the moratorium on the sale of water taps by the Town or that it be sent to special election for the voters to decide.

Funding Source and Fiscal Impact

Special Election costs of \$2,000-2,500.00 (\$2.00/voter x 1052 active voters)

Attachments

- Ordinance 2023-02
- Approved form Letter from Town Clerk
- Referendum Petition Sections 1-7
- Statement of Sufficiency from Town Clerk

ORDINANCE NO. 2023-02

AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN

WHEREAS, the Town of Paonia (the "Town") is a municipal corporation duly organized and existing under the laws of the State of Colorado; and

WHEREAS, the passage of citizen-initiated Ordinance No. 2020-01 (the "Ordinance") resulted in the addition of a new Section 13-1-131 to the Chapter 13, Article 1 of the Paonia Municipal Code ("Town Code"), titled "Moratorium," which declared "A moratorium is hereby imposed on the sale of water taps by the Town of Paonia" (the "Moratorium"); and

WHEREAS, the Ordinance defined "tap" to mean "a physical service connection to the municipal domestic water supply distribution system or right to water supplied by the Town of Paonia. For the purposes of this Section, tap shall also include the extension of water delivery pipes"; and

WHEREAS, the phrase, "the extension of water delivery pipes," has been a source of great confusion for the Town staff in administering the Town Code and for those seeking to make improvements to real property within the Town; and

WHEREAS, also giving rise to confusion is the Moratorium definition of "tap" conflicts with the definition of "tap" contained in the general definitions of Chapter 13, Article 1 of the Town Code; and

WHEREAS, despite the inconsistencies in the language of the Moratorium, the Town Board of Trustees (the "Board") has consistently interpreted the Moratorium in accordance with the Board's understanding of the citizens' intent; and

WHEREAS, since the imposition of the Moratorium, the Town has undergone, and continues to undergo, efforts to ensure the Town has in operation sufficient infrastructure and associated water rights to serve all existing and potential obligations for water into the foreseeable future before lifting the Moratorium; and

WHEREAS, the Board desires by this ordinance to amend Section 13-1-131 of the Town Code to remedy inconsistencies in, and otherwise clarify, the language of the Moratorium, while preserving the Town's commitment to the fulfill the conditions imposed by the citizens required for the lifting of the Moratorium by its terms.

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

Section 1. Section 13-1-131 of the Paonia Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken-through~~):

Sec. 13-1-131. - Moratorium.

(a) **Definitions.** As used in this Section, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

Section 2. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 3. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. This Ordinance shall take effect thirty (30) days after adoption and publication.

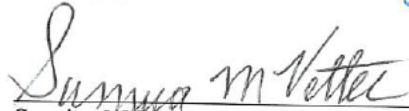
HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this 14th day of February, 2023.



TOWN OF PAONIA, COLORADO,
a Colorado municipal corporation

By: 
Mary Bachran, Mayor

ATTEST:


Samira M Vetter, Town Clerk

Town of Paonia



March 13, 2023

Dear Mr. Brunner and Ms. Patterson,

Thank you for the most recent copy (v.6) copy of Referendum Petition on Ordinance 2023-02: Clarifying the Moratorium on the Sale of Water Taps by the Town. I agree that the changes are grammatical in nature and do not change the meaning of anything in a significant way. I approve the latest petition form.

Ordinance 2023-02 is set to take effect March 31, 2023. Your petition needs a minimum of 57 signatures of registered Paonia voters. 57 is five percent of the 1,140 registered Paonia voters on March 1st, 2023, which was the first day of final publication of Ordinance 2023-02: Clarifying the Moratorium on the Sale of Water Taps by the Town.

As before, I encourage you to read all of Title 31, Article 11, which clearly details the requirements of circulation and collecting signatures as well as the verification and protest process. Please don't hesitate to reach out if any issues or questions come up.

Thank you,

Samira M Vetter
Paonia Town Clerk

Office: 970-527- 4101 / 214 Grand Avenue / P.O Box 460, Paonia, CO 81428-0460
townofpaonia.colorado.gov

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TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN thereby restoring the definitions and provisions of Section 13-1-131 MORATORIUM in the Town Code, and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

THE MEASURE AFFECTED BY THIS REFERENDUM AS PRESENTED TO THE BOARD OF TRUSTEES IS REPRODUCED HERE IN ITS ENTIRETY:

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN.

Section 1. Section 13-1-131 of the Paonia Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 13-1-131. - Moratorium. (a) Definitions. As used in this Section, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

Commercial unit has the meaning ascribed to it in Section 13-1-10 of this Code.

Household unit has the meaning ascribed to it in Section 13-1-10 of this Code.

Meter has the meaning ascribed to it in Section 13-1-10 of this Code.

Moratorium means suspension of the sale of domestic water taps that the Town of Paonia is not legally obligated to serve on the effective date of this ordinance.

Municipal water has the meaning ascribed to it in Section 13-1-10 of this Code.

Tap has the meaning ascribed to it in Section 13-1-10 of this Code. ~~means a physical-service connection to the municipal domestic water supply distribution system or right-to water supplied by the Town of Paonia. For the purposes of this Section, tap shall also include the extension of water delivery pipes.~~

~~(b) Moratorium. on the Sale of Water Taps. A moratorium is hereby imposed on the Town's sale of water taps, and upon the Town's furnishing of municipal water service to newly constructed household units, commercial units, or any other new construction requiring the installation of a water meter pursuant to this Article, by the Town of Paonia.~~

(c) Requirements for termination of the moratorium and limits on future sales.
(1) This moratorium shall be in effect until the following conditions are met: (i) A report, bearing the seal of a licensed engineer experienced in domestic water supply systems, finds that the Town of Paonia has in operation sufficient infrastructure and associated water rights to serve all existing obligations for water into the foreseeable future, and;

(ii) A report, bearing the seal of a licensed engineer experienced in domestic water supply systems, quantifies additional obligations, enumerated in the form of water taps, that the Town of Paonia can reasonably supply without the likelihood of adversely affecting the service to existing water tap holders.

(d) The Town of Paonia shall not incur obligations for more water taps than the number quantified in the report required by subsection (c)(1)(ii) above, unless another report meeting the conditions of subsection (c)(1)(ii) establishes a new limit.

(e) This moratorium shall not apply to water delivered at a stand pipe or public tap operated by the Town of Paonia.

(f) This moratorium does not prohibit the extension of water pipes or lines within properties lawfully connected to the Town's water distribution system prior to the effective date of Ordinance No. 2020-01, provided such extension does not (i) require a separate connection to the Town's water distribution system, or (ii) give rise to the requirement of a separate water meter or a larger service line pursuant this Article.

Section 2. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 3. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. This Ordinance shall take effect thirty (30) days after adoption and publication.

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this 14th day of February, 2023.

TOWN OF PAONIA, COLORADO,
a Colorado municipal corporation

By: _____ Mary Bachran, Mayor

ATTEST:

The two persons who represent the proponents of this referendum petition in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed are: Bill Brunner, P.O. Box 172, Paonia, CO 81428 and Shirin Patterson, 218 Rio Gande Ave., Paonia, CO 81428

Text Of Proposed Referendum

A Protest by the municipal electors of the Town of Paonia seeking the repeal of Section 1 of Ordinance 2023-02 An Ordinance Clarifying The Moratorium Of The Sale Of Water Taps By The Town.

1. The Board of Trustees and Mayor of the Town of Paonia are hereby asked to repeal Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM OF THE SALE OF WATER TAPS BY THE TOWN.
2. If Section 1 of Ordinance 2023-02 is not promptly repealed this referendum shall be submitted to the registered electors as set forth by Colorado Revised Statutes Title 31 Article 11 section 105, with the following question:

“Shall Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM OF THE SALE OF WATER TAPS BY THE TOWN which in part changes the definition of Tap and scope of the moratorium defined in Section 13-1-131 MORATORIUM of the Town Municipal Code and there by allowing the possibly of certain new units to be attached to the water system of the Town of Paonia become part of the Town Ordinances?”

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Summary of the Affected Measure

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
✓ 1	<i>William H Bruner</i>	William H Bruner	608 2nd		Paonia	81428	Delta	3/25/23
✓ 2	<i>Steve C Allyn</i>	Steve C Allyn	130 Orchard		Paonia	81428	Delta	3/25/23
✓ 3	<i>Connie R Allyn</i>	Connie R. Allyn	130 Orchard Ave		Paonia	81428	Delta	3/25/23
✓ 4	<i>Mary Pat Adams</i>	Mary Pat Adams	120 Or					
✓ 5	<i>Mary Pat Adams</i>	Mary Pat Adams	120 Orchard		Paonia	81428	Delta	3/25/23
✓ 6	<i>Arlene Kimbrough</i>	Arlene Kimbrough	112 North Fork		Paonia	81428	Delta	3/25/23
✓ 7	<i>Joan F Hunt</i>	Joan F. Hunt	220 North Fork		Paonia	81428	Delta	3/25/23
✓ 8	<i>Martha S. Kime</i>	Martha S. Kime	227 N. Fork		Paonia	81428	Delta	3/25/23

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	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
9	<i>JM Brunner</i>	Jeannette M. Brunner	608 2nd St.		Paonia	81428	DLT	3-25-23
10	<i>Steve Chartier</i>	STEVE CHARTIER	745	AMERICAN	PAONIA	81428	DLT	3-25-23
11	<i>Martha Chartier</i>	Martha Chartier	44	AMERICAN AVE	Paonia	81428	DLT	3/25/23
12	<i>Matthew Holmanson</i>	MATTHEW HOLMANSON	108 N Fork		PAONIA	81428	DLT	3/27/23
13	<i>Carl Johnson</i>	Carl Johnson	101 N Fork		Paonia	81428	DLT	3/27/23
14	<i>Kelly Johnson</i>	Kelly Johnson	101 N. Fork		Paonia	81428	DLT	3/27/23
15	<i>Sean Platten</i>	Sean Platten	114	ORCHARD	PAONIA	81428	DLT	3/27/23
16	<i>James Lawrence</i>	James Lawrence	331 N. Fork Ave		Paonia	81428	DLT	3/28/23

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A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
17	<i>[Signature]</i>	Charlotte Bahadur	318 N. Fork		Paonia	81428	Delta	3/28/23
18	<i>[Signature]</i>	Paul Rakertraw	502 3rd		Paonia	81428	Delta	3/28/23
19	<i>[Signature]</i>	Joseph J. Schetz	128	Delta Ave	Paonia	81428	Delta	3-31-23
20	<i>[Signature]</i>	Suzanne Watson	903 2nd St.		Paonia	81428	Delta	3/31/23
21	<i>[Signature]</i>	Melody Dagnan	128	Delta Ave	Paonia	81428	Delta	3/31/23
22	<i>[Signature]</i>	Chad Dagnan	128	Delta Ave	Paonia	81428	Delta	3-31-23
23								
24								

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Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
25								
26								
27								
28								
29								
30								
31								
32								

AFFIDAVIT OF CIRCULATOR

I, the undersigned, state and affirm:

- 1. That I have read and understand the laws governing the circulation of petitions;
- 2. That I was eighteen years of age or older at the time the section of the petition was circulated and signed by the listed electors;
- 3. That I circulated the foregoing petition section;
- 4. That each signature on the foregoing petition section was affixed in my presence;
- 5. That each signature affixed to the foregoing petition section is the signature of the person whose name it purports to be;
- 6. That, to the best of my knowledge and belief, each of the persons signing the foregoing petition section was, at the time of signing, a registered elector of the Town of Paonia; and
- 7. That I have not paid or will not in the future pay and that I believe no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition.

Date this 31 day of March, 2023.

Signature of Petition Circulator: W N Brunner

Printed Name: William N Brunner

Residence Address: 603 2nd St Paonia CO 81428

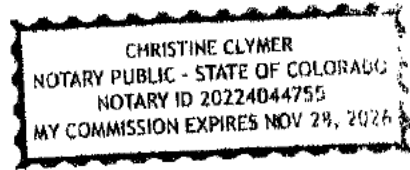
Municipality: Paonia

County: Delta

State: Colorado

Acknowledged before me this 31 day of March, 2023.

Witness my hand and official seal



Clymer
Notary Public

My commission expires Nov 28, 2026

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THE MEASURE AFFECTED BY THIS REFERENDUM AS PRESENTED TO THE BOARD OF TRUSTEES IS REPRODUCED HERE IN ITS ENTIRETY:

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN.

Section 1. Section 13-1-131 of the Paonia Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 13-1-131. - Moratorium. (a) Definitions. As used in this Section, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

Commercial unit has the meaning ascribed to it in Section 13-1-10 of this Code.

Household unit has the meaning ascribed to it in Section 13-1-10 of this Code.

Meter has the meaning ascribed to it in Section 13-1-10 of this Code.

Moratorium means suspension of the sale of domestic water taps that the Town of Paonia is not legally obligated to serve on the effective date of this ordinance.

Municipal water has the meaning ascribed to it in Section 13-1-10 of this Code.

Tap has the meaning ascribed to it in Section 13-1-10 of this Code. ~~means a physical-service connection to the municipal domestic water supply distribution system or right to water supplied by the Town of Paonia. For the purposes of this Section, tap shall also include the extension of water delivery pipes.~~

Smv

~~(b) Moratorium. on the Sale of Water Taps. A moratorium is hereby imposed on the Town's sale of water taps, and upon the Town's furnishing of municipal water service to newly constructed household units, commercial units, or any other new construction requiring the installation of a water meter pursuant to this Article. by the Town of Paonia.~~

(c) Requirements for termination of the moratorium and limits on future sales.
(1) This moratorium shall be in effect until the following conditions are met: (i) A report, bearing the seal of a licensed engineer experienced in domestic water supply systems, finds that the Town of Paonia has in operation sufficient infrastructure and associated water rights to serve all existing obligations for water into the foreseeable future, and;

(ii) A report, bearing the seal of a licensed engineer experienced in domestic water supply systems, quantifies additional obligations, enumerated in the form of water taps, that the Town of Paonia can reasonably supply without the likelihood of adversely affecting the service to existing water tap holders.

(d) The Town of Paonia shall not incur obligations for more water taps than the number quantified in the report required by subsection (c)(1)(ii) above, unless another report meeting the conditions of subsection (c)(1)(ii) establishes a new limit.

(e) This moratorium shall not apply to water delivered at a stand pipe or public tap operated by the Town of Paonia.

(f) This moratorium does not prohibit the extension of water pipes or lines within properties lawfully connected to the Town's water distribution system prior to the effective date of Ordinance No. 2020-01, provided such extension does not (i) require a separate connection to the Town's water distribution system, or (ii) give rise to the requirement of a separate water meter or a larger service line pursuant this Article.

Section 2. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 3. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. This Ordinance shall take effect thirty (30) days after adoption and publication.

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this 14th day of February, 2023.

TOWN OF PAONIA, COLORADO,
a Colorado municipal corporation

By: _____ Mary Bachran, Mayor

ATTEST:

The two persons who represent the proponents of this referendum petition in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed are: Bill Brunner, P.O. Box 172, Paonia, CO 81428 and Shirin Patterson, 218 Rio Gande Ave., Paonia, CO 81428

Text Of Proposed Referendum

A Protest by the municipal electors of the Town of Paonia seeking the repeal of Section 1 of Ordinance 2023-02 An Ordinance Clarifying The Moratorium Of The Sale Of Water Taps By The Town.

1. The Board of Trustees and Mayor of the Town of Paonia are hereby asked to repeal Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM OF THE SALE OF WATER TAPS BY THE TOWN.
2. If Section 1 of Ordinance 2023-02 is not promptly repealed this referendum shall be submitted to the registered electors as set forth by Colorado Revised Statutes Title 31 Article 11 section 105, with the following question:

“Shall Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM OF THE SALE OF WATER TAPS BY THE TOWN which in part changes the definition of Tap and scope of the moratorium defined in Section 13-1-131 MORATORIUM of the Town Municipal Code and there by allowing the possibly of certain new units to be attached to the water system of the Town of Paonia become part of the Town Ordinances?”

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Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
33	<i>David M. Bradford</i>	David M. Bradford	221 Poplar Ave.		Paonia	81428	Delta	3/24/2023
34	<i>Brandon Mason</i>	Brandon Mason	40 Main Apt 5		Paonia	81428	Delta	3/24/2023
35	<i>By: Margaret Hollander</i>	Margaret Hollander	1018 Thrive		Paonia	81428	Delta	3/25/2023
36	<i>DKRGA E. MILLS</i>	DKRGA E. MILLS	1018 Thrive St		PAONIA	81428	DELTA	3/25/23
37	<i>Rick Beers</i>	Rick Beers	418 Box Elder Dr		Paonia	81428	Delta	3/25/23
38	<i>Carol Beers</i>	Carol Beers	418 Box Elder Dr		Paonia	81428	Delta	3/25/23
39	<i>Katherine Meader</i>	Katherine Meader	313 Delta Ave.		PAONIA	81428	Delta	3/25/23
40	<i>George Meader</i>	GEORGE MEADER	313 Delta Ave		Paonia	81428	Delta	3/25/23

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Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
41	<i>Sacqualine Jeffreys</i>	Sacqualine Jeffreys	1200 3rd St Unit 11		Paonia	81428	Delta	3-27-2023
42	<i>Tobias B. Williams</i>	Tobias B. Williams	255 Orchard Ave		Paonia	81428	Delta	3-27-23
43	<i>Mary M Bradford</i>	Mary M Bradford	231 Poplar Ave		Paonia	81428	Delta	3/27/23
44	<i>KAY M. FINDLAY</i>	KAY M. FINDLAY	329 Box Elder	Ave	Paonia	81428	Delta	3/27/23
45	<i>Shari A. Pangrenont</i>	Shari A. Pangrenont	215 Poplar Ave		Paonia	81428	Delta	3/27/23
46	<i>Maridell J. Rose</i>	Maridell J. Rose	222 North Fork	Ave	Paonia	81428	Delta	3/27/23
47	<i>Dave Stewart</i>	Dave Stewart	221 Rio Grande		Paonia	81428	Delta	3/29/23
48	<i>Tennille Van Wert</i>	Tennille Van Wert	215 Colorado Ave. Paonia Co		Paonia	81428	Delta	3/29/23

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Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter; allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
49	<i>Dan Miller</i>	DAN MILLER	230 Rio Grande		Paonia	81428	Delta	3-28-2023
50	<i>Emelyn J. Roberts</i>	Emelyn J. Roberts	1015 2 nd St		PAONIA	81428	Delta	3-28-2023
51	<i>John A. Owen</i>	JOHN A. OWEN	1111 3 rd St.		PAONIA	81428	DELTA	3/28/23
52	<i>Cynthia L. Owen</i>	Cynthia L. Owen	1111 3rd St		Paonia	81428	Delta	3/28/23
53	<i>Susan Pagano</i>	Susan Pagano	1525 1 st St		Paonia	81428	Delta	3/28/23
54	<i>Shane Smith</i>	Shane Smith	215 Delta Ave		Paonia	81428	Delta	3/28/23
55	<i>Angie Lopez</i>	Angie Lopez	519 Box Elder		Paonia	81428	DELTA	3/28/23
56	<i>Louis Lopez</i>	Louis Lopez	519 Box Elder Ave		Paonia Co	81428	Delta	3/28/23

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Summary of the Affected Measure

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
57	<i>[Signature]</i>	Nicholas Lopez	519 Box Elder Ave		Paonia	81428	Delta	3-28-23
58	<i>[Signature]</i>	Galina Miller	121 Dorris Ave		Paonia	81428	Delta	3-28-23
59	<i>[Signature]</i>	Mary Audin	109 Box Elder		Paonia	81428	Delta	3-29-23
60	<i>[Signature]</i>	Mike Burman	1520 1/2 St		Paonia	81428	Delta	3-29-23
61	<i>[Signature]</i>	DAVE E. BARTLET	509 CO. AV		Paonia	81428	Delta	3-29-23
62	<i>[Signature]</i>	Joanna Tucker	128 Poplar Ave	#1	Paonia	81428	Delta	3-29-23
63	<i>[Signature]</i>	Frankie Reschke	109 Box Elder		Paonia	81428	Delta	3-29-23
64	<i>[Signature]</i>	Luke Reschke	109 Box Elder Ave		Paonia	81428	Delta	3-29-23

AFFIDAVIT OF CIRCULATOR

I, the undersigned, state and affirm:

1. That I have read and understand the laws governing the circulation of petitions;
2. That I was eighteen years of age or older at the time the section of the petition was circulated and signed by the listed electors;
3. That I circulated the foregoing petition section;
4. That each signature on the foregoing petition section was affixed in my presence;
5. That each signature affixed to the foregoing petition section is the signature of the person whose name it purports to be;
6. That, to the best of my knowledge and belief, each of the persons signing the foregoing petition section was, at the time of signing, a registered elector of the Town of Paonia; and
7. That I have not paid or will not in the future pay and that I believe no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition.

Date this 30 day of March, 2023.

Signature of Petition Circulator: [Handwritten Signature]

Printed Name: Sherene Patterson

Residence Address: 218 Rio Grande Ave

Municipality: Paonia

County: Delta

State: CO

Acknowledged before me this 30 day of March, 2023.

Witness my hand and official seal

[Handwritten Signature]

Notary Public
My commission expires 6/25/23

PAUL LUKE FINLEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20034042199
MY COMMISSION EXPIRES JUNE 25, 2025

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Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

THE MEASURE AFFECTED BY THIS REFERENDUM AS PRESENTED TO THE BOARD OF TRUSTEES IS REPRODUCED HERE IN ITS ENTIRETY:

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN.

Section 1. Section 13-1-131 of the Paonia Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 13-1-131. - Moratorium. (a) Definitions. As used in this Section, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

Commercial unit has the meaning ascribed to it in Section 13-1-10 of this Code.

Household unit has the meaning ascribed to it in Section 13-1-10 of this Code.

Meter has the meaning ascribed to it in Section 13-1-10 of this Code.

Moratorium means suspension of the sale of domestic water taps that the Town of Paonia is not legally obligated to serve on the effective date of this ordinance.

Municipal water has the meaning ascribed to it in Section 13-1-10 of this Code.

~~Tap has the meaning ascribed to it in Section 13-1-10 of this Code. means a physical service connection to the municipal domestic water supply distribution system or right to water supplied by the Town of Paonia. For the purposes of this Section, tap shall also include the extension of water delivery pipes.~~

5/11/23

~~(b) Moratorium. on the Sale of Water Taps. A moratorium is hereby imposed on the Town's sale of water taps, and upon the Town's furnishing of municipal water service to newly constructed household units, commercial units, or any other new construction requiring the installation of a water meter pursuant to this Article. by the Town of Paonia.~~

(c) Requirements for termination of the moratorium and limits on future sales.
(1) This moratorium shall be in effect until the following conditions are met: (i) A report, bearing the seal of a licensed engineer experienced in domestic water supply systems, finds that the Town of Paonia has in operation sufficient infrastructure and associated water rights to serve all existing obligations for water into the foreseeable future, and;

(ii) A report, bearing the seal of a licensed engineer experienced in domestic water supply systems, quantifies additional obligations, enumerated in the form of water taps, that the Town of Paonia can reasonably supply without the likelihood of adversely affecting the service to existing water tap holders.

(d) The Town of Paonia shall not incur obligations for more water taps than the number quantified in the report required by subsection (c)(1)(ii) above, unless another report meeting the conditions of subsection (c)(1)(ii) establishes a new limit.

(e) This moratorium shall not apply to water delivered at a stand pipe or public tap operated by the Town of Paonia.

(f) This moratorium does not prohibit the extension of water pipes or lines within properties lawfully connected to the Town's water distribution system prior to the effective date of Ordinance No. 2020-01, provided such extension does not (i) require a separate connection to the Town's water distribution system, or (ii) give rise to the requirement of a separate water meter or a larger service line pursuant this Article.

Section 2. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 3. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. This Ordinance shall take effect thirty (30) days after adoption and publication.

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this 14th day of February, 2023.

TOWN OF PAONIA, COLORADO,
a Colorado municipal corporation

By: _____ Mary Bachran, Mayor

ATTEST:

The two persons who represent the proponents of this referendum petition in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed are: Bill Brunner, P.O. Box 172, Paonia, CO 81428 and Shirin Patterson, 218 Rio Gande Ave., Paonia, CO 81428

Text Of Proposed Referendum

A Protest by the municipal electors of the Town of Paonia seeking the repeal of Section 1 of Ordinance 2023-02 An Ordinance Clarifying The Moratorium Of The Sale Of Water Taps By The Town.

1. The Board of Trustees and Mayor of the Town of Paonia are hereby asked to repeal Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM OF THE SALE OF WATER TAPS BY THE TOWN.
2. If Section 1 of Ordinance 2023-02 is not promptly repealed this referendum shall be submitted to the registered electors as set forth by Colorado Revised Statutes Title 31 Article 11 section 105, with the following question:

“Shall Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM OF THE SALE OF WATER TAPS BY THE TOWN which in part changes the definition of Tap and scope of the moratorium defined in Section 13-1-131 MORATORIUM of the Town Municipal Code and there by allowing the possibly of certain new units to be attached to the water system of the Town of Paonia become part of the Town Ordinances?”

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Summary of the Affected Measure

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
193		Michael McLary	35 box	Elder Dr.	Paonia	81428	Delta	3-26-23
✓ 194		Susan Friar	718	1st St.	Paonia	81428	Delta	3-27-23
✓ 195		SYLVIA STEVENS	370	Price Rd.	PAONIA	81428	Delta	3-27-23
✓ 16		Carolyn Ringo	338	Main St	Paonia	81428	Delta	3/27/23
✓ 197		Patrick McCarney	43	Pan American	Paonia	81428	Delta	3/27/23
✓ 198		Guisca Pelland	43	Pan American	Paonia	81428	Delta	3/27/23
✓ 199		John L. Friar	718	7 th St	Paonia	81428	Delta	3/27/23
✓ 200		Sid Lewis	510	3 rd	Paonia	81428	Delta	3/28/23

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Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
✓ 201	<i>Sherrion Taylor</i>	Sherrion Taylor	570 3rd ST		Paonia	81428	Delta	3-28-23
✓ 102	<i>Richard Schmidt</i>	Richard Schmidt	323 OWAGA AVE		PAONIA	81428	Delta	3-28-23
✓ 203	<i>Greg Caufield</i>	Greg Caufield	211 1/2 Niagara Ave		Paonia	81428	Delta	3-28-23
✓ 204	<i>Robert Trent</i>	Robert Trent	671 27th St		Paonia	81428	Delta	3/28/23
✓ 205	<i>Norax Sabira</i>	Norax Sabira	dd 5 Colorado		Paonia	81428	Delta	3-28-23
✓ 206	<i>Ann Marie Burgeois</i>	Ann Marie Burgeois	221 Minnesota Ave		Paonia	81428	Delta	3-29-23
207	<i>Kate Kidd</i>	Kate Kidd	218 main st		Paonia	81428	Delta	3-29-23
✓ 208	<i>Steven Emmerman</i>	STEVEN EMMERMAN	429 AMERICAN		PAONIA	81428	Delta	3-29-23

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Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
✓ 209		Tabeya Ring	42 Pan American		Paonia	81428	Delta	3/29/23
✓ 210		Michael Jensen	34 Box Elder Dr		Paonia	81428	Delta	3/29/23
✓ 211		Christopher D. Brown	221 Minnesota Ave Apt A		Paonia	81428	Delta	3/29/23
✓ 212		Davey Fox-Plodt	695 7th St		Paonia	81428	Delta	3/29/23
✓ 213		Barbara R. Balock	440 North Fork		Paonia	81428	Delta	3/29/23
✓ 214		Arnold Ostrander	440 North Fork		Paonia	81428	Delta	3/29/23
215								
216								

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Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
217								
218								
219								
220								
221								
222								
223								
224								

AFFIDAVIT OF CIRCULATOR

I, the undersigned, state and affirm:

1. That I have read and understand the laws governing the circulation of petitions;
2. That I was eighteen years of age or older at the time the section of the petition was circulated and signed by the listed electors;
3. That I circulated the foregoing petition section;
4. That each signature on the foregoing petition section was affixed in my presence;
5. That each signature affixed to the foregoing petition section is the signature of the person whose name it purports to be;
6. That, to the best of my knowledge and belief, each of the persons signing the foregoing petition section was, at the time of signing, a registered elector of the Town of Paonia; and
7. That I have not paid or will not in the future pay and that I believe no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition.

Date this 30th day of March, 2023.

Signature of Petition Circulator: Mary DiFranco

Printed Name: MARY DIFRANCO

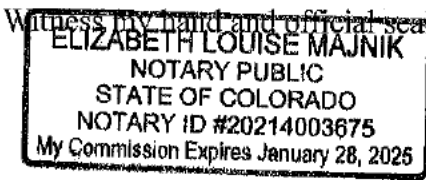
Residence Address: 624 7th Street; Paonia, CO

Municipality: Paonia

County: Delta

State: Colorado

Acknowledged before me this 30th day of March, 2023.



Elizabeth Louise Majnik
Notary Public

My commission expires Jan. 28, 2025.

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Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN thereby restoring the definitions and provisions of Section 13-1-131 MORATORIUM in the Town Code, and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

THE MEASURE AFFECTED BY THIS REFERENDUM AS PRESENTED TO THE BOARD OF TRUSTEES IS REPRODUCED HERE IN ITS ENTIRETY:

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN.

Section 1. Section 13-1-131 of the Paonia Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 13-1-131. - Moratorium. (a) Definitions. As used in this Section, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

Commercial unit has the meaning ascribed to it in Section 13-1-10 of this Code.

Household unit has the meaning ascribed to it in Section 13-1-10 of this Code.

Meter has the meaning ascribed to it in Section 13-1-10 of this Code.

Moratorium means suspension of the sale of domestic water taps that the Town of Paonia is not legally obligated to serve on the effective date of this ordinance.

Municipal water has the meaning ascribed to it in Section 13-1-10 of this Code.

Tap has the meaning ascribed to it in Section 13-1-10 of this Code. ~~means a physical service connection to the municipal domestic water supply distribution system or right to water supplied by the Town of Paonia. For the purposes of this Section, tap shall also include the extension of water delivery pipes.~~

~~(b) Moratorium. on the Sale of Water Taps. A moratorium is hereby imposed on the Town's sale of water taps, and upon the Town's furnishing of municipal water service to newly constructed household units, commercial units, or any other new construction requiring the installation of a water meter pursuant to this Article. by the Town of Paonia.~~

(c) Requirements for termination of the moratorium and limits on future sales.
(1) This moratorium shall be in effect until the following conditions are met: (i) A report, bearing the seal of a licensed engineer experienced in domestic water supply systems, finds that the Town of Paonia has in operation sufficient infrastructure and associated water rights to serve all existing obligations for water into the foreseeable future, and;

(ii) A report, bearing the seal of a licensed engineer experienced in domestic water supply systems, quantifies additional obligations, enumerated in the form of water taps, that the Town of Paonia can reasonably supply without the likelihood of adversely affecting the service to existing water tap holders.

(d) The Town of Paonia shall not incur obligations for more water taps than the number quantified in the report required by subsection (c)(1)(ii) above, unless another report meeting the conditions of subsection (c)(1)(ii) establishes a new limit.

(e) This moratorium shall not apply to water delivered at a stand pipe or public tap operated by the Town of Paonia.

(f) This moratorium does not prohibit the extension of water pipes or lines within properties lawfully connected to the Town's water distribution system prior to the effective date of Ordinance No. 2020-01, provided such extension does not (i) require a separate connection to the Town's water distribution system, or (ii) give rise to the requirement of a separate water meter or a larger service line pursuant this Article.

Section 2. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 3. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. This Ordinance shall take effect thirty (30) days after adoption and publication.

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this 14th day of February, 2023.

TOWN OF PAONIA, COLORADO,
a Colorado municipal corporation

By: _____ Mary Bachran, Mayor

ATTEST:

The two persons who represent the proponents of this referendum petition in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed are: Bill Brunner, P.O. Box 172, Paonia, CO 81428 and Shirin Patterson, 218 Rio Gande Ave., Paonia, CO 81428

Text Of Proposed Referendum

A Protest by the municipal electors of the Town of Paonia seeking the repeal of Section 1 of Ordinance 2023-02 An Ordinance Clarifying The Moratorium Of The Sale Of Water Taps By The Town.

1. The Board of Trustees and Mayor of the Town of Paonia are hereby asked to repeal Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM OF THE SALE OF WATER TAPS BY THE TOWN.
2. If Section 1 of Ordinance 2023-02 is not promptly repealed this referendum shall be submitted to the registered electors as set forth by Colorado Revised Statutes Title 31 Article 11 section 105, with the following question:

“Shall Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM OF THE SALE OF WATER TAPS BY THE TOWN which in part changes the definition of Tap and scope of the moratorium defined in Section 13-1-131 MORATORIUM of the Town Municipal Code and there by allowing the possibly of certain new units to be attached to the water system of the Town of Paonia become part of the Town Ordinances?”

WARNING:

IT IS AGAINST THE LAW:

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE.

TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary of the Affected Measure

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
129	<i>Virginia Sue Strong</i>	Virginia Sue Strong	352 4th St.		Paonia	81428	Delta	3/29/23
130	<i>Robert L. Rasmussen</i>	Robert L. Rasmussen	310 Poplar		Paonia	81428	Delta	3/29/23
131	<i>Rodney W. Loose</i>	Rodney W. Loose	123 Dorris		Paonia	81428	Delta	3/29/23
132	<i>Vera Loose</i>	Vera Loose	123 Dorris Ave		Paonia	81428	Delta	3/29/23
133	<i>Meg O'Shaughnessy</i>	Meg O'Shaughnessy	208 Clark Ave		Paonia	81428	Paonia	3/29/23
134								
135								
136								

WARNING:

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DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE.

TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary of the Affected Measure

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
137								
138								
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WARNING:

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Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary of the Affected Measure

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
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WARNING:

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TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary of the Affected Measure

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
153								
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AFFIDAVIT OF CIRCULATOR

I, the undersigned, state and affirm:

- 1. That I have read and understand the laws governing the circulation of petitions;
- 2. That I was eighteen years of age or older at the time the section of the petition was circulated and signed by the listed electors;
- 3. That I circulated the foregoing petition section;
- 4. That each signature on the foregoing petition section was affixed in my presence;
- 5. That each signature affixed to the foregoing petition section is the signature of the person whose name it purports to be;
- 6. That, to the best of my knowledge and belief, each of the persons signing the foregoing petition section was, at the time of signing, a registered elector of the Town of Paonia; and
- 7. That I have not paid or will not in the future pay and that I believe no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition.

