

**AGENDA
FOR THE BOARD OF TRUSTEES
OF THE TOWN OF BUENA VISTA, COLORADO
April 12, 2016**

Work Session Regarding Solar 6:00 PM

Sue Greiner will present the feasibility of providing solar energy in Buena Vista. The presentation includes an assessment and recommendations for community-wide solar energy as an alternative to what is currently offered in the Arkansas Valley.

Regular Meeting at 7:00 PM

at the Buena Vista Community Center
Piñon Room – 715 East Main Street, Buena Vista, Colorado

**THE BOARD OF TRUSTEES MAY TAKE ACTION ON ANY OF THE FOLLOWING AGENDA
ITEMS AS PRESENTED OR MODIFIED PRIOR TO OR DURING THE MEETING, AND
ITEMS NECESSARY TO EFFECTUATE THE AGENDA ITEMS**

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. PROCLAMATION – CHILD ABUSE PREVENTION MONTH – April, 2016
- V. AGENDA ADOPTION
- VI. CONSENT AGENDA
 - A. Minutes
 - 1. Regular Meeting – March 22, 2016
 - 2. Planning & Zoning Commission – March 16, 2016
 - 3. Tree – March 3, 2016
 - B. Police Chief Report
 - C. Fire Chief Report
- VII. PRESENTATION TO OUTGOING TRUSTEES
- VIII. OATH OF OFFICE TO AND SEATING OF NEWLY ELECTED TRUSTEES
- IX. POLICY DISCUSSION – Infrastructure Investments
- X. PUBLIC COMMENT
- XI. RESPONSE TO PUBLIC COMMENT
- XII. BUSINESS ITEMS
 - A. **PUBLIC HEARING Continued from March 22, 2016** – Should the Board of Trustees approve adoption of Resolution #29 entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING AN OUTDOOR DINING ENCROACHMENT PERMIT FOR COURTNEY AND ROBBIE JOHNSON AND A REVOCABLE LICENSE AGREEMENT.”?**
 - The Board of Trustees will consider an outdoor dining encroachment permit for the property owners of the Lariat that will provide for an outdoor patio on the town right-of-way for the purpose of expanding the dining area.*
 - B. Should the Board of Trustees approve adoption of Resolution #30 entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ENCROACHMENT PERMITS FOR THE PURPOSES OF OUTDOOR DINING AND RETAIL OPERATIONS ON EAST MAIN.”?**
 - The Board of Trustees will consider a temporary moratorium on requests for encroachment permits for the purpose of outdoor patio dining in the town right-of-way along East Main Street until a policy is put in place that addresses future encroachments.*

This Agenda may be Amended

Posted at Buena Vista Town Hall, www.buenavistaco.gov, Post Office, and Public Library on
Friday, April 8, 2016

- C. **PUBLIC HEARING** – Should the Board of Trustees approve adoption of Resolution #31 entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING A SPECIAL USE PERMIT TO ALLOW FOR MINOR VEHICLE REPAIR FOR WINDSHIELD AND TIRE REPLACEMENT IN AT 102 BROOKDALE AVENUE, BUENA VISTA, COLORADO.”?**

A public hearing on the property located at 102 Brookdale Ave is an application for a Special Use Permit to allow an auto glass and tire replacement shop in the existing building on the property.

- D. **PUBLIC HEARING** – Should the Board of Trustees approve adoption of Ordinance #5 entitled **“AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, VACATING A PORTION OF THE GUNNISON AVENUE RIGHT-OF-WAY BETWEEN PREVIOUSLY VACATED KENT AVENUE AND OAK STREET.”?**

A public hearing on a request for a vacation of right-of-way on Gunnison St. and a request for a waiver of the application fee.

- E. **PUBLIC HEARING** – Consideration of Application for Change of Location for Retail Liquor Store License for the Little Daisy Company dba Little Daisy Company, 302 US Highway 24 North, Buena Vista, CO.

The Board of Trustees will consider an application from The Little Daisy Company to change the location of the Retail Liquor Store from 302 US Highway 24 North to 401 US Highway 24 North, Unit B.

- F. **PUBLIC HEARING** – Consideration of Application for new Tavern Liquor License for Buena Vista Adventure Center, LLC dba Adventure Hub, 801 Front Loop, Unit 1A, Buena Vista, CO.

The Board of Trustees will consider an application from Buena Vista Adventure Center, LLC dba Adventure Hub for a new Tavern Liquor License at 801 Front Loop, Unit 1A.

- G. Should the Board approve adoption of Resolution #32, Series 2016, entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, ADOPTING THE TOWN OF BUENA VISTA PLANTING GUIDE.”?**

The Board of Trustees will consider a revised planting guide that makes recommendations on plants that do well in Buena Vista's climate and environment.

- H. Should the Board of Trustees approve adoption of Resolution #33 entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH CLARION ASSOCIATES, LLC, TO EXTEND THE COMPLETION DATE FOR THE REVISED LAND USE CODE.”**

The Board of Trustees will consider a contract extension for Clarion Associates to extend the completion of the Unified Development Code revision to August 8, 2016.

- I. Town / BVSD Land Swap Timeline.

The Board of Trustees will review a project schedule for a proposed land swap between the Buena Vista School District and the Town of Buena Vista.

XIII. STAFF REPORTS

1. Town Administrator
2. Town Treasurer
3. Public Works Director

XIV. TRUSTEE/STAFF INTERACTION

XV. ADJOURNMENT

This Agenda may be Amended

Posted at Buena Vista Town Hall, www.buenavistaco.gov, Post Office, and Public Library on
Friday, April 8, 2016

Is Community Solar Feasible for Buena Vista?

Capstone Project

Bachelor of Arts in Sustainability Studies

Colorado Mountain College

Susan Greiner

Fall 2015

Abstract

The purpose of this paper is to study the feasibility of incorporating a community solar project or projects into the energy production of Buena Vista, Colorado. Buena Vista is a town in the central Colorado mountains in the Arkansas River Valley approximately 120 miles southwest of Denver, and 90 miles west of Colorado Springs. The population within the city limits is 2716. Buena Vista's electricity is provided by Sangre De Cristo Electric Association (SDCEA), an electric cooperative that serves 12,000 people in five counties. SDCEA is a member of the Tri-Peaks Generation and Transmission Association, a regional cooperative containing 44 member utilities.

This paper explores the political, economic, environmental, and social factors that affect the use of solar power in Buena Vista, and that would specifically affect the possible construction of a community solar project.

In Part One, I will explain what is meant by community solar, and how community solar development generally works in Colorado.

Part Two explains the opportunities and constraints facing SDCEA with respect to community solar power. Included in this will be a discussion of the differences in structure between a cooperative utility and an investor-owned utility, which operates under Public Utility Commission (PUC) governance, and how these differences affect the utility's ability to invest in community solar projects. I will address structural, economic, and political constraints facing SDCEA with respect to developing community solar projects. This information is based on interviews with SDCEA CEO Paul Erickson, Buena Vista Mayor Joel Benson, SDCEA board members and Buena Vista board of trustees.

Part Three explores the approaches, problems and limitations encountered by other utilities in Colorado concerning community solar projects. I will present information gathered from eleven utilities surrounding SDCEA in Colorado concerning their approaches to incorporating community solar projects. I have studied three utilities in Xcel Energy territory, seven utility cooperatives located in the Colorado mountain region who are part of Tri-State Generation and Transmission Association, and one utility cooperative that is not a Tri-State member. The Xcel member utilities studied include:

- Lake County Solar Garden (Leadville)
- Holy Cross Energy (Rifle)
- Summit County #1 and #2 (Breckenridge)

The utility cooperatives that are members of Tri-State Generation and Transmission Association studied include:

- United Power (Brighton)
- Delta-Montrose Electric Association
- San Miguel Power Association
- Gunnison County Electric Association
- La Plata Electric Association (Durango)

- Poudre Valley Electric Association
- Empire Electric Association (Cortez, Dolores, Dove Creek, Mancos, Towaoc and Monticello)

The one nonprofit cooperative that is not a member of Tri-State Generation and Transmission is:

- Grand Valley Power (Grand Junction)

Grand Valley is one of four cooperatives in Colorado that buy their power wholesale from Xcel.

Part Four, the Discussion section of this paper will synthesize the results of my research, drawing conclusions about what was successful and what did not work as well for the utilities studied.

Part Five will draw conclusions about the feasibility of community solar for Buena Vista. Included in this section, the concerns raised by SDCEA and Buena Vista town government will be addressed, and there will be a short discussion about how community solar addresses the four 'E's of sustainability. Finally, I will make a recommendation about a direction for Buena Vista to take concerning community solar.

Part One: What is Community Solar?

The U.S. Department of Energy (2010) defines community solar as “a solar-electric system that, through a voluntary program, provides power and/or financial benefit to, or is owned by, multiple community members.” Community solar projects are often called community solar gardens, and their development is approached in a variety of ways. They can be:

- Developed and owned by the utility
- Developed by a community solar developer and sold to the utility
- Developed and owned by the community solar developer and leased to the utility
- Developed and owned by the community solar developer and leased to customer/subscribers directly
- Developed and owned by private citizens

Customers of the community solar project, usually called subscribers, can participate in a community solar project in a variety of ways. With some projects, subscribers purchase entire panels, while in others they purchase a watt (W) or kilowatt (kW) share in the total production of the community solar array. The energy generated from the community solar project is credited by the utility onto the electricity bills of the subscribers. Subscribing usually involves entering into a 20 to 25 year lease with the owners of the array.

The land on which community solar arrays are built may be owned by the utility, the developer, the community, or a private citizen or citizens.

Why Community Solar?

Community solar is becoming more and more popular in Colorado. One of the reasons for this is that Colorado has an abundance of sunny days. Also, Colorado has a Community Solar Gardens Act (House Bill 10-1342), which was signed by Governor Bill Ritter on June 6, 2010. This bill encourages utilities to establish community energy funds for the purpose of developing community solar gardens (solargardens.org, 2015). However, it should be noted that section 7 of the Community Solar Gardens Act exempts utility cooperatives from the provisions of the bill (solargardens.org, 2015).

Also, there are government mandates for utilities concerning renewable energy generation, called Renewable Energy Standards (RES) or Renewable Portfolio Standards (RPS). According to DSIREUSA.org (2015), Colorado's Renewable Energy Standards for electric utilities are:

“Investor-owned utilities: 30% by 2020
Electric cooperatives serving 100,000 or more meters: 20% by 2020
Electric cooperatives serving fewer than 100,000 meters: 10% by 2020
Municipal utilities serving more than 40,000 customers: 10% by 2020”

Advantages to a utility of developing community solar may include:

- The utility can supply its customers' desires for solar power.
- Community solar can provide an economy of scale in that solar power generation is concentrated in one area, and a large amount of power can be generated relative to development costs.
- Community solar curbs the need for utility customers to install their own net-metered projects, which eat into utility cooperatives' power sales.
- Community solar can help utilities meet Renewable Energy Standards (RES).
- Local energy generation provides energy independence from an aging national grid and a hedge against rising energy prices of traditional energy sources.
- The cost for the development of the community solar array can be passed on to the subscribers
- Community solar is locally generated energy that can create local jobs.
- Visible project siting can increase public awareness and education about solar power and can enhance the community's and the utility's reputation

Barriers may include:

- Negative public perception (that solar is for the rich, the politically liberal, or environmental radicals)
- Commitment of time, effort, and money toward development.
- Perception that community solar development is expensive
- Perception that non-solar customers electricity rates will go up
- Constraints of utility structure (which will be explained below)

Advantages to potential subscribers:

- Community solar provides the opportunity for residents to get solar power who don't have roof space, don't have yard space, whose roof doesn't face south, or who may not be able to afford to install their own solar panels.
- Renters are also eligible to participate in community solar.
- Because of the economy of scale and the ability of subscribers to purchase shares in a larger project, subscribers can often participate in community solar for very little money.
- Subscribers get solar power without having to worry about installation, maintenance, or insurance.
- A subscribers' solar generation is credited against their electricity bill on a monthly basis, and may amount to anywhere from a few cents a month to 100% of their power generation, depending on how much community solar power they purchase.
- If a subscriber moves to a different residence within the territory of the same utility, the subscription can usually move with them. If the subscriber moves out of the area, the subscription is either sold with their house or reverts back to the utility to be resold.

Part Two: Sangre de Cristo Electric Association and Buena Vista

Sangre de Cristo Electric Association

There are investor-owned utilities, municipal utilities and utility cooperatives. Sangre De Cristo Electric Association (SDCEA) is a cooperative, which means it is owned by its members/customers. SDCEA has 12,000 members in five counties. SDCEA has been in existence since 1940, only four years after Congress passed the Rural Electrification Act, according to Paul Erickson, CEO of SDCEA (2015). SDCEA is a 501C 12 nonprofit private corporation, (Erickson, 2015). Because it is a nonprofit, SDCEA has no return on investment priorities, and it doesn't pay federal tax. SDCEA also doesn't get any federal tax breaks for renewables.

Xcel is an investor-owned utility. Salida, 25 miles to the south of Buena Vista, is part of Xcel territory, as is Leadville, 35 miles to the north. Investor-owned utilities are regulated by the Public Utilities Commission (PUC). According to Erickson, return on investment is the most important goal for an investor-owned utility, and it strives for a 10% return on investment. The PUC supports Xcel's development of solar projects because Xcel can get a satisfactory return on its investment.

Erickson stated that because SDCEA is rural, it has more miles of distribution line per customer and fewer people per line than other types of electric utilities, especially urban electric utilities. As a result, SDCEA's costs are higher and its income lower. In 1984, SDCEA de-regulated (broke away from the PUC) in order to save money. PUC regulation compliance costs a lot of money, but the PUC helps protect electricity prices from fluctuating. An advantage of being independent of the PUC is that a cooperative has less regulation and more control over its decisions.

Independent small nonprofit electric cooperatives like SDCEA have little money and little political power by themselves. The answer to this problem is to join larger cooperatives. SDCEA is a member of Tri-State Generation and Transmission Association for this reason (as

are 43 other small cooperative utilities). Tri-State membership gives SDCEA political clout. Tri-State is in turn a member of a larger regional cooperative called Basin Electric, which increases their political clout even more. SDCEA is also a member of an insurance cooperative, a bank cooperative and a supply house cooperative.

SDCEA's board of directors has seven members, including two at large positions. The other five positions are regional representatives, many of whom live in the Buena Vista area. The board oversees the cooperative and is very active. Erickson, as SDCEA Chief Executive Officer, takes direction from the board of directors.

SDCEA's cooperative structure gives it decision-making freedom, and it also makes SDCEA very accountable to their members. According to Erickson, the primary goal of the board of directors is to deliver reliable electricity to SDCEA members in the most economical way possible. This makes the board of directors very careful about their decisions and slow to change, so that SDCEA can protect its members. Erickson says the board's dedication to their goal sometimes causes them to come across as conservative and old school, when in reality they are trying to protect the integrity of the cooperative.

SDCEA operates under several constraints concerning renewable energy. A primary constraint is that all of the members of Tri-State Generation and Transmission have signed a contract to buy all of their power from Tri-State for 40 years. This is called an All Requirements Agreement. In conjunction with this agreement, Tri-State has set a 5% limit on the amount of power individual cooperative utilities can generate locally. This limit was set so that Tri-State can protect its investments and investors. Erickson explained that if a coal plant that is part of the All Requirements Agreement is shut down, the investors in the coal plant still demand their return on investment according to that agreement. So Tri-State does not want to close down that coal plant because it will lose money. For this reason, Tri-State is slow to want to invest in renewables as substitute power generation. However, Tri-State's Renewable Portfolio Standard mandate (or Renewable Energy Standard, RES) requires it to have 20% renewable energy sources by 2020, which is only five years away, so it will have to find ways to meet its RES requirements. Erickson says that some cooperative utilities let Tri-State come up with those renewables, but SDCEA could come up with its share and contribute to meeting Tri-State's RES requirement. Erickson said that he is not averse to local renewable production to help meet RES requirements.

Another constraint that affects SDCEA is that, as a nonprofit corporation, SDCEA has no profit incentive to develop community solar. For this reason, Erickson says the most logical way to develop community solar would be by entering into a partnership with a project developer rather than building a community solar project themselves.

Other considerations that Erickson sees before a community solar project could be built include:

- How to move any power a project generated; power lines would need to be in the vicinity
- Impacts of the project engineering

- Capacity of the transmission or distribution lines. Generally, to accommodate a community solar garden and allow for its expansion, transmission or distribution lines would need to be overbuilt.
- Interconnection Insurance
- Distributing credits onto individual subscribers' bills will require paying office staff for their time in allocating those credits.
- Would SDCEA have to figure the credits, as well, adding to office staff time requirements?
- A project would need to be big enough to create an economy of scale. In other words, it takes a certain amount of money to develop the infrastructure, but at a certain point, adding more panels to the project doesn't cost very much more. A project should also be scalable, or have room to grow, and that scalability should be planned into the project from the beginning. Erickson thought a 100kW project would be a good starting size to produce economy of scale.