Date this 31 day of Mar., 2023.

Signature of Petition Circulator: JMBrunner

Printed Name: Jeannette M Brunner

Residence Address: 608 2nd St Paonia CO 81428

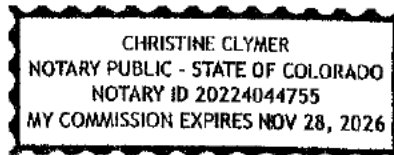
Municipality: Paonia

County: Delta

State: CO

Acknowledged before me this 31 day of March, 2023.

Witness my hand and official seal



Clymer
Notary Public

My commission expires NOV 28, 2026

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TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN thereby restoring the definitions and provisions of Section 13-1-131 MORATORIUM in the Town Code, and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

THE MEASURE AFFECTED BY THIS REFERENDUM AS PRESENTED TO THE BOARD OF TRUSTEES IS REPRODUCED HERE IN ITS ENTIRETY:

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN.

Section 1. Section 13-1-131 of the Paonia Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 13-1-131. - Moratorium. (a) Definitions. As used in this Section, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

Commercial unit has the meaning ascribed to it in Section 13-1-10 of this Code.

Household unit has the meaning ascribed to it in Section 13-1-10 of this Code.

Meter has the meaning ascribed to it in Section 13-1-10 of this Code.

Moratorium means suspension of the sale of domestic water taps that the Town of Paonia is not legally obligated to serve on the effective date of this ordinance.

Municipal water has the meaning ascribed to it in Section 13-1-10 of this Code.

Tap has the meaning ascribed to it in Section 13-1-10 of this Code. ~~means a physical-service connection to the municipal domestic water supply distribution system or right to water supplied by the Town of Paonia. For the purposes of this Section, tap shall also include the extension of water delivery pipes.~~

smv

~~(b) Moratorium, on the Sale of Water Taps. A moratorium is hereby imposed on the Town's sale of water taps, and upon the Town's furnishing of municipal water service to newly constructed household units, commercial units, or any other new construction requiring the installation of a water meter pursuant to this Article, by the Town of Paonia.~~

(c) Requirements for termination of the moratorium and limits on future sales.
(1) This moratorium shall be in effect until the following conditions are met: (i) A report, bearing the seal of a licensed engineer experienced in domestic water supply systems, finds that the Town of Paonia has in operation sufficient infrastructure and associated water rights to serve all existing obligations for water into the foreseeable future, and;

(ii) A report, bearing the seal of a licensed engineer experienced in domestic water supply systems, quantifies additional obligations, enumerated in the form of water taps, that the Town of Paonia can reasonably supply without the likelihood of adversely affecting the service to existing water tap holders.

(d) The Town of Paonia shall not incur obligations for more water taps than the number quantified in the report required by subsection (c)(1)(ii) above, unless another report meeting the conditions of subsection (c)(1)(ii) establishes a new limit.

(e) This moratorium shall not apply to water delivered at a stand pipe or public tap operated by the Town of Paonia.

(f) This moratorium does not prohibit the extension of water pipes or lines within properties lawfully connected to the Town's water distribution system prior to the effective date of Ordinance No. 2020-01, provided such extension does not (i) require a separate connection to the Town's water distribution system, or (ii) give rise to the requirement of a separate water meter or a larger service line pursuant this Article.

Section 2. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 3. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. This Ordinance shall take effect thirty (30) days after adoption and publication.

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this 14th day of February, 2023.

TOWN OF PAONIA, COLORADO,
a Colorado municipal corporation

By: _____ Mary Bachran, Mayor

ATTEST:

The two persons who represent the proponents of this referendum petition in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed are: Bill Brunner, P.O. Box 172, Paonia, CO 81428 and Shirin Patterson, 218 Rio Gande Ave., Paonia, CO 81428

Text Of Proposed Referendum

A Protest by the municipal electors of the Town of Paonia seeking the repeal of Section 1 of Ordinance 2023-02 An Ordinance Clarifying The Moratorium Of The Sale Of Water Taps By The Town.

1. The Board of Trustees and Mayor of the Town of Paonia are hereby asked to repeal Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM OF THE SALE OF WATER TAPS BY THE TOWN.
2. If Section 1 of Ordinance 2023-02 is not promptly repealed this referendum shall be submitted to the registered electors as set forth by Colorado Revised Statutes Title 31 Article 11 section 105, with the following question:

“Shall Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM OF THE SALE OF WATER TAPS BY THE TOWN which in part changes the definition of Tap and scope of the moratorium defined in Section 13-1-131 MORATORIUM of the Town Municipal Code and there by allowing the possibly of certain new units to be attached to the water system of the Town of Paonia become part of the Town Ordinances?”

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Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary of the Affected Measure

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
65	<i>Deborah Spiegel</i>	Deborah Spiegel	255 Orchard		Paonia	81428	USA Delta	3-26-23
66	<i>Carl Russell</i>	Carl Russell	28 main Ave		Paonia	81428	Delta	3-26-23
67	<i>Lana Sutton</i>	LANA SUTTON	520 5th St		PAONIA	81428	DELTA	3-29-23
68	<i>Constantine Hirschfeld</i>	CONSTANTINE HIRSCHFELD	366 Rio Grande		PAONIA	81428	DELTA	3/29/23
69	<i>Jamie Meek</i>	Tamie Meek	319 Orchard		Paonia	81428	Delta	3-30-23
70	<i>Jamie Mullikin</i>	Jamie Mullikin	319 Orchard		Paonia	81428	Delta	3-30-23
71	<i>Terrea Bear</i>	Terrea Bear	40 Cedar Dr		Paonia	81428	Delta	3/30/23
72	<i>Wm A Beard</i>	William Bear Jr	40 Cedar Dr		Paonia	81428	Delta	3/30/23

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Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary of the Affected Measure

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
73	<i>[Signature]</i>	R+G MOORE	20 ALDER COURT		PAONIA	81428	Delta	3/30/23
74	<i>[Signature]</i>	BARBARA MOORE	20 ALDER COURT		PAONIA	81428	Delta	3/30/23
75	<i>[Signature]</i>	Clay Henrie	431 Box Elder		Paonia	81428	Delta	3/30/23
76	<i>[Signature]</i>	Litsa Henrie	431 Box Elder		Paonia	81428	Delta	3/30/23
77	<i>[Signature]</i>	Benni Hebrew-Weston	303 Poplar Ave		Paonia	81428	Delta	3-30-23
78	<i>[Signature]</i>	Eileen Shideler	1525 1 st St		Paonia	81428	Delta	3-30-23
79	<i>[Signature]</i>	KATHRYN LINNELL	219 LAMBORN AVE		PAONIA	81428	Delta	3-30-23
80								

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Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary of the Affected Measure

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
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Summary of the Affected Measure

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
89								
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AFFIDAVIT OF CIRCULATOR

I, the undersigned, state and affirm:

- 1. That I have read and understand the laws governing the circulation of petitions;
- 2. That I was eighteen years of age or older at the time the section of the petition was circulated and signed by the listed electors;
- 3. That I circulated the foregoing petition section;
- 4. That each signature on the foregoing petition section was affixed in my presence;
- 5. That each signature affixed to the foregoing petition section is the signature of the person whose name it purports to be;
- 6. That, to the best of my knowledge and belief, each of the persons signing the foregoing petition section was, at the time of signing, a registered elector of the Town of Paonia; and
- 7. That I have not paid or will not in the future pay and that I believe no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition.

Date this 31 day of March, 2023.

Signature of Petition Circulator: Christina Patterson

Printed Name: CHRISTINA PATTERSON

Residence Address: 381 Price Road

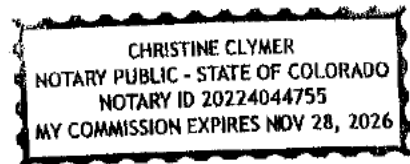
Municipality: PAONIA

County: DELTA

State: CO

Acknowledged before me this 31 day of March, 2023.

Witness my hand and official seal



Clymer
Notary Public

My commission expires NOV 28, 2026

WARNING:

IT IS AGAINST THE LAW:

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE.

TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN thereby restoring the definitions and provisions of Section 13-1-131 MORATORIUM in the Town Code, and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

THE MEASURE AFFECTED BY THIS REFERENDUM AS PRESENTED TO THE BOARD OF TRUSTEES IS REPRODUCED HERE IN ITS ENTIRETY:

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN.

Section 1. Section 13-1-131 of the Paonia Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 13-1-131. - Moratorium. (a) Definitions. As used in this Section, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

Commercial unit has the meaning ascribed to it in Section 13-1-10 of this Code.

Household unit has the meaning ascribed to it in Section 13-1-10 of this Code.

Meter has the meaning ascribed to it in Section 13-1-10 of this Code.

Moratorium means suspension of the sale of domestic water taps that the Town of Paonia is not legally obligated to serve on the effective date of this ordinance.

Municipal water has the meaning ascribed to it in Section 13-1-10 of this Code.

Tap has the meaning ascribed to it in Section 13-1-10 of this Code. ~~means a physical-service connection to the municipal domestic water supply distribution system or right-to water supplied by the Town of Paonia. For the purposes of this Section, tap shall also include the extension of water delivery pipes.~~

SMV

(b) Moratorium. on the Sale of Water Taps. A moratorium is hereby imposed on the Town's sale of water taps, and upon the Town's furnishing of municipal water service to newly constructed household units, commercial units, or any other new construction requiring the installation of a water meter pursuant to this Article. by the Town of Paonia.

(c) Requirements for termination of the moratorium and limits on future sales.
(1) This moratorium shall be in effect until the following conditions are met: (i) A report, bearing the seal of a licensed engineer experienced in domestic water supply systems, finds that the Town of Paonia has in operation sufficient infrastructure and associated water rights to serve all existing obligations for water into the foreseeable future, and;

(ii) A report, bearing the seal of a licensed engineer experienced in domestic water supply systems, quantifies additional obligations, enumerated in the form of water taps, that the Town of Paonia can reasonably supply without the likelihood of adversely affecting the service to existing water tap holders.

(d) The Town of Paonia shall not incur obligations for more water taps than the number quantified in the report required by subsection (c)(1)(ii) above, unless another report meeting the conditions of subsection (c)(1)(ii) establishes a new limit.

(e) This moratorium shall not apply to water delivered at a stand pipe or public tap operated by the Town of Paonia.

(f) This moratorium does not prohibit the extension of water pipes or lines within properties lawfully connected to the Town's water distribution system prior to the effective date of Ordinance No. 2020-01, provided such extension does not (i) require a separate connection to the Town's water distribution system, or (ii) give rise to the requirement of a separate water meter or a larger service line pursuant this Article.

Section 2. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 3. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. This Ordinance shall take effect thirty (30) days after adoption and publication.

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this 14th day of February, 2023.

TOWN OF PAONIA, COLORADO,
a Colorado municipal corporation

By: _____ Mary Bachran, Mayor

ATTEST:

The two persons who represent the proponents of this referendum petition in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed are: Bill Brunner, P.O. Box 172, Paonia, CO 81428 and Shirin Patterson, 218 Rio Gande Ave., Paonia, CO 81428

Text Of Proposed Referendum

A Protest by the municipal electors of the Town of Paonia seeking the repeal of Section 1 of Ordinance 2023-02 An Ordinance Clarifying The Moratorium Of The Sale Of Water Taps By The Town.

1. The Board of Trustees and Mayor of the Town of Paonia are hereby asked to repeal Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM OF THE SALE OF WATER TAPS BY THE TOWN.
2. If Section 1 of Ordinance 2023-02 is not promptly repealed this referendum shall be submitted to the registered electors as set forth by Colorado Revised Statutes Title 31 Article 11 section 105, with the following question:

“Shall Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM OF THE SALE OF WATER TAPS BY THE TOWN which in part changes the definition of Tap and scope of the moratorium defined in Section 13-1-131 MORATORIUM of the Town Municipal Code and there by allowing the possibly of certain new units to be attached to the water system of the Town of Paonia become part of the Town Ordinances?”

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Summary of the Affected Measure

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
97	<i>Nolan Lightfoot</i>	Nolan Lightfoot	116 Clark Ave.		paonia	81428	Delta	3/25
98	<i>Rick Carroll</i>	RECK CARROLL	209 MAIN AVE		PAONIA	81428	Delta	3/25
99	<i>Joe Mendoza</i>	Joe Mendoza	710	2 nd ST	PAONIA	81428	Delta	3/25
100	<i>Jake Viera</i>	Jake Viera	301	MINNESOTA AVE	PAONIA		Delta	
101	<i>Matthew Van Uket</i>	Matthew Van Uket	215	Colorado	Paonia	81428	Delta	3/23/23
102	<i>Blake Kinsed</i>	Blake Kinsed	12 Alder Drive		Paonia	81428	Delta	3/25/23
103	<i>Lawrence Hancock</i>	LAWRENCE HANCOCK	901	3RD. STREET	PAONIA	81428	DELTA	25 MAR 23
104	<i>Craig M. Blavias</i>	Craig M Blavias	218	MAIN	PAONIA	81428	Delta	March 29 2023

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Summary of the Affected Measure

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
105		Moses Babcock	114 Dornis		Paonia	81428	Delta	3/29/23
106		Sheena Babcock	114 Dornis Ave		Paonia	81428	Delta	3/29/23
107		John Corrier	605 North Fork		Paonia	81428		3/29/23
108		Joe Christman	9 3RD ST		PAONIA	81428	DELTA	3/29/23
109		MARY GANNAWAY	502 MAIN ST		PAONIA	81428	DELTA	3/29/23
110		Randall Derryberry	319 Poplar Ave		Paonia	81428	Delta	3/29/23
111		Rhonda Kinser	211 Niagara		Paonia	81428	Delta	3/30/23
112		Mary Jo Burum	1502 1st Street		Paonia	81428	Delta	3/30/23

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Summary of the Affected Measure

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
113		AMI ZIBERT	216 LAMBURN		PAONIA	81428	Delta	3/30/23
114		Patti Neft	324 Onarga		Paonia	81428	Delta	3/30/23
115		LINDA MOLINA	130	COLORADO	PAONIA	81428	DELTA	3/30/23
116		Heather McJannet	607	ORCHARD	Paonia	81428	Delta	3/30/23
117		Ann Hanning	402	grand Ave	Paonia	81428	Delta	3/30/23
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Summary of the Affected Measure

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
121								
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AFFIDAVIT OF CIRCULATOR

I, the undersigned, state and affirm:

- 1. That I have read and understand the laws governing the circulation of petitions;
- 2. That I was eighteen years of age or older at the time the section of the petition was circulated and signed by the listed electors;
- 3. That I circulated the foregoing petition section;
- 4. That each signature on the foregoing petition section was affixed in my presence;
- 5. That each signature affixed to the foregoing petition section is the signature of the person whose name it purports to be;
- 6. That, to the best of my knowledge and belief, each of the persons signing the foregoing petition section was, at the time of signing, a registered elector of the Town of Paonia; and
- 7. That I have not paid or will not in the future pay and that I believe no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition.

Date this 30 day of March, 2023.

Signature of Petition Circulator: James M. Sorenson

Printed Name: James Sorenson

Residence Address: 458 Price Rd

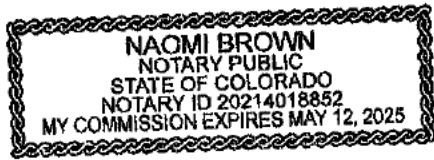
Municipality: Paonia

County: Delta

State: Colorado

Acknowledged before me this 30 day of March, 2023.

Witness my hand and official seal



Naomi Brown

Notary Public

My commission expires May 12, 2025

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Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of the registered electors using the included ballot language.

THE MEASURE AFFECTED BY THIS REFERENDUM AS PRESENTED TO THE BOARD OF TRUSTEES IS REPRODUCED HERE IN ITS ENTIRETY:

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN.

Section 1. Section 13-1-131 of the Paonia Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 13-1-131. - Moratorium. (a) Definitions. As used in this Section, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

Commercial unit has the meaning ascribed to it in Section 13-1-10 of this Code.

Household unit has the meaning ascribed to it in Section 13-1-10 of this Code.

Meter has the meaning ascribed to it in Section 13-1-10 of this Code.

Moratorium means suspension of the sale of domestic water taps that the Town of Paonia is not legally obligated to serve on the effective date of this ordinance.

Municipal water has the meaning ascribed to it in Section 13-1-10 of this Code.

Tap has the meaning ascribed to it in Section 13-1-10 of this Code. ~~means a physical service connection to the municipal domestic water supply distribution system or right to water supplied by the Town of Paonia. For the purposes of this Section, tap shall also include the extension of water delivery pipes.~~

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(b) Moratorium. on the Sale of Water Taps. A moratorium is hereby imposed on the Town's sale of water taps, and upon the Town's furnishing of municipal water service to newly constructed household units, commercial units, or any other new construction requiring the installation of a water meter pursuant to this Article. by the Town of Paonia.

(c) Requirements for termination of the moratorium and limits on future sales.

(1) This moratorium shall be in effect until the following conditions are met: (i) A report, bearing the seal of a licensed engineer experienced in domestic water supply systems, finds that the Town of Paonia has in operation sufficient infrastructure and associated water rights to serve all existing obligations for water into the foreseeable future, and;

(ii) A report, bearing the seal of a licensed engineer experienced in domestic water supply systems, quantifies additional obligations, enumerated in the form of water taps, that the Town of Paonia can reasonably supply without the likelihood of adversely affecting the service to existing water tap holders.

(d) The Town of Paonia shall not incur obligations for more water taps than the number quantified in the report required by subsection (c)(1)(ii) above, unless another report meeting the conditions of subsection (c)(1)(ii) establishes a new limit.

(e) This moratorium shall not apply to water delivered at a stand pipe or public tap operated by the Town of Paonia.

(f) This moratorium does not prohibit the extension of water pipes or lines within properties lawfully connected to the Town's water distribution system prior to the effective date of Ordinance No. 2020-01, provided such extension does not (i) require a separate connection to the Town's water distribution system, or (ii) give rise to the requirement of a separate water meter or a larger service line pursuant this Article.

Section 2. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 3. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. This Ordinance shall take effect thirty (30) days after adoption and publication.

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Paonia, Colorado, this 14th day of February, 2023.

TOWN OF PAONIA, COLORADO,
a Colorado municipal corporation

By: _____ Mary Bachran, Mayor

ATTEST:

The two persons who represent the proponents of this referendum petition in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed are: Bill Brunner, P.O. Box 172, Paonia, CO 81428 and Shirin Patterson, 218 Rio Gande Ave., Paonia, CO 81428

Text Of Proposed Referendum

A Protest by the municipal electors of the Town of Paonia seeking the repeal of Section 1 of Ordinance 2023-02 An Ordinance Clarifying The Moratorium Of The Sale Of Water Taps By The Town.

1. The Board of Trustees and Mayor of the Town of Paonia are hereby asked to repeal Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM OF THE SALE OF WATER TAPS BY THE TOWN.
2. If Section 1 of Ordinance 2023-02 is not promptly repealed this referendum shall be submitted to the registered electors as set forth by Colorado Revised Statutes Title 31 Article 11 section 105, with the following question:

“Shall Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM OF THE SALE OF WATER TAPS BY THE TOWN which in part changes the definition of Tap and scope of the moratorium defined in Section 13-1-131 MORATORIUM of the Town Municipal Code and there by allowing the possibly of certain new units to be attached to the water system of the Town of Paonia become part of the Town Ordinances?”

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Summary of the Affected Measure

Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
161	<i>Marilyn A Schwertman</i>	Marilyn A Schwertman	52 Pan American Ave	Poonia	81428	Delta	3-29-23	
162	<i>Nancy J Wicks</i>	Nancy J Wicks	2 Pan American Ave	Paonia	81428	Delta	3-29-23	
163	<i>Austia Funnell</i>	Austia Funnell	3 Pan American Ave	Poonia	81428	Delta	3/29/23	
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Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN changes Section 13-1-131 MORATORIUM of the Paonia Municipal Code by Section 1 adding various definitions, changing the definition of tap, changing the the scope of the moratorium, prohibiting the connection of newly constructed units requiring the installation of a water meter, allowing certain extensions of water lines on properties already connected; Section 2 repealing conflicting ordinances, Section 3 holding only portions found invalid shall be void and Section 4 setting the date it goes into effect.

Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

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Summary of the Affected Measure

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Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
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Summary of Proposed Referendum

A referendum under the powers reserved to the municipal electors in the state constitution seeking the repeal of Section 1 of Ordinance 2023-02 AN ORDINANCE CLARIFYING THE MORATORIUM ON THE SALE OF WATER TAPS BY THE TOWN and if Section 1 is not repealed submitting the measure to a vote of of the registered electors using the included ballot language.

	Signature of Elector	Printed Name	Residence Address	Street	City	Zip Code	County	Date Signed
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AFFIDAVIT OF CIRCULATOR

I, the undersigned, state and affirm:

- 1. That I have read and understand the laws governing the circulation of petitions;
- 2. That I was eighteen years of age or older at the time the section of the petition was circulated and signed by the listed electors;
- 3. That I circulated the foregoing petition section;
- 4. That each signature on the foregoing petition section was affixed in my presence;
- 5. That each signature affixed to the foregoing petition section is the signature of the person whose name it purports to be;
- 6. That, to the best of my knowledge and belief, each of the persons signing the foregoing petition section was, at the time of signing, a registered elector of the Town of Paonia; and
- 7. That I have not paid or will not in the future pay and that I believe no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition.

Date this 29 day of March, 2023.

Signature of Petition Circulator: Richard Beers

Printed Name: Richard Beers

Residence Address: 48 Box Elder Dr

Municipality: Paonia

County: Delta

State: Colorado

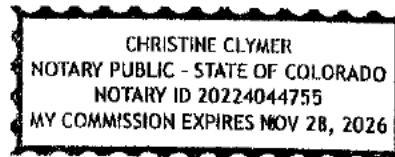
Acknowledged before me this 29 day of March, 2023.

Witness my hand and official seal

CClymer

Notary Public

My commission expires Nov 28, 2026



Town of Paonia



April 17, 2023

Dear Mr. Brunner and Ms. Patterson,

As required by C.R.S. § 31-11-109, this is your Statement of Sufficiency for your Referendum Petition on Ordinance 2023-02: Clarifying the Moratorium on the Sale of Water Taps by the Town. Your requirement was 57 signatures and your final total of verified signatures was 113.

The deadline for any protest on your petition is May 10, 2023 which is 40 days after your referendum petition was filed. Your petition will be on the agenda at the next Board of Trustees meeting on April 25th, 2023 that starts at 6:30 pm.

Thank you,

Samira M Vetter
Samira M Vetter
Paonia Town Clerk

April 17, 2023

Town of Paonia

175



Resolution 2023-04 Declaration of Vacancy

**TOWN OF PAONIA, COLORADO
RESOLUTION NO. 2023-04**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, DECLARING A VACANCY ON THE BOARD OF TRUSTEES

WHEREAS, the Town of Paonia (the “Town”) is a statutory town in Delta County, Colorado;

WHEREAS, with respect to a vacancy on the Board of Trustees, C.R.S. § 31-4-303 provides in part:

The board of trustees has the power, by appointment, to fill all vacancies in the board or any other office, and the person so appointed shall hold his office until the next regular election and until his successor is elected and has complied with section 31-4-401. The board also has the power to fill a vacancy in the board or in any other elective office of the town by ordering an election to fill the vacancy until the next regular election and until a successor has been elected and has complied with section 31-4-401. If a vacancy in the board or in such other elective office is not filled by appointment or an election is not ordered within sixty days after the vacancy occurs, the board shall order an election, subject to the municipal election code, to be held as soon as practicable to fill the vacancy until the next regular election and until a successor has been elected and has complied with section 31-4-401....

(emphasis added);

WHEREAS, Section 2-2-10(e) of the Town of Paonia Municipal Code (the “Code”) provides, in part, that “The Board of Trustees shall have power, by appointment, to fill all vacancies in the Board of Trustees or in any other elected office, and the person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified”;

WHEREAS, at the Board of Trustees regular meeting on April 11th, 2023, Trustee David Weber verbally resigned from the Board, which he confirmed in writing that same night.

WHEREAS, accordingly, the Board of Trustees wishes to declare a vacancy on the Board of Trustees, as set forth herein.

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

1. Recitals. The foregoing recitals are incorporated herein as findings of the Board of Trustees.

- 2. Board of Trustees Vacancy. As a result of Trustee Weber resigning his appointed Trustee position, the Board of Trustees hereby declares a vacancy on the Board of Trustees effective as of the date of approval of this Resolution.
- 3. Filling of Vacancy. It is the Board’s intention that such vacancy be filled by appointment not later than _____ days from the approval of this Resolution – that is, not later than _____, 2023; however, the Board shall have until the statutory deadline to make such appointment, at the Board’s discretion. The Board will order a special election to fill the vacancy within the statutory timeframe of 60 days from the effective date of this Resolution if the Board does not fill the vacancy by appointment prior to that time.
- 4. Term. The term of the vacant Trustee position is to and through April of 2024.
- 5. Information. Information on when and how qualified residents may seek appointment to the Board will be posted on the Town’s website, on the Town’s Facebook page, in the High Country Shopper, in the Town Clerk’s office, and on the bulletin board at Town Hall.

APPROVED AND ADOPTED this 25th day of April, 2023, by the Board of Trustees, Town of Paonia.

TOWN OF PAONIA, COLORADO

By: _____
Mary Bachran, Mayor

ATTEST:

By: _____
Samira Vetter, Town Clerk

Town of Paonia

178



Board Meeting Procedure



Town Board/Staff Report

Subject: Board Meeting Format

Author: Mayor Bachran

Representing:

Date: April 25, 2023

Specific request: Feedback on current meeting format and direction for future changes

Summary Recommendation

Recommend that the Board refine its meeting format and institute those changes for a period of at least six months. At the end of that time, the Board can review again and make any other changes it deems advantageous.

Executive Summary

On January 30, 2023, the Board attended a “Roles and Responsibilities” workshop presented by Nick Cotton-Baez during which Board meeting format was discussed and several different options presented. The Board generally agreed that it values public input and wanted to ensure that it continued to receive it in a meaningful way. At the time of the workshop, public comment was being taken at the beginning of the meetings on items not on the agenda, and on agenda items after Board discussion and a motion had been made. This option was considered along with a more standard approach where public comment would only be taken at the beginning of the meeting. The Board briefly tried another option where public comment was allowed at the start of new and old business as well as at the beginning of the meeting.

Also discussed was the use of work sessions for a more informal interaction between the public and the Board. Some of the ideas broached were having work sessions between Board meetings for public discussion and work sessions prior to Board meetings. Another option was to hold a work session when important topics were to come before the Board prior to meetings.

Finally, it was decided that the Board would implement the format where public comment would be taken at the beginning of the meeting on those items not on the agenda, and public comment was to be taken at the beginning of an agenda item before Board discussion. At the last meeting in April, a work session was to be held prior to the Board meeting, however, the recording of the “Roles and Responsibilities” work session did not include the final determination of what that work session would include.

The Problem/Background/Intent

Since it has been almost three months since the workshop and the implementation of the new format for Board meeting, it is time to review how the format is working for us and any changes we wish to make in it.

It is also needed to review the use of the work session prior to regular Board meetings and what we wish to accomplish with that.

Options/Alternatives for Town Board to Consider

Meeting format

- 1. Continue with the current format of public comment on non-agenda items at the beginning of the meeting and comment on agenda items before Board discussion
- 2. Revert back to previous format of public comment on non-agenda items at the beginning of the meeting and comment on agenda items after a motion is made.
- 3. Change the current format in any way we feel advantageous.
- 4. Try the standard format for 6 months to evaluate.
- 5. Combination of any of the above.

Work sessions

- 1. Set up half hour sessions at the beginning of all Board meetings for a less formal exchange with the public on agenda items. Then allow no public comment in the rest of the meeting.
- 2. Any variation on the above.
- 3. Set up work sessions on topics of interest with prior Board approval between Board meetings to garner public input.

Funding Source and Fiscal Impact

None

Attachments

None

Town of Paonia

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ADP Payroll Company



Town Board Staff Memo

Subject: ADP Payroll Services

Author: Samira Vetter

Representing: Town Clerk

Date: April 25th, 2023

Specific request: Approval of signing up for the ADP Complete Payroll and HR Plus.

Executive Summary

They would handle payroll, deductions, w-2's, withholdings, new hire onboarding, special circumstances such as garnishments and update employee notification posters. They would also provide help and support for HR issues, compliance, training and best practices.

Employment law seems to change a lot and while staff is always happy to step up and help where we can, there are many complications and liabilities that can arise from not having specified training and knowledge when it comes to Payroll and HR.

This is a company that has been spoken of highly by multiple people we have asked about it, including at least one municipality and Michelle Duran with Professional Management Solutions.

The Intent

To provide accurate pay, benefits and services as well as ensure HR compliance, education and knowledge to employees of the Town

Options/Alternatives for Town Board to Consider:

Approval of ADP Enhanced Payroll

Hire a person with specific skill sets in payroll and HR

Funding Source and Fiscal Impact

Administrative budget. Reasonable fiscal impact

****Note: While the quotes say 'proprietary and confidential' I did contact Michael Regitz, our sales representative who said it was ok that I put them in the public packet, understanding our need for financial transparency. He was out of the office so I was unable to get clean copies in time for the packet.**

Attachments

Proposal for ADP Enhanced Payroll

Proposal for ADP Complete Payroll and HR Plus



RUN POWERED BY ADP®

Proposal

For Town of Paonia



Solution Summary for Town of Paonia:

Employees	26
Payroll Frequency	Bi-Weekly

WHEN YOU CHOOSE **RUN POWERED BY ADP®**, HERE'S WHAT YOU CAN EXPECT:

- Print your own checks or have them delivered
- Pay employees using ADPCheck™ or direct deposit
- Payroll in real time anytime, anywhere with secure online or mobile access
- Highly-skilled implementation specialists and both online and phone support
- Extensive online reports and general ledger exports to accounting software

Recommended Solution: **ADP Enhanced Payroll**



Per Payroll Cost: \$137.76**



One-Time Setup Fee: \$0.00



Cost Comparison:
1 Employee \$68.76
Per Each Employee(>1) \$2.76

**In the event of additional jurisdictions, there will be a \$8.95 charge per month/jurisdiction.

Promotions

6680 - Months 4, 5, 6 and 7 FREE

Promo valid until April 20th

Contact

Michael Regitz
michael.regitz@adp.com
 (610) 298-0914

*This is a Proposal only. Fees are estimates and are subject to change based on variation in payroll details, frequency, features, number of employees, etc. Additional fees may be incurred if other services are purchased or for additional tax filings including, but not limited to, additional states or 'applied for' statuses. Please consult with your sales representative for further details. The information contained in this proposal is confidential and proprietary and should not be shared with anyone outside your company.



Solution Detail for Town of Paonia*:

Employees	26
Payroll Frequency	Bi-Weekly
Start Date	05-04-2023

Payroll

- Payroll Processing
- Tax Filing
- Electronic Reports
- Employee Access
- ADP Mobile Payroll
- General Ledger Interface
- Pay Option: FSDD Only
- Delivery
- New Hire Reporting
- Pay Options
 - FSDD
 - TotalPay
 - Check Stuffing/Signing
- Poster Compliance Update Service
- General Ledger Interface
- Garnishment Payment Service
- State Unemployment Service

HR

- State and Federal Resources
- HR Checkups
- Tip of the Week
- Quarterly HR Newsletter
- HR Dictionary
- New Hire Paperwork
- Zip Recruiter (includes 1 job slot, 50 resume views)
- Background Checks (5 per year)
- Employment Verification
- Lifemart
- Small Business Marketing Toolkit

Processing Investment

Product	Billing Frequency	List Price	Discount	Net Price
ADP Enhanced Payroll Base price (\$82.50) + Per employee price (\$3.45)	Bi-Weekly	\$172.20	20.00% (- \$34.44)	\$137.76 **

**In the event of additional jurisdictions, there will be a \$8.95 charge per month/jurisdiction.

Annual W2 Fees

Y/E Information Stmt, W2 26 W2's Base price (\$54.95) + Price per W2 (\$6.50)	Annually	\$223.95		\$223.95
W-2 Delivery	Annually	\$13.95		\$13.95

Promotions

6680 - Months 4, 5, 6 and 7 FREE

Total Savings with Promos: \$1193.92
Promo valid until April 20th

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RUN Powered by ADP® Enhanced Payroll



Enhanced Payroll delivers a comprehensive set of easy-to-use payroll tools, all backed by ADP's small business expertise.

With Enhanced Payroll, you can:

Run Payroll

the way you want – online, via our mobile app or by phone

Calculate, Deduct and Pay Taxes automatically

Get Answers 24/7

from experienced payroll professionals by online chat or over the phone

Pay Your People

the way they want – paper checks or direct deposit



Plus, benefit from these enhanced features:

- View, export or print detailed reports online, instantly
- Integrate our solutions with your POS systems and/or accounting programs such as Intuit®, Wave, Xero™ and more
- Automatically receive updated labor law posters to maintain compliance with posting regulations
- Benefit from state unemployment insurance (SUI) management
- Provide employees with easy access to pay history and up to three years of W-2s/1099s
- Access HR tools and best practices to help you put HR strategies in place
- Launch a Google Ads campaign in minutes. Reach more customers across Google to help grow your business.
- You and your employees get discounts on brand-name products and daily essentials
- Receive up to 5 single-county criminal background checks per year
- Post jobs to over 100 of the web's leading job boards with ZipRecruiter®. 80% of jobs posted receive a qualified candidate within the first day*
- With direct deposit, pay is deposited in each employee's account, or employees can choose to have funds deposited to a Wisely® Direct debit card**



*ZipRecruiter® 2021

**Wisely Direct is a prepaid account offered directly to consumers by ADP. It can be used to receive direct deposits as well as income from other sources.