Erickson pointed out that there is a private group in Custer County at the southern end of SDCEA's range, that has proposed to build a large community solar project on private land, which they will privately own, and would sell the power to SDCEA. Under such a scenario, SDCEA would be required to buy the power. But SDCEA would not have to pay for development or maintenance costs for the project, so buying the power this way could be advantageous to SDCEA. In addition, Erickson indicated that the Game Trail subdivision had approached him with the idea of developing a community solar garden for their homeowners on their land, in which case SDCEA would buy and distribute the power. Clearly, there is interest in community solar projects among residents within SDCEA territory.

SDCEA does have enough land for a community solar garden. Available land is located just north of the SDCEA building. The area is covered with pinon pine trees, however, which would require the extra expense of clearing, and Erickson was not sure if the building would shade the solar array during part of the day. Erickson also thought that using Town of Buena Vista land might be a possibility, but there would be a political process to ensure that the public didn't object. Erickson said that using town land would be good for SDCEA because it wouldn't have to pay the property tax on the land (property tax goes up when an array is built on it).

Erickson thought that the biggest obstacle for the board of directors as far as promoting a community solar project would be the perceived risk that SDCEA would build it and then there would not be enough interest by their members in subscribing to it. With no profit margin, it is very important that building a community solar project would not cause SDCEA to lose money. No survey of the membership has been undertaken to see what the level of interest is among the members of the cooperative, so the board does not know how big the risk actually is or how much its members would have to pay to be involved in a community solar project.

Erickson agreed that what is needed is marketing of the idea of community solar, and a survey to ascertain members' interest. He said that SDCEA does not have the personnel to do that. A local advocacy group would need to take on the responsibility to pitch the concept to the cooperative's members. Such a survey would need to explain the minimum investment required

and the range of investment amounts possible and then ask if members would be interested. Erickson thought that if a survey indicated that a significant number of the members wanted a community solar garden, the board would be likely to go along with developing a project.

I contacted several local members of the SDCEA board of directors, and found that they would be willing to discuss community solar possibilities.

The Town of Buena Vista

Buena Vista Mayor Joel Benson (2015) indicated that the Buena Vista board of trustees was communicating with SDCEA within the last year about renewable energy, but the conversation was dropped as higher priorities came to the fore. However, Benson indicated that the board is interested in renewable energy and would be interested in community solar.

Benson thought that this may be a very good time to broach the idea of community solar because the town is in the middle of rewriting the Buena Vista comprehensive plan and enforcement codes, and conservation and sustainability have been expressed as part of the plan. He indicated that the terms of several board members end in April of 2016, however, and there is no guarantee that the future board will be as receptive.

Benson indicated that the town would perhaps be interested in offering land for a community solar project. He mentioned that a 40 acre parcel north of the rodeo grounds might be a good place for a project. The parcel, which is zoned industrial, would be adjacent to a subdivision proposed by Colorado Solar Energy called Solar Village, which would have solar power incorporated into every house in the subdivision. Colorado Soar Energy owner, Ted Palpant is concerned that the adjacent industrial parcel not be used for an incompatible use, like a gravel pit. Benson thought that using the parcel for a community solar garden and a park would be a win-win situation, but he re-iterated that he could offer not promises.

Benson indicated that the biggest barrier for the town government to a community solar project would be that they don't have the time to research it. He said that a champion in the form of a local advocacy group would need to approach the board of trustees with a well thought out and researched plan that considers both sides of the issue and would need to shepherd the project through the approval and development process. He indicated that keeping the board to trustees in the loop would be the best way to gain their support on a project.

Benson said that he thought that partnering with the town for a community solar project might be a good idea since the town might be able to get grants to help with development that SDCEA couldn't get. He also indicated that the best place to start working out a plan for community solar within town government would be to talk to town administrator Brandy Reitter, Greg Maggard in the public works department, or Mark Doering, the new town planner.

Benson said he likes the idea of a community solar garden being visible because this makes it a tangible asset that shows what Buena Vista is doing to pursue sustainability. He thinks it could be a marketable image for the town.

I spoke with several Buena Vista Town Trustees, who were open to the idea of community solar. There was concern expressed that it might not be appropriate for the town to contribute financially to a community solar project, but there was a willingness to talk about providing land for a community solar project.

Part Three: Studies of Other Colorado Mountain Region Utilities

Here are some general guidelines that will help make the community solar projects studied below more understandable. Let us assume for this example that the average homeowner uses about 600 kWh of power per month. At this rate, it would take 20 to 25 210 W panels to provide all the energy for that homeowner. The going rate for power per kWh is currently \$.12. If a 210 W panel produces 30 kWh of power per month, then $30 \times .12 = \$3.60$ off of the subscriber's electric bill per month per panel owned. $\$3.60 \times 12 \text{ months} = \43.20 per year off of the subscribers' electric bill. This example assumes that power is \$.12 per kWh, and it assumes 210 W panels. It also assumes 30 kWh per month produced by that panel. Less sunny places may have lower production, but this number seems to be an average number quoted by the utilities and developers studied. Higher wattage panels are becoming more common and cost effective in more recent solar garden developments, but the basic equation remains the same.

Incentives for participating in community solar involve return on investment or payback on investment. Return on investment is the percentage earned on the money a subscriber invests in the solar garden, while payback is the amount of time it will take the subscriber to earn their money back on the investment. While most solar gardens generate a return on investment percentage that compares reasonably to what a subscriber might get on other fairly low risk investments, payback can take anywhere from 7 years to 25 years to never. So for example, if you paid \$1050 for a 210 W panel with the production and costs for power above, the payback would be \$1050 divided by \$43.20 or 24.3 years. The return on investment would be \$43.20 divided by \$1050 or 4%.

It should be noted that community solar garden developers consider some information about the subscription rates and energy production of their arrays to be proprietary; in other words, they don't want to tell their competition what they are doing. So it was sometimes difficult to get information from them, even nonproprietary information. As a result, not every project below has complete information or can be compared "apples to apples". In addition, there are a wide variety of approaches to community solar represented by the projects studied below. But this study does give the reader a strong idea of how projects are approached, and where possible, how much the return on investment and payback might be for subscribers.

The Clean Energy Collective (CEC) (2015), which is the most prevalent regional community solar developer used in Colorado, lists 27 active projects in Colorado on their website.

Community Solar Projects in Colorado Mountains

Xcel projects: Xcel Energy is an investor-owned utility under PUC regulation.

1-Lake County Solar Garden (Leadville)

Utility overview: Lake County is part of Xcel territory.

Community solar project: Lake County's original request for a community solar project was denied because Xcel had fully committed to projects elsewhere. But then another project elsewhere in the state fell through, so Lake County got the project in its place. County commissioners leased 2 acres of land for the project to Clean Energy Collective (CEC) and Xcel for almost nothing for 25 years, renewable for another 25 years. CEC and Xcel have a cooperative agreement. CEC built, owns and maintains the project, which is 500kW in size. The project was facilitated politically by Cloud City Conservation Center in Leadville. The project was built in 2014.

Special Funding: Lake County donated 40% of the funding for project construction and offers \$.10 per Watt discount to Lake County residents, businesses and government subscribers (some Xcel customers are in Chaffee County).

Specifics: There is a 1kW minimum subscription, and a 200kW maximum subscription. Financing is available at 2.25%. The cost to Lake county residents is \$3.60 per Watt. Panels are 305 Watts in size, and a 1kW minimum subscription would cost \$3600. Subscribers enter into a 30 year subscriber agreement. A 1kW subscription generates 2062 kWh/kW/year according to the Cloud City Conservation annual report. So a 1kW subscriber would receive $2062 \times \$0.12$ per kWh = 247.44 per year in credits off their bill.

Return on Investment and Payback: Return on investment is 7%. Payback of 14.5 years.

Level of Subscription: 62% subscribed.

2-Holy Cross Energy (Rifle)

Utility overview: Holy Cross Energy is an Xcel utility.

Community solar project: The community solar projects are at the Garfield County airport in Rifle. Phase 1 was 78kW, while phase 2 is 858 kW on four acres of land. The developer is the Clean Energy Collective. CEC reports that it is currently taking reservations for their 4th project with Holy Cross Energy, which is an 826 kW project.

Special Funding: Rebate program

Specifics: Holy Cross Energy refers potential subscribers to the Clean Energy Collective. Subscriptions for the project are priced at \$2.53 per Watt, because of an extensive rebate program that Holy Cross Energy has in place. Subscription is by the panel. New technology has made panels more efficient, powerful, and

smaller. New panel size is 112 Watt panels. One panel costs \$259.60. Total production of the array is 1726 kWh/kW/year. So $1726 \times \$0.12$ per kWh = \$207.12 per year per kW \times .112 kW panel = \$23.20 per year per panel in credits taken off subscribers' electricity bill.

Return on Investment and Payback: Return on investment is 9%. Payback is 11 years.

Level of Subscription: 100% subscribed

3-Summit County #1 and #2 (Breckenridge)

Utility overview: Summit County is Xcel energy territory. Xcel has two solar gardens in Breckenridge.

Community solar project: Summit County Arrays #1 and #2 were built in Breckenridge on Town of Breckenridge land. They are each 500kW arrays with roughly 2000 panels each.

Special Funding: These community solar projects are being funded by Xcel and developed by the Clean Energy Collective.

Specifics: There is a minimum subscription of 1kW, at \$3.70/Watt, or \$3700 for a 20 year lease period. The High Country Conservation Center website indicates that a 1kW subscription will produce a \$260 credit yearly. The website indicates that Xcel will pay for the power generated at \$.08 per kWh rather than the full retail rate of \$.12.

Return on Investment and Payback: Return on investment is 7%. Payback is 14 years.

Level of Subscription: These arrays were 100% subscribed prior to construction. Clean Energy Collective is taking reservations for a third 500kW array.

Tri-State Generation and Transmission Member Cooperatives:

1-United Power (Brighton)

Overview: United Power is a Tri-State member nonprofit cooperative. It serves 150,000 members.

Community solar project: United Power bills itself as having the first community solar garden in Colorado. Its array was built in May of 2009. The first phase was 10kW in size. A second phase was added in August of 2010. United Power used Sol Partners as its developer, which is not based in Colorado and built the arrays on United Power owned land.

Special Funding: United Power had \$50,000 seed money from the Governors Energy Office to develop the project. Such grants are no longer offered. The balance was funded by United Power.

Specifics: Subscribers may buy 210 watt panels for a 25 year period for \$1050 per panel (\$5/Watt). When the project began, there was a 2 panel purchase limit until it became fully subscribed. There doesn't seem to be a limit now. One 210 W panel produces 25-30 kWh/month, and one panel will generate power worth about \$32 per year.

Return on Investment and Payback: Return on investment is 3%. Payback is 17-25 years.

Level of Subscription: 100% subscribed.

2-Delta-Montrose Electric Association

Utility overview: Delta-Montrose Electric Association is a Tri-State member nonprofit cooperative. It serves 27,000 members.

Community solar project: Two 10kW arrays (total 20kW), developed, maintained and owned by the Delta-Montrose Electric Association on utility-owned land. Utility wanted the image of ownership and considers costs of maintenance and liability to be negligible. This is a very small array. The utility is already up against the 5% Tri-State All Requirements Agreement limit because they have many hydropower projects. Delta-Montrose Electric Association would like to develop more solar gardens if this limit is raised.

Special Funding: Governor's Energy Office grant. Rest funded by utility.

Specifics: Subscribers may lease panel space in \$10 blocks. Each block = 2.67 Watts. Subscribers lease blocks for 25 years maximum. A \$10 block lease will take an estimated \$.50 per year off the residents' electric bill.

Return on Investment and Payback: Return on investment is 5%. Payback is 20 years.

Level of Subscription: 100% subscribed in weeks.

3-San Miguel Power Association

Utility overview: San Miguel Power Association is a Tri-State member nonprofit cooperative. It serves 10,000 members.

Community solar project: 1mW (100kW) project located in Paradox Valley, built in 2012. The developer is the Clean Energy Collective (CEC).

Special Funding: none

Specifics: 235 Watt panels generate \$45 worth of credits per panel per year. Participants subscribe for \$787 per panel.

Return on Investment and Payback: Return on investment is 6 %. Payback is 17 years.

Level of Subscription: 100% subscribed.

4-Gunnison County Electric Association

Utility overview: Gunnison County Electric Association is a Tri-State member nonprofit cooperative. It serves 10,000 members.

Community solar project: Twenty 240 Watt panels on the roof of the Town of Crested Butte government building. Gunnison County Electric Association has a 20 year lease with the Town of Crested Butte, who get two panels free for letting the utility use their roof for the array. The remaining 18 panels are available for cooperative members to purchase. The project began in July of 2014. No expansions of the project are planned because the utility would rather pursue enlarging existing hydropower projects. Gunnison County Electric Association is not near the 5% Tri-State All Requirements Agreement local production limit. The representative I spoke to indicated that the project was undertaken to enhance the utility's reputation with its members.

Special Funding: Development paid for by the utility.

Specifics: Subscribers must purchase an entire panel, which costs \$1100 in 2014 for 20 years. As time passes the cost of a panel drops because less of the entire 20 year project timeframe remains. This looks like a disincentive for subscribers to buy into the project, since it will cost less if they wait. Credits are applied to customers' bills by dividing the total monthly solar production by the total number of panels (20). The example given on the utility website: total production in May was 660 kWh divided by 20 panels = 33 kWh per panel x \$.12 = \$3.96 credit off the subscribers' bill. At this average monthly production rate, a subscriber will pay \$1100 for \$47.52 worth of credit off their bill per year.

Return on Investment and Payback: Return on investment is 4%. Payback is 23 years (which is longer than the lease, so the subscriber will not get their money back over the length of the lease). It does not appear that this project is set up to succeed.

Level of Subscription: Not fully subscribed.

5-La Plata Electric Association (Durango)

Utility overview: La Plata Electric Association is a Tri-State member nonprofit cooperative. Serves approximately 40,000 members.

Community solar project: La Plata Electric Association has four projects in La Plata County. The projects are independently developed and maintained by three different local developers. La Plata Electric Association wanted to keep developers local to support the local economy. The utility set a 500kW limit on the size of community solar projects for this reason. Each developer has complete freedom on how they develop, organize and subscribe their project. Each developer feeds subscriber credit information to the utility to be distributed onto subscribers' bills. I spoke with Shaw Solar, one of the three developers. The information here pertains to his arrays.

Special Funding: Projects funded by local developers.

Specifics: Shaw Solar has one 204kW array on a private land owners' land, and one 56kW array on the roof of the La Plata Boys and Girls Club. As the developer, Shaw solar must show the utility a lease with the owners of the buildings and land on which their arrays sit. The lease must endure for the 20 year lifespan of the project. Shaw Solar uses 310 Watt panels and its project has 60 subscribers.

Panels are leased for 20 years. Subscribers pay nothing up front, but pay a monthly lease payment which decreases over time. This kind of sliding lease payment provides an inflation hedge for the subscriber.

La Plata Electric Association is up against the 5% Tri-State All Requirements Agreement production limit, and according to Shaw Solar, the utility is lobbying Tri-State for an increase in that limit.

Return on Investment and Payback: At the end of the lease, return on investment is three times the cost. Developer did not give enough information to figure payback.

Level of Subscription: Shaw Solar community solar projects are 100% subscribed with a waiting list.

6-Poudre Valley Rural Electric Association

Utility overview: Poudre Valley Rural Electric Association is a Tri-State member nonprofit cooperative. It serves 38,000 members.

Community solar project: Poudre Valley Rural Electric Association (PVREA) has two solar gardens. Phase one is 116kW in size with 495 panels, while phase 2 is 500kW in size with 2000 panels. The arrays use 305 Watt panels. Phase one of the project is located on the roof of a Wellington housing project and was built in 2012, while phase 2 is located on brownfield land (land that is degraded, generally by pollution) and was built in January 2015. The project developer is Clean Energy Collective (CEC). The developer owns the arrays and has a lease

with PVREA for 50 years. CEC figures subscriber credits and gives the information to the utility, who distributes the credits onto subscribers' bills.

Special Funding: None

Specifics: Subscribers must purchase energy by the panel. Phase one panels are \$618, and phase two panels are \$729. Power is purchased from CEC by the utility for \$.09 per kWh and sold back to subscribers at the same rate. Subscribers can expect a \$59 per panel credit per year off their electric bill.

Return on Investment and Payback: Return on investment is 9% from phase one and 8% from phase two. Payback is 11 years for phase one, and 12 years for phase two.

Level of Subscription: These arrays were nearly sold out before the project began producing energy. They are now 100% sold out with a waiting list.

7-Empire Electric Association (Cortez, Dolores, Dove Creek, Mancos, Towaoc and Monticello)

Utility overview: Empire Electric Association is a Tri-State member nonprofit cooperative. It serves approximately 16,000 members.

Community solar project: Their 10kW array is owned and maintained by Empire Electric Association on their land. Panels are 210 Watts each. Empire Electric Association feels that whether the project is completely subscribed or not is not as important as offering a chance to participate in solar power to the less affluent members of their cooperative. The project was built in 2010.

Special Funding: Funded by utility.

Specifics: Subscribers pay \$1250 per panel for a 20 year lease. The price of panels goes down as the lease period progresses, creating an incentive to wait rather than investing in the community solar project now. Each panel will produce an average of \$39 per year of credits off of subscribers' electricity bills.

Return on Investment and Payback: Return on investment is 3%. Payback is 32 years (which is longer than the lease).

Level of Subscription: The project is 46% subscribed.

Independent Cooperative (Purchases power wholesale from Xcel)

1-Grand Valley Power (Grand Junction)

Utility overview: Grand Valley Power is a nonprofit cooperative. It is not a member of Tri-State Generation. Grand Valley Power is one of four independent nonprofit cooperatives that buy their power wholesale from Xcel. It serves 18,000 members. Grand Valley Power is subject to a 1mW All Requirements Agreement

local production limit that it says is actually more stringent than the Tri-State 5% All Requirements Agreement.

Community solar project: Grand Valley Power built, owns and maintains its community solar projects on Grand Valley Power property. Its first project was built in 2011. It is a 20kW project with 235 Watt panels. Grand Valley Power also has a second project that was built by Grid Alternatives, a 501C3 out of California with an office in Colorado that works with state government for low income grants. This second project is 29kW and is especially for low income people.

Grand Valley Power wanted to own their project so that it would not be locked into a long term contract with a developer, and so that it could upgrade equipment and panels as technology improves.

Special Funding: The Grid Alternatives project obtained state low income funding.

Specifics: Subscribers have two options to get involved in the 20kW community solar garden. They can either pay \$750 per panel or they can pay \$15 per month for five years per panel for a 21 year lease for their solar power. Subscribers can buy 1 to 41 panels. One 235 Watt panel will provide about \$4/ month in credits off of subscribers' bills.

There is no up-front cost for the 29kW low income project. Subscribers pay \$.02 per kWh back over time from their bills. Both community solar projects together total 88 panels.

Return on Investment and Payback: Return on investment is 6% on the first project. Payback is 15.6 years.

Level of Subscription: The 20kW community solar garden is 50% subscribed. The 29kW low income project is 100% subscribed with a 10 person waiting list. Grand Valley Power hopes to expand community solar.

Part Four: Discussion

The eleven utilities studied in this paper show that there are almost as many ways to approach community solar as there are utilities pursuing it. This is good news because it means that a community solar project can be designed to meet the specific needs and desires of the community.

It is also clear that community solar projects are not only feasible for PUC utilities but for nonprofit cooperative utilities, as well. I studied eight nonprofit cooperatives in the Colorado mountains surrounding Sangre De Cristo Electric Association territory that are pursuing community solar. There are a wide variety of sizes of projects, from 10kW to 1mW in size and everywhere in between. All of the cooperatives studied were subject to an All Requirements Agreement that says they can only generate 5% of their own power (Grand Valley Power's All Requirement Agreement is even stricter than Tri-State's, with a 1mW limit). These agreements

help to keep their power prices from fluctuating. Yet, even under this type of agreement, every cooperative studied was able to develop a community solar project and many feel they have room for their projects to grow.

Of the eleven utilities looked at in this paper, four utilities built and own their own community solar, while six used a regional developer and one used local developers. Those utilities that built their own community solar—Delta-Montrose Electric Association, Gunnison County Electric Association, Empire Electric Association, and Grand Valley Power—all developed small community solar projects of 10-20kW in size. The larger arrays were all built, owned and maintained by developers in cooperative agreements with a utility. The small cooperatives that own their own community solar said they wanted the added control over the project that ownership provided, and they said they wanted the enhanced reputation as proponents of renewable energy that ownership gave them. Grand County Power also said they wanted to be able to replace panels as technology improved rather than being tied to a long term contract with a developer.

Of the seven utilities that used a developer, five used Clean Energy Collective, one used Sol Partners, and one, La Plata Electric Association in Durango, used three local developers. La Plata County wanted to support local developers and keep the jobs and income created by the community solar projects local. They also put a limit on the size of community solar projects to try to keep their development local. In all of these seven cases, the developer owns and maintains the array, subscribes it, figures the electric bill credits and hands that information to the utility to distribute onto subscribers' bills. Projects studied were located on town land or buildings, private land or buildings, utility-owned land, or county land.

It should be reiterated here that there is an economy of scale when developing a community solar array; that is, there is a point where the cost of adding panels to the project decreases after infrastructure has been built. It is up to the utility and the developer to decide at what point economy of scale is reached. SDCEA CEO Paul Erickson indicated that 100kW might be a reasonable starting size with respect to economy of scale. Also, projects can start small and grow as they become subscribed. For example, Holy Cross Energy developed a 78kW project as a test phase, and then built a second project later that is 858kW in size. Clean Energy Collective is currently taking reservations for the fourth community solar project by Holy Cross Energy, another 826 kW array.

The Utility Community Solar Handbook (2013) states that “one strategy some utilities have adopted is to not build the solar array until their program was 110% subscribed. Any subscribers in excess of the project's capacity are placed on a waiting list until there was participant turnover or sufficient interest to warrant a program expansion (pg. 13).” This is a way to ensure that the solar garden will not be undersubscribed. Clean Energy Collective (2015) is taking reservations on their website for several of their planned community solar projects that have not been built yet. However, several of the projects I studied did not pre-subscribe before they built their projects. Some report complete subscription quickly, while others are not completely subscribed after several years. Whether to pre-subscribe the community solar project before building it depended on the confidence of the utility that the project would subscribe

completely, and whether quick complete subscription was important to the utility. Also, if the utility uses a developer, it may not matter as much to the utility how fast the project becomes completely subscribed because that is the developer's risk. In addition, how fast the community solar project becomes completely subscribed depended somewhat on how expensive it was for subscribers to participate, and on the return on investment from participating.

The cost to the subscriber to participate in the community solar projects varied with the goals of the utility and the community. If the goal was to make the project accessible to anyone in the community, including low income residents, then a low subscription rate was desirable. The lowest subscription rates I studied were \$10 per 2.67 W block of power from Delta-Montrose Electric Association, \$15 per month for 5 years from Grand County Power, and a monthly lease payment decreasing over time from La Plata Electric Association's local developer. In addition, Grand County Power had a program developed by Grid Alternatives that was specifically designed for low income residents, which was subsidized by state grants and allowed subscribers to participate with no money down and no payments, taking \$.02 per kWh of power generation as the subscription cost over time. Grand County said this was the first project of its kind in Colorado, but that there will be more—an interesting opportunity to consider.

The advantage of low subscription rates is that low income residents may participate. The downside is that it will take many more people participating before the project will be completely subscribed. If the developer is willing to deal with a larger number of subscribers, though, this option might be attractive to rural communities. The added option of the Grid Alternatives low income approach might be that two different community solar projects could be developed: one exclusively for low income residents, and another with a higher subscription rate for those with mid-range working class incomes and higher.

The majority of the projects studied sold power by the panel. Panel prices ranged from \$750 to \$1250, and the Lake County and Summit County projects required a minimum subscription of \$3600 and \$3700 respectively (which represents multiple panels). This type of price structure makes the community solar project inaccessible to lower income residents. Holy Cross Energy sold by the panel as well, but they sold more efficient new 112 Watt panels for \$259 each, which is more in reach for lower income subscribers.

All of the projects studied included some kind of a lease to subscribers for the duration of the project, which was generally 20-25 years. The Lake County community solar project promises a renewal at the end of that period, but most utilities have not decided what a renewal will look like. Projects also include leases and/or cooperative agreements between the utility, the developer, and the land or building owner, which range from 20-50 years in duration.

Return on investment for subscribers to the community solar projects studied varied from project to project, with two at a low of 3%, one at 4%, one at 5%, two at 6%, and four between 7% and 9% (the La Plata Electric developer did not provide enough information to determine return on investment). Years required for the investment in a community solar garden to pay itself back varied from 11 to 32, with most between 14 and 17. Of the eleven utilities with community solar projects studied, seven were 100% subscribed, while four were 46-62%

subscribed. All of those that achieved 100% subscription quickly had return on investment rates of 5% or higher. It should be noted that two of the projects studied—Gunnison County Electric Association and Empire Electric Association—were set up in such a way that subscribers' investments did not achieve payback within the lease period (paybacks were 23 years and 32 years, respectively) and both of them had low return on investment percentages (4% and 3% respectively). Also, these two projects are set up so that the price of the lease decreases over the span of the lease period, making it more expensive to subscribe now rather than waiting. Perhaps as a result, neither one of these projects is fully subscribed.

Overall, community solar seems to be popular. The majority of utilities in the Colorado mountain area have community solar projects of some kind. Utilities can provide community solar without losing money, since subscribers generally pay for the development costs of the arrays through their leases and subscription rates. Developers can make money from community solar projects because of economy of scale and advantageous subscription and lease structures, and community solar is appealing to subscribers because they can purchase solar power even if they don't have the means to put solar panels on their property, and because they can often participate for very little money. It is also not necessary for subscribers to generate a lot of solar power to be interested in participating; subscribers that generate only a few cents worth of credit off their electric bills each month still have the satisfaction that they are buying renewable power.

Part Five: Conclusions

Concerns Addressed:

This feasibility study has addressed the following concerns put forward by SDCEA and town officials about community solar in Buena Vista:

- *Town involvement:* Community solar need not involve any financial contribution from town government. The Town of Buena Vista can be as involved as they wish in a community solar project, or they don't have to be involved at all.
- *Land provision:* Buena Vista town trustees and the mayor have mentioned that the town might be willing to provide land for the development of a community solar project to benefit Buena Vista residents, and that they might be able to help secure grant funding if necessary. SDCEA CEO Paul Erickson also stated that SDCEA has property that could be used for a community solar project. County land might also be an option to explore.
- *Solar power is expensive:* Community solar solves this problem for residents because it makes solar more affordable to participate in through economy of scale and the availability of economical subscriptions. Development of community solar does not need to cost SCDEA anything if they contract with a developer. Community solar also helps the utility meet its Renewable Energy Standard responsibilities.
- *Member interest:* The Utility Community Solar Handbook (2013) recommends that:

“Prior to developing a community solar program, a utility should carry out thorough market research in order to understand its customers’ willingness to participate in a community solar program and their motivations for doing so (p. 6).”

SDCEA can survey members to gather information about their interest level. Appendix 1 contains a sample survey that might meet this need. Such a survey could be included in members’ electric bills, and also posted on SDCEA’s website. An article in the Chaffee County Times could precede the survey to raise awareness about its upcoming mailing.

As stated in the discussion section, pre-subscribing a project is another way to ensure that there will be enough interest to build it.

- *Commitment of SDCEA office staff:* The developer of the project could figure the credits to be applied to subscribers’ bills, and all SDCEA would need to do would be to distribute the credits onto the bills. Additional office time would be minimal.

The Four ‘E’s of sustainability

Community solar incorporates the four ‘E’s of sustainability in the following ways:

- *Environment:* Solar energy is limitless, clean energy. Its environmental impacts are very small compared to traditional energy sources like coal, but impacts should still be considered. A group of panels in a community solar garden will shade the ground below the panels, possibly altering the growth patterns and species of plants and their associated animals in that space. But community solar projects are often built on already disturbed or damaged land (called brownfields), or on the roofs of already existing buildings.

Also, the production of solar panels does require the mining of rare earth elements (REEs), thereby creating environmental impact and waste. According to the Environmental Protection Agency (2012):

“Compared to coal and other hard rock mining, the scope of REE mining has always been very small, both in the U.S. and globally. No major REE mining operations have been conducted in the U.S. since 1995. Mining and processing activities have the potential to create a number of environmental risks to human health and the environment. The severity of these risks is highly variable between mine and mine plant operations. The contaminants of concern will vary depending on the REE mineral ore, the toxicity of the contaminants from the waste rock, ore stockpiles, and process waste streams. The mobility of contaminants will be controlled by the characteristics of the geologic, hydrologic, and hydrogeologic environments where the mine is located, along with the characteristics of the mining process and waste handling methods (p. v).”

Solar panel technology is constantly improving and becoming more efficient. The Holy Cross Energy community solar projects studied in this paper have started using the newest type of solar panels, which are more efficient, less expensive, and much smaller at

112 Watts each. Solar technology is expected to continue to improve, lessening its environmental impacts.

- *Equity:* Community solar improves social equity by making solar energy available to all income levels and living situations. Whereas solar installation by individual residents is expensive, community solar subscribers can participate for a little as a few dollars.
- *Economy:* As already stated, solar technology is quickly becoming more efficient and less expensive. As the cost of solar installation decreases, individual and community solar will become more mainstream and should begin to compete better with traditional energy sources. The development of better energy storage capability in the future, which is being stringently researched, will help make solar energy more reliable as a 24 hour/day energy source, allowing it to contribute even more toward sustainable renewable energy development.

Community solar is the most economical type of solar energy for residents, because economy of scale allow subscribers to participate for much less money than individual residential solar panel installation.

- *Education:* Not always considered when talking about the pillars of sustainability, education is sometimes added as the fourth 'E'. Community solar provides an excellent sustainability education opportunity. Because it is accessible to many people and visible to all, it encourages people to learn about solar energy and helps to raise awareness about sustainability topics including the importance of renewable energy.

Recommendation for SDCEA and Buena Vista

Buena Vista has all the components necessary to develop community solar. I believe that an efficient project or projects could be developed using a local developer or developers, on town land. Using a local developer or developers is a way to keep jobs and income associated with developing community solar in the local economy. Keeping the subscription rates low would allow residents of all income levels to participate. The low income option that Grand Valley Power has found with Grid Alternatives might also be worth exploring in addition to a locally developed community solar project that has a moderate subscription rate. I think it would be important to set up subscription rates that give a return on investment of 6% or more, and a payback of 17 years or less, because these rate ranges seem to have had the most success at becoming completely subscribed among the community solar projects studied. I recommend starting at a reasonably small size that takes economy of scale into account (Paul Erickson suggests 100kW), presubscribing the project, and allowing for more growth in the project as subscription sales dictate.

I spoke with Ted Palpant of Colorado Solar Energy (2015), a solar developer located in Buena Vista. He expressed enthusiasm with the idea of a local community solar project, and a willingness to develop, maintain and subscribe such a project for Buena Vista and SDCEA. Palpant said he would sell subscriptions by the panel and allowing subscribers to get the full \$.12 or \$.13 per kWh retail credit for the power generated. He would develop a scalable project that

could grow as each phase became fully subscribed. He is also willing to figure all the credits due subscribers, so that SDCEA's only responsibility would be to distribute the already figured credits onto subscribers' electricity bills.

I found a general willingness at SDCEA and the Town of Buena Vista to discuss a community solar project for Buena Vista. Town representatives and Paul Erickson indicated that they believe an advocacy group is needed to shepherd a community solar project through the public process to becoming a reality, since they do not have the time or personnel to do that.

I hope this paper can help inform and facilitate a conversation about community solar in Buena Vista, and that it will be used to help create a cooperative effort toward developing a project that will benefit all SDCEA member-residents.

Appendix 1:

Sample survey for members of Sangre De Cristo Electric Association

(To be included with SCDEA bills and posted on the SDCEA website)

The survey could be accompanied by an article in the Chaffee County Times.

Survey of Interest in a Community Solar Garden

Sangre De Cristo Electric Association is exploring member interest in the idea of a community solar garden in Buena Vista.

Please complete and return this survey to SDCEA in the enclosed postage paid envelope. If you would prefer, this survey is also on our website at www.myelectric.coop

A Community Solar Garden is the term used for a solar array that would provide energy to residents of Buena Vista. Participation is voluntary. Participants would subscribe to receive electricity from the community solar garden and would receive credits on their electric bill for the power their subscription generates from the community solar garden. Solar gardens can be a variety of sizes from just a few panels up to several thousand panels, depending on residents' interest in participating in community solar.

Advantages of Community Solar to participants:

- Community solar provides the opportunity for residents who don't have roof or yard space, or whose roof doesn't face south, or who may not be able to afford to install their own solar panels, to get solar power.
- Residents who rent their home or live in an apartment are also eligible to participate in community solar.
- Because a solar garden contains many solar panels in one place and has many participants, subscribers can often participate in community solar for very little money.
- Subscribers get solar power without having to worry about installation, maintenance, or buying insurance for the solar panels.
- Subscriptions are transferrable between properties in Sangre de Cristo territory, so if you move to a different house your subscription goes with you. If you move out of the area you forfeit your participation.