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RUN POWERED BY ADP®

Proposal

For Town of Paonia



Solution Summary for Town of Paonia:

Employees	26
Payroll Frequency	Bi-Weekly

WHEN YOU CHOOSE **RUN POWERED BY ADP®**, HERE'S WHAT YOU CAN EXPECT:

- Print your own checks or have them delivered
- Pay employees using ADPCheck™ or direct deposit
- Payroll in real time anytime, anywhere with secure online or mobile access
- Highly-skilled implementation specialists and both online and phone support
- Extensive online reports and general ledger exports to accounting software

Recommended Solution: **ADP Complete Payroll and HR Plus (Includes Zip Recruiter with 2 job slots)**



Per Payroll Cost: \$188.89**



One-Time Setup Fee: \$0.00



Cost Comparison:

1 - 2 Employee(s)	\$119.21
3 - 4 Employees	\$123.71
Per Each Employee(>4)	\$2.96

**In the event of additional jurisdictions, there will be a \$8.95 charge per month/jurisdiction.

Promotions

6680 - Months 4, 5, 6 and 7 FREE

Promo valid until April 20th

Contact

Michael Regitz
michael.regitz@adp.com
 (610) 298-0914

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Solution Detail for Town of Paonia*:

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- Delivery
- New Hire Reporting
- Pay Options
 - FSDD
 - TotalPay
 - Check Stuffing/Signing
- Poster Compliance Update Service
- General Ledger Interface
- Garnishment Payment Service
- State Unemployment Service

HR

- HR HelpDesk
- Zip Recruiter (includes 2 job slots, 500 resume views)
- Background Checks (25 per year)
- Employee Handbook Wizard
- HR Forms and Documents
- HR Compliance Updates and Training
- HR Tracking (includes Performance, Education and others)
- Document Vault
- New Hire Paperwork
- State and Federal Resources
- HR Checkups
- Tip of the Week
- Quarterly HR Newsletter
- HR Dictionary
- Employment Verification
- Lifemart

Processing Investment

Product	Billing Frequency	List Price	Discount	Net Price
ADP Complete Payroll and HR Plus (Includes Zip Recruiter with 2 job slots) Base price (\$149.15) + Per employee price (\$3.95)	Bi-Weekly	\$251.85	25.00% (- \$62.96)	\$188.89 **

**In the event of additional jurisdictions, there will be a \$8.95 charge per month/jurisdiction.

Annual W2 Fees

Y/E Information Stmt, W2 26 W2's Base price (\$54.95) + Price per W2 (\$6.50)	Annually	\$223.95		\$223.95
W-2 Delivery	Annually	\$13.95		\$13.95

Promotions

6680 - Months 4, 5, 6 and 7 FREE

Total Savings with Promos: \$1637.05
Promo valid until April 20th

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CONFIDENTIAL

ADP® Complete Payroll and HR Plus

Manage your cashflow and compliance...PLUS get the latest small business innovations to help manage your people

Small businesses are working harder just to stay in business these days. How you choose to manage your back-office burden can pull your focus away from reaching your business goals — or it can bring you closer to achieving them.

With ADP Complete Payroll and HR Plus you'll get the latest in ADP's HR innovations designed specifically for small businesses to help you meet your most challenging HR needs. Plus you'll get a powerful set of tools and resources to help you manage your cash flow and compliance risk. With better control over the administrative side of your business — what could you achieve?

Cash and compliance management solutions

- **Flexible Payroll Input Options** – Enter your data online, by phone, or even on-the-go with our mobile payroll app. Either way, you can be confident that your data is safe and secure.
 - RUN & Done® – Automate your payroll, for salaried staff and hourly employees with standard hours, using RUN & Done. Set it up once and we'll run your payroll until you tell us to make a change.
- **Employee Access** – Employees can manage their personal information and federal tax withholding, access payroll and tax history, as well as view available integrated products like time tracking, health benefits, retirement plans or company policies.
- **General Ledger Interface** – Export journal entries from ADP into QuickBooks®, Xero, Creative Solutions or a generic output file — without re-keying data.
- **Health Care Reform Page** – The Health Care Reform Page will provide you access to resources to help you stay on top of health care reform changes, help determine if you may be considered an “applicable large employer” and affected by the Shared Responsibility provision of the Affordable Care Act (ACA), and determine your eligibility for the Health Care Tax Credit.
- **Payroll Preview** – Preview payroll results before processing to help reduce errors.
- **New Hire Onboarding** – Add new employees with just a few basic pieces of information and employees can enter their personal info, direct deposit, emergency contacts and federal tax withholding.
- **Electronic Reports** – View, access, export and print over 15 different reports online.
 - Custom Reporting – Choose the fields to include and their order, sort the data within columns, set filters and selection criteria, preview, print, export to multiple file formats and save custom reports for future use.
- **Payment Options** – Choose from two ways to pay your employees:
 - ADPCheck™ – The most secure paycheck in the industry, signed and sealed with 10 advanced fraud protection features.
 - Full Service Direct Deposit – The quickest way to pay your employees — on payday, pay is automatically deposited in each employee's account.
- **Tax Filing** – We'll calculate, deposit, file and reconcile your payroll taxes — and respond to inquiries from taxing agencies regarding the returns we file for you.
- **New Hire Reporting** – Helps protect your company from penalties due to mistakes or late filings.
- **New Hire Paperwork** – Quickly download state and federal new hire forms all in one convenient place.
- **Labor Law Poster Compliance Update Service** – We'll also enroll you in our Labor Law Poster Compliance Update Service to help you comply with these regulations.
- **Garnishment Payment Service** – A cost-effective, comprehensive solution that helps you manage your wage garnishment processing.
- **State Unemployment Insurance (SUI) Management** – Complete management of your state unemployment insurance, including processing unemployment claims and reviewing your account for erroneous charges. We'll also handle correspondence from each state in which you pay unemployment insurance. Business Maxims OSHA (Occupational Safety & Health Administration) Workplace Safety



Always Designing
for People™

People management features designed for your business

HR technology.

- **Document Vault** – Eliminate paper and get centralized, searchable access to stored employee and company documents, as well as a library of HR bestpractice templates.
- **HR Tracking** – Get 24/7 access to HR pages that help you track employee information, such as assigned property and performance, and advanced reporting.
- **Alerts and Notifications** – Track important dates like employee anniversary dates, date of next performance reviews, and license and certification expiration dates. Use Company Notes to post reminders in one convenient location.
- **Job Description Wizard** – Create customized job descriptions based on an extensive database.
- **HR Toolkits** – Properly complete everyday HR and compliance responsibilities with step-by-step bestpractice guidelines, essential forms and documents, and related policies.
- **HR Forms & Documents** – Save time by obtaining your key HR forms from our central library of thousands of best-practice documents, checklists, forms and policies.

HR support, administration and compliance.

- **HR HelpDesk** – Receive phone and e-mail access to a dedicated support team of HR professionals to help you navigate even your most complicated HR issues.
- **Employee Handbook Wizard** – Create a comprehensive, professional quality employee handbook based on state and federal employment law in just a few simple steps.
- **Background Checks** – Includes SSN Validation*, 1 Criminal History Search** for the current county of residence, and ADP's CrimRadar™*** only. 25 free background check bundles included annually.
- **ADP® Employment Verification** – Helps you respond to employment and income verification requests when your employees apply for loans, lines of credit, or government benefits, freeing up time for you.
- **ZipRecruiter®** – Post jobs to 100+ job boards and social media sites in one click. Reach millions of job seekers with one post. Easily manage, screen and quickly identify top candidates – all in one place.
- **State and Federal Compliance Database and Compliance Updates** – Get information about ever-changing state and federal employment laws with plain English summaries of major regulations. Also receive proactive email alerts to help you stay on top of HR bestpractices and compliance requirements.
- **HR Checkups** – Compare your HR practices against standard HR best-practices in several key HR areas, with access to resources to help shore up your weaknesses.

HR information and education.

- **HR Fundamentals Training** – Self-paced online learning course covering various HR topics.
- **State and Federal Resources** – Help meet your core state and federal documentation requirements with convenient access to key government forms and documents.
- **Tip of the Week** – Receive practical how-to articles that provide best-practice information to complete your everyday employee management tasks.



Always Designing
for People™

A la carte charges will apply to products ordered outside the background check bundle (example: verifications, driving records, registry searches, credit, other court records, etc.).

*Only confirms social security number was issued and number is not on the death master database.

** A \$65 state surcharge applies when ordering criminal searches from New York.

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Town of Paonia

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Approval of ESRI Renewal Contract Title



Esri Inc
380 New York Street
Redlands CA 92373

Subject: Renewal Quotation

Date: 04/21/2023
To: Corinne Ferguson
Organization: Town of Paonia
Public Works Dept
Fax #: **Phone #:** 970-527-4101

From: Rosny Hang
Fax #: 909-307-3083 **Phone #:** + 19093691174 Ext. 1174
Email: rhang@esri.com

Number of pages transmitted
(including this cover sheet): 4

Quotation #26142463
Document Date: 04/21/2023

Please find the attached quotation for your forthcoming term. Keeping your term current may entitle you to exclusive benefits, and if you choose to discontinue your coverage, you will become ineligible for these valuable benefits and services.

If your quote is regarding software maintenance renewal, visit the following website for details regarding the maintenance program benefits at your licensing level
<http://www.esri.com/apps/products/maintenance/qualifying.cfm>

All maintenance fees from the date of discontinuation will be due and payable if you decide to reactivate your coverage at a later date.

Please note: Certain programs and license types may have varying benefits. Complimentary User Conference registrations, software support, and software and data updates are not included in all programs.

Customers who have multiple copies of certain Esri licenses may have the option of supporting some of their licenses with secondary maintenance.

For information about the terms of use for Esri products as well as purchase order terms and conditions, please visit
<http://www.esri.com/legal/licensing/software-license.html>

If you have any questions or need additional information, please contact Customer Service at 888-377-4575 option 5.



esri[®] 380 New York Street
 Redlands, CA 92373
 Phone: + 190936911741174
 Fax #: 909-307-3083

Quotation

Date: 04/21/2023

Quotation Number: 26142463

Town of Paonia
 Public Works Dept
 214 Grand Ave
 Paonia CO 81428-6302
 Attn: Corinne Ferguson

Send Purchase Orders To:

Environmental Systems Research Institute, Inc.
 380 New York Street
 Redlands, CA 92373-8100
 Attn: Rosny Hang

Please include the following remittance address on your Purchase Order:

Environmental Systems Research Institute, Inc.
 P.O. Box 741076
 Los Angeles, CA 90074-1076

Customer Number: 634652

For questions regarding this document, please contact Customer Service at 888-377-4575.

Item	Qty	Material#	Unit Price	Extended Price
10	1	165535 ArcGIS Online GIS Professional Basic User Type Annual Subscription Start Date: 07/21/2023 End Date: 07/20/2024 Subscription ID: 7637294017	765.00	765.00
			Item Subtotal	765.00
			Estimated Tax	0.00
			Total	USD 765.00

DUNS/CEC: 06-313-4175 CAGE: 0AMS3

Please note Esri has introduced a price change and this quote reflects current pricing for your organization. It is important to us that we are able to continue to deliver value through enhancements to products, solutions, and capabilities.

Your renewal provides access to all the benefits you are familiar with, which you can review at <https://go.esri.com/maintenance>
 For questions related to the price change, please reach out to your assigned Esri Account Manager.

Quotation is valid for 90 days from document date.

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. Esri reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide Esri with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

To expedite your order, please reference your customer number and this quotation number on your purchase order.



esri[®]

380 New York Street
Redlands, CA 92373
Phone: + 190936911741174
Fax #: 909-307-3083

Quotation

Page 2

Date: 04/21/2023

Quotation Number: 26142463

Item	Qty	Material#	Unit Price	Extended Price
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Renewal Options:

- Online: Renew through My Esri site at <https://my.esri.com>
 - Credit Card
 - Purchase Order
 - Email Authorization
- Email or Fax: Email Authorization, Purchase Order or signed quote to:
 - Fax: 909-307-3083
 - Email: service@esri.com

Requests via email or signed quote indicate that you are authorized to obligate funds for your organization and your organization does not require a purchase order.

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Quotation

Page 3

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Town of Paonia

198



Downtown Flower Planters

From: [Leslie](#)
To: [Paige S](#)
Cc: [Mary B](#); [Cory Heiniger](#); [Samira V](#)
Subject: RE: Flowers for town - Town planters
Date: Thursday, April 20, 2023 3:08:15 PM

Great thanks, We'll put it on the agenda.

Leslie Klusmire
Interim Town Administrator
Town of Paonia, Colorado

"Every time you are tempted to react in the same old way, ask if you want to be a prisoner of the past or a pioneer of the future." — Deepak Chopra

Please consider the environment before printing this e-mail.
Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.

-----Original Message-----

From: Paige S <paiges@townofpaonia.com>
Sent: Thursday, April 20, 2023 2:56 PM
To: Leslie <leslie@townofpaonia.com>
Cc: Mary B <maryb@townofpaonia.com>; Cory Heiniger <Coryheiniger_PW@townofpaonia.com>
Subject: RE: Flowers for town - Town planters

Hello all,

I absolutely understand about Public Works and yes, could we put it on the Agenda to see if there's any interest in hiring an hourly person (or perhaps someone from a nursery on contract). I'll get an accurate count of planters to present at the meeting.

Another thought with regard to hiring an hourly or contract person are the peony beds in Town Park.are there any current plans for their refurbishing? I think the 2023 budget mentioned the peony beds as a project to be funded in 2023.

Thank you,

Paige

-----Original Message-----

From: Leslie <leslie@townofpaonia.com>
Sent: Thursday, April 20, 2023 1:50 PM
To: Paige S <paiges@townofpaonia.com>
Cc: Mary B <maryb@townofpaonia.com>; Cory Heiniger <Coryheiniger_PW@townofpaonia.com>
Subject: RE: Flowers for town - Town planters

Hi Paige, I'm looping in Cory. He is swamped this summer. Most towns hire a part time hourly person to tend to seasonal annuals. If the board wanted to do that, it's doable. Do you want to put this on the agenda as a discussion item?

Leslie Klusmire
Interim Town Administrator
Town of Paonia, Colorado

"Every time you are tempted to react in the same old way, ask if you want to be a prisoner of the past or a pioneer of the future." — Deepak Chopra

Please consider the environment before printing this e-mail.

Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.

-----Original Message-----

From: Paige S <paiges@townofpaonia.com>

Sent: Thursday, April 20, 2023 10:35 AM

To: Leslie <leslie@townofpaonia.com>

Cc: Mary B <maryb@townofpaonia.com>; shane Smith <shane@greenhousegarden.com>

Subject: FW: Flowers for town - Town planters

Hi,

I know the planters on Grand Ave. are a low priority but wanted to get some information in front of you in case we want to discuss at a meeting...or not!

I don't want to do anything with the planters if Public Works will not have the staff or time to be able to consistently keep them watered. As nice as color in those planters would be, I don't want to ask Cory and Jason and staff to add anything else if it's questionable as to whether it's possible. Some businesses may offer to water the ones that are placed in front of their businesses, but this still doesn't guarantee that they will be watered consistently.

I think there are about 10 planters on Grand Ave. I can do a better census if we want to discuss further because I believe First Colorado National Bank plants and takes care of the one on their corner and there may be others.

Michelle Morgan (Paonia Farm and Home) gave me an estimate last year of a wholesale cost for annuals of \$20 to \$30 per planter.

Shane and I can amend the soil and plant the planters to be managed by Town. We can also keep them weeded and fertilized and offer a \$100 donation to the cost of plants.

Let me know what you think.

Thanks,

Paige

-----Original Message-----

From: michelle morgan <michelle.farm.home@gmail.com>

Sent: Wednesday, April 19, 2023 1:43 PM

To: Paige S <paiges@townofpaonia.com>

Subject: Flowers for town

Hi Paige,

Last Fall you had asked me about purchasing flowers for the town planters. I asked Emily from Lost Mesa Flowers in Hotchkiss about cost. If the town would like to buy direct, they can get them wholesale. If you and Shane want to personally buy them then you can buy from me and I can get them on my order and give them to you at cost. Does that make sense? I have some prices I can send you or show you if you are interested, just let me know. I can also show you what she has available by the week.

My cell number is [REDACTED] if you want to give me a call!

Thanks,

Michelle Morgan

Paonia Farm and Home
206 Grand Ave #490
Paonia, CO 81428

Town of Paonia

202



Board discussion on Town position on the
Jumbo Mountain Trail



Town Board Staff Report

Subject: BLM Jumbo Mountain Travel Management Plan

Author: Dave Knutson

Representing: Town of Paonia

Date: 4/21/23

Specific request: Board action approving a comments regarding Jumbo Trails Alternative D with modifications

Summary Recommendation

Included in the packet are comments from the Delta County Commissioners and this writer previously submitted to the BLM. It is recommended that the Board adopt positions that would represent our Town and submit these to the BLM despite the fact that the comment period expired 4/10/23.

Executive Summary

Apple Valley Park is recommended for the staging area in Alternative D, please approve this. In addition, approve Alternative D recommended wildlife closures; reduction of the number of trails; proper construction and long-term maintenance of trails; consistent closure dates for eagles and wildlife; and finally allow hunter access to retrieve big game. As identified in the Parks Committee Report of April 2023, make a suggestion about equestrian trailer parking at the top of Pan American.

The Problem/Background/Intent

The Town is a key player on parking and access and it is recommended that Trustees go on the record.

Options/Alternatives for Town Board to Consider

The other Alternatives proposed by the BLM are:

Alternative A: no Action

Alternative B: Maximum Resource Protection

Alternative C: Maximum Access

Funding Source and Fiscal Impact

The BLM has committed to provide interpretive signage in Apple Valley and at Trailhead locations. The Town may need to provide additional restroom access in Apple Valley plus parking signs at ten at the top of Pan American and on Vista Drive.

Attachments

- BoCC letter Jumbo Mountain.pdf**
- Jumbo TMP Comment DK.pdf**
- Jumbo Mountain CTTMP Environmental Assesment.pdf**

March 31, 2023

TO: Bureau of Land Management

RE: DOI-BLM-CO-S050-2023-0012-EA - Jumbo Mountain Special Recreation Management Area Comprehensive Travel and Transportation Management Plan

Delta Board of County Commissioners (BoCC) submits the following comments specific to Jumbo Mountain Special Recreation Management Area. Delta County has worked closely with the Bureau of Land Management (BLM) for several years to address the unauthorized trails on Jumbo Mountain area. Delta County is in favor of designating this area as a Special Recreation Management Area (SRMA) and appreciates the time that BLM has put into the planning for this area.

Delta County BoCC encourages BLM to make the wildlife area for the big game and nesting eagles the same to assist with the enforcement of the closure. To have a closure dependent on the presence of a nesting eagle is not easily enforced and will create confusion among the users. In addition, Delta County would be in favor of using trail gates to clearly delineate when and what trails are closed.

The long-term maintenance of trails is problematic for BLM and there is not a clear plan in place to detail how the trails will be maintained. Jumbo Mountain is an area that is prone to slide especially during higher moisture events and if not clearly mapped out will only result in additional user-created trails. Delta County urges BLM to include a long-term plan in place that includes funding sources to maintain the SRMA qualities of this area.

One particular item that needs to be put back in the plan is the ability to allow hunters to retrieve game off trails. This is not in the draft EA and needs to be included so that all users are addressed and there is no confusion based on a non-mention in the regulating document. Delta County is supportive of the diverse types of trails included in Alternative D including the area designated for families and those individuals that are not as advanced as others. In addition, Delta County supports the use of E bikes on designated trails but not the entire SRMA.

Delta County is encouraged that Apple Valley Park is used as the access jumping off point as this will reduce potential conflict with subdivisions and private landowners. The use of this area will increase and it is important that the Town of Paonia and BLM have a long-term plan in place to accommodate additional users.

Delta County BoCC urges BLM to address the potential for trespass on private land with unauthorized trails. Planning cannot occur for private land however it should be stressed the significant acreage that surrounds the SRMA that is off limits to the public and needs to be recognized in the EA.

Delta County is not endorsing any one alternative but urges BLM to address issues brought forward in these comments. If you need further clarification, contact Delta County Administrator, Robbie LeValley at rlevalley@deltacountyco.gov.

Respectfully,

Delta County Board of Commissioners



Wendell Koontz, Chair



Mike Lane, Vice-Chair



Don Suppes, Commissioner

U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401
(970) 240-5300

**United States Department of the Interior
Bureau of Land Management**

**Environmental Assessment
for
Public Comment**

DOI-BLM-CO-S050-2023-0015-EA

February 2023

**Jumbo Mountain Special Recreation Management Area
Comprehensive Travel and Transportation
Management Plan**

Location: Delta County



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1 – INTRODUCTION

1.1 Identifying Information

NUMBER: DOI-BLM-CO-S050-2023-0012 EA

PROJECT NAME: Jumbo Mountain Special Recreation Management Area Comprehensive Travel and Transportation Management Plan

PLANNING UNIT: Uncompahgre Field Office, Jumbo Mountain Special Recreation Management Area

LEGAL DESCRIPTION: T. 13 S. R. 91 W., Sections 28, 32, 33, 34; T. 14 S. R. 91 W., Sections 3 and 4

1.2 Background

The Uncompahgre Field Office (UFO) is completing Comprehensive Travel and Transportation Management Planning (CTTMP) for the Jumbo Mountain Special Recreation Management Area (SRMA) within the UFO planning area. The project area consists of about 1,900 acres of BLM-managed lands within Delta County, Colorado (Appendix A, Map 1). The project area boundary was changed from the original boundary presented during public pre-scoping to encompass a small number of trails outside of the SRMA, but only accessible from within the SRMA. This does not change the boundary of the SRMA.

CTTMP within the planning area is occurring on BLM-managed lands immediately adjacent to the town of Paonia, CO. Resource uses in Jumbo Mountain SRMA include recreation, livestock grazing, and public use rights-of-way.

Comprehensive Travel and Transportation Management Planning

CTTMP is the proactive management of public access and travel on public lands managed by the BLM to protect and preserve natural and cultural resources in compliance with travel-related regulations and in accordance with public land use management principles. It involves a comprehensive approach to road and trail system planning and management; road and trail design; recreational and non-recreational uses of roads and trails; and natural resource management. Within this context, access to and within public lands is evaluated according to the effects of motorized and non-motorized travel on public lands, including natural and cultural resources and the people who use them. Transportation and access planning is also the process where existing routes undergo review for designation, with associated BLM management of the route network.

CTTMP ensures public access to BLM-managed lands while serving local communities. CTTMP is balanced with the need to manage the health of public lands for multiple uses and sustained yields of natural resources. A number of factors have influenced the BLM approach to travel planning, including increasing population throughout the western United States, a shift in demographics (e.g. age and mobility, amount of available leisure time, proximity of population centers to public lands, etc.), and technological advances in motorized and mechanized transportation (e.g. size, power, stability, and ease of control).

In addition to recreational travel, this CTTMP effort also considers permitted non-recreational travel and administrative use, such as use by permittees, lessees, and/or BLM or other government staff performing agency work.

Electric bicycles (e-bikes)

E-bikes look a lot like traditional bikes. They have the same type of wheels, pedals, handlebars, and geometry as traditional mechanical bikes. They have the addition of a battery-powered “assist” that is activated by pedaling, or in some cases a throttle. The only difference in appearance is the addition of the electrical drive system (i.e., electric motor, battery, throttle, display screen or controller).

There are three classes of e-bikes.

- Class 1 e-bike - Equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.
- Class 2 e-bike - Equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour. Typically operated with a grip-twist or button throttle-assisted system.
- Class 3 e-bike - Equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour.

All classes limit the motor’s power to one horsepower (750 watts).

Policy:

Federal regulation of e-bikes is the responsibility of the Consumer Product Safety Commission (CPSC). Public Law 107–319, 116 Stat. 2776 (the Act), enacted December 4, 2002, subjects lowspeed electric bicycles to the Commission’s existing regulations at 16 CFR (Code of Federal Regulations) part 1512 and 16 CFR 1500.18(a)(12) for bicycles that are solely human powered. For purposes of this requirement, the Act defines a low-speed electric bicycle as “a two-or three wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 horsepower) whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 [miles per hour] mph.” The final rule was published in the Federal Register, Vol. 68, No. 29, Wednesday, February 12, 2003 - Rules and Regulations. CPSC regulation of e-bikes does not include their usage.

Colorado House Bill 17-1151 allows Class 1 and Class 2 e-bikes on paths where bikes are allowed to travel and gives local jurisdictions the ability to prohibit e-bikes.

In 2019 and 2020, the Department of the Interior and the BLM issued new guidance regarding the management of e-bikes on BLM-administered public lands. This guidance can be found on BLM’s national e-bike webpage, <https://www.blm.gov/programs/recreation/ebikes>. On August 29, 2019, Secretary of the Interior David Bernhardt issued Secretary's Order (SO) 3376 for the purpose of increasing recreational opportunities through the use of Electric Bikes (e-bikes). The SO directed the BLM and other agencies (National Park Service, United States Fish and Wildlife Service, and Bureau of Reclamation) to expand access on public lands to e-bikes and begin the longer-term process of amending existing regulations to address e-bikes. The SO specifically directed the BLM to revise its off-road vehicle or off-highway vehicle (OHV) regulations at 43 CFR part 8340.

A proposed rule to revise the BLM’s OHV regulations at 43 CFR part 8340 was published in the Federal Register on April 10, 2020 (85 FR 20229). By the close of the public comment period on June 9, 2020, nearly 24,000 public comments were received on the proposed rule. Issues raised by substantive comments resulted in the BLM updating some language in the final rule, which was published in the Federal Register on November 2, 2020, and became effective on December 2, 2020. The Final BLM E-bike Rule is in line with the Secretary's

Order. While the BLM intends for the rule to increase accessibility to public lands, e-bikes would not be given special access beyond what traditional, non-motorized bicycles are allowed. The rule amends 43 CFR 8340.0-5 to define e-bikes, which are limited to Class 1, 2, and 3 e-bikes as defined above.

The rule provides that authorized officers may authorize, through subsequent land-use planning or implementation-level decisions, the use of Class 1, 2, and 3 e-bikes on non-motorized roads and trails. The rule provides managers the ability to exclude e-bikes that meet certain criteria from the definition of off-road vehicle (otherwise known as an OHV) at 43 CFR 8340.0-5(a). The rule, however, does not result in any immediate on-the-ground changes or site-specific allowances for e-bike usage on BLM-administered public lands. In other words, the rule does not, by itself, open any non-motorized trails to e-bike use. Before any on-the-ground changes can occur, an authorized officer must issue a land use planning or implementation-level decision that complies with NEPA and other applicable legal requirements.”

Specifically, 43 CFR 8342.2 now includes the following subparts regarding designation procedures for e-bike use: (d) E-bikes

- (1) Authorized officers may allow, as part of a land-use planning or implementation-level decision, e-bikes, or certain classes of e-bikes, whose motorized features are not being used exclusively to propel the e-bike for an extended period of time on roads and trails upon which mechanized, nonmotorized use is allowed; and
- (2) If the authorized officer allows e-bikes in accordance with this paragraph (d), an e-bike user shall be afforded all the rights and privileges, and be subject to all of the duties, of a user of a non-motorized bicycle.

As an alternative to using this new “e-bike exception” to authorize e-bike use in areas with a “Limited” OHV area designation (as is the case with Jumbo Mountain), the BLM may define e-bikes as OHVs and use the designation procedures described in 43 CFR 8342.2 to authorize e-bike use.

In this EA, the UFO is engaging in the required NEPA planning process to analyze the effects of authorizing (Alternative D) or prohibiting (Alternatives B and C) e-bike use on the trails within the Jumbo Mountain SRMA.

This document is tiered to, and incorporates by reference, the 2020 UFO Resource Management Plan (RMP).

1.3 Purpose and Need for Proposed Action

The purpose of this Comprehensive Travel and Transportation Management Plan is to:

- Establish a long-term, sustainable, multimodal transportation system for public, commercial, and administrative access to and across BLM-managed lands.
- Support the agency’s mission and planning goals, including resource management.
- Manage transportation on BLM-managed lands in accordance with laws, regulations, and policies.
- Work collaboratively with federal land management agencies, state and local agencies, gateway communities, and special interest groups to plan for connected transportation systems.
- Support the Department of the Interior Strategic Plan Mission Area 3 to expand outdoor recreation and access (DOI 2018a).

The BLM needs to designate routes to better manage travel and reduce impacts to vegetation, sensitive wildlife species and their habitat, soils, air and water quality, and cultural and visual resources. Travel planning also

provides an opportunity to increase access to, and improve recreation user experience on, public lands (43 CFR 8342). The 2020 UFO RMP provides interim travel management guidance. It identified the North Fork Travel Management Area, which encompasses Jumbo Mountain SRMA planning area, as priority for travel management planning.

1.4 Decision to be Made

Based on the analysis contained in this Environmental Assessment (EA), the BLM will decide to either approve or deny the proposed action or one of the alternatives. Under the National Environmental Policy Act (NEPA), the BLM must determine if there are any significant environmental impacts associated with the proposed action warranting further analysis in an Environmental Impact Statement (EIS). The Field Manager is the responsible officer who will decide to approve the proposed action or one of the alternatives, or any combination thereof (such as big game timing limitations, route network, e-bikes, reroutes, future miles, etc), with relevant and applicable design features as submitted, including the proposed Transportation and Travel Management Plan [Appendix B – Transportation and Access Plan (Implementation Guidance)].

1.5 Land Use Plan Conformance Review

The proposed action is subject to and has been reviewed by the UFO interdisciplinary team for conformance with the Uncompahgre Field Office Management Plan signed April 2020, in compliance with 43 CFR 1610.5. See Appendix C for a complete RMP conformance review.

2 – ISSUES

The BLM uses a scoping process to identify potential significant issues in preparation for impact analysis. The principal goals of scoping are to identify issues, concerns, and potential impacts requiring detailed analysis. Scoping is both an internal and external process. Internal BLM scoping was initiated when the project was presented to the UFO Interdisciplinary Team (IDT) on May 17, 2021. The preliminary determination of issues from this workshop is presented in Appendix D Issue Identification Worksheet.

2.1 External Scoping

External pre-scoping was conducted by posting this project on the BLM's ePlanning register on June 14, 2021, at <https://eplanning.blm.gov/eplanning-ui/project/2014104/510>. The UFO conducted a 60-day public pre-scoping comment period from June 14, 2021-August 13, 2021. During the 60-day period the UFO hosted two open house meetings at the Paonia Community Center on Wednesday, July 14, 2021, and Thursday, July 15, 2021, from 4 to 7 pm. A total of 76 members from the community attended these meetings.

The BLM coordinated with state and local governments such as Colorado Parks and Wildlife (CPW), Delta County, and the Town of Paonia. Tribal consultation was conducted with the Southern Ute Indian Tribe, the Ute Indian Tribe of the Uintah and Ouray Reservation, and the Ute Mountain Ute Tribe. Input was sought from user groups such as grazing permittees, right-of-way holders, and Special Recreation Permit (SRP) holders. Trails-based user groups such as North Fork Trails Alliance, Delta Area Mountain Bikers, and Colorado Plateau Mountain Bikers Association were also invited to participate in the process to identify issues that need to be

disclosed and analyzed in this EA. Issues identified from scoping were incorporated into issue analysis or eliminated from detailed analysis (section 2.3).

In pre-scoping in summer 2021, the public was invited to review BLM's inventory data and provide feedback to verify and add context to that data. **Table 1, Table 2, and Table 3** below summarize the comments received during pre-scoping.

Table 1: Scoping Submissions by Type

Method	Number
ePlanning	82
Hard Copy	21

Table 2: Scoping Submissions by Organization

Organization Name	Number of Comments
Individuals	76
SK Bikes	14
North Fork Trail Alliance	3
Hawks Haven HOA	2
The Nature Connection DCSD	2
Delta Area Mountain Bikers	2
Dark Skies Paonia	1
Backcountry Hunters and Anglers	1
Colorado Parks and Wildlife	1
Western Slope Conservation Center	1

Table 3: Scoping Submissions by Topic

Comment Theme	Number of Comments
Route Specific Comment	46
Trail Maintenance	29
Trailhead Access/Improvements	28
Non-Motorized Trails	26

Comment Theme	Number of Comments
E-Bikes	25
Signage	23
Trails Remain Open	22
Soils/Erosion	21
Motorized Trails	19
Seasonal Closures	19
New Trails	18
Dogs	18
Hunting	15
Reduce Trail Density	14
Private Property	7
Vegetation Restoration	5
Grazing	4
Camping	3
Recreational Commercial Use	2
Youth	2
Oil and Gas	2
Dark Skies	1
Paleontology	1

The EA was posted to BLM’s ePlanning webpage at <https://eplanning.blm.gov/eplanning-ui/project/2022951/510> on XX, 2023. On February 10, 2023, the EA was posted for a 60-day public review and comment period. BLM will respond to substantive comments received prior to signing a Finding of No Significant Impact (FONSI), if appropriate, and issuing a Decision.

2.2 Issues Identified for Detailed Analysis

The CEQ Regulations state that EAs should “briefly provide sufficient evidence and analysis” for determining whether to prepare an EIS or a FONSI (40 CFR 1501.5) and that agencies should only briefly discuss issues other than significant ones (40 CFR 1500.4(e)). While many issues may arise during scoping, not all of the issues raised warrant analysis in an EA. Issues will be analyzed if: 1) an analysis of the issue is necessary to

make a reasoned choice between alternatives, or 2) if the issue is associated with a significant impact, or where analysis is necessary to determine the significance of the impact. Appendix D Issue Identification Worksheet shows the resources considered and the determination as to whether they require additional analysis. Issues identified for detailed analysis are shown in **Table 4**.

Table 4: Issues Identified for Detailed Analysis

Issue	Issue Statement	Indicator
Issue 1	How much sediment would be generated by maintenance of existing trails and construction of new trails?	Tons of sediment
Issue 2	How would the Proposed Action and alternatives contribute to the establishment and spread of noxious weeds and invasive species?	Acres of disturbance
Issue 3	How would trail construction, use, and maintenance, as well as route closure and changes in route designations impact the BLM sensitive Colorado Desert-parsley (<i>Lomatium concinnum</i>) and upland vegetation?	Acres of disturbance & miles of routes
Issue 4	How would the Pinyon Jay colony and other migratory birds present in the area be impacted by the proposed action?	Acres of disturbance
Issue 5	How would big game crucial winter habitat, and wintering big game be impacted by the proposed action?	Acres of habitat
Issue 6	How would mobilization of salt and selenium would be impacted by trail maintenance and construction?	Ton of salt and selenium
Issue 7	How would the designation and modification of the existing trail system affect transportation?	Miles of Routes Open
Issue 8	How would the designation and modification of the existing trail system affect recreation setting characteristics and recreation opportunities (activities, experiences, outcomes) in the Jumbo Mountain SRMA?	Changes to physical, social, and operational recreation setting characteristics

2.3 Issues Eliminated from Detailed Analysis

Some resources are present in the project area but no specific concerns or issues regarding impacts from the proposed action or alternatives were raised; these resources will not be discussed further in this EA. See Appendix D Issue Identification Worksheet (Coded NP, Not Present).

Some resources are present in the project area, and preliminary analysis of the proposed action and alternatives raised specific concerns or issues regarding potential impacts to these resources. Detailed analysis of these potential issues was eliminated through project design features described in **3.3.2 Design Features Common to All Action Alternatives**. In addition, it was determined that some issues could be incorporated into the analysis of another closely related issue. Those issues, and the rationale for eliminating them from further discussion in this EA, are presented below. Supporting documentation for these statements is included in the project record.

2.3.1 Eliminated Issue 1

How much dust and criteria air pollutants would be generated during construction or special events?

Proximity to the Raggeds Wilderness Class I airshed is approximately 18 miles. Any particulates and other criteria pollutants generated during trail construction or events would be short in duration and quickly dissipate before reaching the Wilderness area.

2.3.2 Eliminated Issue 2

How would removal of vegetation impact CO2 emissions and climate change?

Removal of existing vegetation is too small to meaningfully calculate the loss of plant use of CO2.

2.3.3 Eliminated Issue 3

How would the designation of existing trails, reroutes, and future conceptual trails impact cultural resources?

The proposed project has been inventoried at the Class II level (18UN-21; DT.LM.R84), resulting in cultural resources that are not eligible for the National Register of Historic Places (NRHP). A letter with a finding of "No Historic Properties Affected" was sent to the Colorado SHPO on 3/1/2022. SHPO did not provide any objections to the findings. Design features mitigate impacts to cultural resources. Letters to the Tribes will be sent in February 2023 (concurrent with the public comment period).

2.3.4 Eliminated Issue 4

How would the designation of existing trails, reroutes, and future conceptual trails impact Native American Religious Concerns?

Tribal consultation letters were sent to the Southern Ute Indian Tribe, Ute Mountain Ute Tribe, and the Ute Indian Tribe of the Uintah and Ouray Reservation on April 28, 2022. No specific issues have been identified related to Native American Religious Concerns. There are ongoing conversations with Southern Ute Indian Tribe regarding survey materials.

2.3.5 Eliminated Issue 5

How would riparian areas be affected by trail maintenance and trail building?

Design feature 7(a) specifies riparian area and stream crossings would be kept to a minimum to reduce impacts. Water quality impacts are assessed in the Surface Water section.

2.3.6 Eliminated Issue 6

How would floodplains be affected by trail maintenance and trail building?

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Design feature 6(c) prevents soils from trail construction from being deposited in drainages. Design feature 7(b) specifies that bridges spanning drainages would be built above the extent of riparian vegetation.

2.3.7 Eliminated Issue 7

How would public lands access be affected by the designation of the trail system?

Access to the Jumbo Mountain SRMA is through an easement with the Town of Paonia, through the Hawks Haven HOA. The designation and modifications to the trail system do not change the current access. See Transportation for how the proposed action would impact access within the planning area.

2.3.8 Eliminated Issue 8

How would evidence of the Public Land Survey System (PLSS) be impacted by the designation and modification of the trail system?

Design features 1(a) and 1(b) prevent impacts to evidence of the PLSS.

2.3.9 Eliminated Issue 9

How would existing ROWs be impacted by travel designations?

Design feature 14(a) addresses impacts to realty authorizations.

2.3.10 Eliminated Issue 10

How would an increase in use in the SRMA and travel designations impact current livestock grazing authorization?

Design features 8(a) – 8(d) address potential impacts to livestock grazing.

2.3.11 Eliminated Issue 11

How would new trail construction impact hazardous fuels loading? How would trail system expansion impact the levels of human-caused fire ignitions in the area?

Design feature 15(a) addresses impacts to fuel loading. Design feature 15(b) addresses human-caused fire concerns.

2.3.12 Eliminated Issue 12

How would the designation of existing trails, reroutes, and future conceptual trails impact hunting access?

Hunting access would not be impacted by the designation of the trail system. The SRMA remains open to hunting. The seasonal wildlife limitations would provide better protections for big game which could lead to improved hunting opportunities.

2.3.13 Eliminated Issue 13

How would the designation and modification of the existing Jumbo Mountain trail system impact paleontological resources?

Design features 11(a) and 11(b) address impacts to paleontological resources.

3 – PROPOSED ACTION AND ALTERNATIVES

Four alternatives are presented in this EA: the No Action alternative (A), the Resource Protection alternative (B), the Maximum Access alternative (C), and the Proposed Action alternative (D). The action alternatives were developed with careful consideration of administrative actions, goals, and objectives during the route designation process. The alternatives were also developed and refined throughout the evaluation process with input from BLM staff, management, the public, and partners through the scoping process. Regulation 43 CFR 8342.1 states that all route designations shall be based on the protection of the resources of the public lands, the promotion of the safety of all users of public lands, the minimization of conflicts among various uses of public lands, and in accordance with the criteria outlined in the TMP. During the route evaluation process, each route segment was designated as OHV open, limited, or closed based on 43 CFR 8342.1 and the specific evaluation criteria developed by the BLM IDT and outlined in Appendix I of the 2020 UFO RMP. Alternatives considered in detail are described below, followed by alternatives considered but not analyzed in detail. The affected environment and environmental consequences described in Chapter 4 are based on this detailed description of alternatives.

3.1 Comparison of Alternatives

Table 5 below shows the substantive differences between the alternatives analyzed in this EA, including total miles of route network designated, percentages of route network designated, and seasonal travel limitations applicable under different alternatives in different Recreation Management Zones (RMZ). See Appendix A Maps 3 – 6 for seasonal travel-restricted areas under each alternative.

Table 5: Alternatives Comparison

Designation	Alt A No Action		Alt B Resource Protection		Alt C Maximum Access		Alt D Proposed Action	
	Miles	% of Route Network	Miles	% of Route Network	Miles	% of Route Network	Miles	% of Route Network
OHV Open	31.8	100%	0	0%	4.3	14%	0	0%
Limited to Administrative OHV, Open to public non-motorized	0	0%	2.2	7%	0.1	.3%	4.4	14%
Limited to Non-Motorized (Mechanized, Pedestrian, Equestrian)	0	0%	12.5	39%	23.1	72%	20.0*	52%
Closed	0	0%	17.1	54%	4.3	14%	7.4	24%
Totals	31.8	100%	31.8	100%	31.8	100%	31.8	100%

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Designation	Alt A No Action		Alt B Resource Protection		Alt C Maximum Access		Alt D Proposed Action	
	Miles	% of Route Network	Miles	% of Route Network	Miles	% of Route Network	Miles	% of Route Network
Raptor Nest Travel Limitation	None		Routes within 0.5 miles of raptor nest are closed to all travel		If nest occupied, relevant routes would be closed to all uses from December 15 – July 15		If nest occupied, relevant routes would be closed to all uses from December 15 – July 15	
Big Game Winter Seasonal Travel Limitation	RMZ 2 Trails are closed to Motorized and Mechanized Use from December 1 – Apr 15 per the 2020 UFO RMP		RMZ 2 Trails are closed to All Uses (motorized, mechanized, horse, and pedestrian) from December 1 – Apr 15		RMZ 2 Trails are closed to Motorized and Mechanized Use from December 1 – Apr 15 per the 2020 UFO RMP		RMZ 2 Trails are closed to Motorized and Mechanized Use from December 1 – Apr 15 per the 2020 UFO RMP	
e-bikes			Not open to e-bikes		Not open to e-bikes		*Miles open to non-motorized would be open to e-bikes in this alternative.	

3.2 Alternative A - No Action

3.2.1 Route Designations

Under the No Action alternative, the BLM would not designate or reroute the existing travel network, nor any additional routes. The travel and transportation network would remain according to the designations shown in the 2020 UFO RMP, Appendix I, Figure I-1. Alternative A would not transition management from a “limited to existing routes and route widths” system to a “limited to designated routes” system, as identified in the 2020 UFO RMP. **Table 6** shows miles and seasonal travel limitations under Alternative A (See Appendix A Maps 2 and 3.) There would be no change in authorized uses on routes. There would be no additional designation of existing routes. The seasonal travel limitation for motorized and mechanized uses in RMZ 2 for protection of big game winter habitat would remain in place as prescribed by the 2020 UFO RMP. The BLM would continue to implement this winter travel restriction through public maps, trail signs, and other community outreach as described in Section 3.3.1 Adaptive Management Common to All Action Alternatives.

Table 6: Miles Open and Seasonal Travel Limitations Under Alternative A

OHV Open	Limited to Administrative OHV, Open to Public Non-motorized	Limited to Non-Motorized (Mechanized, Pedestrian, Equestrian)	Closed	Totals	Big Game Winter Seasonal Travel Limitation	Raptor Nest Travel Limitation
31.8	0	0	0	31.8	RMZ 2 Trails are closed to Motorized and Mechanized Use from December 1 – April 15 per the 2020 UFO RMP	None

3.3 Management Common to All Action Alternatives

3.3.1 Adaptive Management Common to All Action Alternatives

The BLM is proposing the following management for the Maximum Resource Protection Alternative (Alternative B), the Maximum Access Alternative (Alternative C), and the Proposed Action (Alternative D). The BLM may complete subsequent environmental review under NEPA before implementing some of the proposed adaptive management actions.

The BLM would manage the desired recreation setting characteristics as described in the UFO RMP to support the Jumbo Mountain SRMA outcome objectives. If BLM monitoring indicates the SRMA outcomes are not being achieved, management would be incrementally adapted to facilitate achievement of SRMA outcomes. For example, the BLM would begin with visitor education, then, if necessary, progress to more intensive measures like use and timing limitations (e.g., different uses on different trails on different days, designating directional travel on system trails, etc.), issuance of permits, law enforcement patrols, etc). BLM would only implement adaptive management measures if: 1) they are consistent with SRMA and other RMP objectives and 2) sufficient funding and long-term management commitments are secured from internal BLM sources and/or external managing partners.

Monitoring for the categories and indicators described below would be conducted primarily by BLM staff, partner agencies and volunteers. It would also include information reported by visitors to the Jumbo Mountain SRMA. In addition to onsite monitoring, the BLM may remotely obtain GPS tracking data using tools like online fitness tracking applications (e.g., Strava) to see when and where recreation activities are taking place.

1. Visitor Experience

a. If BLM monitoring indicates:

- i. That recreation management outcomes and experiences specified in the UFO RMP for the Jumbo Mountain SRMA (see below) are not being achieved,
- ii. Then the BLM may implement adaptive management identified below to restore achievement of management goals and objectives.
 1. Education and outreach - trailhead signage, websites and social media, on-the-ground patrols.

2. Wildlife

a. If BLM monitoring indicates:

- i. Cyclists (under Alternatives C and D) or hikers, equestrians and cyclists (under Alternative B) are violating the seasonal closure:

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1. Then the BLM may implement a progressive response using the actions identified below to protect wildlife winter habitat. If winter closure protections are not met using the first mitigation measure, proceed to the next measure identified in the list below (i.e., a then b)
 - a. Place additional educational and informational signs explaining the purpose for winter closure and compliance requirements; and
 - b. Enhance the closure barriers to further restrict access and make enforcement easier. [No supplementary rule would be published as a result of this EA. Law enforcement officers would utilize existing laws and regulations (e.g., 43 CFR 8364.1(d) “Fail to comply with a closure or restriction order”) to enforce violations of the seasonal closure].
3. Soil Impacts
 - a. If BLM monitoring indicates:
 - i. That increased erosion is occurring on remote trails and BLM is not able to complete the maintenance necessary to address trail damage,
 1. Then the BLM may implement a progressive response using the actions identified below to reduce erosion and sedimentation. If erosion protections are not met using the first mitigation measure, proceed to the next measure identified in the list below (i.e., a then b)
 - a. Modify segments of the routes (e.g., new grade reversals or rolling grade dips) within the trail corridor. This would include increasing drainage feature spacing to 30 to 40 feet in problem areas, or less than 25 feet in location within 300 feet of drainages.
 - b. Re-routing segments of trails within the trail corridor analysis area (30-meter corridor - 15 meters either side of center line) where soil impacts are occurring.
 - c. Construct erosion control basins to capture and hold sediment.
4. Sensitive Species Plants
 - a. For routes within or proposed through sensitive species habitat the BLM would move through the following progressive steps as identified in the list below (i.e., i then ii):
 - i. Existing routes or proposed routes that will or have impacted plant populations will be re-routed to avoid populations.
 - ii. If populations cannot be avoided due to terrain limitations, re-routing will be done to avoid bisecting populations or to minimize the linear distance of routes within populations and built to maximize sustainability of the route to limit route widening, off route travel, or abandonment.
 - iii. If routes cannot be re-routed as described above, then new routes would not be approved, existing routes would employ the full range of adaptive management described in the soil impacts section to maintain the trail in the existing footprint and to limit trail widening, off route travel, or abandonment
 1. Trail drainage features shall be placed in areas where plant density is lower relative to the overall population density,
 2. More drain features than prescribed above may be necessary to limit erosion and sedimentation adjacent to the trail to protect plants and habitat

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3. Hardened barriers may be placed to maintain trail width and limit off route use where BLM sensitive plants are present.
 4. If routes cannot be maintained to the standard described, then they will be closed and reclaimed.
 - iv. All closed routes within BLM sensitive plant habitat will be actively reclaimed and revegetated to minimize erosion and offer best opportunity for sensitive species reestablishment.
5. Raptor Limitation:
- a. If BLM monitoring indicates:
 - i. That the Golden Eagle nest is unattended or remains unoccupied by May 15, an exception may be granted to the timing limitation dates by the BLM UFO Field Office Manager, consistent with policies derived from federal administration of the Migratory Bird Treaty Act.
 - ii. A modification may be granted if the nest has remained unoccupied for a minimum of five years or conditions have changed such that there is no reasonable likelihood of site occupation over a minimum 10-year period.

3.3.2 Design Features Common to All Action Alternatives

Consistent with the management objectives for the Jumbo Mountain SRMA, the BLM and its partners have designed the proposed trail system primarily for mountain biking activities using best management practices described in the International Mountain Bicycling Association's (IMBA) "Trail Solutions" (IMBA 2004), "Managing Mountain Biking: IMBA's Guide to Providing Great Riding" (IMBA 2017), and "Guidelines for a Quality Trail Experience" (BLM/IMBA 2017). These best management practices (BMPs) include curvilinear design principles that utilize the contours of the natural topography, as well as frequent tread grade reversals, constructed bermed turns and jumps, and a combination of insloped and outsloped tread that are all part of modern "bike-optimized" trail design and construction. Tread grades would generally be less than 15 percent, but grades may be steeper where durable surfaces, like large rocks with down gradient armoring or purpose-built trail features (e.g., berms and jumps), can be incorporated into the trail design.

In addition to providing high quality mountain biking opportunities, these design features are intended to reduce soil erosion and sedimentation which can impact downstream water quality. In addition to constructing outsloped tread wherever possible, trail design would incorporate tread grade reversals or drainage features approximately every 50 to 100 feet, or approximately every 30 to 40 feet within 100 feet of natural drainages or where the tread grade exceeds 15 percent.

Several of the trails would be designed and managed for one-way directional travel to optimize trail-user experiences and reduce trail widening due to riders passing one another in opposite directions. Unlike designations, recommendations are not enforceable, but are guidelines to achieve user experience objectives, and promote visitor safety and resource protection. Design features that promote one-way directional travel include:

Uphill

- Gradual tread grades – generally less than 7 percent

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- Constructed along the contours of hillsides with relatively steep cross slopes. This helps keep the tread width narrow and discourages two-way traffic since passing at high speeds is impractical on steep cross slopes
- Subtle grade reversals and periodic changes in tread grade steepness to provide rest/recovery opportunities for riders
- Occasional tighter radius turns or switchbacks that are easily negotiable at lower climbing speeds but interrupt the flow and fun of a descent

Downhill

- Features that promote flow:
 - Wider radius turns
 - Sight lines sufficient for riders to comfortably maintain speed
 - Berms and jumps
 - More pronounced and steeper tread grade reversals (e.g., dropping in and out of washes)
- Technical features that discourage uphill travel:
 - Steep rocky sections
 - Rock ledges/drops
 - Berms and jumps

Essentially, trails designed for directional travel are more fun to ride in the preferred direction of travel and are often more difficult to ride in the opposite direction.

The BLM would communicate recommended mode of transportation and direction of travel using onsite signage and maps along with online messaging and maps. To communicate recommended direction of travel, the BLM would implement methods that have proven effective on other trail systems designed and managed for directional travel. Those methods include:

- Labeling signs only on the side facing the user traveling in the preferred direction
- Including direction of travel arrows on all maps - trailhead kiosks, trail intersections, paper handout maps, and online maps
- Communicating with other service providers (bike shops, mapping apps, websites, etc.) to ensure that they understand and convey desired management strategies
- Posting onsite and online messages regarding the rationale for directional travel recommendations
- Posting “Wrong Way” signs if necessary

These trail design features, in combination with properly constructed tread features, create tread surfaces that would shed water and minimize erosion from the tread surface. In most cases, soil cleared during trail construction would be widely broadcast both above and below the constructed tread surface or used to construct other trail features (berms and jumps). Excess soil would not be deposited in drainages.

The trails would be constructed with a combination of paid professional trail builders and trained volunteer trail crews. The trails would be constructed in phases starting in the summer of 2023. The completion date for all the proposed trails would be dependent on procurement of funding sources and volunteer labor.

At all trail and road intersections in the project area, the BLM and its partners would post signs indicating trail names with directional arrows, and travel management designations using international symbols indicating

allowable uses (e.g., open to foot, horse and bicycle use, closed to motorized uses) wherever allowable uses change from one route to another. At trail intersections where allowable uses do not change, “Open to/Closed to” travel management designation signage is not needed.

The BLM would post educational and informational signs explaining the purpose for winter wildlife closures and compliance requirements at trailheads and seasonal closure boundaries (see sign example in Appendix E).

Long-term monitoring and maintenance of the trail system would be performed collaboratively by BLM trail crews, community-funded trail crews (e.g., youth trail crews, grant-funded professional trail crews), and volunteer trail crews. BLM and these partners would conduct onsite monitoring a minimum of two times annually (typically early Spring and early Fall) to identify and address maintenance needs, including mitigation of noxious weeds along trail corridors and closed/reclaimed trails. The BLM and/or its partners would perform interim maintenance on an as needed basis (based on conditions reported by trail users or patrollers). Trail maintenance activities would restore the trail to the original design specifications described in the trail management objectives (*See 3.3.6 Trail Management Objectives (TMOs)*) and would address noxious weed infestations. Typical trail maintenance activities would include clearing drainage features (grade reversals and rolling grade dips), de-berming and outsloping tread, re-constructing technical trail features (berms, jumps, etc.), trimming woody vegetation that presents safety hazards, and controlling noxious weeds (physical removal or spraying herbicides as appropriate).

3.3.3 Resource Specific Design Features Common to All Action Alternatives

1. Cadastral Survey
 - a. The responsible party would identify and protect evidence of the PLSS and related federal property boundaries prior to commencement of any ground-disturbing activity. Contact BLM cadastral survey to coordinate data research, evidence examination and evaluation, and locating, referencing or protecting monuments of the PLSS and related land boundary markers from destruction. In the event of obliteration or disturbance of the federal boundary evidence, the responsible party shall immediately report the incident, in writing, to the Authorized Officer (AO). Cadastral survey will determine how the marker is to be restored.
 - b. Trail work would not encroach onto adjoining private lands, unless through prior agreement and in cooperation with private landowners. Where any part of the treatment is within one-quarter mile of a federal property boundary, contact cadastral survey to evaluate existing title, survey, and use records, determine when boundaries require identification, to select an appropriate method for identifying the boundary.
2. BLM Sensitive Species (Plants)
 - a. The BLM would conduct monitoring of Colorado Desert-parsley along the route system. If the BLM determines that the routes are impacting the Colorado Desert-parsley, the routes may be realigned, or natural barriers may be installed to increase protection. Realignment outside of sensitive plant habitat would be constrained within the 30-meter buffer survey area unless new surveys are completed.
 - b. New routes considered would avoid occupied sensitive plant species habitat.
3. Wildlife
 - a. All designated routes, reroutes, and future construction within the RMZ 2 planning area would be subject to seasonal winter closure from December 1 to April 15 for motorized and mechanized modes of travel for the purpose of reducing disruption to mule deer and elk during the winter season in crucial winter habitat. Year-round administrative access for grazing permit holders and other parties with prior existing rights would continue to be available. BLM would

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work cooperatively with CPW and the counties for assistance with monitoring and implementation decisions on seasonal closures. Appropriate signing at gates, trailheads and on routes would inform the public of the closures and the rationale for the closures. The Authorized Officer may modify the time frames after consultation with CPW.

- b. Prohibit surface-disturbing (e.g. infrastructure or trail construction) and disruptive activities (e.g. commercial recreation or trail maintenance) from December 1 to April 15 to protect big game crucial winter habitat.
- c. The golden eagle nest in the project area includes a seasonal timing limitation December 15- July 15 (or until fledging and dispersal of young) for trails within ½ mile of the mapped nest.
- d. To minimize impacts to migratory bird populations, no surface disturbing activities or vegetation removal would occur from May 15 through July 15, without first being surveyed for nesting migratory birds. Project activities shall retain nest trees and avoid modifying identified cavity trees, snags, and perches in the planning area.
- e. To minimize impacts to the known pinyon jay colony, no surface disturbing activities or vegetation removal would occur within 0.7 miles of the mapped pinyon jay colony between February 14 and May 30.

4. Recreation

- a. Construction and maintenance work for routes would be subject to the conditions and guidelines that create sustainable routes and maintain quality recreation.
- b. Special events would follow all stipulations, policies, laws, and regulations from the BLM, State, County and/or City as appropriate (See Appendix F) for the Terms and Conditions, and Stipulations, which would be common to all alternatives.

5. VRM

- a. Proposed routes would be designed and located such that VRM Class Objectives would be met in order to reduce visual contrast and impacts such as avoiding straight lines where possible and reducing unnecessary disturbance.
- b. Permanent structures would be painted a color that enables the facilities to blend with the natural background color of the landscape and selected color should be one or two shades darker than the dominant background color.

6. Soils

- a. Surface disturbance would be kept to a minimum to maintain sufficient vegetation to protect soils.
- b. Where monitoring shows the need to reduce speeds, resultant dust, and/or address erosion concerns, obstacles such as trail armoring, or grade control rock structures would be installed. Trails could also be rerouted in certain locations in a safe manner.
- c. Soil cleared during trail construction would be widely broadcast both above and below the constructed tread surface or used to construct other trail features (berms and jumps). Excess soil would not be deposited in drainages.

7. Riparian

- a. Number of stream crossings would be kept to a minimum, in order to reduce impacts to riparian areas. Route improvements would be implemented at drainage crossings to reduce channel and riparian impacts.
- b. Bridges/boardwalks spanning drainages would be built above the extent of riparian vegetation.

8. Range Management

- a. Grazing and related activities that are currently authorized would continue as permitted.

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- b. Closures, rehabilitation and/or re-vegetation of routes would be coordinated with affected grazing permittee(s) prior to implementation through a Cooperative Range Improvement Agreement (BLM Form 4120-6).
 - c. Signage informing public of livestock grazing activities would be posted during period of active grazing. This may include kiosks, signage at gates (e.g. "close gate") and crossings.
 - d. Alteration of existing range improvements (fences, ponds, gates) would be coordinated with affected grazing permittee(s).
9. Noxious Weeds/Invasive Species
- a. Prior to surface disturbing activities, a noxious weed/invasive species survey would be completed; any noxious weed populations detected would be treated accordingly through approved Uncompahgre Field Office methods.
 - b. Noxious weed infestations would be monitored and treated accordingly.
 - c. When performing surface disturbing activities, vehicles and equipment would be cleaned and washed prior to activity to reduce the potential for noxious weed/invasive species introduction or spread.
 - d. Any materials used for closures, rehabilitation, and/or revegetation of routes would be weed-free.
 - e. Public education, such as signage, outreach, and/or collaboration with user groups, would be encouraged to reduce the introduction and spread of noxious weeds/invasive species.
10. Vegetation
- a. Closures, rehabilitation and/or re-vegetation of routes could include reseeding, planting vegetation, and/or constructing barriers. If any ground disturbance is required, such as ripping existing routes, digging post holes for fences, or using rangeland drills, the appropriate clearances/inventories would be completed prior to implementation.
 - b. Restoring natural drainage patterns, surface topography, and vegetation would be implemented as needed during rehabilitation of routes that are closed to travel.
 - c. During rehabilitation, seeding with a BLM-approved seed mix would take place where areas of compaction exceed 3 feet in width and where natural re-vegetation is unlikely to occur over the next 3 years. Seed would be scattered on the surface and raked in.
 - d. Surveys for BLM sensitive plants would be conducted during the appropriate season for the species of concern prior to construction of proposed routes.
 - e. All operations shall be conducted in a manner which minimizes damage to or loss of vegetation cover. Cutting, clearing or trimming woody vegetation will be done in a manner that only removes the least amount of vegetative material to facilitate trail development and maintenance.
11. Travel Management
- a. Informational/directional signs would be installed where needed throughout the planning area, which would include kiosks on entry routes as appropriate. Signing for designated routes would be implemented by BLM over time and as funding allows.
 - b. All trailheads and routes would be appropriately signed with allowed uses and seasons of use. Because signs are at times vandalized or removed, the user is responsible for determining the correct mode of travel based on official maps. Official maps would be made available to the public.
 - c. All designated routes within the planning area would be considered valid and available for use in special events
12. Cultural
- a. All persons associated with operations under an event permit would be informed that any objects or sites of cultural, paleontological, and scientific interest, such as historic or prehistoric resources, graves or grave markers, human remains, ruins, cabins, rock art, fossils, or artifacts

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shall not be damaged, destroyed, removed or disturbed. If in connection with operations under this permit any of the above resources are discovered, the permittee would be required to immediately stop operations in the immediate area of the discovery, protect such resources, and notify the BLM authorized officer of the discovery. The immediate area of the discovery would be required to be protected until the operator is notified in writing to proceed by the authorized officer.

- b. Any modifications to the proposed route network would be subject to additional cultural and paleontological review to ensure all identified historic properties or resources are avoided by the proposed modification of design.

13. Law Enforcement

- a. Signs, equipment, markers, fences, livestock watering facilities or any other property found on public land would be required to not be damaged, destroyed, defaced, removed, or disturbed during events.
- b. State and local law enforcement would be required to always be advised of upcoming events. Permittees would be required to submit communication and safety plans that include advising the local sheriff, fire, and emergency medical service of the event.
- c. Permittee, entrants, and/or spectators would be required not to obstruct other valid uses occurring on public land such as grazing, mining, and other recreational uses.
- d. BLM law enforcement would operate under C.F.R.s and supplementary rules and assist in other areas as needed.

14. Lands and Realty

- a. Project would be designed to avoid or otherwise ensure the protection of authorized rights-of-way and other facilities located on the public lands, including coordination with holders of major rights-of-way.

15. Fire

- a. All woody material cut during trail construction or maintenance would be scattered a minimum of 30 feet off trails to avoid creating concentration of hazardous fuels.
- b. Public education, such as signage, outreach, and/or collaboration with user groups, would be encouraged to notify the public about local fire danger and reduce site-specific occurrences of human-caused fires.

3.3.4 Special Recreation Permit Management Under All Action Alternatives

The BLM would authorize Special Recreation Permits (SRPs) on designated trails at the discretion of the authorized officer as long as they conform to the SRMA Objectives and Setting. SRPs would be subject to permit specific stipulations that would be determined through NEPA analysis. The Authorized Officer would have the discretion to cancel events at any time due to weather (e.g. during drought, snow or rainstorm events, etc.). The BLM reserves the right to add stipulations to permits at any time to resolve unforeseen resource impacts, reduce user conflicts, enhance visitor protection, or address other management issues requiring immediate attention.

3.3.5 Reroutes

The BLM is proposing to conduct additional trail development that is not described in detail in this proposal. The additional conceptual actions that may be reviewed and approved in the future are described below:

- Reroutes (closure, reclamation and replacement) of unsustainable trails within the “Reroute Corridors” identified in Appendix A Map 7 and shown in **Table 7**. These reroutes total approximately 9 miles. When a reroute is completed, the old unsustainable alignment will be

closed and reclaimed. Additional reroutes may be completed as necessary in Jumbo Mountain SRMA.

The trails would be constructed using a variety of hand tools (pick mattocks, shovels, McLeods, etc.) and motorized equipment (trail dozers, mini excavator, skid-steer). Finished tread width would vary from 24 inches to 48 inches. Approximately 5 to 10 percent of the routes could be wider than 36 inches to allow for race and event participants to safely pass one another at specified locations along designated courses without riding off constructed tread surfaces. All trails would be constructed with a full bench cut (not half-bench cut and fill). Temporary disturbance of up to 72 inches could occur during construction. Corridor width would be approximately 6 to 9 feet, and corridor height would be approximately 10 to 12 feet (corridor is the cleared, or partially cleared, area above and to the sides of the trail tread).

Table 7: Reroutes Under All Action Alternatives

Route Type	Route Length (miles/feet)	Route Width (feet)	Area (square feet)	Acres of Disturbance
Within Identified "Reroute Corridors"	9/ 47,520	2	95,040	2.1

3.3.6 Trail Management Objectives (TMOs)

To provide opportunities in the Jumbo Mountain SRMA for individuals with disabilities, the BLM would authorize the use of non-wheelchair adaptive cycles, including those that meet the BLM definition of a Class 1 or 2 e-bike, and are sufficiently narrow to allow all of the vehicle's wheels to remain within the constructed/maintained tread width specified in the trail-specific trail management objective (TMO) for that trail. A BLM authorized officer may also allow exceptions for persons with disabilities on a case-by-case basis. See additional information on TMOs below.

The Jumbo Mountain system-wide TMO is included in Appendix G. Detailed trail-specific TMOs would be developed prior to construction of each trail. Those trail specific TMOs would be based on the trail descriptions.

All trail users would be expected to remain within the constructed/maintained tread width specified in the trail specific TMO for that trail.

3.4 Alternative B – Maximum Resource Protection

3.4.1 Route Designations

The Maximum Resource Protection Alternative would designate approximately 14.7 miles of existing trails and new or re-routed trails, and close and reclaim approximately 17.1 miles of trails within the planning area. **Table 8** shows miles and seasonal travel limitations under Alternative B. (See Appendix A, Map 4.) The Design features would remain the same as all action alternatives, described in **3.3.2 Design Features Common to All Action Alternatives** and **3.3.3 Resource Specific Design Features Common to All Action Alternatives**. The BLM would authorize Special Recreation Permits (SRPs) as outlined in **3.3.4 Special Recreation Permit Management Under All Action Alternatives**. Reroutes would be conducted as described under **3.3.5 Reroutes**. Trail management objectives described in **3.3.6 Trail Management Objectives (TMOs)** would apply.

Table 8: Miles Open and Seasonal Travel Limitations Under Alternative B

OHV Open	Limited to Administrative OHV, Open to Public Non-motorized	Limited to Non-Motorized (Mechanized, Pedestrian, Equestrian)	Closed	Totals	Big Game Winter Seasonal Travel Limitation	Raptor Nest Travel Limitation
0	2.2	12.5	17.1	31.8	RMZ 2 Trails are closed to all use (motorized, mechanized, horse, and pedestrian) from December 1 – April 15	Routes within 0.5 miles of raptor nest are closed to all travel

The BLM would implement an annual seasonal travel limitation for all uses (horseback and pedestrian, etc.) in addition to motorized and mechanized uses from December 1 to April 15 on all the existing trails in RMZ 2, and any future reroutes or new trails in RMZ 2 to reduce disruption of wintering big game. This seasonal travel closure adds additional limitations compared to what is prescribed in the 2020 UFO RMP and further restricts trail use by pedestrians and horses. No routes would be subject to seasonal travel limitations to protect nesting raptors because all routes within approximately 0.5 miles of the nest are closed to all travel.

3.5 Alternative C – Maximum Access

3.5.1 Route Designations

The Maximum Access Alternative would designate approximately 27.5 miles of existing trails and close and reclaim approximately 4.3 miles of trails within the planning area. **Table 9** shows miles and seasonal travel limitations under Alternative C. (See Appendix A, Map 5). Design features would remain the same as all action alternatives, described in **3.3.2 Design Features Common to All Action Alternatives** and **3.3.3 Resource Specific Design Features Common to All Action Alternatives**. The BLM would authorize Special Recreation Permits (SRPs) as outlined in **3.3.4 Special Recreation Permit Management Under All Action Alternatives**. Reroutes would be conducted as described under **3.3.5 Reroutes**. Trail management objectives described in **3.3.6 Trail Management Objectives (TMOs)** would apply.

Table 9: Miles Open and Seasonal Travel Limitations Under Alternative C

OHV Open	Limited to Administrative OHV, Open to Public Non-motorized	Limited to Non-Motorized (Mechanized, Pedestrian, Equestrian)	Closed	Totals	Big Game Winter Seasonal Travel Limitation	Raptor Nest Travel Limitation
4.3	0.1	23.1	4.3	31.8	RMZ 2 Trails are closed to Motorized and Mechanized Use from December 1 – April 15 per the 2020 UFO RMP	If nest occupied, relevant routes would be closed to all uses from December 15 – July 15

The BLM would implement an annual seasonal travel limitation for motorized and mechanized use from December 1 to April 15 on all of the existing trails in RMZ 2, and any future reroutes or new trails in RMZ 2 to reduce disruption of wintering big game. The seasonal travel limitation for motorized and mechanized uses in RMZ 2 for protection of big game winter habitat would remain in place as prescribed by the 2020 UFO RMP. A

seasonal travel limitation for all uses would be in place on 2.4 miles of trails from December 15 – July 15 to protect raptors.

3.6 Alternative D - Proposed Action

3.6.1 Route Designations

The Proposed Action is for BLM to designate approximately 24.4 miles of existing trails and new or re-routed trails, and to close and reclaim approximately 7.4 miles of trails within the planning area. The routes identified for closure would primarily be replaced by new routes (reroutes) designed to enhance recreation experiences and reduce resource impacts (e.g., soil erosion, reduced water quality) from the trails they would replace.

Table 10 shows miles and seasonal travel limitations under Alternative D. (See Appendix A, Map 6.) Design features would remain the same in all action alternatives, described in **3.3.2 Design Features Common to All Action Alternatives** and **3.3.3 Resource Specific Design Features Common to All Action Alternatives**. The BLM would authorize Special Recreation Permits (SRPs) as outlined in **3.3.4 Special Recreation Permit Management Under All Action Alternatives**. Reroutes would be conducted as described under **3.3.5 Reroutes**. Trail management objectives described in **3.3.6 Trail Management Objectives (TMOs)** would apply.