Under which of the following conditions would you sign up to participate in a community solar garden. All options below are for a participation period of 20 years (please choose as many of these options as you would participate in):

- A- _____ No money down. You purchase energy by the solar panel. You would pay a monthly fee of \$20 or less for up to five years per solar panel purchased, and you would

earn approximately \$48 per panel per year credited off your electricity bill (5% return on investment).

- B- _____ You purchase energy by the solar panel. You pay a one-time fee of \$750 per solar panel. You would earn approximately \$48 per panel per year of credit off your electricity bill. (6% return on investment).
- C- _____ You purchase energy by the solar panel. You pay \$1000 per solar panel. You earn approximately \$30 per panel per year of credit off your electricity bill (3% return on investment).
- D- _____ You may buy \$10 blocks of power. Each \$10 block would give you 50 cents per year credit off your electricity bill (5% return on investment)
- E- _____ There are no circumstances under which you would participate in a community solar project.
- F- _____ Other. Please explain.

Thank you for your participation in this interest survey. Have a great day!

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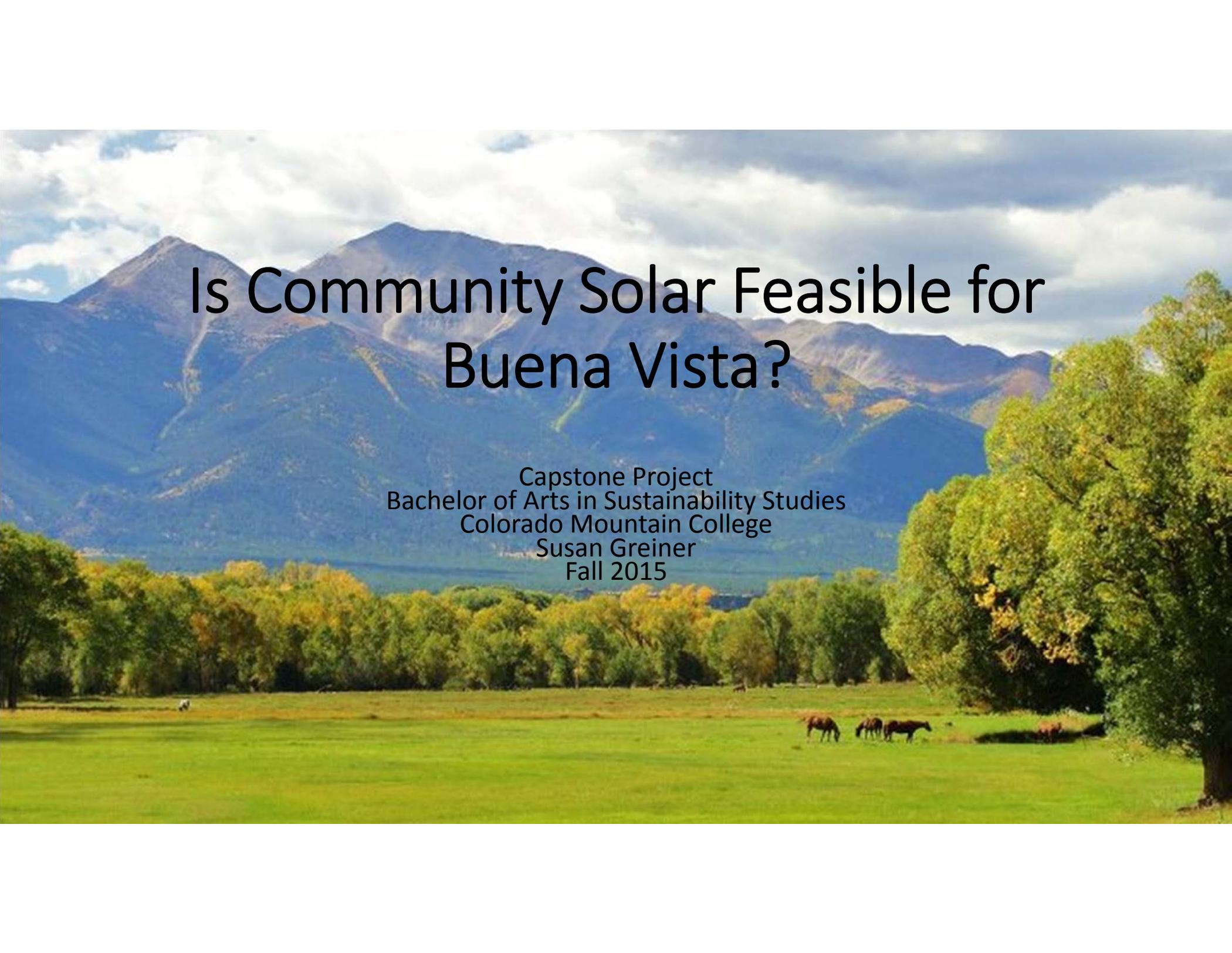
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Is Community Solar Feasible for Buena Vista?

Capstone Project
Bachelor of Arts in Sustainability Studies
Colorado Mountain College
Susan Greiner
Fall 2015

Part One: What is Community Solar?

“a solar-electric system that, through a voluntary program, provides power and/or financial benefit to, or is owned by, multiple community members.”

--U.S. Department of Energy (2010)



Community Solar Gardens can be:

- **Built and owned by utility**
- **Built by developer and sold to utility**
- **Built and owned by developer and leased to utility**
- **Built and owned by developer and leased to subscribers directly**
- **Developed and owned by private citizens**

Subscribers can participate by:

- Purchasing entire solar panels
- Purchasing a watt or kilowatt share of the garden

Energy generated is credited onto subscribers electricity bill



Community Solar may be built on land owned:

- By the utility
- By the town
- By the county
- Privately owned

Why Community Solar?

- Abundance of sunshine in Colorado
- Community Solar Gardens Act
- Renewable Energy Standards (RES)



Advantages for Utilities:

- Address customers' demands for solar power
- Economy of scale
- Offsets need for net-metering
- Helps meet Renewable Energy Standards (RES)
- Provides energy independence and hedge against rising energy costs
- Project development costs passed on to subscribers
- Creates local jobs
- Increases public awareness about solar power and enhances utility reputation

Advantages to potential subscribers:

- No roof or yard space necessary
- Affordable
- Renters can participate
- Subscription lease moves with subscriber
- No installation, maintenance, or insurance

Part Two:

Sangre De Cristo
Electric Association



And Buena Vista

Three Kinds of Utilities:

- Investor-owned utilities
- Municipal utilities
- Cooperatives

Xcel = Investor-owned

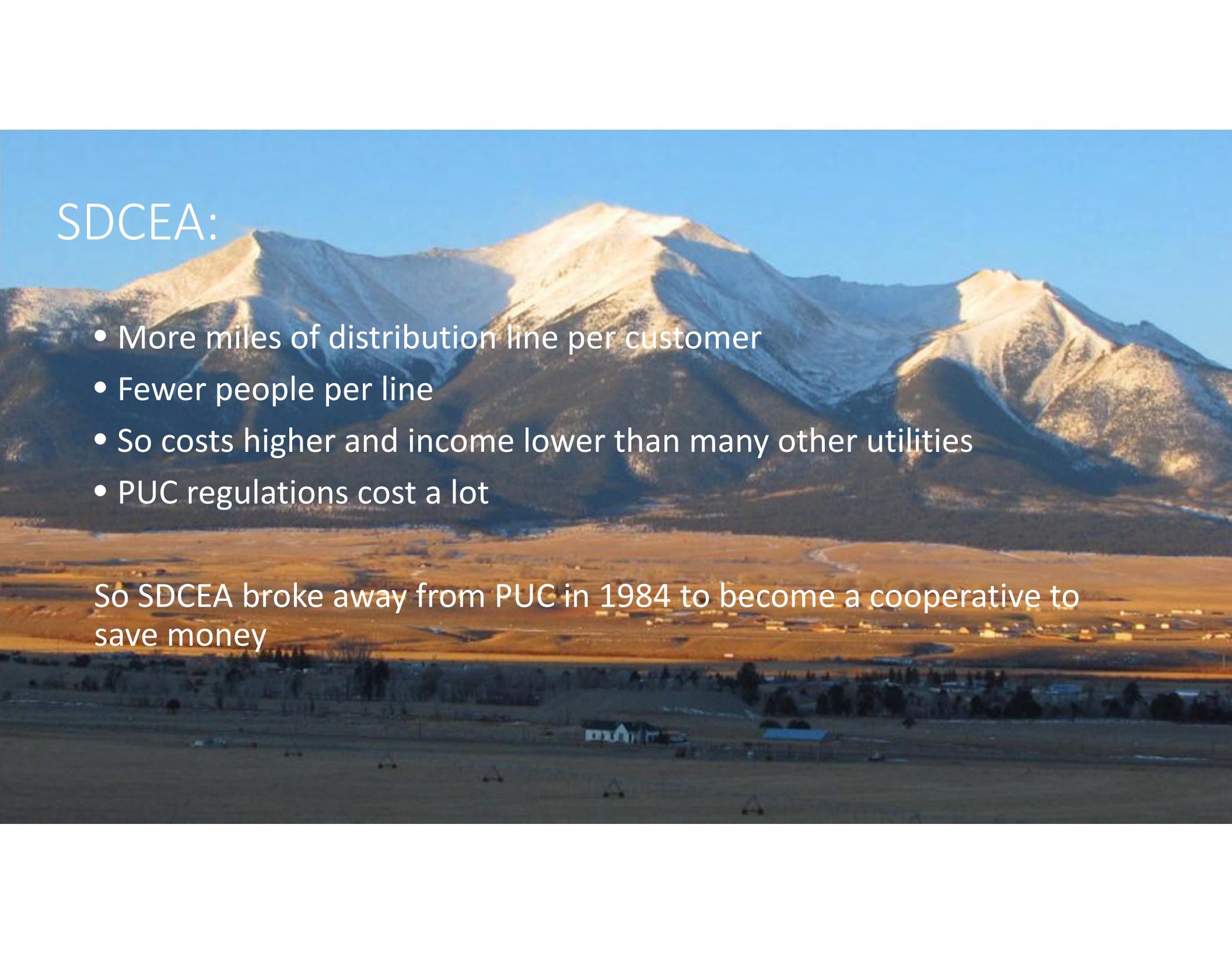
Sangre de Cristo Electric Association (SDCEA) = Cooperative

SDCEA Cooperative:

- Owned by its members
- Is a 501 C 12 nonprofit
- Pays no federal tax
- Gets no tax breaks on renewables
- Has a board of directors

Xcel (Salida and Leadville):

- Regulated by the Public Utilities Commission (PUC)
- Return on investment is important
- Strive for 10% return on investment
- Pay federal tax
- Eligible for any federal tax breaks on renewables



SDCEA:

- More miles of distribution line per customer
- Fewer people per line
- So costs higher and income lower than many other utilities
- PUC regulations cost a lot

So SDCEA broke away from PUC in 1984 to become a cooperative to save money

Advantages of being a Cooperative:

- Less regulation
- More control over decisions





Disadvantages to being a Cooperative:

- Little money
- Little political power

Answer: Join a bigger Cooperative:

Tri-State Generation and Transmission



Constraints for SDCEA:

- All Requirements Agreement with Tri-State for 40 years:
 - Can only generate 5% of own power locally

Why?

- To protect Tri-State's investments and investors
- To keep electricity rates from fluctuating

However...

- Renewable Energy Standards for Tri-State: 20% by 2020
- SDCEA can help by building a community solar project.



Biggest Obstacles of Community Solar for SDCEA:

- No profit motive for developing community solar
- Perceived risk of non-subscription
- Need an advocacy group
- Potential staffing to figure and distribute bill credits

The Town of Buena Vista

- Interested in community solar
- Comprehensive plan re-write underway
- Several trustees' terms end in April 2016



Biggest Obstacles of Community Solar for Town of Buena Vista

- Need more information
- Cannot contribute financially (although land possible)
- Need an advocacy group



Part Three: Studies of Other Colorado Mountain Region Utilities



Community Solar Projects in Colorado Mountains

Xcel projects:

- **Lake County Solar Garden (Leadville)**
- **Holy Cross Energy (Rifle)**
- **Summit County #1 and #2 (Breckenridge)**

858 kW | Garfield County Airport
Clean Energy Collective



Community Solar Projects in Colorado Mountains

Tri-State Generation and Transmission Member Cooperatives:

- **United Power (Brighton)**
- **Delta-Montrose Electric Association**
- **San Miguel Power Association**
- **Gunnison County Electric Association**
- **La Plata Electric Association (Durango)**
- **Poudre Valley Rural Electric Association**
- **Empire Electric Association (Cortez area)**

Community Solar Projects in Colorado Mountains

Independent Cooperative

- **Grand Valley Power (Grand Junction)**



Of the Eleven Utilities Studied:

- Multiple approaches
- Cooperatives had community solar despite having All Requirements Agreement
- Variety of project sizes: 10kW to 1mW

Of the Eleven Utilities Studied:

Four utilities built and own their own projects:

- All were small—10-20kW in size
- Project control, enhanced reputation
- Upgrade panels as technology improves



Of the Eleven Utilities Studied:

Seven utilities used a developer

- Five used Clean Energy Collective
- One used Sol Partners
- One used three local developers



In all cases, developer:

- Owns and maintains project
- Handles subscriptions
- Figures bill credits, which are delivered to utility

Development in Phases:

- Projects can start small and grow as they become subscribed
Example- Holy Cross Energy



Presubscription:

- Clean Energy Collective takes reservations before they build
- Several projects studied did NOT presubscribe yet sold out

Lowest Subscription Rates:

- \$10 per block of power
- \$15 per month for 5 years
- Grid Alternatives low income project:

State subsidized

No money down

Pay \$.02 per kWh



Low Subscription Rate

Advantage:

Low income residents may participate

Disadvantage:

More people for complete subscription

Most Subscriptions were by the Panel:

- \$750 to \$1250 per panel
- Lake County: \$3600
Summit County: \$4700 (multi-panel minimum)
- Holy Cross Energy efficient lower wattage panels: \$259

The background of the slide features a series of black silhouettes of people jumping joyfully against a bright, orange-hued sunset sky. The sun is a large, glowing orb positioned near the bottom center, casting a warm light across the scene. The silhouettes are captured in various mid-air poses, with arms and legs extended, conveying a sense of celebration and achievement.

Return on Investment:

- Two projects at 3%
- One project at 4%
- One project at 5%
- Two projects at 6%
- Four between 7% and 9%

Payback:

11-32 years



Subscription Success:

- Seven: 100% subscribed
- Four: 46-62% subscribed
- Quick 100% subscription had 5% or higher ROI

To Sum up...