Table 10: Miles Open and Seasonal Travel Limitations Under Alternative D

OHV Open	Limited to Administrative OHV, Open to Public Non-motorized	Limited to Non-Motorized (Mechanized, Pedestrian, Equestrian)	Closed	Totals	Big Game Winter Seasonal Travel Limitation	Raptor Nest Travel Limitation
0	4.4	20.0	7.4	31.8	RMZ 2 Trails are closed to Motorized and Mechanized Use from December 1 – Apr 15 per the 2020 UFO RMP	If nest occupied, relevant routes would be closed to all uses from December 15 – July 15

The BLM would implement an annual seasonal travel limitation for motorized and mechanized use from December 1 to April 15 on all of the existing trails in RMZ 2, and any future reroutes or new trails in RMZ 2 to reduce disruption of wintering big game. The seasonal travel limitation for motorized and mechanized uses in RMZ 2 for protection of big game winter habitat would remain in place as prescribed by the 2020 UFO RMP. A seasonal travel limitation for all uses would be in place on 2.4 miles of trails from December 15 – July 15 to protect raptors.

3.6.2 New Routes in the Proposed Action Alternative

Under the Proposed Action, construction of up to an additional 10 miles of new trails that are not replacing existing routes could occur as described in **Table 11**. This would be in addition to the reroutes described in **3.3.5 Reroutes**. These new trails would all be constructed within the SRMA boundary. The priority for implementation would be reroutes, then followed by new trails.

The BLM would complete site-specific surveys for these routes in the future. Programmatic or general analysis of the impacts of these actions and their conceptual buffered alignment area is included in this EA. Additional analysis for site specific actions may be required for compliance with the NEPA.

Table 11: New Routes Under the Proposed Action

Route Type	Route Length (miles/feet)	Route Width (feet)	Area (square feet)	Acres of Disturbance
Future Conceptual	10/52,800	2	105,600	2.4

3.6.3 e-Bikes

The BLM would designate all of the new trails and reroutes, along with all of the existing designated mechanized trails in the planning area, as open to Class 1 e-bikes, with a formal designation of “OHV Limited: Limited to Class 1 e-bikes”. By definition, Class 1 e-bikes are equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 mph. The motor’s power is limited to one horsepower (750 watts). This alternative would prohibit Class 2 or 3 e-bikes on the proposed new trails or existing trails in the planning area.

To avoid confusion with the formal designation of “OHV Limited: Limited to Class 1 e-bikes” by calling e-bikes OHVs throughout this analysis, e-bikes are grouped with mechanized bicycles in the Alternative D-Proposed Action analyses. While e-bikes are a newer type of trail based recreation, research indicates that Class 1 e-bikes have largely similar impacts as traditional bikes (IMBA 2015) and e-bikers tend to be older in age than traditional bikers and use their e-bikes to ride further distances while keeping up with the rest of their group (Perry and Casey, 2020). E-bikes would be subject to any additional seasonal limitations the same as traditional bicycles.

3.7 Alternatives Considered but Eliminated from Detailed Analysis

The BLM considered an alternative that would include seasonal travel limitations in portions of RMZ 1 to protect wintering big game. This alternative was eliminated from detailed analysis because it would have resulted in 93 percent of the trail system being closed to all uses for 5 months of the year. Extensive seasonal closures to all travel does not meet the objectives of the SRMA and has the potential to cause new user-created recreational disturbance outside the SRMA, further impacting adjacent big game winter habitat that is intact and relatively undisturbed.

4 – AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This chapter provides a description of the human and environmental resources and relevant issue statements presented in Table 4: Issues Identified for Detailed Analysis that may be affected by the proposed action and no action alternative. It also presents comparative analyses of the direct, indirect and cumulative effects on the affected environment stemming from the implementation of the proposed action and other alternatives.

Analysis assumptions create parameters for impact analysis and a standard framework for impacts across different resources. The analysis assumptions used in Chapter 4 are as follows:

- The trail system is an existing disturbance. The existing disturbance for any resource is not analyzed as new impacts but rather part of the Affected Environment and/or the No Action Alternative (Alternative A), as appropriate.
- A net change to impacts between Alternatives may occur from differences in authorized trail mileages, reroutes, seasonal travel limitations for raptors, and in Alternative B the addition of a pedestrian and equestrian winter travel restriction in RMZ 2.
- The motorized and mechanized seasonal travel restriction for big game winter habitat in RMZ 2 is part of the Affected Environment because it is an existing land use decision per the 2020 UFO RMP.
- The BLM expects public compliance with seasonal travel limitations, signage, and other restrictions and analysis is based on this overall compliance.

4.1 ISSUE STATEMENT #1

How much sediment would be generated by maintenance of existing trails and construction of new trails?

4.1.1 Affected Environment

The planning area is located on soils derived from the weathering of the Mancos Shale Formation. There are seven main soil units across the planning area. The erosion hazard for roads and trails is severe and runoff potential is very high. See **Table 12** and **Figure 1** below. These ratings are dependent on the slope of the site, which ranges from 1 – 40 percent or more in some locations. More soil properties can be found in the table below from the Paonia Soil Survey (USDA Natural Resources Conservation Service, 2022).

Table 12: Soil Erosion Hazard Potential

Map Unit Symbol*	Soil Unit Name	Geomorphic Description	Ecosite	Hazard for Roads & Trails	Runoff Potential	Acres in the Planning Area
11	Badland	Valleys, hillsides, flood plains, gullies		Severe	Very High	473
27	Colona silty clay loam, 6 to 12 percent slopes	Terraces, fans	R034BY302UT: Upland Clay (Western Wheatgrass)	Severe	Very high	32

Jumbo Mountain Special Recreation Management Area CTTMP

Map Unit Symbol*	Soil Unit Name	Geomorphic Description	Ecosite	Hazard for Roads & Trails	Runoff Potential	Acres in the Planning Area
39	Fughes loam, 25 to 65 percent slopes	Valleys, alluvial fans	R048AY247CO: Deep Clay Loam	Severe	Very High	85.6
41	Fughes-Curecanti stony loams, 25 to 65 percent slopes	Valleys, alluvial fans	R048AY247CO: Deep Clay Loam	Severe	Very High	12
44	Gullied land	Drainageways, flood plains		Moderate	Medium	35
47	Kech-Rock outcrop complex, 10 to 40 percent slopes	Ridges, hills	R034BY322UT: Upland Shallow Loam (Two-Needle Pinyon / Utah Juniper)	Severe	Very High	296
56	Midway-Gaynor silty clay loams, 10 to 40 percent slopes	Hills, ridges		Severe	Very High	632
75	Torriorthents-Rock outcrop, sandstone, complex	Mesas, pediments		Severe	Very High	101
76	Torriorthents-Rock outcrop, shale, complex	Mesas, pediments		Severe	Very High	279
GR6	Fughes-Fughes, cool-Fughes very stony, cool complex 5 to 25 percent slopes	Valleys, alluvial fans	R048AY247CO: Deep Clay Loam	Severe	Very High	17.5

Jumbo Mountain Special Recreation Management Area CTTMP

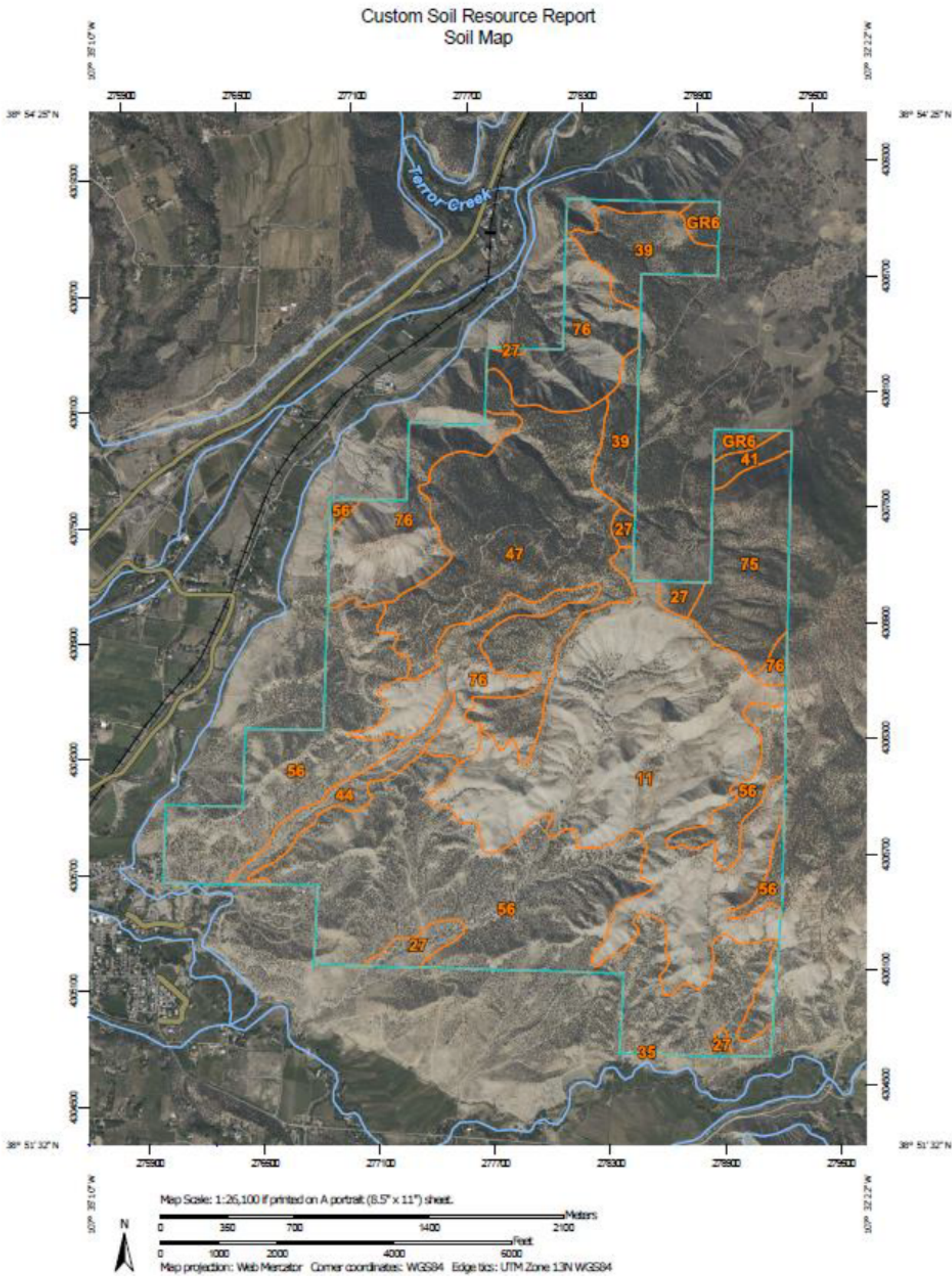


Figure 1: Soil Map Units

4.1.2 Reasonably Foreseeable Environmental Trends

Drought continues to impact the region and now is considered a mega-drought lasting 22 years. The current drought is the longest in 1,200 years (Williams et al., 2022). It is reasonable to expect additional years of drought in the future and a prolonged period of recovery of soil moisture once precipitation returns to the normal 30-year average. **Figure 2** shows Delta County drought from 2000 to present.

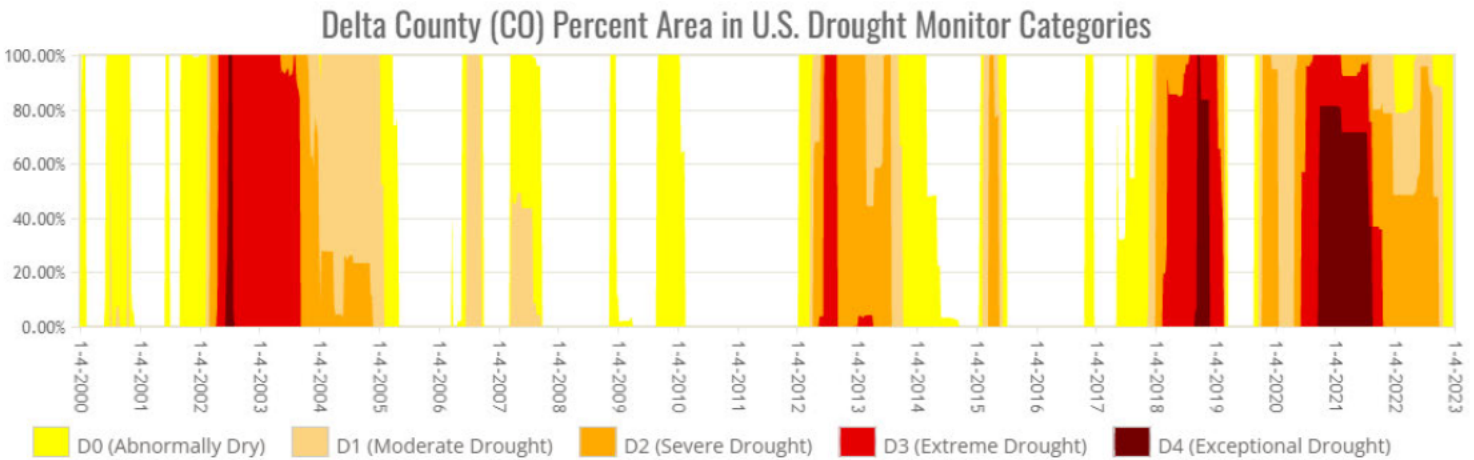


Figure 2: U.S. Drought Monitor ratings for years 2000-2022

4.1.3 Other Planned Actions in the Area

The BLM is likely to conduct treatments in the Jumbo Mountain area to manage various vegetation communities for a variety of objectives including removing hazardous fuels, improving wildlife habitat, and infrastructure protection.

4.1.4 Effects of Alternative A - No Action

Under the No Action Alternative, the BLM would not designate or reroute the existing routes. There is currently 31.8 miles open to OHV. Many of the existing trails are former game trails or were ridden in and lack any kind of drainage features such as grade reversals or rolling dips (Photo 1 and Photo 2). RMZ 1 would allow mechanized, pedestrian and equestrian use year around. There is a winter closure for motorized and mechanized use from December 1 to April 15 on all of the existing trails in RMZ 2 limiting travel to foot and horse travel only during winter months. Trails are more susceptible to impacts when the trails are wet and muddy in the winter months by increasing cupping and rutting. Annual erosion on the existing trails in RMZ 1 and 2, assuming winter use by horse and foot traffic is estimated using the Water Erosion Prediction Project tool (Elliot et al., 2010). See

Table 13.



Photo 1 and Photo 2: Existing trails with lack of trail maintenance.

Table 13: Erosion Potential Under the No Action Alternative

Segments	Length Trail Segment (Miles)	Ave Width (ft.)	Trail Gradient (%)	Trail Design	Cross Drain Spacing (ft.)	Native Surface (pounds of Sediment Produced)
155	31.8 miles	3	8	Outsloped/Rutted in winter	300	31,230

Mean annual trail surface erosion totals (error estimate is +/- 50%) 15.6 tons

The erosion model assumed an average width of 3 feet, gradient of 8 percent, and natural cross drains every 300 feet. Using these parameters, the estimated annual erosion of sediment from the trails is 56 pounds of sediment leaving the trail for every 300 feet of trail annually. The trail buffer is 10 feet wide and includes the 3-foot-wide tread surface as well as 7 feet of downhill slope before reaching the native hillslope. This results in an estimated 15.6 tons of sediment produced annually from the 31.8 miles of trail surface during regular use. The error estimate of the model is +/- 50 percent.

There are several drainage crossings along the existing powerline road with severe headcutting below culverts (Photo 3 and 4). The drainages below the culverts are deeply incised with sloughing material entering the stream channel. Recent storm events deposited large amounts of sediment downstream of the culvert shown below in the Hawk’s Haven subdivision.



Photo 3 Photo 4 Western Area Power Authority (WAPA) road crossing at an unnamed natural drainage.

Gully formation is a somewhat natural phenomenon in the Mancos Shale formation and can be triggered by concentrating flows in a culvert, causing severe downcutting as has happened along the WAPA powerline road in Photos 3 & 4. Intense downcutting like this was widespread across the Colorado river basin beginning in the late 19th century and extending through the early decades of the 20th century. Changes in the land use like road building, irrigation diversions, and livestock grazing likely triggered the arroyo cutting phase (Gellis et al., 1993). The channel in Photos 3 and 4 is not likely to “heal” until the concentration of water is removed, and the channel evolves through the channel widening phase and eventually the sediment storage phase.

4.1.5 Effects of Alternative B – Maximum Resource Protection

The maximum resource protection alternative would designate approximately 14.7 miles of existing trails and new or re-routed trails, and close and reclaim approximately 17.1 miles of trails within the planning area. RMZ1 would allow mechanized, pedestrian and equestrian use year around. There is a winter closure for all trail use from December 1 to April 15 on all of the existing trails in RMZ 2 limiting travel. Annual erosion on the existing trails in RMZ 1 is estimated using the Water Erosion Prediction Project tool (Elliot et al., 2010). See **Table 14**.

Table 14: Erosion Potential Under Alternative B

Segments	Length Trail Segment (Miles)	Ave Width (ft.)	Trail Gradient (%)	Trail Design	Cross Drain Spacing (ft.)	Native Surface (pounds of Sediment Produced)
39	6.1 miles RMZ 1	3	6	Outsloped/Rutted in winter	100	1,594 (0.8 tons)
46	8.6 miles RMZ 2	3	6	Outsloped	100	1,312 (0.7 tons)

Mean annual trail surface erosion totals (error estimate is +/- 50%) 1.5 tons

The erosion model assumed an average width of 3 feet, gradient of 6 percent, and natural cross drains every 100 feet after implementing reroutes and installing grade reversals. Using these parameters, the estimated annual erosion of sediment from the trails is 6 pounds of sediment leaving the trail for every 100 feet of trail annually. The trail buffer is 10 feet wide and includes the 3-foot-wide tread surface as well as 7 feet of downhill slope before reaching the native hillslope. This results in an estimated 1.5 tons of sediment produced annually from the 14.7 miles of trail surface during regular use. The error estimate of the model is +/- 50 percent.

A total reduction of approximately 14.1 tons of sediment compared to no action would be expected by implementing the Maximum Resource Protection Alternative. The Maximum Resource Protection Alternative would result in 1.5 tons of sediment generated from the trail system after closure, realignments, and maintenance and installation of new grade reversals on the existing trails compared to 15.6 tons of annual sediment generated in the no action alternative.

4.1.6 Effects of Alternative C – Maximum Access

The Maximum Access Alternative would designate approximately 27.5 miles of existing trails and new or re-routed trails, and to close and reclaim approximately 4.3 miles of trails within the planning area. The routes identified for closure would primarily be replaced by new routes (reroutes) designed to enhance recreation experiences and reduce resource impacts (e.g., soil erosion, reduced water quality) from the trails they would replace. RMZ 1 would allow mechanized, pedestrian and equestrian use year around. There is a winter closure for motorized and mechanized use from December 1 to April 15 on all of the existing trails in RMZ 2 limiting travel to foot and horse travel only during winter months. Trails are more susceptible to impacts when the trails are wet and muddy in the winter months by increasing cupping and rutting. Annual erosion on the existing trails in RMZ 1 and 2 assuming winter use by horse and foot traffic is estimated using the Water Erosion Prediction Project tool (Elliot et al., 2010). See **Table 15**.

Table 15: Erosion Potential Under Alternative C

Segments	Length Trail Segment (Miles)	Ave Width (ft.)	Trail Gradient (%)	Trail Design	Cross Drain Spacing (ft.)	Native Surface (pounds of Sediment Produced)
87	9.6 miles	3	6	Outsloped/Rutted in winter	100	2,509(1.3 tons)
73	17.9 miles	3	6	Outsloped/Rutted in winter	100	4,678(2.4 tons)

Mean annual trail surface erosion totals (error estimate is +/- 50%) 3.7 tons

The erosion model assumed an average width of 3 feet, gradient of 6 percent, and natural cross drains every 100 feet after implementing reroutes and installing grade reversals. Using these parameters, the estimated annual erosion of sediment from the trails is 6 pounds of sediment leaving the trail for every 100 feet of trail annually. The trail buffer is 10 feet wide and includes the 3-foot-wide tread surface as well as 7 feet of downhill slope before reaching the native hillslope. This results in an estimated 3.7 tons of sediment produced annually from the 27.5 miles of trail surface during regular use. The error estimate of the model is +/- 50 percent.

A total reduction of approximately 11.9 tons of sediment would be expected by implementing the Maximum Access Alternative. The Maximum Access Alternative would result in 3.7 tons of sediment generated from the trail system after realignments and maintenance and installation of new grade reversals on the existing trails compared to 15.6 tons of annual sediment generated in the no action alternative.

4.1.7 Effects of Alternative D – Proposed Action

The proposed action is for BLM to designate approximately 24.4 miles of existing trails and new or re-routed trails, and to close and reclaim approximately 7.4 miles of trails within the planning area. The routes identified for closure would primarily be replaced by new routes (reroutes) designed to enhance recreation experiences and reduce resource impacts (e.g., soil erosion, reduced water quality) from the trails they would replace.

RMZ1 would allow e-bikes, mechanized, pedestrian and equestrian use year around. There is a winter closure for motorized and mechanized use from December 1 to April 15 on all of the existing trails in RMZ 2 limiting travel to foot and horse travel only during winter months. Trails are more susceptible to impacts when the trails are wet and muddy in the winter months by increasing cupping and rutting. Annual erosion on the existing trails in RMZ 1 and 2 assuming winter use by horse and foot traffic is estimated in **Table 16** below.

Table 16: Erosion Potential

Segments	Length Trail Segment (Miles)	Ave Width (ft.)	Trail Gradient (%)	Trail Design	Cross Drain Spacing (ft.)	Native Surface (pounds of Sediment Produced)
87	8.2 miles	3	6	Outsloped/Rutted in winter	100	2,143(1.1 tons)
58	16.2 miles	3	6	Outsloped/Rutted in winter	100	4,234(2.1 tons)

Mean annual trail surface erosion totals (error estimate is +/- 50%) 3.2 tons

The erosion model assumed an average width of 3 feet, gradient of 6 percent, and natural cross drains every 100 feet but assumed the trail may be rutted from winter use and therefore carry sediment on the trail further and potentially produce sediment that are mobilized beyond the trail buffer. The trail buffer is 10 feet wide and includes the 3-foot-wide tread surface as well as 7 feet of downhill slope before reaching the native hillslope. Using these parameters, the estimated annual erosion of sediment from the trails with winter use is 4.95 pounds of sediment leaving the trail for every 100 feet of trail annually. This results in an estimated 3.2 tons of sediment produced annually from the 8.2 miles of trail in RMZ 1 and 16.2 miles of trail in RMZ 2. The error estimate of the model is +/- 50 percent.

The BLM is also proposing to conduct additional trail development of up to an additional 10 miles of trails built to International Mountain Bike Association (IMBA) trail building standards. Annual erosion on the new trails is estimated in **Table 17** below.

Table 17: Erosion Potential for New Trail Development

Segments	Length Trail Segment (Miles)	Ave Width (ft.)	Trail Gradient (%)	Trail Design	Cross Drain Spacing (ft.)	Native Surface (pounds of Sediment Produced)
1	10 miles	3	6	Outsloped/Rutted in winter	100	2,613

Mean annual trail surface erosion totals (error estimate is +/- 50%) 1.3 tons

The erosion model assumed an average width of 3 feet, gradient of 6 percent, and natural cross drains every 100 feet built to IMBA standards with grade reversals. Using these parameters, the estimated annual erosion of sediment from the trails is 4.95 pounds of sediment leaving the trail for every 100 feet of trail annually. The trail buffer is 10 feet wide and includes the 3-foot-wide tread surface as well as 7 feet of downhill slope before reaching the native hillslope. This results in an estimated 1.3 tons of sediment produced annually from the 10 miles of trail surface. The error estimate of the model is +/- 50 percent.

The BLM would designate all of the existing and new trails as open to Class 1 e-bikes. Very little research has been done comparing impacts of class 1 e-bikes to traditional mountain bikes. A study funded by IMBA in a wetter environment found impacts similar to traditional mountain bikes (IMBA, 2015).

Direct impacts would occur during construction of trail reroutes and new trail tread. Design features would reduce erosion during construction by keep disturbance to a minimum and soil cleared during trail construction would be broadcast widely, but not in drainages. Long-term direct impacts from erosion of disturbed areas including trails, roads, and congregation areas at overlooks, hilltops and trailheads is expected. Long-term erosion would be reduced with the application of IMBA trail building standards on new trails as well as monitoring to determine if additional maintenance is needed including placement of grade reversals and rolling dips. Indirect impacts would include mobilization of sediment from cut and fill areas to adjacent uplands during runoff events. During larger rain events, sediment could be mobilized to adjacent uplands and ephemeral drainages.

A total reduction of approximately 11.1 tons of sediment would be expected by implementing the Proposed

Action. The Proposed Action would result in 4.5 tons of sediment generated from the trail system after realignments and maintenance and installation of new grade reversals on the existing trails compared to 15.6 tons of annual sediment generated in the No Action Alternative.

4.2 ISSUE STATEMENT #2

How would the Proposed Action and alternatives contribute to the establishment and spread of noxious weeds and invasive species?

4.2.1 Affected Environment

The analysis area for noxious weeds and invasive species (weeds) impacts is the existing 31.8 miles of trails with 100 feet width buffer within the approximately 1,900-acre project area. The buffer is applied to consider a 50-foot width on each side of trails in which there is increased potential for noxious weed and invasive species establishment and spread. This buffer area considers the close relationship between weeds establishment and increased proximity to locations where disturbance and increased activity occur. Utilizing this methodology, the current weeds buffer area along existing trails comprises approximately 385.5 acres or approximately 20 percent of acres within the TMP project area.

Noxious weeds are plants designated by Federal or State law. BLM also identifies invasive species that cause concern but may not necessarily be designated as Federal or State noxious listed weeds. Weeds may be present within and near the analysis area. Acres affected by weeds can continually change as new infestations establish or as infestations are reduced or eradicated. The 2020 UFO RMP goal for weeds (VEG-WDS-GOAL-01) directs the suppression and eradication where possible of noxious and invasive species through integrated weed management to support healthy plant communities.

Past and present uses and environmental conditions affect the analysis area for weeds. Weed infestations are typically associated with bare ground and higher traffic areas, which are often areas such as roads, high recreation use areas (e.g., trailheads and camping areas), and livestock concentration areas. Areas are more susceptible to weed infestation where there is bare ground or a reduction in the desirable plants that can effectively compete against weeds; therefore, healthier landscapes with more desirable plants and stable soils (e.g., less erosion) are more effective in limiting weed infestation and spread.

Weeds can be introduced or spread by traveling on equipment, people, and/or animals, including livestock, recreational animals, and wildlife. Additionally, use of materials that are not “weed-free”, such as seed or hay, can introduce weeds. Increases in these uses and occurrences are often associated with increased weed establishment and infestation. The current routes within the Jumbo Mountain SRMA can lead to an increased potential for weed establishment and infestation in the areas adjacent to them due to disturbance and continued use without BLM management through route designations and the application of design features for weeds-related resources. In addition to human and animal effects, environmental occurrences such as drought or severe wildland fire can increase weeds in the analysis area primarily by reducing desirable plant competition and increasing bare ground.

Weeds inventory and treatment is ongoing. Treatments, including integrated weed management tools, have been analyzed under other UFO NEPA analysis, specifically the 2013 *Programmatic Environmental Analysis for Integrated Weed Management Treatments* (DOI-BLM-S050-2012-0029 EA) and 2018 *Programmatic Environmental Analysis for Incorporation of Rimsulfuron, Aminopyralid, and Fluroxypyr into the Integrated Weed Management Program* (DOI-BLM-CO-S050-2018-03 EA). Weeds treatments are planned and

implemented annually, and these will continue to occur into the future under the most current and applicable NEPA analysis.

4.2.2 Reasonably Foreseeable Environmental Trends

Reasonably foreseeable environmental trends affecting weeds within the analysis area include conditions such as drought and wildland fire.

4.2.3 Other Planned Actions in the Area

Other planned actions affecting weeds in the analysis area include permitted livestock grazing.

4.2.4 Effects of Alternative A - No Action

Under Alternative A (No Action), there would be no change from current conditions in the analysis area. Authorized uses and trail mileage would not change, and there would continue to be no route designation or application of design features. The current weeds buffer area along existing trails within the Jumbo Mountain TMP project area would not change and would remain at approximately 385.5 acres, or approximately 20 percent of its acreage.

Because no management would be applied, the current estimated weeds buffer acreage would be the highest of all alternatives. Current uses, planned actions, and environmental trends would continue to impact weed establishment and spread. UFO weeds inventory and treatments would continue as planned annually. No BLM management on existing routes combined with current and foreseeable uses and environmental trends is anticipated to keep the estimated weeds buffer acreage at current or potentially higher levels due to an increased potential for weed establishment and infestation. Under Alternative A (No Action), there would not be a positive impact toward the UFO goal of weed suppression and eradication and movement toward healthier plant communities.

4.2.5 Effects of Alternative B – Maximum Resource Protection

Under Alternative B, current conditions would change in the analysis area as the existing trail mileage would be reduced, design features would be applied, and SRPs would be issued when applicable. Due to the reduction in routes from 31.8 miles under current conditions to 14.7 miles, this mileage with a 100-foot weeds buffer would comprise approximately 178.2 acres within the project area, or approximately 9.1 percent of its acreage. This is an estimated 53.8 percent acreage reduction from current conditions.

BLM route designation and management with project components (*Section 3.3.1 Adaptive Management Common to All Action Alternatives*) and the application of design features (*Section 3.3.2 Design Features Common to All Action Alternatives*) would reduce potential weed introduction and spread in the analysis area. This would occur due to both directly from weeds-specific design features and indirectly from design features for other resources.

Weeds-specific design features requiring inventory prior to surface disturbance and any needed treatment and monitoring would reduce weeds. The requirement to clean vehicles and equipment before surface disturbing activities would limit introduction and spread, as well as the requirement that any materials used in rehabilitation activities be “weed-free”. While weeds can still travel and spread through human and animal use, the design feature encouraging public education and collaboration on weeds would assist in potentially reducing weed impacts. Additionally, increased trail monitoring under this alternative would increase weed detection and response capability above that of the current UFO weeds planning and management capacity, and subsequently also contribute to reducing weed introduction and spread.

Other resource design features affecting weeds indirectly include those for trail design, wildlife, soils, vegetation, and range management. Trail design features to reduce erosion and soils design features to also reduce disturbance, limit erosion, and maintain vegetation would help decrease weeds. Wildlife seasonal closures limiting use would also be anticipated to limit the potential for weeds introduction and spread.

Reclamation of some existing routes with vegetation design features that reduce bare ground through seeding and limit vegetation loss, the fire design feature limiting fuel load, and the range management design feature to coordinate grazing and rehabilitated routes all also reduce potential weed establishment and spread. Additionally, the issuance of SRPs as applicable with permit-specific weeds stipulations would also help reduce potential weed introduction and spread.

With BLM management and the closure of some existing routes, the estimated weeds acreage buffer under Alternative B would be the lowest of all alternatives. Current uses, planned actions, and environmental trends would continue to impact weed establishment and spread. UFO weeds inventory and treatments would continue as planned annually. BLM management combined with current and foreseeable uses and environmental trends is anticipated to reduce the estimated weed buffer acreage below that of current levels with a reduced potential for weed establishment and infestation. Under Alternative B, there would be a positive impact toward the UFO goal of weed suppression and eradication and healthier plant communities.

4.2.6 Effects of Alternative C – Maximum Access

Under Alternative C, current conditions would change in the analysis area as the existing trail mileage would be reduced, design features would be applied, and SRPs would be issued when applicable. Due to the reduction in routes from 31.8 miles under current conditions to 27.5 miles, this mileage with a 100-foot weeds buffer would comprise approximately 332.1 acres within the project area, or approximately 17 percent of its acreage. This is an estimated 13.8 percent acreage reduction from current conditions.

BLM route designation and management with project components (*Section 3.3.1 Adaptive Management Common to All Action Alternatives*) and the application of design features (*3.3.2 Design Features Common to All Action Alternatives*) and SRP issuance when applicable would have the same effects on weed introduction and spread under Alternative C as described under Alternative B.

With BLM management and the closure of some existing routes, the estimated weeds acreage buffer under Alternative C would be the second highest of all alternatives (less than Alternative A, but greater than Alternatives B and D). Current uses, planned actions, and environmental trends would continue to impact weed establishment and spread. UFO weeds inventory and treatments would continue as planned annually. BLM management and route designation combined with current and foreseeable uses and environmental trends is anticipated to reduce the estimated weed buffer acreage below that of current levels with a reduced potential for weed establishment and infestation. Under Alternative C, there would be a positive impact toward the UFO goal of weed suppression and eradication and healthier plant communities.

4.2.7 Effects of Alternative D – Proposed Action

Under Alternative D, current conditions would change in the analysis area as the existing trail mileage would be reduced, design features would be applied, and SRPs would be issued when applicable. Due to the reduction in routes from 31.8 miles under current conditions to 24.4 miles, this mileage with a 100-foot weeds buffer would comprise approximately 295.8 acres within the project area, or approximately 15 percent of its acreage. This is an estimated 23.3 percent acreage reduction from current conditions.

BLM route designation and management with project components (3.3.1 *Adaptive Management Common to All Action Alternatives*) and the application of design features (3.3.2 *Design Features Common to All Action Alternatives*) and SRP issuance when applicable would have the same effects on weed introduction and spread under Alternative D as described under Alternative B.

With BLM management and the application of design features and the closure of some existing routes, the estimated weeds acreage buffer under Alternative D would be the third highest of all alternatives (more than Alternative B, but less than Alternatives A and C). Current uses, planned actions, and environmental trends would continue to impact weed establishment and spread. UFO weeds inventory and treatments would continue as planned annually. BLM management and route designation combined with current and foreseeable uses and environmental trends is anticipated to reduce the estimated weed buffer acreage below that of current levels with a reduced potential for weed establishment and infestation. Under Alternative D, there would be a positive impact toward the UFO goal of weed suppression and eradication and healthier plant communities.

4.3 ISSUE STATEMENT #3

How would trail construction, use, and maintenance, as well as route closure and changes in route designations impact the BLM sensitive Colorado Desert-parsley (*Lomatium concinnum*) and upland vegetation?