- Community solar projects common
- Subscribers pay for development costs
- Developers profit from projects
- Subscribers may pay little to participate



Concerns Addressed:

- Town Financial Involvement
- Land Provision
- Expense of Solar Power
- Member Interest
- Commitment of SDCEA Office Staff

The Four 'E's of Sustainability

- **Environment:**

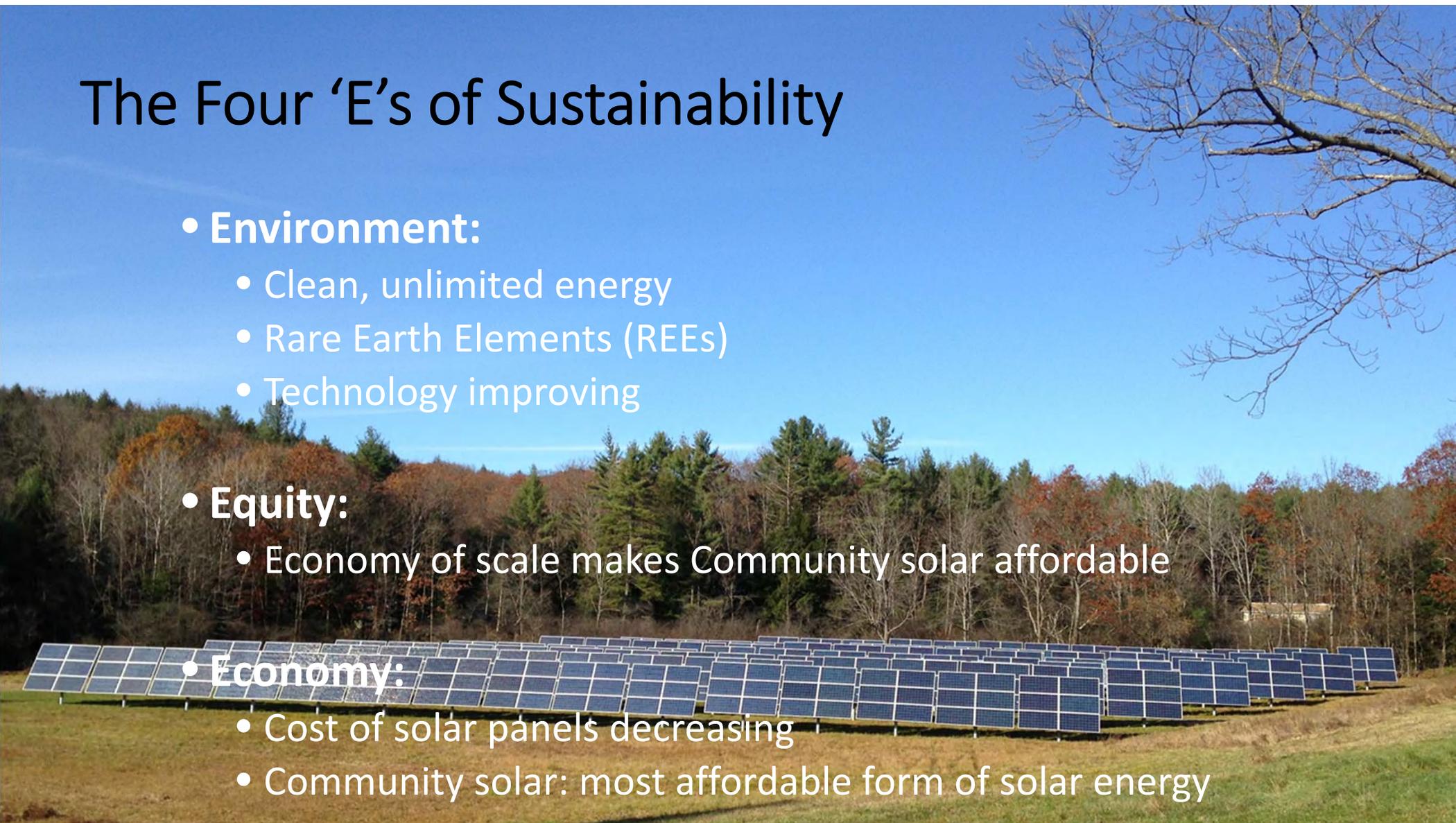
- Clean, unlimited energy
- Rare Earth Elements (REEs)
- Technology improving

- **Equity:**

- Economy of scale makes Community solar affordable

- **Economy:**

- Cost of solar panels decreasing
- Community solar: most affordable form of solar energy



The Four 'E's of Sustainability

- **Education:**

- Excellent sustainability education opportunity
- Accessible to many
- Visible: Raise awareness about renewable energy and sustainability



Recommendations for Buena Vista:

- Member interest survey in bill mailing
- Use local developer(s) (Colorado Solar Energy interested)
- Use Town of Buena Vista land
- Low subscription rates or low income array and regular array
- ROI of 6% or higher
- Payback of 17 years or less
- Presubscribe, then grow as you go.

During this Study, I found...

- Willingness to discuss community solar
- Need for an advocacy group
- All partners are available now





THE END

1.12 MW | Paradox Valley
Clean Energy Collective

PROCLAMATION

Colorado Children. Our Most Precious Resource.

IN RECOGNITION OF THE MONTH OF APRIL
AS CHILD ABUSE PREVENTION MONTH

WHEREAS, our children are key to our community's future success, prosperity, and quality of life; and

WHEREAS, by providing safe, stable, and nurturing relationships and environments for our children, free of violence, abuse and neglect, we can ensure our children will grow to their full potential as the next generation of leaders, helping to secure the future of this community, state and nation; and

WHEREAS, while children are our most precious resource, they are also our most vulnerable; and

WHEREAS, research reveals children exposed to abuse and neglect show a significant increase in long-term health and mental health risks, including heart disease, chronic lung disease, liver disease, and suicidality;

NOW THEREFORE, *Be It Resolved by the Town of Buena Vista Board of Trustees:*

- (1) That we, the members of the Buena Vista Board of Trustees, proclaim April 2016 as Child Abuse Prevention Month; and
- (2) That we encourage every person in our community to keep children safe; and
- (3) That we ask everyone concerned about the safety and well-being of a child in our community to report to 1-844-CO-4-KIDS.

Given under my hand and the seal of the Town of Buena Vista on this 12th day of April, 2016.

Joel Benson, Mayor

**REGULAR MEETING MINUTES
FOR THE BOARD OF TRUSTEES
OF THE TOWN OF BUENA VISTA, COLORADO
March 22, 2016**

WORK SESSION Regarding Development Standards Walking Tour at 6:00 PM

Present for work session: Mayor Joel Benson, Trustees Duff Lacy, Keith Baker, Phillip Puckett, and David Volpe, Planning & Zoning Commission members Trey Shelton, Mark Jenkins, Estes Banks, Preston Larimer, Scott Johnson and Tim Bliss and Town Administrator Brandy Reitter, Principal Planner Mark Doering, Public Works Director Greg Maggard, Town Clerk Janell Sciacca and Town Planner I Scott Reynolds.

The Board of Trustees, Planning & Zoning Commission Members and Staff met at the South Railroad St. Parking Lot on East Main Street at 6PM. The group conducted a walking tour of the historic downtown and surrounding residential neighborhoods looking at and discussing design and development standards for both commercial and residential. Principal Planner Doering led the tour pointing out key elements, styles and goals. Doering stated that the Downtown should blend into the residential like other successful communities. In the residential portions of Town, the group looked at and discussed public improvements, sidewalk requirements, cash-in-lieu for parking, fencing standards, preferred residential design elements and accessory dwelling units. Doering will use the feedback received in the formation of the Uniform Development Code and other planning and development related documents.

The Work Session ended at 6:50 PM.

CALL TO ORDER :00

A Regular meeting of the Board of Trustees was called to order at 7:00 PM on Tuesday, March 22, 2016, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Joel Benson. Present were Mayor Joel Benson, Trustees Keith Baker, Duff Lacy, Phillip Puckett, and David Volpe, and Town Administrator Brandy Reitter, Town Attorney Jeff Parker, Principal Planner Mark Doering, Deputy Treasurer Jana Schumann, Public Works Director Greg Maggard, Airport Director Jill Van Deel, Assistant to the Town Administrator Emily Katsimpalis and Town Clerk Janell Sciacca.

ROLL CALL :10

Town Clerk Sciacca proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE :26

Mayor Benson led in the Pledge of Allegiance

PROCLAMATION :47

Benson read and signed the Proclamation declaring April 29, 2016 Arbor Day in Buena Vista.

AGENDA ADOPTION 2:35

Motion #1 by Trustee Puckett, seconded by Trustee Lacy, to adopt the agenda as presented. **Motion carried 4-0.**

CONSENT AGENDA 2:52

Motion #2 by Trustee Baker, seconded by Trustee Lacy, to approve the Consent Agenda as presented. **Motion carried 4-0.**

POLICY DISCUSSION – Development Standards 3:23

Benson introduced reminding these discussions are of ethereal policy items needing to be addressed by the Board. He stated that the Board and Planning & Zoning Commission Members and Town Staff conducted a walking tour of town prior to the meeting. Doering thanked the Board and Commission members for participating in the walking tour. He said it is important to see the end result of different requirements. The Uniform Development Code rewrite requires input on what particular standards and regulations the Board wants Staff to enforce. Staff wants input throughout the UDC rewrite on critical

elements for the future. Benson felt Trustees needed to provide input on what isn't working also. Lacy's felt Main Street appearance design standards were important and they shouldn't be wide-open. Doering replied that there are some use restrictions in place. Benson asked if a cash-in-lieu of parking proposal was coming to Board soon. Doering replied the Planning & Zoning Commission would like a Work Session to discuss parking requirements in the Downtown. Baker felt having historical standards in place was important to protect the flavor. Doering stated that reasonable and rational design standards are enforceable and can be required. Attorney Parker added that if done right, they are defensible. Puckett felt design was a big part of the Downtown and needed to be preserved to continue in the direction of a lively Downtown. Benson asked if there were some examples from other communities that would apply in BV. Doering said there were plenty of examples and Durango is a good one for combining both historic and brand new architecture. Baker felt that local designer Steve Jacobsen has really good designs that are a desirable hybrid of old western, mining town, etc. Lacy felt that residential design was not as critical as the Downtown. Puckett likes the variations. Baker added that he believed Woodland Park had design standards for Highway 24 and maybe that was a place to look for those regulations. Puckett felt narrowing down the access points would help reduce a chaotic feel along the highway. Lacy felt there would be dramatic changes with the Highway 24 construction. Baker also likes the Route 66, A1A type old motoring era of America look. Doering stated that some design elements lacking along the highway are trees, landscaping and signage. Baker felt personality in signage should be allowed. Following some additional discussion regarding signs, Doering stated that the consultants are drafting design standards and he hopes to see those tomorrow. Sign regulations will be coming as well, which Doering explained has resulted in the delay in the UDC re-write.

PUBLIC COMMENT

There were no citizens signed up for Public Comment.

BUSINESS ITEMS

Should the Board approve adoption of Resolution #27 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO APPOINTING A NEW TOWN TREASURER.**"?

Benson introduced Michelle Stoke as the new Town Treasurer. Stoke thanked the Board for the opportunity and stated she is very excited.

Motion #3 by Trustee Puckett, seconded by Trustee Baker, to approve adoption of Resolution #27 as presented. **Motion carried 4-0.**

PUBLIC HEARING – Outdoor Dining Encroachment Permit. 26:55

Doering presented reviewing a PowerPoint detailing the specifics of the project and an associated analysis. The request will allow outdoor dining in the public right-of-way in the street in front of the Lariat Bar and Grill on East Main. The patio will encompass three parking spaces and the will rest on top of the asphalt. This is currently allowed in Salida and Staff will be looking to develop a similar policy. Doering reminded the Board that the Town Code allows for the Town Administrator to approve Encroachment Permits administratively, but Staff felt this unique situation should be brought to the Board to determine how these are handled in the future. He added that Staff does recommend approval. He also noted that Staff spoke to the Planning and Zoning Commission regarding these uses and the commission members recommended a Work Session with the Board to discuss downtown parking and patio encroachments. Parker stated that a Resolution and Agreement on this matter were not in the packet and he recommended the Public Hearing be opened for anyone present wanting to address the matter, but that a decision be continued to the next meeting and he does not recommend the Town grant any permanent encroachment agreement.

Benson opened the Public Hearing.

Mark Jenkins, 314 S. San Juan, commented as a private citizen and not a Planning and Zoning Commissioner member. He was concerned about safety and closeness of traffic to the structure and believes the Town needs to figure out where to go before approving these. He also wanted to know how snow removal might be affected.

Kenneth Pearce, 147 Brady Road, stated that there is considerable traffic in that area and wanted to how that will be addressed.

There being no further comments, the Public Hearing was closed.

Applicants Court & Robbie Johnson stated that when they started the renovation project they did visit Salida to look at options and in the end decided some of the things they saw just were not BV. They found an old drawing of their building and decided that is what they wanted. They think this will be good for their business and help to provide a sense of entry to Main Street that just isn't there right now. The Patio will not encroach onto the sidewalk and with the 14 foot parking space people will be able to remain on the sidewalks with only the servers going back and forth. The Johnsons felt the patio would further help calm traffic and there would be no issues due to speed limit enforcement and the fact that most people in the Town already drive slow. The patio will also have reflective tape on the corners and possibly some rope lights to ensure visibility at night.

Puckett asked if use would be year round. The applicants replied they do anticipate year round. Benson asked Maggard to address snow removal and drainage. Maggard stated drainage runs under the stage and he and his Staff feel they would be able to maneuver around it. He added that damage is addressed in the agreement. Baker inquired about leveling and any attachment to the pavement. Johnson replied there are no point loads and weight is disbursed throughout. Baker added that he thought the City of Salida did a feasibility study to determine how many of these should be allowed in their Town. Doering stated Salida has developed a policy and Currents Restaurant was their test. Lacy questioned how parking would be affected being that there is already a problem. He also agreed with Jenkins and felt the Town should plan for these. He did not like losing parking and was concerned about safety of the patrons due to proximity of vehicle traffic. Lacy added that there are 5 new apartments going in upstairs and they already don't have parking. Volpe personally thought the Board should try this one for a year, but felt the function of Main Street should be decided and discussed as a whole. Puckett loves it and would like to go in this direction, but also stated it does impact configuration and requires more discussion and policy to keep from scrambling. He wants to see more strategic discussion about Main Street first and then move forward. Baker felt the Town should go ahead and approve the application with the revocable permit as a reasonable approach. He felt the adjacent parking on Railroad Street and behind Town Hall helped to mitigate the loss of the parking spaces, especially on weekends. He also agreed with Puckett and Volpe that the Board needs to discuss what they want Main Street to be. Benson felt the matter should be discussed as soon as possible along with cash-in-lieu for parking. He did like the proximity to the traffic light and felt traffic will be able to see the activity. He also liked that there wasn't as diverse store fronts in the area as like downtown and he likes that it is an eatery. He was not personally keen on granting encroachment permits to other businesses at this time. Volpe inquired about qualification for revoking the permit. Parker replied it is at the Town's discretion.

Motion #4 by Trustee Lacy to continue the decision on the application to April 12, 2016. After discussion and advice of the Parker that the Town not have a policy discussion and then develop criteria all at one time, the motion died for lack of a second. Puckett inquired if this application could be approved and then a moratorium put in place. Parker replied yes, and recommended that a Resolution for the moratorium be considered at the Board's next meeting.

Motion #5 by Trustee Baker, seconded by Trustee Puckett, to approve the application for the Encroachment Permit as presented subject to the Board's approval of a resolution at the April 12, 2016 meeting outlining the conditions of the permit. **Motion carried 3 to 1.** Trustee Lacy voted No.

Motion #6 by Trustee Puckett, seconded by Trustee Lacy, to impose a moratorium on encroachment permits into public property for retail on East Main. **Motion carried 4 to 0.**

Logo, Branding & Wayfinding Presentation. 01:18:25

Reitter briefly reviewed the process to date noting the final presentation was in December by Norris Design. After a Trustee breakfast meeting in January, the Board decided to allow the Wayfinding

Committee to put together an updated logo and the Board gave them to the end of March to bring back a presentation. Reitter introduced Ashley Ahlene who worked on the new proposal and advised the Board that she had placed material at their desktops to give them all the information needed if they decide to make a decision this evening. Ahlene, a designer, presented and defined what a brand is – it is not the expressions such as logo, tagline product, service, or website. It is the promise of a distinct and memorable experience, creating an expectation and consistent delivery of how the logo, business cards, website, etc. look, feel and function. Brand, identity and logo work together. Brand is a story telling aspect, while the identity supports the brand and the logo is a mark playing into the system. Ahlene advised the Board that the elements that make a logo strong and good are simple, distinct, memorable and functional. She reviewed the design research by Norris which resulted in four main areas of focus – outdoor recreation, mountains and rivers, community and heritage. Ahlene stated that current logo does not embody those areas that were found to be important nor does it meet the mark or qualities of a good logo. She then presented the new logo and main mark being a circular shape similar to a seal with mountains and rivers as well as the year the Town was established and the tagline. Ahlene reviewed the remainder of the presentation and different iterations of the logo, taglines and integration with different uses.

Benson thanked Ahlene and the committee for pulling the presentation together and taking the December 8 presentation a bit further. Benson liked the font in particular noting it stands out. Baker liked it a lot. He liked the colors, Colorado flag reference, adaptability for uses across Town and pervasiveness. Puckett echoed Baker's comments and loved the fonts with the BV standing out. He felt it had a historic feel, was simple and he liked date and adaptiveness. Puckett stated that Norris did an outstanding job of research and nailed the tagline, but he felt this logo really got the tagline and key elements across. Lacy felt the font was trick and reiterated Ahlene's comments that the Town doesn't need a logo, it needs a brand. The BV grabs him – it is like a brand and it's simple. The logo is similar to the Central Colorado Regional Airport logo with mountains and a river. He did feel there was too much color and that was overwhelming. Lacy said whatever is chosen needs to be sold. Volpe said let's roll. Reitter thanked Ahlene for putting the presentation together. She noted that everything that is painted red fades and turns orange in two years and she was worried about the maintenance expense for the Town. Reitter stated that Norris collected a lot of comments related to the metal and stone signs and why the designs were different she liked the Wayfinding Committee's system. Reitter felt the Trustees had a great deal of information to work with and it would be nice to move forward on a plan. Benson agreed with Reitter's comments and asked if there is an alternative color for the red. Ahlene said red is a harsh color but there are things that can be done to the quality of the UV coating and working closely with specific manufacturing materials. Benson said this was a great job and collaborative effort, he likes the different applications and he was content with it. Reitter reminded that Norris was not tasked to do a style guide. Their focus was the low-hanging fruit and a local company was to be brought in for all of that. Would like to work with Chamber and Visitor Bureau to makes things consistent and that all were promoting the same brand for BV. The Board generally agreed that they wanted to move forward on this with the Wayfinding plan as a basis and the implementation plan by Norris. Reitter asked about use of the red. Benson said there were be some instances that it will be fine but other instances it may not. Ahlene advised the Board that the style guide addresses use of color, logos, taglines, etc. Benson said these are things Staff can work with Norris on.

Motion #7 by Trustee Volpe, seconded by Trustee Baker, to accept the March 22 presentation by the Wayfinding Committee including the logo and direct Staff to work with Norris to incorporate these ideas into the Town's signage and begin the process of pulling together a style guide, implementation and marketing strategy. **Motion carried 4 to 0.**

The Board took a 5 minute break at 8:58 PM and reconvened at 9:02 PM.

Should the Board approve adoption of Resolution #28 entitled **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING SIX MEMORANDUMS OF AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR THE HIGHWAY 24 PROJECT AND AUTHORIZING A REFUND OF COMPENSATION RECEIVED."**?
2:03:00

Doering presented reviewing his Staff Report. Parker clarified that new agreements were received from CDOT earlier in the day, but this office did not have sufficient time to verify the language. He believes the language will need to be revised because Colorado Revised Statutes do not allow the Town to convey away park property without a vote of the people. The bottom line is that the Town would be giving CDOT a right to use the property with no conveyance of ownership interest. If CDOT pursues a condemnation process then the Town doesn't have to conduct an election.

Motion #8 by Trustee Baker, seconded by Trustee Lacy, to approve Resolution #28 as presented subject to the Town Attorneys approval of all documents. **Motion carried 4-0.** Baker, aye; Lacy, aye; Puckett, aye; and Volpe; aye.

Advisory Boards & Commissions Manual. 02:19:47

Katsimpalis reminded the Board that she presented a Draft manual several meetings ago. The packet version shows the recommended and requested changes. She gave a brief overview of the comments and changes noting that some changes would result in updates being needed to the Town Code. Katsimpalis asked the Board to send any additional comments to her by April 1 and if there were none, the ones received and requested to date would be incorporated.

IGA Discussion. 02:26:50

Katsimpalis informed the Board that she only received a few comments and asked the Mayor and Trustees to let her know if they have any other items to add. She stated that Staff would be working with the Town Attorney to form a document to bring it back to the Board. Parker stated his opinion that the Town talk with the County about the agreement before approving it at a meeting in order to make sure the Town and County were on the same page and general terms.

Letter of Support for National Healthcare Scholar Program.

Benson reviewed the item and purpose stating Dr. Amy Varble contacted the Board members requesting this letter.

Motion #9 by Trustee Puckett, seconded by Trustee Baker, to have Mayor Benson sign the letter of support for the national Healthcare Scholar Program. **Motion carried 4-0.**

STAFF REPORTS

Town Administrator

- March 29 is Intergovernmental Meeting at the SteamPlant in Salida
- CDOT Open House is April 5 at 5PM at the Community Center.
- Lake Placid Rink has arrived – Subcommittee is working on fundraising.
- Colorado Creative Industries approached the Town about a “Detour” music and community engagement series.
- 9 News Health Fair is April 2.
- Concert in Parks series starts soon.
- St. Charles Mesa Agreement was reviewed by Water Advisory Board and an agreement will be seen by the Board later this year.
- Affordable housing work continues.
- CCI wants Town to put name in hat for Colorado Creative District and Board will see a presentation on that in April.
- Town was nominated for Partners in the Award.
- Puckett inquired about the donation discussed several weeks. Madison House presented \$10,000 to the Town to conduct a community garden.

Town Treasurer

- Lacy did not feel that Board needed to see the entire checkbook register. The Board generally agreed. Puckett felt a discussion with the new Treasurer was necessary.

Town Clerk

- Election Ballots were mailed March – Looking for a record turnout and ballots need to be back to Town Hall on or before April 5 at 7PM.

Principal Planner

- Looking to hire Planning Tech by mid-April.
- Love's opened and still need to complete landscaping and top level of asphalt.
- Forest Service Building owners will be in town from Chicago next week.

Airport Manager

- Love's flew in to the Airport on a nice new jet for opening day and will be flying in Quarterly.
- Reach has offered to build a helicopter pad in front of the Mandes Hangar and then allow other agencies to use it and then give it to the Town when they move to permanent facilities.
- Fiber for high speed internet is installed at the airport.
- Appreciation expressed for new fueler truck and when army shows up they will be happy as Airport will now be able to fuel a Chinook in 7 minutes.
- Van Deel found an article on Facebook which listed the Airport as the 8th highest in America.
- Airport fence was burned and will be replaced.
- Community Service workers were being used at Airport and has resulted in a lot of items being done.
- South Korean contract will be on an April agenda.

Motion #10 by Trustee Lacy, seconded by Trustee Puckett, to waive facility rental fees for the Habitat for Humanity's use of the Community Center for its yearly Volunteer Appreciation Dinner on April 22, 2016.
Motion carried 4-0.

TRUSTEE – STAFF INTERACTION 02:59:08

Benson acknowledged that for Keith Baker and Carrie Carey this would be the last full Town Trustee meeting they would be attending.

Puckett reported that the Colorado State Forest Service Salida District highlighted to BV tree planting project.

Benson inquired on the Board's desire to have a breakfast. Lacy thought it best to wait until new Trustees were on Board.

Reitter congratulated Fire Chief Dixon Villers on receipt of a \$6,100 grant award for jaws of life.

EXECUTIVE SESSION 03:01:08

Motion #11 by Trustee Lacy, seconded by Trustee Puckett, to enter into Executive Session at 11:05 PM to hold a conference with the Town's attorney to receive legal advice pursuant to C.R.S. §24-6-402(4)(e).
Motion carried, 4-0.

Executive Session was held from 10:01 PM to 10:42 PM. Those present for Executive Session were Mayor Joel Benson, Trustees Keith Baker, Duff Lacy, David Volpe, Phillip Puckett, Attorney Jeff Parker, Town Administrator Brandy Reitter, Public Works Director Greg Maggard and Dave Kelly. **Motion carried 4-0.**

Motion #12 by Trustee Puckett, seconded by Trustee Lacy to adjourn from Executive Session and reconvene the Regular Meeting. **Motion carried 4-0.**

The Regular Meeting was reconvened at 10:42 PM

ADJOURNMENT

Motion #13 by Trustee Lacy, seconded by Trustee Baker, noting that there being no further business to come before the Board, declared that the meeting be adjourned at 10:44 PM. **Motion carried 4-0.**

Respectfully submitted:

Joel Benson, Mayor

Janell Sciacca, CMC
Town Clerk



**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
March 16, 2016**

CALL TO ORDER

A Regular meeting of the Planning and Zoning Commission was called to order at 6:00pm, Wednesday, March 16, 2016 at the Buena Vista Community Center, Pinon Room, 715 E Main Street, Buena Vista, Colorado by Chair Trey Shelton. Also present were Commissioners Estes Banks, Annie Davis, Preston Larimer, Scott Johnson, and Tim Bliss. Staff Present: Principal Planner Mark Doering and Deputy Town Clerk Melanie Jacobs.

PLEDGE OF ALLEGIANCE

Chair Shelton led in the Pledge of Allegiance.

ROLL CALL

Jacobs proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

Shelton called for approval of the agenda. **Motion #1** by Davis seconded by Banks to adopt the agenda as presented. Motion carried.

APPROVAL OF MINUTES

Davis motioned for approval of the February 17, 2016 minutes. **Motion #2** was seconded by Larimer. Motion carried.

PUBLIC COMMENT

Shelton opened the public comment portion of the hearing at 6:02pm. With no comments received, the public comment portion of the hearing was closed at 6:02pm.

NEW BUSINESS

102 Brookdale Ave Special Use Permit

Doering explained that the applicant was requesting a Special Use Permit to allow 3D Auto Glass and Tire to carry out minor vehicle repairs (primarily the replacement of tires and windshields) at 102 Brookdale Ave in the B-1 zone. The building was previously used for this purpose, but as more than six months have elapsed since the business was located at this address, a Special Use Permit is necessary. 3D Auto will occupy the eastern portion of the building and CrossFit Buena Vista will remain in the western part. The applicant has no plans to modify the premises in any way except in regard to signage; this matter will come back before the Commission if a Comprehensive Sign Plan is required.

Doering went briefly through the criteria for approval, noting that staff anticipates no problems with ingress/egress, off-street parking, glare, or odor issues. There is some concern about the noise generated by air impact wrenches, as residential property lies immediately to the south of the location; this could be mitigated by keeping most such activity inside the building. Refuse and service areas are already screened by a chain-link fence with slats running through it. Though this type of screening is not allowed by the current code, it can remain as long as no alterations are made to it. Utilities are adequate

to serve the address and signage has not yet been addressed by the applicant. Open space requirements have been met, and the building is surrounded on all sides by commercial uses, with the exception of the residential area to the south.

Doering closed by stating that staff recommends approval of the application with the following conditions (as outlined in the staff report): 1) the applicant will need to ensure that all necessary measures are taken to limit noise levels to fewer than 60 decibels; 2) approval shall be contingent upon recordation of a minor subdivision approval within 120 days to correct land title issues; 3) stored items must not exceed the height of the fence (which is six feet tall), and nothing may be stored outside the fence; 4) major automotive service (such as engine removal or extensive body work) and multiple days' storage of vehicles are not permitted; 5) if the existing nonconforming screening is damaged, code-compliant dumpster and storage screening must be installed; and 6) any exterior lighting must be downcast and shielded.

Larimer asked how noise complaints would be handled. Doering replied that both the Police Department and the Planning Department would be involved, and noise levels would be measured at the property line of the business.

Steve Wartman, applicant and Buena Vista resident, was present in the audience and stepped to the podium to speak. He informed the Commission that he had used a decibel meter to measure air impact wrench noise levels, and he obtained the following results with both garage doors open and the wrench being utilized inside the building: a noise level of 47 decibels at the garage door, 43 decibels at the southern property line of 102 Brookdale, and 39 decibels at the nearest residential property line. He stated that he intended to be a good neighbor, keeping the garage doors closed during the cold months and limiting activity to regular business hours. Cars brought in for repair will generally be removed the same day.

Samuel Mick of 501 S Railroad St also rose to address the Commission. He said that he had sold the property at 102 Brookdale Ave to Mr. Wartman, and that Little Daisy Liquor Store was planning to move to the location being vacated by 3D Auto (401 N Hwy 24). He remarked that no one involved in these transactions had thought that there would be any difficulty in obtaining this Special Use Permit, and that both businesses are waiting on permit approval to move forward.

Shelton determined that no one else present in the audience had any additional remarks and closed the public hearing.

Commissioners asked if anyone had come forward to complain about potential noise, and Doering replied that no one had. In response to a question from Larimer, Doering noted that the noncompliant fencing was in good condition, and can remain as-is unless and until changes are made to it. Banks expressed concern about lighting, and Doering responded by stating that brightness could be regulated if necessary.

Larimer motioned to recommend that the Board of Trustees approve the Special Use Permit at 102 Brookdale Ave allowing for minor automotive service to take place at the location, with the conditions listed in the staff report [outlined above]. Davis seconded **Motion #3** and it passed unanimously.

206 E Main Encroachment Application

Doering introduced the project by stating that the applicants had requested an Encroachment Permit to allow outdoor dining within the East Main St right-of-way in front of the Lariat Bar and Grill. A 13' x 23' dining patio would be placed on the street at 206 E Main St (B-1 zone), taking up three parking spaces.

One parking space would remain on the east side of the dining area to accommodate Town Hall traffic, and the applicants may place bike racks immediately to the east of the patio. Once in position, the patio would be level with the sidewalk. Doering noted that the applicants had met all requirements for an encroachment permit, and that the application would normally have been handled administratively. Because this is the first request of its type, however, Town Administrator Reitter wanted the issue to go to the Planning Commission and the Board of Trustees for input. If this permit is granted, staff anticipates receiving more such applications from businesses in the downtown area.

Doering informed Commissioners that the applicants would have to obtain insurance for the encroachment before the patio would be allowed to operate. The application is already compliant with outdoor dining requirements. In order for alcohol to be served on the patio, the town would potentially have to create an entertainment district (probably encompassing East Main St and South Main), inside the borders of which state liquor laws would be relaxed to allow alcohol to be served and consumed in non-gated areas.

Doering stated that the staff recommendation was for approval with the following conditions: 1) the applicants must enter into a Revocable Encroachment License Agreement with the town, which would include these additional conditions: 2) the applicants must obtain the minimum insurance for the encroachment required by the town; 3) the dining patio must be installed on top of the existing street and any damage to the street must be repaired to the Public Works Director's satisfaction; and 4) the patio and surrounding area must be maintained in a neat, clean, and hazard-free condition, including off-site disposal of trash and removal of snow. In response to a question about snow removal from Larimer, Doering noted that a channel would be left clear next to the curb and Public Works Director Maggard did not believe installation of the patio would cause snow/drainage problems.

Applicants Robbie and Court Johnson of 109 E Main St rose to speak. They stated that they had modeled their project on the outdoor patio used by Currents Restaurant in Salida, and that the proposed location of the patio was meant to preserve on-street parking spaces for both of their neighbors (Town Hall and Natural Mystic Wellness Center). As the new front door of the Lariat will be located in the middle of the building, the patio's location will also allow the bartender to keep an eye on patrons seated there. They went on to explain that they intended for the patio to draw highway traffic onto East Main St, as it will be easily visible from the traffic light.

Davis asked where the Lariat's customers would park, and the Johnsons replied that there were several areas available: the railroad ROW, along the east side of Town Hall, across East Main St, or on Tabor St. Davis followed up by noting that parking in the downtown area is already a problem, and that this sort of activity would further reduce the number of available parking spaces. Larimer and Shelton opined that even with more patios in the ROW, parking needs in the downtown area could be accommodated. Scott Johnson remarked that the Lariat already has an outdoor dining area at the back of the building, to which the applicants responded by stating that this dining area is more theoretical than useful and would in any case not draw in traffic from the highway, which is one of their primary goals. Scott Johnson then asked what the patio would be made of, and the Johnsons replied that it would be a composite wood floor over a metal support platform, with a metal railing around the outside.

Doering let the Commission know that with regard to code requirements, parking is not a concern. Scott Johnson suggested that a fee-in-lieu of parking should be considered when an applicant seeks to convert public parking to private use. Doering indicated that this kind of issue was exactly why the application had been forwarded to the Planning Commission: suggestions such as this one should, at the end of the discussion, be included in a motion to be forwarded to the Board of Trustees for their consideration.

Larimer motioned to recommend that the Board of Trustees approve the encroachment permit for an outdoor dining patio to be erected on top of the pavement on East Main St, in front of 206 East Main, with the conditions outlined in the staff report [conditions 2 – 4 on page 3 of these minutes], as well as the condition added by the Town Attorney [condition 1 on page 3 of these minutes]. Banks seconded and **Motion #4** passed without dissent.

Shelton asked for additional recommendations to send to the Board of Trustees. Banks suggested that the town move forward with applications like this one, and evaluate the outcomes after a season to identify problems. Larimer expressed a desire to attend a joint work session with the Trustees to talk about parking.

Larimer then motioned to recommend to the Trustees that a joint work session be held prior to the finalization of the new Unified Development Code to discuss parking downtown and in South Main, at which the following specific topics would be addressed: fees-in-lieu, short-term parking, shuttles, better signage, and whether or not applications such as this one should be handled administratively. Davis seconded **Motion #5**.

After a bit of discussion, Larimer and Davis agreed to amend **Motion #5** to omit the issue of administrative handling of encroachment permits, and to add the recommendation that the Public Works Department be asked to create adequate handicapped parking spaces downtown and in South Main. **Motion #5** then passed unanimously.

STAFF / COMMISSION INTERACTION

Shelton asked the Commission to think about who would like to step into the role of Vice-Chair, given that Jenkins will be moving to the Board of Trustees in April.

Doering invited Commissioners to attend the Trustees' walking tour of the downtown area that will take place March 22 at 6:00pm. Trustees will discuss design requirements and development standards. The intent of the tour is to facilitate the formulation of policies related to commercial and residential development throughout the town, which will help staff draft regulations for the new UDC.

In response to a question from the Commission, Doering stated that the new UDC was on track for approval in July. The date of the next Steering Committee meeting, which will be convened for the purpose of discussing Module 2, is still TBD.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Davis motioned to adjourn the meeting at 7:58pm. Commissioner Larimer seconded. **Motion #6** was unanimously approved.

Respectfully submitted:



Melanie Jacobs, Deputy Town Clerk



Trey Shelton, Chair

Buena Vista Tree Advisory Board

Minutes of March 3, 2016

The meeting called to order by Tom Liverman at 3:25 pm.

In attendance were: Tom Liverman, Roy Gertson , Dan Murray, Kathryn Hardgrave. & Greg Maggard

Agenda adoption by Chairman Tom Liverman .

Minutes from the February 11, 2016 meeting were approved by motion from Dan and 2nd by Tom

Volunteer Time Ledger , 2 hrs for administration

Public Works Report

Greg stated the agenda covers his comments

Colorado State Forest Service Report : Kathryn said we have received the CTC grant for \$1425 towards planting project along Evans St. We also have been recognized as Tree City USA for the 28th year. The 2015 Forestry report was given to Public Works. An upcoming presentation by CSFS on recognizing tree's health , April 5 12 noon at BV Library. talk is about 1 hour. The public is welcome.