4.3.1 *Affected Environment*

The planning area occurs in a 15 – 18-inch annual precipitation zone. With the general southwest aspect, high clay content, and amount of rock in the soil profile, effective precipitation is lower resulting in plant communities more typically seen on 8 – 12-inch precipitation zones. Thus, they inherently have lower resistance to invasive species invasion and lower resilience to disturbance (Chambers et al., 2013). As a result, vegetation in the lower elevation of the project area is comprised of Gardner saltbush (*Atriplex gardneri*) and shadscale (*Atriplex confertifolia*) with galletta grass (*Pleuraphis jamesii*), Indian ricegrass (*Achnatherum hymenoides*), western wheatgrass (*pascopyrum smithii*), and bottlebrush squirreltail (*Elymus elymoides*) on the lower angle slopes and swales and salina wildrye (*Leymus salinus*) on the steeper slopes. Widely spaced juniper woodlands (*Juniperus osteosperma*) dominate the shallow soils and steep slopes in the lower elevations. The middle and upper elevation deep soils are dominated by Wyoming (*Artemisia tridentata* subsp. *wyomingensis*) and basin big (*Artemisia tridentata* subsp. *tridentata*) sagebrush with dense juniper woodlands dominating the shallow soils, ridge tops, and steep slopes. Numerous native annual and perennial forbs are also present including the BLM sensitive Colorado desert-parsley. Invasive annual species including alyssum (*Alyssum simplex* & *A. desertorum*), cheatgrass (*Bromus tectorum*), jointed goatgrass (*Aegilops cylindrica*), storks bill (*Erodium cicutarium*), annual wheatgrass (*Eremopyrum triticeum*), and burr buttercup (*Ceratocephala testiculata*) are prevalent in the shrublands and open juniper woodlands of the planning area and act to compete with desirable native vegetation and limit plant community resilience. Severe winter concentration by big game has resulted in extremely hedged and highly decadent shrubs that also act to reduce the resilience of plant communities in the planning area.

Numerous unauthorized mountain bike routes, OHV routes, powerline access roads and structure pads, and irrigation ditches have served to fragment much of the vegetation communities on BLM lands (Table 18). These disturbances total approximately 13.4 acres or 0.6 percent of the 1,963-acre planning area.

Table 18: Existing Vegetation Disturbances

Existing Disturbances	Miles	Acres
Roads	2.15	2.1
Trails	29.7	7.2
Ditches and powerline pads		4.1
Total Acres		13.4

Colorado Desert-parsley is an early spring perennial herb in the Apiaceae (carrot family) and is only known to occur in Delta, Montrose, and Ouray counties, Colorado. The species is also endemic to the bare adobe soils derived from the Mancos Shale formation found in the valleys of the Uncompahgre and North Fork of the Gunnison valleys. The species occurs on barren ridges, in sagebrush, shadscale, greasewood, Gambel oak, and open canopy juniper woodlands. There are 32 known extant occurrences, many of which have good or excellent viability [Colorado National Heritage Program (CNHP) 2022]. Recreation is believed to be one of the primary threats to the species at this time on private and public lands (Rondeau et al., 2011). Occurrences on private land are also threatened by residential and commercial development. The BLM has managed the species as a sensitive species since 1993 when the US Fish and Wildlife Service found it to not be warranted for protection under the Endangered Species Act. BLM policy is to manage, conserve, and recover species designated as sensitive to avoid the need for protection under the Endangered Species Act.

Survey for Colorado desert-parsley found numerous previously undocumented populations in the salt desert shrub and sagebrush communities in the planning area totaling approximately 45 acres. Single track bike routes have impacted nearly all populations documented in the planning area. To understand the impact of unauthorized routes as well as the alternatives analyzed to Colorado desert-parsley BLM utilized a sampling-based approach to estimate the population size of Colorado desert-parsley within the planning area (Krening et al. 2021). The estimation approach applied plant density estimates from six randomly sampled macroplots to the mapped habitat areas to obtain an estimate of population size of Colorado desert-parsley in the planning area. Based on the sampling, the estimated density is $\hat{D}=0.0213102$ when applied to the 45-acre project area ($A=183,359.64\text{ m}^2$) and derives a minimum population estimate of 3,907 plants \pm 3,788 plants (80 percent CI 119, 7,695). This estimate is based on the conservative assumption that the only plants that exist within each mapped subpopulation in the planning area were captured in the associated macroplots. Nowhere is the conservative approach more apparent than the lower confidence level estimate of 119 plants which is well below the number of plants counted in the six microplots totaling 1,578 plants.

4.3.2 Reasonably Foreseeable Environmental Trends

Reasonably foreseeable environmental trends will be similar to those described in Issue 1, **4.1.2 Reasonably Foreseeable Environmental Trends**. As a result, with continued warming and drying all plant communities in the planning area can be expected to be stressed resulting in continued mortality of perennial plants and declining trends in perennial herbaceous vegetation, increases in invasive annual plants, static trends in shrubs, and increases in trees (Kleinhesselink et al., 2022). Resulting declines in desirable perennial vegetation and increases in invasive annual plants are likely to contribute to decreasing resistance and resilience of all ecological sites in the planning area. Additionally, development of private lands is likely to result in even greater wildlife concentration on the BLM managed lands during winter. The planning area is one of the most severely concentrated properties in the Uncompahgre Field Office as evidenced by the exceptionally severe hedging of all the shrubs in the planning area by wintering big game. BLM and CNHP have no information regarding population level trends for Colorado desert-parsley but based on trends in other perennial plants in the

planning area and region we assume comparable population level declines have occurred over the last 30+ years. With development and formalization of the trail system substantial increases in trail use are expected.

4.3.3 Other Planned Actions in the Area

Impacts from foreseeable future vegetation disturbances include the construction of roads, trails, irrigation ditches, rights-of-ways, livestock grazing, vegetation treatments, and recreation as well as the issuance of SRPs for mountain bike, running races, and other events. These actions contribute to the degradation and diminished resiliency of native vegetation communities and are likely to continue.

4.3.4 Effects Common to All Action Alternatives

Trail construction and use results in the direct removal of desirable perennial vegetation, provide avenues for invasive plant establishment and proliferation, increased erosion of critical topsoil, and drying of the surrounding surface due to changed hydrology. All these impacts act to diminish and fragment native plant populations which reduces recruitment, seed production, and establishment reducing species richness, diversity, and composition (Honday & Jacquemyn, 2007). As a result, recruitment does not maintain pace with mortality of perennial plants exacerbating these negative feedback loops well beyond the footprint of the initial disturbance. Indirect impacts from soil runoff and deposition, route widening, and off route use when wet or degraded will result in additional native vegetation removal or degradation.

No alternative implements the 2020 UFO RMP decision CSU-19/SSR-20 for sensitive species plants, which suggests relocation of ground disturbance in special status plant habitat. None of the populations of BLM sensitive Colorado desert-parsley have been or will be avoided by a minimum of 100 meters as the RMP suggests. The juxtaposition of sub-populations of Colorado desert-parsley to existing trails or alternative routes make the stipulation untenable with an already established trail system commensurate with the goals and objectives of the SRMA. However, all alternatives employ site specific relocation out of occupied special status species habitat for trails that are not currently sustainably built, that cannot be maintained within existing footprints, or where erosion cannot be minimized in habitat. Such relocations would site newly constructed trails outside of or directly adjacent to occupied habitat. No newly considered trail would be approved within occupied BLM sensitive plant habitat.

4.3.5 Effects of Alternative A - No Action

Numerous unauthorized mountain bike routes and OHV routes have added to the authorized disturbances in the planning area, such as powerline access roads and structure pads, and irrigation ditches. All these disturbances have fragmented much of the vegetation communities on BLM lands (**Table 19**), removed desirable perennial vegetation, and contributed to invasive species proliferation throughout the planning area. These disturbances total approximately 17.0 acres or 0.8 percent of the 1,963-acre planning area.

Table 19: Existing Vegetation Disturbances

Existing Disturbances	Miles	Acres
Roads	2.15	2.1
Trails	29.7	10.8
Ditches and Powerline pads		4.1
Total Acres		17.7

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Specifically, 2.9 miles of single-track trail were developed through occupied habitat for Colorado desert-parsley, impacting 43 of the 45 sub-populations mapped during surveys. Trail width through these populations ranged between 7.2 feet and 1.6 feet with an average trail width of 4.3 feet resulting an estimated impact to 1.5 acres (6,015 square meters) of occupied habitat totaling 3.3 percent of the population area in the Jumbo Mountain planning area. Utilizing the population estimate technique described in *Section 4.3.1 Affected Environment* an estimated 128 +/- individual plants have been destroyed from unauthorized trail development. While trail development has resulted in impacts to Colorado desert-parsley individuals there is no evidence to suggest that population level impacts have occurred that could threaten the continued existence of the species within the planning area. Invasive species were observed to be prevalent in all mapped sub-populations as well and it is difficult to conclude what impact invasive species proliferation has had on plant density. While invasive species prevalence and abundance are concerning there is some evidence to suggest that Colorado desert-parsley may be able to persist in an invasive species dominant plant community given the rather high plant densities observed. Additionally, there is some evidence to suggest that minimally disturbed sites that still have viable topsoil present may be able to be recolonized by Colorado desert-parsley as trails previously closed had the species growing in the old trail footprint.

RMZ 1 would allow motorized, mechanized, pedestrian and equestrian use year-round. Under this alternative due to the lack of sustainably built trails and the possibility of motorized use of the trails, trail widths and footprints can be expected to continue to expand perhaps doubling in overall width over the next decade as use of the system continues to grow. This could result in doubling of the existing impacts to desirable vegetation and Colorado desert-parsley over the next decade as many of the existing trails have not been developed in a sustainable manner and lack drainage features, grade reversals, and other erosion control features that have caused the impacts described in *Section 4.1.1 Affected Environment*. These impacts would be most pronounced in RMZ 1 where motorized, mechanized, and horse travel would occur year-round impacting unsustainably built trails the greatest, especially when used in wet conditions in winter months. There is a winter closure for motorized and mechanized use from December 1 to April 15 on all of the existing trails in RMZ 2 limiting travel to foot and horse travel only during winter months. Impacts may be lessened in RMZ 2 where trails are closed seasonally per the UFO RMP to protect big game which would indirectly lessen impacts to native vegetation and Colorado desert-parsley. Such management would have disproportionately greater impacts to the less resilient salt desert vegetation types found in RMZ 1 and to Colorado desert-parsley where 37 of the 45 mapped sub-populations are located.

The adaptive management described in *Section 3.3.1 Adaptive Management Common to All Action Alternatives* under this alternative would not be implemented to minimize further degradation to the BLM sensitive Colorado desert-parsley. Further this alternative does little to help BLM meet sensitive species policy to manage, conserve, and recover species designated as sensitive, in order to avoid the need for protection under the Endangered Species Act, because only after exhaustive intensive management and/or reroute consideration would unsustainably built trails be considered for closure.

4.3.6 Effects of Alternative B – Maximum Resource Protection

The Maximum Resource Protection Alternative would designate approximately 14.7 miles of existing trails and new or re-routed trails, and close and reclaim approximately 17.1 miles of trails within the planning area. RMZ 1 would allow mechanized, pedestrian, and equestrian use year around. There would be a winter closure for all use from December 1 to April 15 on all the existing trails in RMZ 2 under Alternative B. Under this alternative there would be 6.22 acres less disturbance to upland vegetation resources once reclaimed compared to Alternative A (**Table 20**). This represents a 54 percent reduction in upland vegetation disturbances and the indirect impacts described in *Section 4.3.4 Effects Common to All Action Alternatives*. Reclaiming routes with

minimal soil would likely occur as a passive restoration with desirable perennial plants reoccupying the disturbances in 5 – 10 years assuming invasive plants do not create excessive competition. For areas that will be reclaimed where invasive species are dominant or excessive erosion has resulted in limited soil potential, intensive reclamation utilizing design features 9 and 10 may require multiple applications to stabilize soils and get desirable vegetation established; this could require 5 – 15+ years to achieve desired conditions. For the remaining 5.35 acres (14.7 miles of trail) of permanently disturbed vegetation the impacts would be like those described in *Section 4.3.4 Effects Common to All Action Alternatives*.

Table 20: Route Disturbance in Alternative B

Alt. B	Miles	Acres	Final Acres Disturbed	Final Acres Reclaimed
RMZ 1	6.1	2.22	5.35	6.22
RMZ 2	8.6	3.13		
Reclaimed	17.1	6.22		
Colorado Desert-parsley Habitat				
RMZ 1	0.14	0.07	0.55	0.93
Reclaimed	0.87	0.45		
RMZ 2	0.93	0.48		
Reclaimed	0.93	0.48		

In Colorado desert-parsley habitat this alternative would intensively manage 0.14 miles of trail in RMZ 1 and 0.93 miles of trail in RMZ 2 (**Table 20**) to maintain the existing footprint of the trail while also minimizing erosion into occupied habitat. In cases where trail maintenance cannot achieve desired trail use compliance, barriers may be installed to help ensure trail use remains within the existing footprint. In extreme cases there may be a need to close and reclaim portions of these routes in favor of a more sustainable route that would be designed to avoid occupied Colorado desert-parsley habitat or placed adjacent to habitat utilizing the reroute areas described in *Section 3.3.5 Reroutes*. Considering the adaptive management plan, trails through occupied habitat in RMZ 1 represent the greatest amount of trail that may need to be either rerouted, intensively maintained, or closed to minimize further degradation to the BLM sensitive Colorado desert-parsley due to year-round trail use by all approved uses. This aspect of the alternative makes it more likely than not that after intensive trail management and the associated impacts to Colorado desert-parsley that trails will need to be rerouted or closed utilizing the reroute zones described in *Section 3.3.5 Reroutes*. Such impacts are not anticipated on 0.93 miles (0.48 acres) of trails within occupied Colorado desert-parsley habitat in RMZ 2 as the trails would be closed to all trail uses from December 1 to April 15 when trails are most at risk from damage by use when wet. These trails are likely to require less intensive management and remain sustainable for substantially longer periods of time and thus result in less direct and indirect impacts to the BLM sensitive Colorado desert-parsley.

This alternative would also close and reclaim 0.87 miles (0.45 acres) of occupied Colorado desert-parsley habitat in RMZ 1 and 0.93 miles (0.48 acres) in RMZ 2 resulting in a 63 percent reduction in impacted Colorado desert-parsley habitat compared to Alternative A. There is evidence to suggest that Colorado desert-parsley can passively reclaim mild disturbances suggesting that the planning area could increase by an estimated 81-160 plants over current population estimates maximizing BLM's policy to manage, conserve, and recover species designated as sensitive, to avoid the need for protection under the Endangered Species Act.

4.3.7 Effects of Alternative C – Maximum Access

The Maximum Access Alternative would designate approximately 27.5 miles of existing trails and new or re-routed trails, and close and reclaim approximately 4.3 miles of trails within the planning area. The routes

identified for closure would be replaced by new routes of equal distance designed to enhance recreation experiences and reduce only the most detrimental resource impacts. RMZ 1 would allow mechanized, pedestrian, and equestrian use year around. There is a winter closure for motorized and mechanized use from December 1 to April 15 on all the existing trails in RMZ 2 limiting travel. Under this alternative there would be 1.56 acres of disturbance to upland vegetation resources reclaimed however an equal amount of new route and acres of disturbance would be built (**Table 21**) in a more sustainable manner. This represents no reduction in upland vegetation disturbances and the indirect impacts described in *Section 4.3.4 Effects Common to All Action Alternatives* would be the same as Alternative C. This represents a 12 percent increase in vegetation disturbance to the planning area until reclamation can be achieved in 5-10 years post reclamation. Reclaimed routes would utilize design features 9 and 10 and may require multiple applications to stabilize soils and get desirable vegetation established and achieve desired conditions. For the remaining 11.56 acres (31.8 miles) of permanently disturbed vegetation the impacts would be like those described in *Section 4.3.4 Effects Common to All Action Alternatives*

Table 21: Route Disturbance in Alternative C

Alt. C	Miles	Acres	Final Acres Disturbed	Final Acres Reclaimed
RMZ 1	9.6	3.49	11.56	1.56
RMZ 2	17.9	6.51		
New Reroute	4.3	1.56		
Reclaimed	4.3	1.56		
Colorado Desert-parsley Habitat				
RMZ 1	0.94	0.49	1.34	0.15
Reclaimed	0.07	0.04		
RMZ 2	1.64	0.85		
Reclaimed	0.22	0.12		

In Colorado desert-parsley habitat this alternative would intensively manage 0.94 miles of trail in RMZ 1 and 1.64 miles of trail in RMZ 2 (**Table 21**) to maintain the existing footprint of the trail while also minimizing erosion into occupied habitat. In cases where trail maintenance cannot achieve desired trail use compliance, barriers may be installed to help ensure trail use remains within the existing footprint. In extreme cases there may be a need to close and reclaim portions of these routes in favor of a more sustainable route that would be designed to avoid occupied Colorado desert-parsley habitat or placed adjacent to habitat utilizing the reroute areas described in *Section 3.3.5 Reroutes*. The adaptive management plan trails through occupied habitat in RMZ 1 represent the greatest amount of trail that may need to be either rerouted, intensively maintained, or closed to minimize further degradation to the BLM sensitive Colorado desert-parsley due to year-round trail use by all approved uses. This aspect of the alternative makes it more likely than not that after exhaustive intense trail management and the associated impacts to Colorado desert-parsley that trails would need to be rerouted or closed utilizing the reroute zones described in *Section 3.3.5 Reroutes*. Such impacts are slightly diminished on 1.64 miles (0.85 acres) of trails within occupied Colorado desert-parsley habitat in RMZ 2 as the trails would be closed to mechanized uses from December 1 to April 15 when trails are most at risk from damage by use when wet. However, horse use when trails are wet can be as damaging as motorized and mechanized use and are likely to require more intensive management to remain sustainable and minimize impacts, resulting in similar direct and indirect impacts to the BLM sensitive Colorado desert-parsley as those described in RMZ 1 under this alternative.

This alternative would also close and reclaim 0.07 miles (0.04 acres) of occupied Colorado desert-parsley habitat in RMZ 1 and 0.22 miles (0.12 acres) in RMZ 2 resulting in a 1 percent reduction in impacted Colorado desert-parsley habitat compared to Alternative A. Alternative C achieves essentially the same outcome for Colorado desert-parsley as Alternative A.

4.3.8 Effects of Alternative D – Proposed Action

The proposed action is for BLM to designate approximately 24.4 miles of existing trails and up to 10 miles of new or re-routed trails, and to close and reclaim approximately 7.4 miles of trails within the planning area. The routes identified for closure would be replaced by new routes of equal distance designed to enhance recreation experiences and reduce numerous resource impacts. An additional 10 miles of new routes are proposed as well resulting in up to 34.4 miles of trails at full buildout. The effects described in *Section 4.3.4 Effects Common to All Action Alternatives* would occur on 15.2 acres (Table 22), however more of the trail system would be built in a sustainable manner reducing route widening, offsite erosion, and eliminating user-created routes which receive little to no use.

Table 22: Route Disturbance in Alternative D

Alt. C	Miles	Acres	Final Acres Disturbed	Final Acres Reclaimed
RMZ 1	8.2	2.98	15.20	2.69
RMZ 2	16.2	5.89		
New Reroute	7.4	2.69		
Reclaimed	7.4	2.69		
New Routes	10.0	3.64		
Colorado desert-parsley Habitat				
RMZ 1	0.92	0.48	1.16	0.33
Reclaimed	0.09	0.05		
RMZ 2	1.33	0.69		
Reclaimed	0.54	0.28		
New Routes	0	0		

In Colorado desert-parsley habitat this alternative would intensively manage 0.92 miles of trail in RMZ 1 and 1.33 miles of trail in RMZ 2 (Table 22) to maintain the existing footprint of the trail while also minimizing erosion into occupied habitat. In cases where trail maintenance cannot achieve desired trail use compliance, barriers may be installed to help ensure trail use remains within the existing footprint. In extreme cases there may be a need to close and reclaim portions of these routes in favor of a more sustainable route that would be designed to avoid occupied Colorado desert-parsley habitat or placed adjacent to habitat utilizing the reroute areas described in *Section 3.3.5 Reroutes*. Considering the adaptive management plan trails through occupied habitat in RMZ 1 represent the greatest amount of trail that may need to be either rerouted, intensively maintained, or closed to minimize further degradation to the BLM sensitive Colorado desert-parsley due to year-round trail use by all approved uses. This aspect of the alternative makes it more likely than not that after exhaustive intense trail management and the associated impacts to Colorado desert-parsley that trails will need to be rerouted or closed utilizing the reroute zones described in *Section 3.3.5 Reroutes*. Such impacts are slightly diminished on 1.33 miles (0.69 acres) of trails within occupied Colorado desert-parsley habitat in RMZ 2 as the trails would be closed to mechanized uses from December 1 to April 15 when trails are most at risk from damage by use when wet. However, horse use when trails are wet can be as damaging as motorized and

mechanized use and are likely to require more intensive management to remain sustainable and minimize impacts, resulting in similar direct and indirect impacts to the BLM sensitive Colorado desert-parsley as those described in RMZ 1 under this alternative. None of the proposed 10 miles of new route would be built in Colorado desert-parsley thus no impacts to the species from additional route construction and use is anticipated.

This alternative would also close and reclaim 0.09 miles (0.05 acres) of occupied Colorado desert-parsley habitat in RMZ 1 and 0.54 miles (0.28 acres) in RMZ 2 resulting in a 2 percent reduction in impacted Colorado desert-parsley habitat compared to Alternative A, and 65 percent less reclaimed habitat for Colorado desert-parsley than Alternative B.

4.4 ISSUE STATEMENT #4

How will the nesting Golden Eagle, Pinyon Jay colony and other migratory birds present in the area be impacted by the proposed action?

4.4.1 Affected Environment

The Jumbo Mountain SRMA planning area ranges in elevation from 5,800 to 7,000 feet and is dominated by open pinyon juniper woodlands of various age classes, open desert scrub-shrub, adobe badlands and mixed mountain shrublands. The planning area supports habitat for various migratory birds and raptors. A large cliff band occurs along the eastern boundary of the SRMA provides suitable habitat for cliff-nesting raptors.

The analysis area for migratory birds includes the planning area (1,900 acres) and 0.25-mile buffer around the SRMA boundary. This analysis area encompasses all existing trails, and any proposed future reroutes or proposed trails. Avian surveys were conducted in the analysis area in 2022 and an active Pinyon Jay colony, active Golden Eagle nest, and a Northern Saw whet owl territory were identified. Golden Eagle was the only confirmed BLM sensitive species present in the analysis area. Golden Eagles often maintain multiple alternate nests within their territories and an alternate nest was located approximately 50 meters from the active nest. The Pinyon Jay colony is 508 acres total and is present on the south side of the SRMA and located in both RMZ 1 (134 acres or 26 percent of the mapped colony) and RMZ 2 (374 acres or 74 percent of the mapped colony).

Birds of Conservation Concern identified in the area include Pinyon Jay and Virginia's warbler. Birds of Conservation Concern are species identified as potential to become candidates for listing under the Endangered Species Act without additional conservation action. Many other non-special status migratory birds were observed in the planning area during surveys and likely breed in the vicinity.

4.4.2 Reasonably Foreseeable Environmental Trends

Reasonably foreseeable environmental trends in the project area that may impact migratory birds, raptors or migratory bird habitat include general mortality to pinyon and juniper trees from drought or insect mortality. The impact of the action will add incrementally to the generalized disturbance of migratory birds in the vicinity of the project area. However, many of the trails have already been constructed so the disturbance to migratory birds or modification to habitat is already occurring.

4.4.3 Other Planned Actions in the Area

Impacts from past and present disturbances to migratory birds and their habitat include livestock grazing, road or trail construction, vegetation treatments and recreation. These activities have modified and continue to modify migratory bird habitat and can contribute to reduced habitat quality and quantity of habitat for nesting migratory birds.

4.4.4 Effects Common to All Alternatives

Impacts to migratory bird habitat are well documented in literature. Trails create and increase amount of edge habitat which can be associated with a reduction in breeding success (Lafferty et al., 2006) and influence how much time species spend at nests (Verhulst et al., 2001). Reducing time at a nest can increase opportunities for nest predation from common nest predators such as corvids. Available nesting habitat can be decreased when migratory birds don't nest by trails. Miller et al. (1998) found that certain bird species were less likely to nest by a trail and that species composition and abundance was altered.

RMZ 1 does not have a seasonal travel limitation and there are typically snow free trails during this sensitive nesting time for Pinyon Jay. Indirect impacts to nesting Pinyon Jay may continue to occur in RMZ 1 and/or RMZ 2 from human presence. Indirect impacts may occur such as increased nest predation or nest abandonment. Human presence can increase occurrence of predators such as common ravens (Walker et al. 2015), which are common predators of nestling Pinyon Jays. Human presence, such as repeated trail use, has been shown to affect both avian abundance and richness (Riffell et al. 1996). A reduction in reproductive output was observed for Pinyon Jay colonies located near urban interfaces in Montrose, Colorado (Seglund et al. 2021) and this finding could suggest that human activity, such as target shooting, trash dumping or recreational pressure from hikers may contribute to an interruption in nesting.

Direct impacts may continue to occur from human presence in the colony area during the sensitive time for nest establishment (February – March). February – March is considered a sensitive time for Pinyon Jay nest establishment as these are the months when Pinyon Jays are most likely to abandon nests (Seglund personal comm. 2022). The seasonal travel limitation for motorized and mechanized travel from December 1 to April 15 for big game winter range protection in RMZ 2 per the 2020 UFO RMP may minimize some impacts to nesting Pinyon Jay during the sensitive time for nest establishment. Additionally, human use (foot and horse) is often limited during this time because of snow cover or muddy trails.

A net change to the quantity or measure of impacts to migratory birds among Alternatives may occur from differences in authorized trail mileages, reroutes, seasonal travel limitations for raptors, and in Alternative B the addition of a pedestrian and equestrian travel limitation in RMZ 2.

Design features will be applied in all action alternatives (B, C and D, see **3.3.3 Resource Specific Design Features Common to All Action Alternatives**) which minimize impacts to migratory bird habitat and reduce disturbance by restricting surface disturbing activities and vegetation removal between February 14 to July 15. This time frame provides comprehensive protection for early nesting Pinyon Jays and other migratory birds that may nest in the project area.

4.4.5 Effects of Alternative A - No Action

Alternative A does not include a seasonal limitation for Golden Eagle protection during December 15 to July 15, the nesting time for Golden Eagle. Therefore, under this alternative there would be continued disturbance to the nesting Golden Eagle from human presence in proximity to the active nest. Golden Eagles are protected by the Migratory Bird Treaty Act and the United States Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c), which states that disturbances causing nest failure can be considered illegal “take” of the species. Alternative A is not in compliance with the 2020 UFO RMP, which provides protections for active raptor nests, the Migratory Bird Treaty Act or the U.S. Bald and Golden Eagle Protection Act.

The potential impacts from Alternative A on the nesting Golden Eagle may include impacts to nest survival. The nest is located on the northeast side of the SRMA in RMZ 2 where trails are typically inaccessible from

snow cover until late March or early April. The trails in RMZ 2 are seasonally closed to motorized and mechanized use from December 1 to April 15 but are open to hiking and horse travel. Golden Eagles begin courtship and breed in early February and can begin incubating eggs in late-February to early March. This timing may be problematic for the nesting pair because when courtship, nest site selection and breeding occurs, human presence and disturbance is limited in proximity to the nest because of the seasonal winter limitation for big game (December 1 to April 15) and further limited from human intrusion by snow covered and inaccessible trails. Once the seasonal winter limitation for big game ends and the trails are passable, human use and presence begins on the trails within 120 meters of the nest and within a line of sight to the Golden Eagle nest at approximately the time that eggs are hatching in mid-April. Spaul and Heath (2016) found that Golden Eagle nest survival was negatively associated with off-road vehicle use, pedestrian and other nonmotorized recreation. Adult nest attendance, which is closely tied to nest survival, was negatively associated with recreational user presence (Spaul and Heath, 2016). Adult nest attendance includes feeding and providing warmth to nestling eagles. Human presence during the brood rearing time may cause adult eagles to flush from nests, increasing the probability of exposure and/or reducing the opportunities for feeding (Spaul and Heath, 2017). See **Error! Reference source not found.** for estimated species phenology. The Golden Eagle nest in the planning area, or the nearby alternate nest, has been active for at least the last decade. The nest was active March to April 2022 but appeared to fail in May 2022. The cause of nest failure is unknown.

The cumulative effects of implementing Alternative A may have population level effects on Golden Eagle because a reduction in fitness of some individuals within a population could lead to population level effects such as reduced population size, increased probability of local extirpation or changes in geographic distribution (Miller et al. 2020).

Table 23: Estimated Species Phenology for Nesting Golden Eagle in Jumbo Mountain SRMA

Month	Activity	RMZ 2 Seasonal Use Under Alternative A
December	Arrive on territory and nest site selection	Closed to motorized mechanized Dec 1- April 15
January-February	Courtship	Closed to motorized mechanized Dec 1- April 15
March	Incubation	Closed to motorized mechanized Dec 1- April 15
April	Hatch	Open to horse, hike, mechanized April 15
May	Brooding	Open to horse, hike, mechanized April 15
June	Fledging	Open to horse, hike, mechanized April 15
July	Post-fledging	Open to horse, hike, mechanized April 15

Impacts to migratory bird habitat are well documented in the literature. Trails create and increase amount of edge habitat which can be associated with a reduction in breeding success (Lafferty et al. 2006) and influence how much time is spent at a nest (Verhulst et al., 2001). Spending less time at a nest can increase opportunities for nest predation from common nest predators such as corvids (Gutzwiller et al. 2002). Available nesting habitat can be decreased when migratory birds don't nest by trails. Miller et al. (1998) found that certain species were less likely to nest by trails and that species composition and abundance was altered nearby trails.

Because no management would be applied under this alternative, the impacts to migratory birds, raptors and Birds of Conservation Concern would be the highest of all alternatives. No trails would be closed under Alternative A which would not reduce edge habitat or reduce disturbance to migratory birds. Under Alternative A, there would not be protection of migratory birds to the extent required by the Migratory Bird Treaty Act of 1918 and the U.S. Bald and Golden Eagle Protection Act.

4.4.6 Effects of Alternative B – Maximum Resource Protection

Under Alternative B the impacts to the nesting Golden Eagle described in **Section 4.4.5 Effects of Alternative A - No Action** will be eliminated by closing trails within approximately 0.5 miles of the active nest. The spatial buffer is consistent with the 2020 UFO RMP protection for active Golden Eagle nest sites from surface use, surface disturbing and disruptive activities. If the known adjacent, alternate nest was utilized, the 0.5-mile spatial buffer around the current active nest would be sufficient for protection of the alternate nest.

Under Alternative B the impacts to nesting Pinyon Jay described in **Section 4.4.4 Effects Common to All Alternatives** will be minimized because some of the trails that directly overlap with the nesting Pinyon Jay colony are closed to all uses from December 1 to April 15 for protection of wintering big game in RMZ 2 under this alternative. This alternative would provide the most protection for the Pinyon Jay colony with 74 percent or 374 acres of the colony gaining protection, because only RMZ 1 would be open year-round to recreation, and RMZ 2 would be closed to all trail uses from December 1 to April 15.

With BLM management, the impacts to migratory birds, raptors and birds of conservation concern will be the lowest of all alternatives under Alternative B. This alternative would improve migratory bird habitat through a reduction in trail miles, closing 17.1 miles of trail. Closing trails improves migratory bird habitat by reducing edge habitat and reducing disturbance. Under Alternative B, there would be protection of migratory birds to the extent required by the Migratory Bird Treaty Act of 1918 and the Bald and Golden Eagle Protection Act.

4.4.7 Effects of Alternative C – Maximum Access

Under Alternative C the impacts to the nesting Golden Eagle described in **Section 4.4.5 Effects of Alternative A - No Action** will be minimized by implementing a seasonal limitation from December 15 to July 15 on the trails within 0.5 miles of the active nest. The spatial and temporal buffer is consistent with the 2020 UFO RMP protection for active Golden Eagle nest sites from surface use, surface disturbing and disruptive activities. If the known adjacent, alternate nest was utilized, the 0.5-mile spatial buffer around the current active nest would be sufficient for protection of the alternate nest.

With BLM management, the impacts to migratory birds, raptors and birds of conservation concern will be limited but not eliminated by Alternative C. This alternative would improve migratory bird habitat through a reduction in trail miles, closing 4.3 miles of trail. Closing trails improves migratory bird habitat by reducing edge habitat and reducing disturbance. Under Alternative C, there would be protection of migratory birds to the extent required by the Migratory Bird Treaty Act of 1918 and the Bald and Golden Eagle Protection Act.

4.4.8 Effects of Alternative D – Proposed Action

Under Alternative D the impacts to the nesting Golden Eagle described in **Section 4.4.5 Effects of Alternative A - No Action** will be minimized by implementing a seasonal limitation from December 15 to July 15 on the trails within 0.5 miles of the active nest. The spatial and temporal buffer is consistent with the 2020 UFO RMP recommendation for protecting active Golden Eagle nest sites from surface use, surface disturbing and

disruptive activities. If the known adjacent, alternate nest was utilized, the 0.5-mile spatial buffer around the current active nest would be sufficient for protection of the alternate nest.

With BLM management, the impacts to migratory birds, raptors and birds of conservation concern will be limited but not eliminated by Alternative D. Alternative D would close 7.4 miles of trail but proposes up to 10 miles of new trails resulting in a net increase of 2.6 miles. Edge habitat will increase along 2.6 miles of trail under Alternative D which is greater than Alternative A (0 miles or baseline disturbance), Alternative C (reduction of 4.3 miles) and Alternative B (reduction of 17.1). Under Alternative D, there would be protection of migratory birds to the extent required by the Migratory Bird Treaty Act of 1918 and the Bald and Golden Eagle Protection Act.

4.5 ISSUE STATEMENT #5

How would big game crucial winter habitat, and wintering big game be impacted by the proposed action?

4.5.1 Affected Environment

The planning area ranges in elevation from 5,800 to 7,000 feet and is dominated by open pinyon juniper woodlands of various age classes, open desert scrub-shrub, adobe badlands and mixed mountain shrublands. The planning area supports habitat for mule deer and elk. The entire planning area (1,900 acres) is priority big game habitat comprised of overlapping mule deer severe winter range, mule deer concentration area and elk severe winter range (**Table 24**). Winter concentration areas are areas where high densities of mule deer or elk are found during the winter season. Severe winter ranges are typically lower elevations where deer tend to concentrate even further, to avoid deep snow or exposure to extreme weather cycles. Collectively, these habitats will be referred to as big game crucial winter habitat. Mule deer may be found year-round in the planning area, while elk are less common.

The planning area is located within CPW Game Management Unit (GMU) 53. GMU 53 is part of Data Analysis Unit (DAU) D-20 for mule deer and DAU E-05 for elk. Big game populations are managed to achieve population and sex ratio objectives at the DAU level. A DAU is a geographic area that represents the year-round range of a big game herd and is comprised of all seasonal ranges of a specific herd and each DAU may contain one or more GMU which are management units. GMUs are utilized to distribute both hunters and harvest across a herd or geographic area. Across the west and in portions of western Colorado, mule deer herds have declined significantly. Deer populations can fluctuate naturally in response to changing environmental conditions, however a decline in the state's largest deer herd is atypical and has reduced many herds across the state below population objectives (CPW, 2014).

The D-20 herd population objective is 7,500 to 9,500 deer and the herd estimate for 2020 and 2021 has been approximately 7,840 the past two years which is up from 7,440 in 2019. The D-20 mule deer herd is within the herd population objective, but at the low end of the middle quartile of the population objective.

The E-05 elk herd population objective is 7,800 to 8,800 elk and the herd estimate for 2020 and 2021 has been 8,530 and 8,476 respectively indicating that E-05 elk herd is within the herd population objective and at approximately the upper quartile of the population objective (Blecha, 2018). Historically elk have used the Jumbo Mountain SRMA and utilized the area for seasonal movements. Since the development of high-density trails and increased recreation, elk do not use the Jumbo Mountain SRMA. Preliminary collar data suggests that elk avoid the SRMA and travel north of the SRMA (Taylor pers. comm., 2022).

Table 24: Big Game Habitat in Jumbo SRMA

Priority big game habitat*	SRMA Zone	Area (acres)	% of priority habitat in RMZ	Acres of priority habitat in GMU 53*	% of priority habitat impacted in GMU 53
Mule Deer Severe Winter Range	RMZ 1	291	100%	55,250	2.7%
Mule Deer Severe Winter Range	RMZ 2	1200	91%		
Mule Deer Winter Concentration Area	RMZ 1	274	94%	48,455	3.3%
Mule Deer Winter Concentration Area	RMZ 2	1315	100%		
Elk Severe Winter Range	RMZ 1	291	100%	58,270	2.8%
Elk Severe Winter Range	RMZ 2	1313	100%		
Elk Winter Concentration Area	RMZ 1	241	83%	64,865	0.9%
Elk Winter Concentration Area	RMZ 2	327	25%		

*Mapped habitats may overlap with one another

4.5.2 Reasonably Foreseeable Environmental Trends

Reasonably foreseeable environmental trends in the project area that may impact wintering big game include increases in recreational use at Jumbo Mountain SRMA from implementing travel management. Increases to human development and land use changes on lower and mid elevation deer winter range in the North Fork valley are also expected. The Western Slope of Colorado is expected to experience the highest growth rates in Colorado and the projected population growth across the state is expected to grow over 20 percent between 2020 and 2040 (Aldo, 2017). Given this projection, it can be assumed that increases to human development and land use change will occur, coupled with an increase in human use in the proposed action area. Increases in population growth may impact development of private lands resulting in increased wildlife concentration on BLM managed lands during the winter. As highlighted in **Section 4.3.2 Reasonably Foreseeable Environmental Trends**, the planning area is currently concentrated with wintering big game, as evidenced by severe hedging of all the shrubs in the planning area, and this trend will likely continue.

Chronic Wasting Disease (CWD) is a fatal neurological disease that occurs in mule deer and elk. CWD has been detected in the adjacent GMU (521) and if it's not already present in GMU 53 and the North Fork Valley, it will likely spread given past trends throughout Colorado and North America (Phillips, 2018).

4.5.3 Other Planned Actions in the Area

Impacts from past and present disturbances to wintering big game and their habitat include livestock grazing, road or trail construction, vegetation treatments and recreation. These activities have modified and continue to modify big game habitat and can contribute to reduced habitat quality and quantity of available habitat for wintering big game.

4.5.4 Effects Common to All Alternatives

Continued impacts to wintering big game may occur from a reduced big game habitat functionality through human presence or direct disturbance and displacement from habitat by avoidance of human activities (Larson et al 2016). Recreation on public lands can lead to reduced habitat quality from human activity with individuals or populations shifting into areas of lower quality habitat to avoid affected areas (Sawyer et al., 2009). Outdoor recreation, such as hiking, biking, or horseback riding, has the potential to disrupt deer and elk. Deer survival and reproductive potential is directly tied to their overwinter physiological status (Bergman, 2014). During the winter months, deer and elk can be negatively impacted from these disruptions as they are energetically stressed from reduced forage quality and the cold winter conditions. Reduced habitat functionality coupled with direct disturbance can lead to effects on both individual animals and populations which may impact winter survival and reproduction and lead to displacement into marginal habitat (Miller et al. 2001).

Taylor and Knight (2004) did not detect a difference in flight disturbance between mountain bikes or hikers and documented a 70 percent flight probability for mule deer within 100 meters of a biker or hiker on a trail. In Colorado, mule deer showed reduced activity within 66 meters of trails where dogs were prohibited, but within 100 meters of trails where dogs were allowed (Miller et al. 2001). Naylor (2009) demonstrated that elk can be affected by off-road recreation and avoid areas with high densities of trails. Given these flight probabilities and expected responses by big game, all alternatives are assumed to result in some level of response from big game and lead to on-going human disturbance during the critical times of year.

The motorized and mechanized seasonal travel limitation for big game winter habitat in RMZ 2 is an existing land use decision per the 2020 UFO RMP. A net change to impacts between Alternatives may occur from differences in authorized trail mileages, reroutes, seasonal travel limitations for raptors, and in Alternative B the addition of a pedestrian and equestrian travel limitation in RMZ 2. Travel limitations for motorized and mechanized use reduce disruption of wintering big game. The net change (positive or negative) in existing disturbance will be quantified for each action alternative (B, C, D) in contrast to Alternative A, the baseline.

To analyze impacts to habitat functionality for wintering mule deer and elk, a 100-meter buffer is utilized around trails to estimate the scale of impact to wintering big game. The entire planning area (1,900 acres) is priority big game habitat comprised of overlapping mule deer severe winter range, mule deer concentration area, elk severe winter range and elk winter concentration area, the analysis will quantify impacts to big game winter range collectively in acres. All areas within 100 meters of the trails are assumed to be functionally unsuitable for wintering big game given the flight responses and avoidance documented in Taylor and Knight (2004) and supported by Naylor (2008). The topography, cover or proximity to other routes may have an impact on habitat suitability for big game but the 100-meter buffer provides a conservative buffer and objective metric to measure trail use influences.

4.5.5 Effects of Alternative A – No Action

Using a 100-meter buffer around all trails (see Appendix A Map 8), 1,305 acres or approximately 1.36 percent of big game crucial winter habitat will continue to experience impacted habitat functionality and disturbance or displacement from habitat by avoidance of human activities in GMU 53 as described in *Section 4.5.4 Effects*

Common to All Alternatives. GMU 53 is approximately 253,700 acres of which approximately 95,870 acres contain at least one layer of big game crucial winter habitat analyzed under this alternative. Existing impacts to wintering big game are quantified across both RMZ 1 and RMZ 2 as research suggests that big game does not differentiate between mountain bikes or hikers (Taylor and Knight, 2004).

4.5.6 Effects of Alternative B – Maximum Resource Protection

Using a 100-meter buffer around all trails (see Appendix A Map 9), approximately 314 acres of big game crucial winter habitat will continue to experience impacted habitat functionality and potential for animals to be disturbed or displaced by human activities. Compared to the baseline disturbance from Alternative A (1,305 acres of big game crucial winter habitat), Alternative B reduces disturbance to approximately 991 acres of habitat. GMU 53 is approximately 253,700 acres of which approximately 95,870 acres contain at least one layer of mapped big game crucial winter habitat analyzed under this alternative. Alternative B represents an improvement over Alternative A by reserving RMZ 2 for big game winter range functionality and reducing the percentage of acres of big game winter range impacted by human use and disturbance across the GMU by approximately 1.0 percent of mapped big game crucial winter habitat.

4.5.7 Effects of Alternative C – Maximum Access

Using a 100-meter buffer around all trails (see Appendix A Map 10), open under Alternative C and proposed reroute zones, approximately 1226 acres of big game crucial winter habitat will continue to experience impacted habitat functionality and potential for animals to be disturbed or displaced by human activities. GMU 53 is approximately 253,700 acres of which approximately 95,870 acres contain at least one layer of mapped big game crucial winter habitat. The trails that are seasonally limited for protection of the Golden eagle nest December 15- July 15 under this alternative are assumed to benefit wintering big game by limiting human presence on the eastern portion of the SRMA during these dates. Alternative C improves habitat functionality for big game and limits human activities on approximately 80 acres.

4.5.8 Effects of Alternative D – Proposed Action

Under Alternative D, the BLM would designate approximately 24.4 miles of existing trails and new or re-routed trails, and to close and reclaim approximately 7.4 miles of trails within the planning area. Human use and presence would be expected to continue or exceed current levels.

Using a 100-meter buffer around all trails (see Appendix A Map 11) open under Alternative D and proposed reroute zones, 1225 acres of big game crucial winter habitat would continue to experience impacted habitat functionality and potential for animals to be disturbed or displaced by human activities. Alternative D proposes 10 additional trail miles. Specific acres related to big game crucial winter habitat cannot be calculated for the additional trails because the trail alignment and locations are not identified. Trails and buffers for calculating habitat loss map overlap with other buffers or trails already accounted for in the 1225 acres. Therefore, we assume no overlap with existing buffers (i.e. a straight line trail that doesn't overlap with other trails or trail buffers calculated) would result in up to 800 acres of potentially new disturbance. Under Alternative D approximately 2025 acres of big game crucial winter habitat would experience impacted habitat functionality. This alternative represents an increase in disturbance to wintering big game over all alternatives and over the baseline disturbance from existing trails (Alternative A 1,305 acres).

Under this alternative e-bikes are proposed. Research suggests that traveling longer distances is a motivation for e-bike users and that e-bikes enable users to travel further than what may have been possible for users on a traditional bike (MacArthur and Person 2014, Perry and Casey, 2020). If e-bikes enable users to travel longer

distances, e-Bikes may increase the opportunity for wintering big game to be disturbed in RMZ 1 during the winter months.

4.5.9 Summary of Impacts Across the Alternatives

Table 25 below summarizes the change in existing disturbance to wintering big game across all alternatives.

Table 25: Summary of Impacts to Big Game Winter Habitat

Alternative	Change in existing disturbance to wintering big game	Percent increased/decreased disturbance across GMU 53 to big game crucial winter habitat
A	No net increase or decrease	Baseline of 1.36% existing disturbance from current condition
B	Decreased by 991 acres	Reduction of 1.0%
C	Decreased by 80 acres	Reduction of 0.08%
D	Increased by 720 acres	Increase of 0.8%

4.6 ISSUE STATEMENT #6

How would mobilization of salt and selenium be impacted by trail maintenance and construction?

4.6.1 Affected Environment

The average annual precipitation spans from 15 – 18 inches and the planning area is located on soils derived from Mancos Shale. Soils located in the Mancos Shale typically have higher runoff potential and a greater likelihood of transporting elevated concentrations of salt and selenium. A brief discussion of salt and selenium and the impaired stream segments in the planning area follows.

Selenium

Selenium is a naturally occurring soluble trace metal found in the marine sediments of the Mancos Shale. Selenium can be easily mobilized by applying irrigation water to soils derived from Mancos Shale or from surface disturbing activities on Mancos Shale, and delivered to nearby waterways by irrigation return flow, groundwater, or overland flow. Once in the waterways, selenium can move through the aquatic environment, bio-accumulate in organisms and potentially reach toxic levels (Lemly, 2002). In 1997, the Colorado State Water Control Commission revised the chronic aquatic-life criterion for dissolved selenium from 17 µg/L to 4.6 µg/L. The Selenium Task Force was created soon after to address selenium issues. The group is comprised of private, local, state, and federal agencies including the BLM. As required by the Clean Water Act and the 303(d) listing, the Colorado Water Quality Control Division released the Total Maximum Daily Load (TMDL) in 2009 for the Gunnison River and tributaries and the Uncompahgre River and tributaries. This project is within the contributing area covered by the TMDL. Remediation strategies are implemented in part by the Selenium Task Force as well as the Selenium Management Program administered by the Bureau of Reclamation.

Salinity

Salts are another naturally occurring component of the sedimentary formations in the soils in the Jumbo Mountain area. The soluble mineral content of the Mancos Shale can be as high as 20 percent but is typically more like 6 percent, and the major mineral is typically gypsum. Salts are mobilized by both surface water and

groundwater. Mean annual salinity load at the Colorado/Utah state line in the Colorado River is 2.89 million tons. In a study reviewing the salinity trends in the Colorado River from 1986–2003, the contribution from the Gunnison basin was found to be 38 percent or a little over 1 million tons annually (Leib and Bauch, 2008). The Colorado River Basin Salinity Control Act passed in 1974 and amended in 1984, directs the BLM to minimize salt contributions to the Colorado River system from BLM administered lands.

Table 26 below lists the impaired stream segments downstream from the project area as defined by the Colorado Department of Public Health and Environment in Regulation 93. The 303(d) list are those waters for which technology based effluent limitation and other required controls are not stringent enough to implement water quality standards. The Monitoring and Evaluation list are those water bodies where there is reason to suspect water quality problems, but there is uncertainty due to low sample size or unknown sources of impairment (CDPHE, 2021).

Table 26: 303(d) Listed Stream Segments in the Planning Area

Segment	Impairment
COGULG01 1. Mainstem of the Gunnison River from the outlet of Crystal Reservoir to Highway 65	Selenium
COGUNF03 3. Mainstem of North Fork of the Gunnison River from the Black Bridge (41.75 Drive) above Paonia to the confluence with the Gunnison River	Manganese (D) Temperature

The North Fork Gunnison River was listed as non-attainment of the aquatic life use-based chronic selenium standard until 2021. The Colorado River Water Conservation District provided evidence that the standard is, in fact, attained at several locations within this segment. So, beginning in 2021 the North Fork of the Gunnison River was de-listed and the only portion of the segment in non-attainment is Cottonwood Creek. The Selenium 303(d) listing begins at the confluence of the North Fork and the mainstem of the Gunnison River.

4.6.2 Reasonably Foreseeable Environmental Trends

Past and present actions causing ground disturbance include several transmission lines and existing roads and their associated maintenance. Additional uses include livestock grazing and developments, and recreational uses. All of these uses are expected to continue on BLM managed land within the analysis area.

4.6.3 Other Planned Actions in the Area

The BLM is likely to conduct treatments in the Jumbo Mountain area to manage various vegetation communities for a variety of objectives including removing hazardous fuels, improving wildlife habitat, and infrastructure protection.

4.6.4 Effects of Alternative A – No Action

There are currently 31.8 miles of roads and trails open to OHV use. Only 2.25 miles of the routes are roads open to full size vehicles and were created to install and maintain the Western Area Power Administration (WAPA) power line road crossing the Jumbo Mountain SRMA. Due to the road width, number of drainage crossings and average grade of the road, maintenance of the road is difficult.

In July of 2018 a monsoon event dropped approximately 1.75 inches of rain in 30 minutes across an unnamed drainage and caused substantial flooding downstream of the project area. Large amounts of sediment were contributed by the WAPA powerline road and flushed downstream. The drainage basin area is approximately

0.6 square miles and crosses the Stewart Ditch before reaching Minnesota Creek as shown in **Figure 3** and Photos 5 – 8 below.

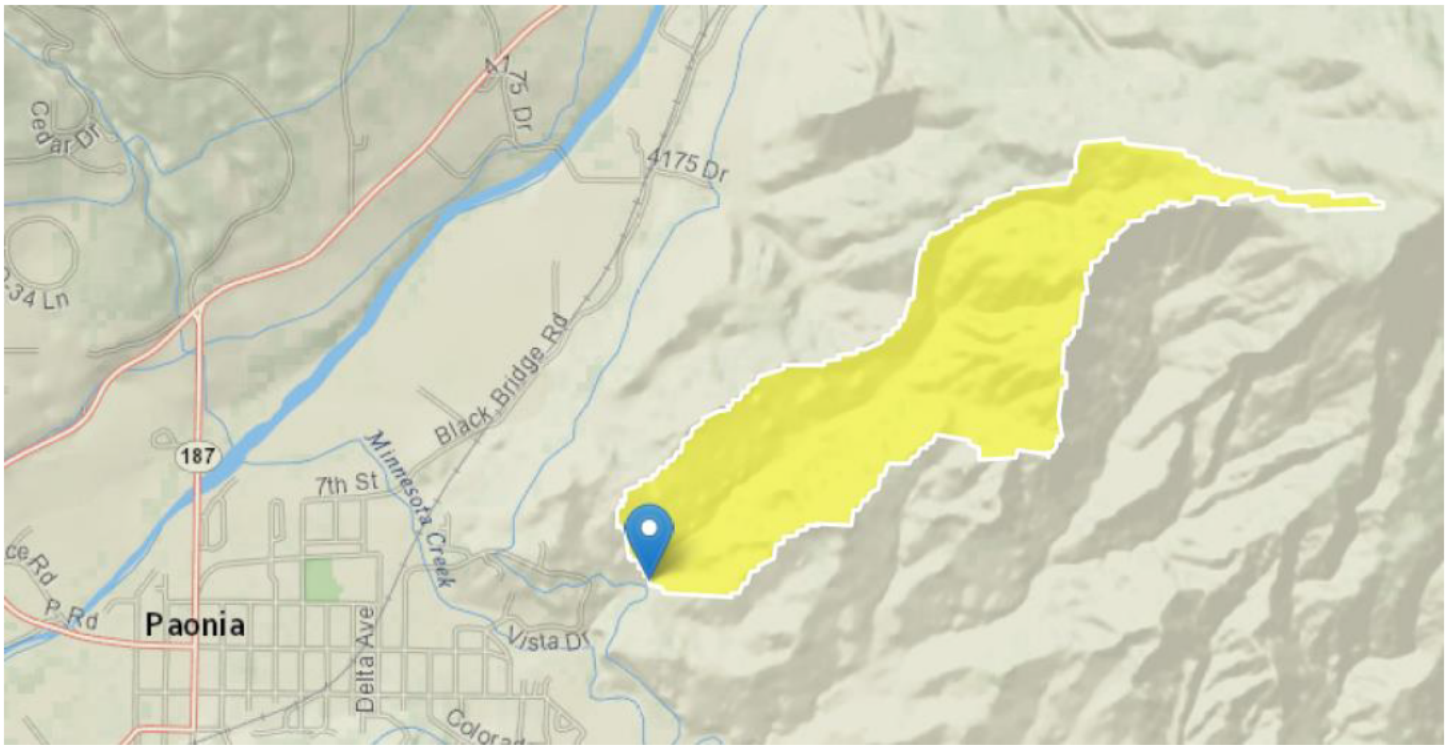


Figure 3 StreamStats basin delineation accessed at <https://streamstats.usgs.gov/> 1/10/2023.



Photo 5 and Photo 6: Flooding at confluence of unnamed drainage and Stewart Ditch and sediment deposition above the ditch plugging the culvert. Photo Credit Elaine Brett.



Photo 7 and Photo 8: Flooding at confluence of unnamed drainage and Stewart Ditch and sediment deposition above the ditch plugging the culvert. Photo Credit Elaine Brett.

The mean basin slope of the drainage shown in Figure 3 where approximately half of the trails are located is calculated by StreamStats at 24 percent, with a maximum elevation of 7,470 feet and minimum elevation of 6,162 feet. This extremely steep and short basin results in very large potential flood events with an estimated 100-year peak flow of 596 cubic feet per second. Photos in **Section 4.1.1 Affected Environment** depict the WAPA road crossing at the unnamed drainage where substantial sediment is eroded during storm events as flood flows are routed through a culvert before plunging into a 25-foot-deep arroyo. In the most recent flood event, many tons of sediment generated in this short, steep basin where the existing roads and trails are located, were deposited above the Stewart Mesa Ditch crossing. The BLM is working with WAPA to redesign the road crossing and reduce the sediment generated at this location.

4.6.5 Effects of Alternative B – Maximum Resource Protection

The effects of the existing 2.25 miles of power line roads would be similar to those described in the No Action Alternative. The maximum resource protection alternative would designate approximately 14.7 miles of existing trails and new or re-routed trails, and close and reclaim approximately 17.1 miles of trails within the planning area.

The WEPP modeling conducted in 4.1.5 Effects of Alternative B – Maximum Resource Protection estimates the mean annual soil loss expected from the trail network would produce 1.5 tons of sediment available to be mobilized during storm events. Most of the sediment as well as selenium and salinity present in the soil formation would be deposited within the nearest stream channel to the trail segments. However, during larger rain events some portion of this material could be transported downstream potentially as far as the Gunnison River. This would result in direct effects of impairing water quality, sedimentation of stream channels, and alterations to stream morphology. Indirect effects could include further selenium and sediment impairment to downstream waterbodies in the planning area. Any contributions reaching rivers would be short in duration based on the nature of flashy monsoon rain events and would have 14.1 tons less sediment available for delivery to the stream channel as compared to the no action alternative.

4.6.6 Effects of Alternative C – Maximum Access

The effects of the existing 2.25 miles of power line roads would be similar to those described in the no action alternative. The maximum access alternative would designate approximately 27.5 miles of existing trails and new or re-routed trails, and close and reclaim approximately 4.3 miles of trails within the Jumbo Mountain SRM.

The WEPP modeling conducted in section 4.1.6 estimates the mean annual soil loss expected from the trail network would produce 3.7 tons of sediment available to be mobilized during storm events. Most of the sediment as well as selenium and salinity present in the soil formation would be deposited within the nearest stream channel to the trail segments. However, during larger rain events some portion of this material could be transported downstream potentially as far as the Gunnison River. This would result in direct effects of impairing water quality, sedimentation of stream channels, and alterations to stream morphology. Indirect effects could include further selenium and sediment impairment to downstream waterbodies in the planning area. Any contributions reaching rivers would be short in duration based on the nature of flashy monsoon rain events and would have 11.9 tons less sediment available for delivery to the stream channel as compared to the no action alternative.

4.6.7 Effects of Alternative D – Proposed Action

Selenium is present in highly soluble sodium salts and gypsum on unirrigated Mancos Shale rangelands primarily in the 8–15 inches precipitation zone. The travel management area is slightly higher than the zone of highest selenium concentrations and likely has had more salt/selenium flushed from the soils due to the higher amount of precipitation. Laboratory experiments with soils collected in these areas indicate selenium is released most rapidly when water is applied to previously non-irrigated soils (Mast et al., 2014). Since rangelands are not irrigated, the selenium present in soils is only mobilized during large rain events when overland flow mobilizes soils. These events deliver large volumes of water, but for short periods of time. The total load of selenium contributed to downstream water bodies during these events is actually small compared to the ongoing contributions from other sources. A recent study conducted in the Smith Fork drainage basin with Mancos Shale derived soils and little ground disturbance other than grazing, found three natural sub-basins had little to no contributing selenium loads (Richards et al., 2014).

Further evidence that selenium from rangelands is a minimal source contributing to the Gunnison River is the trend of selenium loads in Gunnison River. Long term selenium trends in the Gunnison River have dropped 28.6 percent since 1986 (Mayo and Leib, 2012). Much work has been done to improve irrigation practices by lining canals and ditches in the contributing areas of the Gunnison and Uncompahgre basins. Whether the decline in trend is due to the agricultural improvements or due to the reduction of selenium available to be flushed from irrigated fields over time is unknown. During the period of declining trend, rangeland health conditions haven't changed. This likely indicates that the selenium load contributed from rangeland has little influence on the selenium loads in downstream receiving water bodies including the Gunnison River.

While the likelihood of large events delivering sediment, selenium and salt is small, the recent event in 2018 demonstrates the potential still exists. During these events the direct effects of mobilizing sediment and other constituents including salt and selenium to stream channels downstream from the Jumbo Mountain area could include impairing water quality, sedimentation of stream channels, and alterations to stream morphology. Indirect effects could include further selenium and sediment impairment to downstream waterbodies in the planning area.

The WEPP modeling conducted in section 4.1.7 estimates the mean annual soil loss expected from the trail network would produce 4.5 tons of sediment available to be mobilized during storm events. Most of the sediment as well as selenium and salinity present in the soil formation would be deposited within the nearest stream channel to the trail segments. However, during larger rain events some portion of this material could be transported downstream potentially as far as the Gunnison River. Any contributions reaching rivers would be short in duration based on the nature of flashy monsoon rain events and would have less sediment available for delivery to the stream channel as compared to the no action alternative.

4.7 ISSUE STATEMENT #7

How would the designation and modification of the existing trail system affect transportation in the Jumbo Mountain SRMA?

4.7.1 Affected Environment

The existing route network consists of 31.8 miles of “limited to existing” routes within the planning area. The 2020 UFO RMP designated as “limited” (to existing or designated routes) allowing the BLM to manage the existing route network prior to making individual route designations during the comprehensive travel management planning process. The existing trail system is open to motorized use, however the primary public access is provided through a private easement that prohibits motorized use. The trail system has been historically utilized by non-motorized recreation, and the SRMA desired future conditions per the 2020 UFO RMP are for a non-motorized trail network. The existing seasonal motorized and mechanized big game closure of RMZ 2 for five months (42 percent of the year) results in 62 percent of the routes being closed to motorized and mechanized use, and zero percent of the routes closed to pedestrians and equestrians. Generally, most hikers in Jumbo Mountain SRMA primarily use RMZ 1, while bikers use both RMZ 1 and 2 extensively. New routes can be added as needed to accommodate use and provide for recreation opportunities. The route designations proposed in this EA are primarily intended to modify the route system to better meet the recreation management objectives of the SRMA, while reducing impacts to sensitive natural and cultural resources and promoting a more sustainable trail system.

4.7.2 Reasonably Foreseeable Environmental Trends

Based on local and regional population growth, and ongoing BLM visitation monitoring, the BLM anticipates continued increases in visitor use within the Jumbo Mountain SRMA. Trail based recreation increased in the UFO by 1.75 percent over the last year and expect that to continue to increase by 1-3 percent year over year. Continued growth in the popularity of e-bikes will likely result in the need for the BLM to proactively plan for, and manage, opportunities for e-bike use.

4.7.3 Other Planned Actions in the Area

The BLM plans to conduct the Travel Management Planning in the North Fork Travel Management Area within the next 5 years.

4.7.4 Effects of Alternative A – No Action

Impacts to the transportation system under Alternative A are shown in **Table 27**, below.

Table 27: Route Designations in Alternative A

Use Type	Seasonal Limitation- Big Game	Seasonal Limitation- Raptor	New Construction	Miles Open Year-Round	Miles Open July 15 th - December 1 st	Percent Trails Open Year-Round
Motorized/ Mechanized	19.8	0	0	12.2	31.8	38%
Pedestrian/ Equestrian	0	0	0	31.8	31.8	100%

Under Alternative A, none of the route designations would be changed. Year-round access would remain on 12.2 miles of the current route system. The current 31.8-mile existing route system would contain up to 8 percent fewer miles than the 34.4-mile fully built-out designated route system proposed in Alternative D. The existing seasonal travel restriction for motorized and mechanized use for protection of wintering big game in RMZ 2 is five months (42 percent of the year).

4.7.5 Effects of Alternative B – Maximum Resource Protection

Impacts to the transportation system under Alternative B are shown in Table 28, below.

Table 28: Route Designations in Alternative B

Use Type	Seasonal Limitation- Big Game	Seasonal Limitation- Raptor	New Construction	Miles Open Year-Round	Miles Open July 15 th - December 1 st	Percent Trails Open Year-Round
Mechanized*	9.8	0	0	4.9	14.7	33%
Pedestrian/ Equestrian	9.8	0	0	4.9	14.7	33%

* Alternative B closes all routes to motorized use, except for administrative use.

Alternative B would change the travel designations leaving 14.7 miles open to the public from July to December, and 4.9 miles year-round. This would close access to RMZ 2 for all uses from December 1 until April 15 annually. This represents a loss of access for five months (42 percent of the year) on 67 percent of the miles open in this alternative for all uses, which is a five percent decrease in miles open to motorized and mechanized use and a 67 percent decrease for pedestrian and equestrian access as compared to Alternative A.

4.7.6 Effects of Alternative C – Maximum Access

Impacts to the transportation system under Alternative C are shown in Table 29, below.

Table 29: Route Designations in Alternative C

Use Type	Seasonal Limitation- Big Game	Seasonal Limitation- Raptor	New Construction	Miles Open Year-Round	Miles Open July 15 th - December 1 st	Percent Trails Open Year Round
Motorized/ Mechanized	18.3	2.4	0	6.8	27.5	25%
Pedestrian/ Equestrian	18.3	2.4	0	25.1	27.5	91%

Alternative C would change the travel designations leaving 27.5 miles open to mechanized, motorized, pedestrian, and equestrian use from July through December, and 25.1 miles year-round for pedestrian and equestrian use. The overlapping seasonal limitations represents a loss of access for 7 months (58 percent of the year) which represents a decrease in excess of 16 percent as compared to Alternative A. The raptor closure impacts 9 percent of all use in this alternative. The combination of the big game and raptor closures reduced access by 14 percent compared to Alternative A.

4.7.7 Effects of Alternative D – Proposed Action

Impacts to the transportation system under Alternative C are shown in Table 30, below.

Table 30: Route Designations in Alternative D

Use Type	Seasonal Limitation- Big Game	Seasonal Limitation- Raptor	New Construction	Miles Open Year-Round	Miles Open July 15 th - December 1 st	Percent Trails Open Year Round
Mechanized*	13.9	2.4	10	8.1- 18.1**	34.4	24%- 53%
Pedestrian/ Equestrian	0	2.4	10	22-32*	34.4	64%- 93%

* Alternative D closes all routes to motorized use, except for administrative use.

** Miles open year-round depends on where the 10 additional miles of new construction are built. If they are in RMZ 2, they will be seasonally closed to protect big game. If they are in RMZ 1, there will be no seasonal travel limitation.

Alternative D would change the travel designations leaving up to 34.4 miles open to mechanized, motorized, pedestrian, and equestrian use from July through December, and up to 32 miles year-round for pedestrian and equestrian use. The overlapping seasonal limitations represents a loss of access for 7 months (58 percent of the year) which represents a 16 percent decrease in access as compared to Alternative A. The raptor limitation impacts 7 percent of all use in this alternative. The combination of the big game and raptor closures reduced access by up to 14 percent compared to Alternative A but could result in a positive increase in miles open year-round based on where new construction occurs.

4.8 ISSUE STATEMENT #8

How would the designation and modification of the existing trail system affect recreation setting characteristics and recreation opportunities (activities, experiences, outcomes) in the Jumbo Mountain SRMA?

4.8.1 Affected Environment

Outdoor recreation on public lands within the North Fork Valley is highly valued as a quality-of-life amenity for residents and as a destination for regional tourists. Both individuals and communities benefit from public-lands recreation opportunities. Individual benefits include improved physical and mental health and stronger ties with family and friends. Community benefits include a more diversified economy and improving the attractiveness of the North Fork Valley as a place to live, work, recreate, and retire. The Jumbo Mountain SRMA is very popular with the local community in Paonia, Colorado. Many residents enjoy a backyard to backcountry experience with the trail system being immediately adjacent to the town and nearby Apple Valley Park. Jumbo Mountain received 27,737 visitors in fiscal year 2022, making it one of the most popular trail-based recreation sites in the UFO. Trail based recreation accounts for 37 percent of all visits to public lands, and 55 percent of visits to developed recreation sites.

The existing routes within the planning area includes approximately 32 miles of primarily singletrack trails. RMZ 2 is seasonally closed to motorized and mechanized use, as determined in the UFO RMP. Within the larger UFO (including Gunnison Gorge NCA and Dominguez-Escalante NCA), there are a total of 3,236 miles of roads and trails open for recreational use, including 75 miles of singletrack mountain bike trails (most also open to foot and/or equestrian use).

Early public scoping comments for this proposal, as well as commonly recognized recreation trends, indicate a high level of interest in the management of e-bikes on public lands. According to a 2021 report, the worldwide e-bike market (all classes and bicycle types) was worth about \$41 billion in 2020 and is expected to expand nearly threefold over a decade, with a compound annual growth rate of 11.6 percent. The eMTB (electric mountain bike) category is expected to be the fastest growing segment during the forecast period. The report also noted that when divided by class, Class 1 e-bikes are expected to be the largest market segment, in part because of legal limitations of Class 2 and 3 e-bikes on roads and trails (Vision Research Reports 2021).

Consequently, the BLM is adapting management strategies to account for this increasingly popular activity. The BLM UFO is following agencywide guidance by analyzing the potential authorization of e-bike use in the planning area. The BLM uses an outcomes-focused recreation management strategy, which identifies and manages landscape and recreation settings to provide specific recreation opportunities and beneficial outcomes.

Recreation opportunities are defined as the ability to participate in recreation activities that facilitate experiences and benefits within a specific geographic area. Visitors to BLM-administered public lands seek a diverse range of setting-dependent outdoor recreation opportunities. They choose to recreate in different areas based on the qualities and conditions (i.e., recreation setting characteristics) of the area and because they desire to have distinctive recreation outcomes (i.e., experiences and benefits) (BLM 2014).

Recreation Outcomes: The BLM establishes outcomes-focused recreation objectives that address recreation outcomes (i.e., recreation activities, experiences, and benefits) for lands designated as SRMAs. Recreation outcomes consist of experiences and benefits and are defined in the 2020 UFO Approved RMP. Desired outcomes for the Jumbo Mountain SRMA include:

- Experiencing skill development (i.e., mountain biking, running, hiking) and physical exercise while learning about the site.
- Easy and frequent access to natural landscapes and recreational activities close to the community.
- Reducing mental tension, stress relief and increasing quality of life.

Recreation Setting Characteristics: The visitors' achievement of recreational experiences and benefits is highly dependent on the recreation setting characteristics (RSCs) that support those outcomes. RSCs further describe the physical, social, and operational components of the recreation setting. Physical qualities of the landscape are defined by remoteness, naturalness, and facilities. Social qualities associated with use are defined by contacts with other groups, group size, and evidence of use. Operational conditions to manage recreation use are defined by type of access, visitor services and management controls (BLM 2014).