Business;

1. Discussion of upcoming Arbor day in May and the award for the CTC grant. The planting consists of 7 new trees and an irrigation system along east side of Evans St.
2. Approved a booth space at the Trade Show on April 2. Tom, Greg, & Dan will attend. A seedling tree give-away is planned with 50 Ponderosa Pine trees. Greg will reserve the space.
3. GIS tree update is on hold until a new planning intern is assigned.
4. Rodeo Rd tree snow-fence maintenance project is being scheduled w DOC work crews. Project involves trimming branches around base, removing some topsoil to the expose the weed fabric and cut it back from tree trunks.
5. Tree order for this years planting will be quoted from Little Valley Nursery, Brady's Nursery, & Alameda Nursery. Roy will prepare the quote for 20 trees. Board suggested to include two more experimental trees, Hawthorn and Red Oak.
6. Board added two photos for the planting guide. A cover photo is being searched.

Other Business: Greg to check on warranty policy for the 2015 E. Main plantings

Final Comments: Prepared agenda for March meeting

The next meeting will be April 7 , 2016 , 2 PM at Public Works.

Adjournment

The meeting was adjourned at 4:15 PM by motion by Tom and 2nd from Roy.

Respectfully submitted,

Roy Gertson
Secretary



Buena Vista Police Department

713 E. Main St.

P.O. Box 1310

Buena Vista CO 81211

719) 395-8654

719) 395-8655 fax

bvpd@buenavistaco.gov

Chief's Report March 2016

If you love the wind.....then March was definitely a month for you! Some days it felt like we would be blown to Kansas!

We had our Team Meeting on March 9th. Our topic this month was Officer Safety. With all of the law enforcement officers in Colorado that have been shot, killed or in traffic crashes, safety is paramount. This year we have had 3 officers killed already in just 3 months and in 2015 there were a total of 4 killed. We had our badges shrouded almost as much as non-shrouded.

We tested for a police officer on March 23rd. One of our officers is looking to move to the Front Range and so we want to be ahead of the game in our hiring process. We completed the written and oral board testing with two really good candidates. As usual, Brandy was a big part of this testing process and we want to thank her for her time.

The biggest dilemma all over our great country is finding qualified applicants. With all the law enforcement officers being killed and the negative news media, quite a few officers are pursuing other careers. We are very fortunate to live in this beautiful valley with so many good citizens and a news media who listens.

We're moving forward steadily preparing for the busy summer ahead and hoping that Mother Nature sees fit to leave her wind in March!

Please see attached stats and calls for service

THERE IS NO "I" IN THE WORD TEAM!



BVPD CALLS FOR SERVICE FOR THE MONTH OF MARCH 2016

14	911 MISC. (NON-EMERGENCY; HANGUP CALLS ETC)
1	ABANDONED VEHICLE
5	ACCIDENTS
64	ADMINISTRATIVE CALLS (OUT AT PD/TOWN HALL/MTGS)
7	ALARMS - INCLUDING FIRE
10	ANIMAL COMPLAINTS
0	ARSON
1	ASSAULTS
35	ASSIST OTHER AGENCY
0	AUTO THEFT
0	BOMB CALL
1	BURGLARY
4	BUSINESS CHECKS
0	CHILD ABUSE
0	CHINS (CHILD HAVING IMMEDIATE NEED OF SUPERVISION)
2	CITIZEN ASSIST
1	CIVIL DISPUTES
6	CIVIL PAPERS
0	CIVIL STANDBY
0	CODE VIOLATION
0	COMMUNITY RELATIONS
1	COURT SERVICES
6	CRIMINAL MISCHIEF
0	DEATH
2	DOMESTIC VIOLENCE
1	DISTURBANCE CALL - FIGHT
0	DISTURBANCE CALL - NOISE
1	DRUG INVESTIGATION
0	EMERGENCY MESSAGE
0	FIRE CALLS - MISC
0	FIRE CALLS - STRUCTURE & WILDFIRE
268	FOLLOW UP
6	FOOT PATROL
5	FORGERY/FRAUD
4	FOUND PROPERTY
2	HARASSMENT
1	HAZARDS - GENERAL
0	HAZARDS - MATERIAL
0	HOME TOWN SECURITY
0	HOUSE WATCH
5	INTERVIEW
45	INFORMATION ITEMS
0	LIQUOR VIOLATION

0	LIVESTOCK
1	LOST PROPERTY
2	MEDICAL ASSIST
15	MEETING
0	MISSING PERSON
1	MOTORIST ASSIST
0	PARKING VIOLATION
1	PHONE CALL
6	PBT - PORTABLE BREATH TEST
3	REDDI REPORT
28	REPORTS
2	ROADSIDES
0	RUNAWAY
31	SECURITY CHECKS
1	SEXUAL ASSAULT
0	SMOKE INVESTIGATION
2	SUICIDE ATTEMPT
3	SUSPICIOUS INCIDENT
1	SUSPICIOUS PERSON
1	SUSPICIOUS VEHICLE
6	THEFT
101	TRAFFIC STOPS (ALL CONTACTS)
3	TRAFFIC VIOLATIONS (CITATIONS WITH CASE #)
59	TRAFFIC MISC (VEHICLE INVESTIGATION)
3	TRAFFIC COMPLAINT
22	TRAINING
2	TRANSPORTS
2	TRESPASS
19	VIN INSPECTION
0	VEHICLE MAINTENANCE
1	VIOLATION OF PROTECTION ORDER
2	WARRANT ARREST (INCLUDING ATTEMPTED)
0	WEAPONS/GUN
13	WELFARE CHECK
0	WILDLIFE
829	TOTAL CALLS RECEIVED FROM CHAFFEE CTY. DISPATCH

Buena Vista Police Department

Statistics from: 3/1/2016 12:00:00AM to 3/31/2016 11:59:00PM

Citation Printout Report by Violation

Total Citations of (10-122 TRESPASSING DEEMED UNLAWFUL): 1
Total Mandatory Appearances: 0

Total Citations of (10-175 HARASSMENT DESIGNATED; PROHIBITED): 1
Total Mandatory Appearances: 0

Total Citations of (10-177 DISORDERLY CONDUCT DEEMED UNLAWFUL): 1
Total Mandatory Appearances: 0

Total Citations of (10-257 POSSESSION USE AND DISTRIBUTION OF TOBACCO AND NICOTINE PRODUCTS BY AND TO MINORS): 1
Total Mandatory Appearances: 1

Total Citations of (10-76 RESISTING ARREST): 1
Total Mandatory Appearances: 0

Total Citations of (10-80 REFUSING TO OBEY A PEACE OFFICER): 1
Total Mandatory Appearances: 0

Total Citations of (18-6-401 CHILD ABUSE): 2
Total Mandatory Appearances: 2

Total Citations of (18-6-801 DOMESTIC VIOLENCE): 1
Total Mandatory Appearances: 1

Total Citations of (18-6-803.5 CRIME OF VIOLATION OF A PROTECTION ORDER): 1
Total Mandatory Appearances: 1

Total Citations of (18-9-111 HARASSMENT): 1
Total Mandatory Appearances: 1

Total Citations of (42-2-138(1)(A) DROVE VEHICLE WHEN LICENSE UNDER RESTRAINT (SUSPENDED/REVOKED/DENIED)): 3
Total Mandatory Appearances: 2

Total Citations of (42-4-1007 DRIVING ON ROADWAYS LANED FOR TRAFFIC): 2
Total Mandatory Appearances: 1

Total Citations of (42-4-1101 SPEED LIMITS (EXCEEDING)): 11
Total Mandatory Appearances: 0

Total Citations of (42-4-1301(1)(A) DROVE VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR BOTH): 3
Total Mandatory Appearances: 2

Total Citations of (42-4-1409 COMPULSORY INSURANCE): 5
Total Mandatory Appearances: 3

Total Citations of (42-4-608 SIGNALS BY HAND OR SIGNAL DEVICE): 1
Total Mandatory Appearances: 0

Total Citations of (7-136 RUNNING AT LARGE): 1
Total Mandatory Appearances: 0

Total Citations of (7-57 UNLAWFUL USE OF TRASH RECEPTACLE): 1
Total Mandatory Appearances: 1

Total Citations of (VOID): 5
Total Mandatory Appearances: 0

Grand Total

Total Number of Citations Reported: 43
Total Fine Amounts Reported: \$0.00
Total Money Collected: \$0.00
Total Money Still Due: \$0.00
Total Mandatory Appearances: 15



BUENA VISTA FIRE DEPARTMENT

111 Linderman Avenue; PO Box 1692
Buena Vista, CO 81211
Phone: 719-395-8098
Fax: 719-395-2046

Buena Vista Fire Calls

From March 1 to 31

Total Month Calls: 27

Current Year to Date Calls: 77

2015 Year to Date Calls: 52

March 1- 31 Calls: 27

Fire Calls: 4

Medical Calls: 19

Accident Calls: 1

Hazardous calls: 1

Assist Other: 2

Missed Calls: 3 (1 - Cancelled by dispatch & 2 - voided by dispatch)

Volunteer Firefighters: 16

Total Training hour for March: 308

March Highlights:

Assistant Chief Rodriguez is getting with the Town's different departments to get everyone certified for CPR & First Aid. We are still working on getting information back from Town employees to add everyone to the Salamander accountability program.

Town Public Information Officer Y. Prentiss and Assistant Chief Rodriguez has successfully completed and passed NIMS ICS 400 training. Town Public Information Officer Y. Prentiss attended and passed Social Media for Natural Disaster Response and Recovery training.

Fire department now has a twitter account and is updating the Facebook account. In the event of an emergency or like incident these 2 accounts will be updated by the PIO to get information disseminated to the public.

Chief Villers, Assistant Chief Rodriguez, Firefighter Rodriguez and PIO Prentiss attended pipeline training and tabletop exercise conducted by Paradigm and Atmos.

Through the Emergency Manager Phil Graham for Chaffee County; the fire department is getting hazardous material supplies for our incidents we respond too. In addition, the Fire department was awarded a grant for a bunker gear extractor. The extractor grant is paid 100%.

Currently BV Fire has 2 firefighters going through Firefighter 1 training, 1 firefighter who is certified as firefighter 1 & 2, Hazmat operations and will be starting fire officer. 3 firefighters who are Firefighter 1 and Hazmat operations. We currently have 4 firefighters who are EMT level.



Town of Buena Vista 2016

Buena Vista Collective Vision Statement

(Developed from Citizens' direct wording, Comp Plan 1996, 2006, 2015. We want all components of this vision and must work to create all components. This is the Context within which Town must make decisions.)

General Community Character

We envision the town as a clean, safe, quiet and secure community that is a desirable place to live, work, and play.

Community Spirit

Our collective community consists of friendly, well-informed, and engaged people who feel they can make a difference and have an impact in determining their future and their quality of life and enjoy freedom of expression.

Community Appearance

The town we envision has a defined sense of place as expressed in its history and architecture.

Community Services

The town of our vision has high-quality education and medical and emergency response services, as well as quality, efficient, and well maintained parks and public buildings. The town's public servants exhibit an excellent level of public service, including approachability, honesty and helpfulness. Our town government and community leaders demonstrate accountability, consistency and visibility. We engage in a high level of cooperation with surrounding governmental and nongovernmental entities.

Environment

We desire a community where urban, rural and agricultural land uses can coexist in a well-planned pattern. Land use decisions are made with thoughtfulness and an eye toward sustainability. We want a healthy community with clean air and water.

Economy

We envision a community in which all citizens enjoy financial prosperity and can find an affordable place to live. The town has a bustling downtown community core with abundant and diverse retail establishments. We continually strive for economic diversity within the community. Our town government is economically stable and viable.

Mission of Buena Vista Town Government

The Town of Buena Vista is to provide high-quality, reliable services for the benefit of our citizens, guests, and employees, while being good stewards of public resources and our natural setting.

Town Government Key Outcome Areas

(These strategic objectives and policies lead toward the Collective Vision Statement, and seek to fulfill the Mission of Town Government. These are what we focus on to establish Goals.)

Economic Vitality

We want to increase prosperity for Buena Vistans via the long-term that encourages sustainability, smart growth, and diversification, capitalizes on our strengths and improves quality of life. We want to identify and address weaknesses.

Infrastructure

We want to ensure that we maintain existing infrastructure when considering new infrastructure.

Community

We want to create a community with a sense of pride and acceptance where all contribute to the social, economic, political life, and feel respected and safe.

Environment

We want to create an environment that is safe, healthy, encourages conservation, and makes for a friendly place where people want to live, work and play.

Water

We want a safe and reliable water supply that comes from diverse sources, and meets the needs of residents and business now and in the future.

Our priority list for 2016 includes, in no particular order:

- **Continued work on adequate and reliable water supply** - Joint Permit with Upper Ark and US Forest Service, St Charles Mesa, other.
- **Continued honing of Policy Governance** - quarterly meetings, Policies adopted, Collective Vision Revisit
- **Water infrastructure** - upper zone tank, right size water lines, HWY 24
- **Downtown Revitalization** - DDA
- **Hwy 24** - all that is involved
- **Historic Preservation** - CLG designation, funding options
- **Trail Improvements** - Assorted
- **Continued Airport “Sustainability” and/or “Independence”** - Financial planning, settle ground lease, through the fence resolution, snow equipment building
- **Land Use Code rewrite**
- **IGA with county on Growth Area**
- **Broadband Planning**
- **Software upgrades for flow in various departments**
- **Training New Board/Transition**
- **Affordable Housing/Infill**
- **Continue Fire Services up to Par** - fire upgrades, regional emergency management planning

Policy Discussion - Regular Agenda Item, Buena Vista Board of Trustees

Policy List:

- a. Infrastructure Investments
- b. Historic Preservation
- c. Sponsorships/advertising levels for support of town activities
- d. Rec Board role with private businesses, etc
- e. Community Support Criteria

Discussion should bear in mind the Collective Vision Statement, Strategic Objectives and Priorities for Buena Vista

Process:

Until the Board of Trustees desires otherwise, each trustee meeting begins with a time-limited discussion on a particular policy item.

These items come from a list produced and added to each week by the Board with suggested items from staff, the public, etc. We can discuss policies related to the items and use this to further define policy, give direction to staff, uncover further needs, etc.

The list will have 6 items, a-f. We start with item a, discuss until approximately 7:35. The item is then pulled from the list and b moves to a. Trustees can decide whether to continue the discussion of (a) later that meeting, put it back on the list, add it to a future agenda, or other action. A new item can be added to the list by a trustee.

Parking lot of items to be added as desired:

- Affordable Housing
- Mapping
- Religious symbols in town
- VRBO's



Town of Buena Vista
P.O. Box 2002
Buena Vista CO 81211
Phone: (719)395-8643
Fax: (719)395-8644

DATE: April 12, 2016

TO: Mayor and Board of Trustees

FROM: Brandy Reitter, Town Administrator

AGENDA ITEM: Policy Discussion – Infrastructure Investments

Request

Review and provide feedback on updated infrastructure investment priorities and criteria ranking for funding requests.

Overview

In 2015 staff put together a list of infrastructure projects that the board could consider funding for based on various criteria. Town completed a few infrastructure projects in 2015 and some priorities established last year have changed based on requests for projects in town.

It was approved by the BOT to maintain a 27% fund balance reserve requirement in 2016. The Board of Trustees allocated \$100,000 in the General, Water and Capital Improvement Funds for projects that come up throughout the year. The Airport Fund was excluded from this policy.

Staff created a recapture agreement that the BOT approved in 2015 so that developers/builders could recapture the costs of infrastructure overtime as an alternative solution for infrastructure costs. Various utilities in town have the same policy.

Analysis

Staff has come up with criteria based on policy priorities the BOT can consider when reviewing requests by the community for infrastructure.

Proposed Criteria:

1. Affordable/workforce/senior/assisted living/homeless housing = 5 points
Town will require one or more of the following:
 - *Deed restrictions to ensure long-term affordable housing*
 - *Percent of units set aside for affordable housing if proposal includes multi-family*
 - *Land dedication for Habitat for Humanity*
 - *Fee in lieu of providing affordable housing*
2. Infill development = 4 points
 - *Minimum is 8 units – Infrastructure cost per unit is \$12,500 based on \$100,000/8 units*
3. Long-term housing = 3 points
 - *Housing that is available for a minimum of 6 months*
4. Economic development incentive (primary jobs) = 2 points
 - *A job that produces goods and/or services for customers that are predominantly outside the community, i.e. producing raw material*
5. Economic development incentive (secondary jobs) = 1 point
 - *A job associated with using raw materials to make a product or to provide a service, i.e. food service or retail*

Point system with percent of funding allocated:

Points	Percent of Funding
14-15	Up to 80%
12-13	Up to 70%
10-11	Up to 60%
8-9	Up to 50%
6-7	Up to 40%
5-6	Up to 30%
3-4	Up to 20%
1-2	Up to 10%

All project requests are subject to the availability of funding allocated and approved by the Board of Trustees during budget adoption each year. There is no guarantee that funds will be available, and any funds that are awarded that are not expended in the year appropriated, do not roll over to the next year.