In the 2020 UFO RMP, the BLM identified the following physical, social, and operational RSCs for Jumbo Mountain SRMA. Table 31 summarizes the current and desired future RSCs.

Table 31: Jumbo Mountain SRMA Recreation Setting Characteristics

Characteristic	Current	Desired Future
Physical	<ul style="list-style-type: none"> - Easily accessible by passenger vehicles - Landscape partially modified - Limited structures (ie, wooden bridges and trails) 	<ul style="list-style-type: none"> - Easily accessible by passenger vehicles - Landscape considerably modified - Rustic facilities such as trailheads and interpretive information
Social	<ul style="list-style-type: none"> - Encounter 15 or fewer visitors on trails - Group sizes of 4-6 - Trails compacted and sounds from people are occasionally heard 	<ul style="list-style-type: none"> - Encounter 30 or fewer visitors on trails - Group sizes of 13-25 - Trails compacted and sounds from people are regularly heard
Operational	<ul style="list-style-type: none"> - Multi-use trails open to some motorized use - Staff rarely present and no maps or brochures - No information on rules and limitations posted 	<ul style="list-style-type: none"> - Mechanized trail use - Staff periodically present and informational materials available - Rules and limitations posted

For this analysis, RSCs serve as a framework to describe the existing recreation setting and the changes in the recreation settings and recreation opportunities created by different alternatives or actions.

4.8.2 Reasonably Foreseeable Environmental Trends

Based on local and regional population growth, and ongoing BLM visitation monitoring, the BLM anticipates continued increases in visitor use within the Jumbo Mountain SRMA, and throughout the UFO. Continued growth in the popularity of e-bikes will likely result in the need for the BLM to plan more actively and manage opportunities for e-bike use.

4.8.3 Other Planned Actions in the Area

Within Jumbo Mountain SRMA, the BLM anticipates increased SRP requests for both commercial and competitive activities. The BLM plans to use the SRP-generated fee revenue to fund ongoing trail system maintenance and construction. The BLM anticipates collaborating with the Paonia Parks Committee on improving connectivity from the city owned Apple Valley Park to the BLM Jumbo Mountain trail system, in addition to adding signage and minimal trailhead infrastructure (kiosk and bike tools) with the first half mile of the trail system.

4.8.4 Effects of Alternative A – No Action

Under Alternative A, the BLM would not make changes to Jumbo Mountain SRMA to facilitate fully realizing the Desired Future RSCs. It would make it more difficult for the BLM to continue to provide the targeted recreation opportunities necessary to meet the recreation management objectives.

Activities, Experiences, and Benefits

Under Alternative A, the primary activities in the SRMA would remain mountain biking, hiking, horseback riding, and running. A significant amount of pre-scoping public comments expressed support for improvement of the existing trail system through sustainable reroutes and expansion.

There would be no increase in the number of trail miles open to recreation activities nor more sustainable purpose built reroutes of existing trails. The BLM would not expand opportunities for visitors to experience the beneficial outcomes described in the analysis of the proposed action. This alternative would best meet the stated objective of some commentors to minimize any further development of recreation opportunities.

Mountain bike, equestrian, and pedestrian use would continue to be allowed on trails within the raptor limitation area from December 15 to July 15, resulting in no loss in recreational visits.

Physical RSCs

The mileage and density of trails would remain the same which would partially preserve the perceived remoteness and naturalness of the area. However, expected increases in visitation and crowding, as well as continued use of existing unsustainable trails, would likely result in degradation of perceived remoteness and naturalness that is equal to or greater than what would be expected under the alternatives C and D.

Social RSCs

The BLM expects that visitation to the Jumbo Mountain SRMA would continue to increase, at least over the next few years. Based on BLM visitor use monitoring, visitation to the SRMA has increased or stayed constant since 2017. The BLM anticipates that the trend of increasing visitor use would continue to increase crowding on the existing trail system, increasing the likelihood that visitors may encounter more than 30 other groups, thus exceeding the desired future social RSCs target. Continuing increases in use could increase the potential for negative social interactions (conflict) since there would be more contacts with other groups.

Operational RSCs

The BLM would not construct any new trails, so access would be limited to the existing trail system and no new recreation opportunities would be added to the SRMA. The BLM would not add any additional informational or wayfinding signage nor increase patrols to the SRMA. Poorly located unsustainable trail alignments would not be rerouted and would require more long-term maintenance than the rerouted alignments proposed in the other three alternatives.

4.8.5 Effects of Alternative B – Maximum Resource Protection

Under Alternative B, the BLM would seek to limit the expansion of the trail network within the planning area and reduce the footprint of the existing trail system which would make it more challenging to achieve the desired RSCs. It would make it more difficult for the BLM to continue to provide the targeted recreation opportunities necessary to meet the recreation management objectives for the growth anticipated in the community.

Activities, Experiences, and Benefits

The primary activities in the SRMA would remain mountain biking, hiking, horseback riding, and running. A significant amount of pre-scoping public comments expressed support for improvement of the existing trail system through sustainable reroutes and expansion, which would not be approved in this alternative.

There would be a 54 percent decrease in the number of trail miles open to recreation activities in the planning area. This alternative would best meet the stated objective of some commentors to minimize any further development of recreation opportunities, and to place a greater emphasis on the protection of big game and plants.

Mountain bike, equestrian, and pedestrian use would not be allowed on trails within RMZ2. The additional limitation to pedestrian and equestrian use would result in a decrease of recreational visits by 51 percent for both mechanized, pedestrian and equestrian uses.

Physical RSCs

The mileage and density of trails would be dramatically reduced which would preserve the perceived remoteness and naturalness of the area. However, expected increases in visitation and crowding, as well as continued use of existing non-purpose-built trails, would likely result in degradation of perceived remoteness and naturalness that is greater than what would be expected under the other three alternatives.

Social RSCs

The BLM expects that visitation to the Jumbo Mountain SRMA would continue to increase, at least over the next few years. Based on BLM visitor use monitoring, visitation to the SRMA has increased or held constant since 2017. The BLM anticipates that the trend of increasing visitor use would continue to increase crowding on the existing trail system, increasing the likelihood that visitors may encounter more than 30 other groups, thus exceeding the desired future social RSCs target. Continuing increases in use could combined with a decrease in trail miles would increase the potential for negative social interactions (conflict) since there would be more contacts with other groups.

Operational RSCs

The BLM would not construct any new trails and would close many existing trails so access would be reduced, and no new recreation opportunities would be added to the SRMA. The BLM would add additional informational or wayfinding signage and increase patrols to the SRMA. Because the existing use would be concentrated on a smaller network of trails, the system would require more long-term maintenance and there would be an increased likelihood of unauthorized trails being built within the SRMA, due to the increased demand for trails shown in public scoping.

4.8.6 Effects of Alternative C – Maximum Access

Under Alternative C, the BLM would seek to close a very limited number of miles of the existing trail network within the planning area, maintain public OHV access to the powerline road, and conduct reroutes. Achieving the desired RSCs would be easier than in the A and B alternatives, but by still allowing some motorized access, it would not meet the desired future outcome for the operational RSC. It would make it more difficult for the BLM to continue to provide the targeted recreation opportunities necessary to meet the recreation management objectives for the types of trail use supported in pre-scoping. Because the existing easement that allows access to the primary trailhead does not allow motor-vehicles it could promote unauthorized public motorized use in RMZ 1 to access the powerline road.

Activities, Experiences, and Benefits

The primary activities in the SRMA would remain mountain biking, hiking, horseback riding, and running, however public motorized use would be maintained on the Powerline Road. A significant amount of pre-scoping public comments expressed support for improvement of the existing trail system through sustainable reroutes, which would be approved in this alternative.

There would increase in the number of trail miles open to recreation activities and would close 14% of existing trails in the planning area. This alternative would best meet the stated objective of some commentors to eliminate a few trails that receive very little use, while keeping the vast majority open and left “as is”.

The addition of the raptor limitation through July 15, would result in a decrease of recreational visits by 28 percent for both mechanized, pedestrian and equestrian uses.

Physical RSCs

The mileage and density of trails in the SRMA would remain similar to existing with reroutes which would meet the objective of a more modified landscape that has more purpose-built trails. This more modified and addition of rustic facilities would be better equipped to manage the expected increases in visitation, and which would in turn maintain a degree of perceived remoteness and naturalness.

Social RSCs

The BLM expects that visitation to the Jumbo Mountain SRMA would continue to increase, at least over the next few years. With the addition of new trails and purpose built reroutes, the BLM anticipates that the trend of increasing visitor use would be better dispersed throughout more miles which would reduce the likelihood that visitors may encounter more than 30 other groups, thus exceeding the desired future social RSCs target.

Operational RSCs

The BLM would close a few low-use existing trails so recreation opportunities and the quality of those opportunities would be similar to current conditions. The BLM would add additional informational or wayfinding signage and increase patrols to the SRMA. Because the existing use would be dispersed on a larger network of purpose-built sustainable trails, the system would require less long-term maintenance. However, it would not meet the demand for new trails and improved experiences.

4.8.7 Effects of Alternative D – Proposed Action

Under Alternative D, the BLM would seek to close a limited number of miles of the existing trail network within the planning area and conduct reroutes and build additional mileage. Under Alternative D achieving the desired RSCs would be the easiest of all alternatives. It would align with the targeted recreation opportunities necessary to meet the recreation management objectives for the types of trail use supported in pre-scoping.

Activities, Experiences, and Benefits

Under Alternative D, the primary activities in the SRMA would be mountain biking, e-biking, hiking, horseback riding, and running. One of the targeted benefits of Jumbo Mountain SRMA is to increase desirability of the area as a place to retire. E-bikers tend to be on average 25 years older than traditional bikers (Perry and Casey, 2020), so allowing e-bikes would increase opportunities of retirement age riders to enjoy the trail system. A significant amount of pre-scoping public comments expressed support for improvement of the existing trail system through sustainable reroutes and expansion, which would be approved in this alternative.

There would increase in the number of trail miles open to recreation activities and would close 24% of existing trails in the planning area. This alternative would best meet the stated objective of some commentors to find a balance of open quality routes, while eliminating trails that receive very little use or are safety hazards.

The reroutes proposed allow for more sustainable alignments outside of sensitive resource areas, that will provide more miles of routes with purpose-built features than the existing trails. The addition of the raptor limitation through July 15, would result in a decrease of recreational visits by 28% for mechanized, pedestrian and equestrian uses.

Physical RSCs

The mileage and density of trails in the SRMA would be increased through reroutes and future construction which would meet the objective of a more modified landscape that has more purpose-built trails. This more modified and addition of rustic facilities would be better equipped to manage the expected increases in visitation and would in turn maintain a degree of perceived remoteness and naturalness.

Social RSCs

The BLM expects that visitation to the Jumbo Mountain SRMA would continue to increase, at least over the next few years. With the addition of new trails and purpose built reroutes, the BLM anticipates that the trend of increasing visitor use would be better dispersed throughout more miles which would reduce the likelihood that visitors may encounter more than 30 other groups, thus exceeding the desired future social RSCs target. The additional purpose-built mileage would reduce conflict by spreading visitors throughout the system and encourage more directional travel minimizing safety concerns raised in pre-scoping.

Operational RSCs

The BLM would construct new trails and would close a few low use existing trails so recreation opportunities and the quality of those opportunities would be increased, and new recreation opportunities would be added to the SRMA. It would also limit motorized use to administrative only, thus meeting the desired future of mechanized trail system. The BLM would add additional informational or wayfinding signage and increase patrols to the SRMA. Because the existing use would be dispersed on a larger network of purpose-built sustainable trails, after initial construction the system would require less long-term maintenance.

5 – SUPPORTING INFORMATION

5.2 Interdisciplinary Review

Table 32: Core Interdisciplinary Team

Name	Title	Area of Responsibility	Date Signed
Jedd Sondergard	Hydrologist	Soil/Water	1/10/2023
Ken Holsinger	Ecologist	Upland Vegetation/Special Status Plants	1/11/2023
Angela Yemma	Rangeland Management Specialist	Noxious Weeds/Invasive Species	12/21/2022

Name	Title	Area of Responsibility	Date Signed
Caroline Kilbane	Outdoor Recreation Planner	Recreation and Transportation	1/11/2023
Emily Latta	Wildlife Biologist	Wildlife, Special Status Animals	1/26/2023
Angela LoSasso	Planning and Environmental Coordinator	NEPA and FLPMA	1/31/2023
S. Edward Franz	Gunnison Gorge NCA Manager	Recreation Supervisor	1/31/2023
Bert Potwin	Assistant Manager Renewable Resources	Renewable Resources Supervisor	2/2/2023
Suzanne Copping	Uncompahgre Field Manager	Deciding Official	2/3/2023

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7 – APPENDICES

Appendix A: Maps

Appendix B: Transportation and Access Plan

Appendix C: Plan Conformance Review

Appendix D: Issue Identification Worksheet

Appendix E: Seasonal Closure Sign

Appendix F: UFO-GGNCA SRP Special Stipulations

Appendix G: Jumbo Mountain System-wide Trail Management Objectives

Caroline Kilbane
BLM Travel Management Plan
Montrose, CO 81401

April 9, 2023

Dear Ms. Kilbane,

As a Trustee for the Town of Paonia, I serve on the Parks Committee. The opinions I am expressing in this letter are mine alone and I do not represent the positions of the Town Board as a whole.

As of this coming November, I will have 20 years of trail running on Jumbo Mountain outside Paonia. Both of the two homes we owned in Paonia were within 1/4 mile of the trailheads. Most of my trail running has been very early in the mornings during the freeze to avoid mud and to avoid the heat of the summer. The solitude and peace of Jumbo has nourished me through the years. I started out by running up the 4 wheeler trails or using game trails. The access road up to what is known as the "grassy knoll" was my main route in the early days.

Back then very occasionally I would see a motorcycle, horseback riders, or a 4 wheeler but most often mountain bikers. I have witnessed frequent social trail building over this span of time with new trails appearing every few years. Although I like the variety offered by different routes, it has now grown to be far too much for such a small area of land, not to mention the impact on wildlife.

Thankfully we had a major flood in the summer of 2018 which washed out numerous bridges and made some trails inaccessible by bike such as "rock and roll" (coming off the area right below the cliffs where the eagles nest). Please do not try to reconstruct this trail. Leave the Jumbo basin undisturbed for wildlife.

Many of the social trails are improperly constructed to withstand runoff in the spring or summer monsoons. The trails off the southern-most parts of Jumbo are the ones most problematic to wildlife. They are known locally as "Ray's Trail" and "Seven Bridges." Both of these trails impacted a very sensitive primitive area that holds ermine, badger, turkey, and numerous deer. It also was an area where fawns are born.

I am an advocate for fewer trails that are well constructed and appreciate plans that call for winter closures for wildlife and Golden Eagles.

Historically, the local mountain biking community took it upon themselves to construct trails for their own use. There was strong resistance to have any contact with BLM or to generate publicity about the Jumbo area.

The implication in any plan that Jumbo could be a gateway for bringing users from outside the area to Paonia is fundamentally flawed. First of all, it is not a huge area and Smith Mountain, Fruita, and Moab are better suited for this kind of tourism impact. Our recently proposed "Paonia in Motion" recreation plan implies a desire to bring flocks of mountain bikers to the area. This is not supported by many in the North Fork Community. As you pursue formalizing a plan for the Jumbo area, I respectfully request that you consider these two points:

1. This is a small recreation area primarily for the North Fork Valley and is not intended to promote a Moab or Fruita type experience.

2. Please make a decision now to restrict the number of trails AND to restrict use of trails by designating trails for bikes (and electric bikes) while other trails "hiking only." This could help mitigate trail conflicts especially between runners/hikers and those on bikes.

You state in the bottom paragraph of page 47 regarding elk "Since the development of high-density trails and increased recreation, elk do not use the Jumbo Mountain SRMA." This statement is not supported by the evidence. On April 7th, 2023 during my trail run, I took note of more fresh elk scat and tracks than I have ever seen in the 20 years of running through the east area of Jumbo basin. The elk passed through just after the most recent snow storm of April 5th, 2023.

And finally, perhaps I missed this in the document, but have you consulted with the Ute Indian Tribe who were the previous inhabitants of this land before a series of treaties were broken with them? I did not see consultations with the tribe on cultural or ancestral use of the area. In addition, I have discovered near the top of Jumbo mountain a possible cultural site.

I recognize the enormous challenge that the Jumbo Mountain Area poses to your agency and thank you profusely for taking this issue on, conducting a thorough analysis, presenting numerous public outreach efforts, and opening public comment periods. My hope is that a reduced version of Plan D will be your adopted alternative, i.e. fewer trails and designated user routes.

Respectfully submitted,

Dave Knutson
(970) 260-3260
shinum2@icloud.com

Town of Paonia

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Recommendations from Planning Commission for
Zoning/Building proposed code changes



Town Board Staff Report

Subject: Review of Ordinance 2017-11 – Amending Town Code
Relocation of certain section of Zoning Chapter 16 Regulations to Building Chapter 18

Author: Mayor Bachran

Representing: Planning Commission

Date: April 5, 2023

Specific request: That certain sections of Chapter 18 be moved back to Chapter 16 after review by the Planning Commission on October 5, 2022

Summary Recommendation

After review by the Planning Commission, the following recommendations were made:

Chapter 18, Article 6 – signs. Sections 18-6-10 through 18-6-50 should be moved to the Zoning Code. Sections 18-6-60 through 18-6-100 should remain in the Building Code.

Chapter 18, Article 7 - Flood Damage Prevention, Divisions 1, 3 and 4 should be moved to the Zoning Code. The Commission could not make a determination on Division 2.

Chapter 18 Article 8 – Supplementary Regulations should be moved back to the Zoning Code.

Chapter 18, Article 9 – Accessory Building Structures and Uses, should be rewritten such that the permitted use be placed in Chapter 16 Zoning, and the construction of the physical structure be kept in Chapter 18, Building.

Chapter 18, Article 10 – Building Permits and Site Review Requirements should remain in Chapter 18.

Executive Summary

In 2017, the Board of Trustees moved sections of the Zoning Code to the Building Code section of the Town code. This action was referred to the Planning Commission for review.

The Intent

Examine the results of the previous Board’s actions and determine if changes are needed

Options/Alternatives for Town Board to Consider

- Accept the Planning Commissions recommendations
- Leave things as they are
- Return the code to what it was prior to Ordinance 2017-11

Funding Source and Fiscal Impact

None at this time

Attachments

Minutes from Planning Commission meeting on October 5, 2023

Minutes
Planning Commission Meeting
Town of Paonia, Colorado
October 05, 2022

RECORD OF PROCEEDINGS

Roll Call

- Mary Bachran
- Steve Clisset
- Lyn Howe
- Dave Knutson
- Absent: Monica Foguth

Approval of Agenda

Mary Bachran makes a motion, Seconded by Lyn Howe to approve the agenda

Motion passes unanimously

Unfinished Business

1. Follow-Up Regarding Master Plan Update Request for Proposals

Changes: Lyn Howe brings up rewording the RFP using ‘revise’ or ‘revisions’ instead of ‘review’ under 2.1: ‘two to three draft plans will be reviewed...’ thinks it isn’t clear about what it is they are wanting.

Dave Knutson states this wasn’t quite what he was wanting, since he wanted to recruit a local as opposed to a large firm for this project. Would like to rewrite this to be more slated to this end if Planning Commission agrees. Discussion ensues about the pro’s and con’s and winnowing process.

Steve Clisset makes a motion, seconded by Lyn Howe, that the planning commission have a meeting Thursday November 17th 3-5pm, to assess the proposals that have been opened.

Motion Passes unanimously

2. Review of Ordinance 2017-11 – Amending Town Code

Relocation of Certain Sections of Zoning Chapter 16 Regulations to Building Chapter 18

Chapter 18-Article 6- Signs, 18-7-50 should be moved back to Chapter 16- Zoning.

18-7-16 through 1-7-100 should remain in Chapter 18-Building

Chapter 18 Article 7- Flood Damage Protection, Division 1- General Provisions; Division 3- Provisions for Flood Hazard Reduction and Division 4 -Penalties, should be returned to Chapter 16, Zoning.

Division 2 – Administration, the members could not make a determination on

Chapter 18- Article 8 – Supplementary Regulations should be returned to Chapter 16, Zoning

Chapter 18 – Article 9- Accessory Building Structures and Uses, should be rewritten such that the permitted use be placed in Chapter 16, Zoning and the construction of the physical structure be kept in Chapter 18, Building.

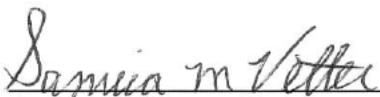
Chapter 18 – Article 10 Building permit and Site Review/ Plan Review Requirements should remain in Chapter 18.

New Business

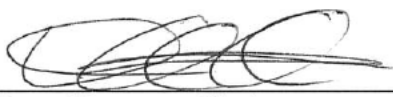
Adjournment

Steve Clissett makes a motion, seconded by Lyn Howe to adjourn

Motion Passes Unanimously



Samira M Vetter, Secretary



Dave Knutson, Chair

Town of Paonia

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Sidewalk Fee Sunset and Ballot Question



11000020200089

Test Ballot



OFFICIAL BALLOT FOR
2013 COORDINATED ELECTION
DELTA COUNTY
November 05, 2013

Style PAONIA-SCH

Delta County Ballot Question 1D

Shall the Delta County Assessor be allowed to serve in the capacity of Assessor as long as the Delta County voters choose to re-elect him/her?

- YES/FOR
- NO/AGAINST

Town of Paonia Ballot Question 2A

SHALL THE TOWN OF PAONIA CREATE A DEDICATED FUND FOR THE CONSTRUCTION AND MAINTENANCE OF EXISTING SIDEWALKS WITHIN TOWN LIMITS TO BE PAID VIA UTILITY BILLING AT A RATE OF THREE DOLLARS (\$3.00) PER MONTH, PER ACCOUNT, STARTING JANUARY 1, 2014 AND REMAIN IN EFFECT UNTIL DECEMBER 31, 2024?

- YES/FOR
- NO/AGAINST

Town of Paonia Ballot Question 2B

WITHOUT INCREASING ANY TAX RATE OR IMPOSING ANY NEW TAX, SHALL THE TOWN OF PAONIA BE AUTHORIZED TO COLLECT, RETAIN AND SPEND ALL REVENUES, INCLUDING ALL REVENUE GENERATED FROM THE MILL LEVY, IT RECEIVES ON AND AFTER JANUARY 1, 2014 AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION (TABOR), OR ANY OTHER LAW, WITH ANY SUCH REVENUES COLLECTED, RETAINED OR SPENT IN EXCESS OF THE LIMITS SET FORTH IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION TO BE USED FOR LAW ENFORCEMENT, TOWN ROAD AND BRIDGE IMPROVEMENTS AND MAINTENANCE, AND PUBLIC HEALTH AND HUMAN SERVICES PURPOSES?

- YES/FOR
- NO/AGAINST

Delta County Public Library District Ballot Question 4A

SHALL DELTA COUNTY PUBLIC LIBRARY DISTRICT TAXES BE INCREASED \$506,033 ANNUALLY IN THE FIRST FISCAL YEAR (2014), AND BY WHATEVER AMOUNTS ARE RAISED IN EACH FISCAL YEAR THEREAFTER FROM THE IMPOSITION OF A MILL LEVY OF 1.67 MILLS THAT IS IN ADDITION TO THE EXISTING DISTRICT MILL LEVY OF 3.0 MILLS; THE INCREASE IN TAXES TO BE USED TO OPERATE AND MAINTAIN LIBRARY FACILITIES AND LIBRARY SERVICES AND FOR ANY OTHER USES PERMITTED BY LAW; AND SHALL THE DELTA COUNTY PUBLIC LIBRARY DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND SPEND, FOR DELTA COUNTY PUBLIC LIBRARY DISTRICT PURPOSES, ALL REVENUES GENERATED FROM THE MILL LEVY INCREASE, AS A VOTER-APPROVED REVENUE AND SPENDING CHANGE AND AN EXCEPTION EACH YEAR, BEGINNING IN 2014 AND THEREAFTER, TO ANY STATUTORY LIMITS, INCLUDING BUT NOT LIMITED TO SECTION 29-1-301, C.R.S. AND ANY CONSTITUTIONAL LIMITS, INCLUDING BUT NOT LIMITED TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THAT WOULD OTHERWISE APPLY?

- YES/FOR
- NO/AGAINST

Test Ballot

0953031112



Town of Paonia

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SB 23-213 Discussion

To: Honorable Mayor Mary Bachran and Board of Trustees

From: Leslie Klusmire, Interim Town Administrator

RE:

Date: April 11, 2023

Recommendation

The Colorado Municipal League has called for a governmental all-hands-on-deck to oppose this legislation. The main issue that CML is concerned about is the erosion of local control. This legislation imposes statewide zoning mandates on local governments. The bill is also vague and difficult to interpret. It forces DOLA to develop a model zoning code to apply to local governments. It does not contain any real measures to help communities provide affordable housing and appears just to be an attempt to weaken local zoning authority.

The Town Attorney and I attended a CML call to explain the CML's issues with the bill and answer questions. Nick reviewed the bill and has determined that in Paonia's case, it would mandate ADUs be allowed in all zoning districts. For other jurisdictions, this bill goes much farther to mandate zoning code changes.

While allowing ADUs in residential zoning districts may be where Paonia is heading, the problem with this bill is the state mandate part. CML and local governments want to preserve their local rights to determine their own future.

CML believes that each local government needs to register opposition with their state legislators. To read the bill in its entirety, please go to this link: https://www.cml.org/docs/default-source/advocacy-documents/language-of-sb23-213.pdf?Status=Temp&sfvrsn=c5fede6_2



April 12, 2023

Re: Opposition to 5823-213, regarding 'affordable housing'

To Whom It May Concern,

As duly elected representatives of the citizens of the Town of Paonia, Colorado, we want to fervently declare our opposition to Senate Bill 23-213, regarding land use authority.

SB 23-213 has been characterized as an attempt to provide affordable housing. In fact, it is a sweeping attack on local decision-making authority when it comes to matters that should be of local concern - land use authority. This is both an attack on local authority and an unfunded mandate, as it requires the Town to expend what we believe will be an inordinate amount of funds for studies that will not actually solve the problem that the bill purports to address.

Our community will be directly impacted by the components of this staggering legislation by:

- Eliminating our ability to zone multi-family housing to locations where the infrastructure is in place to provide the necessary services.
- Removing our discretion to place certain criteria on multi-family housing, such as parking requirements, along with other infrastructure improvements necessary for the high-density development envisioned by the bill.
- Allowing the character of neighborhoods to be destroyed by forcing incompatible land-uses directly adjacent to single-family homes.
- Mandating expensive studies relative to housing and water resources, much of which is already duplicated in existing local planning documents.
- Shifting the burden and responsibility of what have traditionally been local decisions up to a State agency, thus removing local accountability to voters.

The entire bill assumes that towns and cities and their own residents do not know what's best for the quality of life in our communities. It removes decision-making from the people who are actually impacted by those decisions and shifts it to an entity that has no vested interest in the Town of Paonia, our families, or our character. For those reasons, we strongly ask our legislators to reject this power grab that shifts the authority for local control to the state government.

Sincerely,

Mary Bachran, Mayor
And the Town of Paonia Board of Trustees

RESOLUTION NUMBER _____

**RESOLUTION OF THE TOWN OF PAONIA OPPOSITION
TO STATEWIDE LAND USE AND ZONING PREEMPTIONS IN SENATE BILL 23-213**

WHEREAS, for a century, the State of Colorado has committed both in statute and in the state constitution to the local control of land use planning and zoning because local governments are closest to the land and to the people that occupy it;

WHEREAS, zoning and land use cannot be viewed separately from the impacts of proposed uses of land on surrounding properties and a community as a whole, including the ability to ensure adequate water and utilities; to provide enough public safety services, schools, and recreational services; to make sure that sufficient and safe infrastructure is available to handle increased population or more intense uses; to align development with the community’s economic goals; to prevent displacement of existing people; to preserve important historical sites; and to protect open space and the environment in general;

WHEREAS, Senate Bill 23-213 would place statewide mandates on hyper-local land use matters and substitute the judgment of legislators and state regulators who lack the understanding needed to make the right decisions for our community;

WHEREAS, Senate Bill 23-213 will undermine long-range planning efforts and will severely limit our ability to maintain reasonable zoning regulations to ensure a high quality of life and sound economic environment for our current and future residents, workers, and business owners;

WHEREAS, Senate Bill 23-213 silences the voices of our residents by taking away the right to be heard at public hearings on zoning matters or to use their constitutional rights of initiative or referendum to address zoning and land use matters;

NOW, THEREFORE, be it resolved by the Board of Trustees of the Town of Paonia that:

1. It is the position of the Town of Paonia that municipalities are best suited to determine appropriate zoning laws for their communities and that collaboration and cooperation – not top-down statewide mandates and giveaways to special interests – are the solution to Colorado’s affordable housing problem;
2. The Town of Paonia opposes Senate Bill 23-213 and strongly urges its legislators to vote NO on this unprecedented and irresponsible preemption.

Resolved this 11th of April, 2023.

Mayor Mary Bachran

Attest:

Samira Vetter, Municipal Clerk

Town of Paonia

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Mayor & Trustee Reports

Public Safety and Parks Committee Meetings
4/18/23

Law Enforcement

Present: Christina Patterson(Citizen), Rick Stelter (Trustee Town of Paonia), Dave Knutson (Trustee Town of Paonia), and Chief Matt Laiminger

The Department is closely monitoring stream flows and is working with Public Works to prepare for possible flooding from this year’s snowpack.

The Community Survey had some comments that were “dings” to the Department, yet several letters were received complimenting officer response to incidents. These letters will be submitted for the Board Packets.

There were some complaints about contractor vehicles exceeding speed limits and Public Works was contacted and Cory stepped up to communicate with all drivers. The issues seem to have been resolved.

Code enforcement remains a conundrum with unclear codes. Matt proposes to bring suggested templates from other Towns to help the Board update codes and provide clarity for enforcement. These five codes are proposed to be discussed one at a time by presenting the changes at one meeting, then acting on the change at the next meeting. This approach would allow sufficient time for public input. Codes to be considered include: inoperable vehicles; open fires; number of animals; unlawful dwelling; and camping on public spaces.

The focus of the Department lately has been on building a much stronger relationship and coordination with the schools as well as traffic calming.

Parks Committee

Present: Christina Patterson(Citizen), Rick Stelter (Trustee Town of Paonia), Dave Knutson (Trustee Town of Paonia), Tracy McCurdy (Citizen and Mountain Bike representative), and Chief Matt Laiminger

The discussion was very informal and involved, at times, many sidebar discussions among different participants. Topics included Creek Vista HOA resistance to bikes in the easement on the south side of Apple Valley, BLM entrance access points to Jumbo Trails, issues for equestrian trailer parking and trail access for horseback riders, alternative access and parking spots for Jumbo trails, and other topics that this writer was not a party to.

It was noted that the Trustees have not taken follow-up action regarding committees nor have they made clear the position of the Town regarding the BLM proposals for the Jumbo Mountain Trail System.

9th Annual Energy and Environment Symposium
 Oil and Gas (O&G) Education for Local Government
 April 11-13, 2023

Sponsors: Garfield County, Colorado Mesa University plus numerous O&G law firms and corporations

Purpose: To give an oil and gas perspective to local officials so they understand challenges to this industry plus opportunities.

Written by: Trustee Dave Knutson, Town of Paonia

Contacts made: From Delta County - Chairman Wendell Koontz, Commissioner Mike Lane, County Manager Robbie LaValley, and John Poulus; From DOLA (Department of Local Affairs Regional Manager) - Dana Hlavak, and from Gunnison Energy - Tyson Johnston

Day One Summary: Kirby Wynn, Oil and Gas Liaison at Garfield County welcomed all participants. He kept the entire conference on time and on track, plus he rounded up all the sponsors for keynotes, field trips, and food. We heard from DOLA, Colorado Oil and Gas Conservation Commission (COGCC), legal firms, academics, and consultants about changing policies and regulations.

A notable panel of academics and industry reps described Green House Gas (GHG) emissions verification. They cited aerial monitoring methods and mapping to show flaring and emissions. The Southern Ute tribe then came on stage with a memorable presentation about culture, environmental responsibility, and economic growth.

The most impactful event of the first day was the keynote presentation by Dr. Scott Tinker from the University of Texas. He is founder and chairman of Tinker energy Associates, LLC and the Switch Energy Alliance. It is worthwhile to download his powerpoint presentation and view it. He encouraged all participants to show this download to groups of 20 to get discussions going about global needs for energy and the role of Oil and Gas.
<https://switchon.org/presentations/>

A panel on Environmental Justice came on stage after lunch as about 1/3 of the participants left the room (one of my few editorial comments). The panel was quite engaging in describing how local governments need to respond to disproportionately impacted (DI) communities. A follow up panel discussed noise regulations as Local Government Designees (LGD) were shuttled to a field tour of a Gas Patch run by Terra Energy Partners near Battlement Mesa. This field was incredibly well run with essentially no emissions or noise and was sited in the middle of a retirement housing project. The take-home message here was how important it is for O&G operators to engage repeatedly with the communities AND to demonstrate an environmental response to issues. Terra seems to be an example of a very well run operator whose staff are contentious and engaged.

Day Two Summary: The State Director for the Bureau of Land Management (BLM), Doug Vilsack described the upcoming challenges and opportunities for the new conservation designations on BLM land. The push is for NGOs to work on restoration of conservation areas within BLM jurisdiction. A conservation designated area prevents recreation or extraction use within the boundaries.

The morning continued with a number of O&G companies describing the challenges they face in operating in Colorado; issues with permitting, especially the delays; and the uphill climb to find investors willing to fund O&G operations in Colorado. COGCC has authorization to hire over 100 staff, but faces challenges in training and onboarding while keeping the permitting process plugging along. Subsequent panels discussed carbon capture and local government regulation of O&G operations. The day wrapped up with two obfuscating presentations by professors at the Colorado School of Mines regarding Geopolitics, Energy Security, and Economics.

Major takeaways include challenges the industry faces in trying to provide environmentally sensitive operations in O&G with the permitting, regulation, and investment challenges; the importance of a well-run and conscientious operator; how future energy demand will impact choices of what sectors will step up; and how politics not reality or facts inform laws, regulations, and policy.

On a humorous note: one presenter's photograph showed an electric car charging station powered by an attached giant diesel generator!

And finally, a thank you to the Trustees in the Town of Paonia for paying the registration fee. This Trustee left with a more informed viewpoint on the "radical middle" between energy security, climate security, and economic security.