It is up to the applicant to show proof that their project fits the criteria established by the BOT. The applicant will have to substantiate proof by providing documentation to the board with their request.

Funding is awarded on a first come first serve basis. Once the infrastructure fund is depleted, other requests will not be considered. If a project has been identified in the town's five year capital improvement plan, it does not qualify for the infrastructure investment fund.

Revised Project Priority List

A project list is attached to this memo. Projects are prioritized based on requests, inquiries and projects that have been proposed by the public.

Policy Alignment

- Policy Governance – Infrastructure and economic vitality policies
- The Workforce Housing Policy adopted by the BOT in 2015
- The 2015 Comprehensive Plan

BOT Action

Policy considerations:

- Does the BOT support the criteria proposed? If not, what revisions need to be made?
- Does the BOT support the funding percentages based on scoring projects on the proposed criteria?
- Does the BOT support the restrictions being proposed for funding that will help town achieve the outcomes we want to see (affordable housing, infill, economic development)?

Once the BOT provides feedback, staff will create a policy for the infrastructure investment fund program. The policy will address the mechanics of the program.

**Potential Capital Improvement Projects Cost Estimates
Water and Street Construction**

Projects listed below are in order of priority and criteria are provided. A map of town is provided for your reference

1. Arkansas/Colorado from Williams to Arkansas (~2100 lf)
(Criteria - Infill Housing)
 - Water infrastructure \$557,000
 - Street infrastructure without curb and gutter \$385,000
 - Street infrastructure with curb and gutter \$430,000

2. South Evans from Cedar to Pine/Pine from Beldan to Evans (~1000 lf)
(Criteria - Affordable Housing, Infill, Waterline Looping)
 - Water infrastructure \$250,000
 - Street infrastructure without curb and gutter \$185,000
 - Street infrastructure with curb and gutter \$210,000

3. Pinon from Court to Beldan/Beldan from Pinon to Arkansas (~900 lf)
(Criteria - Infill Housing)
 - Water infrastructure \$255,000
 - Street infrastructure without curb and gutter \$173,000
 - Street infrastructure with curb and gutter \$192,000

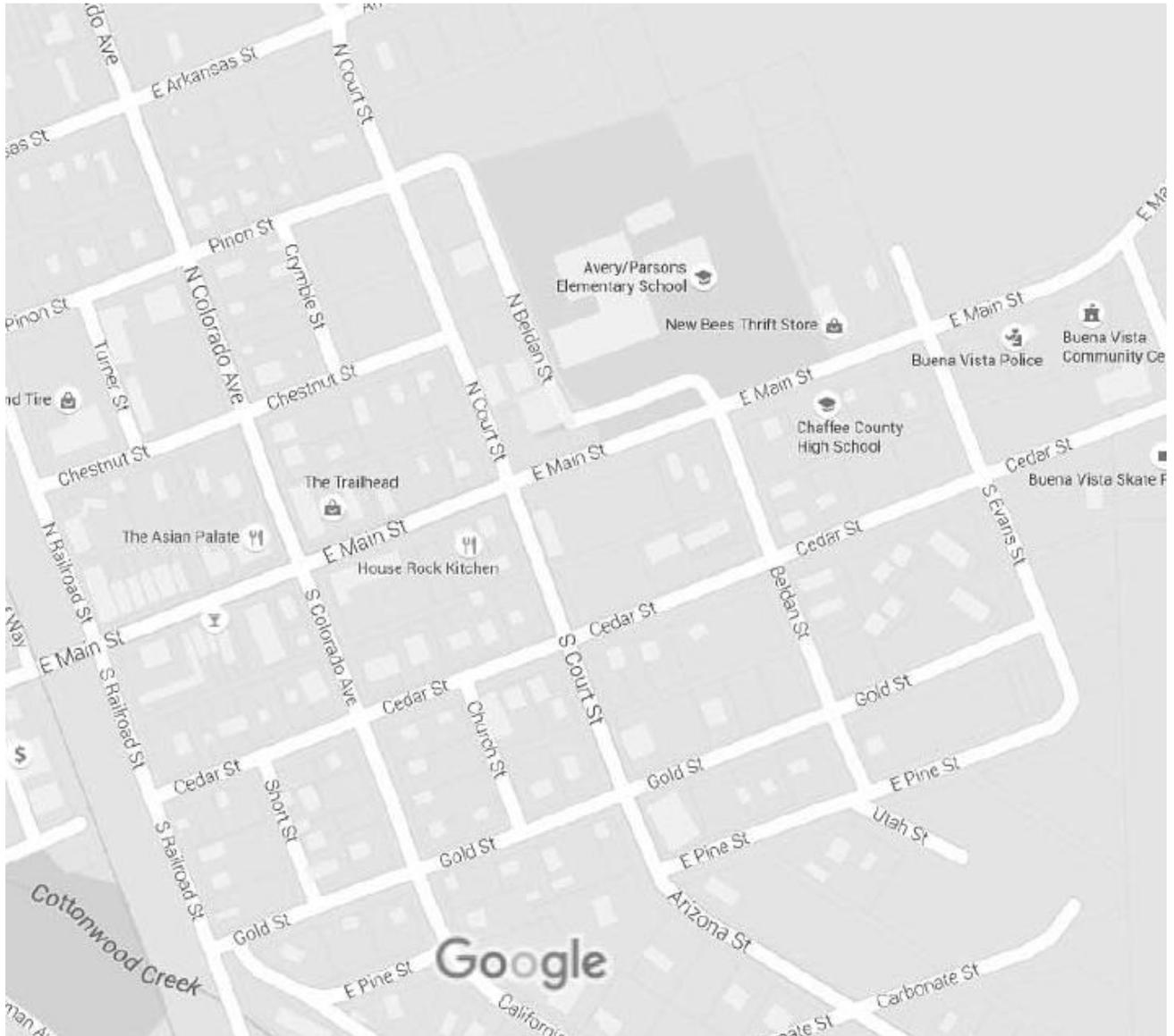
4. Carbonate East from Arizona to Utah/Utah North from Carbonate to Pine (~900 lf of H2O and 450 lf of Roadway)
(Criteria - Affordable Housing, Infill)
 - Water infrastructure \$287,000
 - Street infrastructure without curb and gutter \$105,000
 - Street infrastructure with curb and gutter \$127,000

5. Railroad North to Williams/Williams from Railroad to Court/Court from Williams to Carbonate from California to Arizona (~475 lf)
(Criteria - Infill Housing)
 - Water infrastructure \$123,000
 - Street infrastructure without curb and gutter \$ 88,000
 - Street infrastructure with curb and gutter \$107,000

Total infrastructure costs to town:

- Water - \$1,472,000
- Street infrastructure without curb and gutter - \$936,000
- Street infrastructure with curb and gutter - \$1,066,00

Downtown Map





Town of Buena Vista
P.O. Box 2002
Buena Vista CO 81211
Phone: (719)395-8643
Fax: (719)395-8644

DATE: March 18, 2016
TO: Mayor and Board of Trustees
FROM: Mark Doering, Principal Planner, Planning Department
AGENDA ITEM: Lariat Outdoor Dining Encroachment Permit

Request:

Court and Robbie Johnson are requesting an Encroachment Permit to allow a 13' x 23' outdoor patio located in the East Main Street right-of-way in front of the Lariat Bar and Grill. The outdoor patio will be built on top of the Main Street asphalt and will take up three parking spaces on Main Street.

Overview:

Encroachment Permits are typically an administrative review by the Town Administrator. The Town Administrator forwarded this request to both the Planning and Zoning Commission and the Board of Trustees due to the nature of the request is the first to have the outdoor dining located in the street portion of East Main Street and the fact that the applicants are requesting to use three parking spaces for the outdoor patio. The Planning and Zoning Commission heard the request on March 16, 2016 and voted to recommend to the Trustees approval of the application with conditions by a vote of 6-0. Their staff report is attached for review.

Analysis:

The application meets all of the criteria listed in Sections 16-291 through 16-297 of the Zoning Ordinance, with the conditions listed in the approval resolution. A license agreement will be required that includes provisions for insurance coverage and maintenance of the property around the outdoor patio.

Policy Alignment:

The proposed outdoor dining area meets the Economic Vitality and Infrastructure policies. The outdoor dining area will increase sales for the Lariat and will add vitality to the downtown by attracting visitors. The outdoor dining area will not impact the existing infrastructure and is designed to be removed should the Town revoke the License Agreement or the outdoor patio area is no longer desired.

BOT Action:

Staff and the Planning and Zoning Commission recommend approval of the encroachment permit for the outdoor dining area subject to the following conditions:

1. Prior to the use of the public right of way, the Applicants and the Town shall enter into Revocable Encroachment License Agreement, attached hereto as Exhibit A which shall, at a minimum, include the following provisions:
 - a. Within 30 days after execution of the Agreement, the Applicants shall obtain the minimum insurance for the encroachment as required by the Town. Said insurance shall be maintained as long as the encroachment remains in the right-of-way. If the minimum insurance is not maintained, the patio shall be removed from the right-of-way.
 - b. The outdoor dining shall be installed on top of the existing street, without any permanent improvements requiring installation through the existing asphalt. If any asphalt is

damaged as a result of installation or removal of the outdoor patio, the applicants shall repair the street as required by the Public Works Director.

- c. The outdoor patio and the surrounding area in front of the building shall be maintained in a neat, clean and hazard-free condition, including without limitation disposing of all trash off site, and removal of snow.

Staff is also seeking direction on the ability of the Town Administrator to review subsequent applications for outdoor dining areas within the right-of-way similar to this application. It is anticipated that other restaurants in the Town, especially those in the downtown area along East Main Street, may follow this example if it proves to be successful.

Attachments:

Planning and Zoning Commission Staff Report

Planning and Zoning Commission Summary and Draft Minutes



Town of Buena Vista

210 East Main St.
P.O. Box 2002
Buena Vista, CO 81211
719-395-8643

ENCROACHMENT PERMIT STAFF REPORT

REPORT DATE: March 11, 2016

CASE ADDRESS: 206 E Main Street

HEARING DATE: March 16, 2016 – Planning and Zoning Commission

APPLICANT: Court and Robbie Johnson

REQUEST: The applicants are requesting an Encroachment Permit to allow outdoor dining located in the right-of-way. The applicants are proposing to locate a fenced outdoor dining patio in the parking spaces within the East Main Street right-of-way to allow patrons of the Lariat to have outdoor seating. The dining area would be built on a patio that is built to sit on top of the existing asphalt street and would replace three existing parking spaces that are immediately in front of the Lariat Bar and Grill. The parking spaces proposed for the outdoor patio are located in the General Business (B-1) zone district. Outdoor Dining is allowed with the approval of Town subject to the requirements of Article XII of the Town of Buena Vista Zoning Ordinance (Encroachment Permits).

TOWN STAFF: Mark N. Doering, Principal Planner

STAFF RECOMMENDATION:

That the Planning and Zoning Commission recommend to the Board of Trustees that they approve the requested Encroachment Permit to allow a 13' x 23' outdoor patio within the East Main Street right-of-way in front of 206 E. Main Street.

ATTACHMENTS TO THE REPORT:

- Attachment A – Vicinity Map
- Attachment B – Zoning Map
- Attachment C – Outdoor Seating Plan and Patio Elevations
- Attachment D – Site Photos

I. SUMMARY OF REQUEST

The applicants are requesting approval of an encroachment permit to allow a 13' x 23' outdoor patio in the Main Street right-of-way on top of the existing pavement in front of the existing building located at 206 E Main Street. The applicants are seeking to construct an outdoor dining space on a deck resting on top of the asphalt road that will bring the finished grade of the patio area up to the existing elevation of the sidewalk for the Lariat Bar and Grill. The patio will be enclosed by a railing on three sides to contain those dining outside of the restaurant and bar. Along with the encroachment permit, the applicant will also have to get separate approval of a building permit and approval of the local and state liquor licensing authorities to allow for the consumption of alcohol in that outdoor seating area. The subject property is owned by the Town of Buena Vista, and the applicant will be required to obtain and maintain insurance to protect the Town from any liability resulting from any claims resulting from the private use of public property.

II. PROCESS – REQUIRED APPROVALS

The applicant has submitted an Encroachment Permit application as specified in Article XII of the Town of Buena Vista Zoning Ordinance (Sections 16-291 through 16-297). The Town Administrator has reviewed the application and determined that the application should be forwarded to both the Planning and Zoning Commission and Board of Trustees because of the nature of the encroachment into the parking spaces with East Main Street and because this is the first request to allow the conversion of public parking spaces into a private patio.

Staff is seeking input from both the Planning and Zoning Commission and Board of Trustees to determine if this is an appropriate use in downtown Buena Vista that might further be replicated elsewhere if it is successful in this location, and if staff should review future applications administratively. Staff reviewed the application is forwarding the request to the Planning and Zoning Commission for a recommendation and to the Board of Trustees for a final decision on the application.

III. ANALYSIS – ENCROACHMENT PERMIT CRITERIA

Sections 16-292 through 16-295 of the Buena Vista Zoning Ordinance provides review criteria for encroachment permits. Each criterion is listed in bold text, followed by staff's analysis for each in standard text.

Section 16-292. - Application for permit.

- (a) **Any person who wishes to encroach over or upon the public right-of-way shall apply for and obtain an encroachment permit from the Town Administrator according to the application process established by the Town Administrator. Encroachment permits for permanent structures shall be irrevocable, subject to the provision of adequate insurance. Encroachment permits for nonpermanent structures may be subject to a term as determined by the Town Administrator to ensure that the encroachment remains appropriate for its setting and compliant with the terms of the permit.**

The applicants will be required to provide adequate insurance to cover the use of public property and will need to maintain that insurance as a condition of approval. Should the insurance not be maintained in the future, the Town will require removal of the outdoor dining area encroachment.

- (b) **The Town Administrator may establish review guidelines and application submittal requirements, and may also impose conditions on any permit to ensure that permitted encroachments comply with this Code and enhance the proposed location.**

The Town Administrator required submittal of a site plan and elevations of the patio to show where the patio will be located and how the patio will look.

- (c) **The construction of any permitted encroachment shall be completed within the time period established by the permit, which shall in no event exceed one (1) year, or the permit will automatically expire.**

The construction shall be limited as a condition to one year from the date of final approval from the Board of Trustees decision, if approved.

- (d) **The Town Administrator may impose a reasonable fee for an application for an encroachment permit, which fee may be amended from time to time.**

The applicants paid \$150.00 for the Encroachment Permit application as required by the Town's current fee schedule.

- (e) **The Town Administrator may require proof of authority from any person purporting to sign an application for the use of any person or entity other than the signator.**

The application was signed by the property owners for the Lariat Bar and Grill.

- (f) **The Town Administrator has the discretion to forward any and all encroachment permit applications for review and approval by the Planning and Zoning Commission and/or Board of Trustees.**

Due to the nature of the proposed location for the outdoor patio, within the street right-of-way, and the fact that this is the first of such applications the Town has received, the Town Administrator has forwarded the application to both boards for their review. If both boards believe that future applications, if any, can be handled administratively with staff review, then the Town Administrator will review those as allowed by the code, without Board of Trustees and Planning and Zoning Commission approval.

- (g) **Whenever any permittee desires to change the use or location of the activity authorized by the permit, the permittee shall follow the review and approval process required of a new applicant.**

If approved, the outdoor patio will be allowed in that location only. Any changes in location will require a new application.

Sec. 16-293. - Mandatory insurance.

The holder of an encroachment permit issued under this Section shall indemnify and hold harmless the Town, its officers, employees and agents, against any and all claims arising from any occurrence occasioned by the permitted use, and shall maintain, during the period of the permit, comprehensive general public liability and property damage insurance naming the Town, its officers, employees and agents as

insureds in an amount equal to the limits under the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., plus the costs of defense; provided that the insurance is primary insurance and that no other insurance maintained by the Town will be called upon to contribute to loss covered by the policy; and providing for thirty (30) days' notice of cancellation or material change to the Town.

As a condition of approval, the Town will require the applicants to obtain the required insurance for the encroachment prior to obtaining a Certificate of Occupancy for the outdoor patio. That insurance shall be maintained as long as the patio is operational.

Sec. 16-294. - Outdoor dining.

- (a) **In addition to the provisions described above, applications for all outdoor dining encroachment permits shall state the exact dimensions of the proposed encroachment and the distances from the encroachment to existing structures such as benches, tree grates, etc., as well as existing signs and lights. Encroachments may extend into the public right-of-way a distance that allows five (5) feet of unobstructed sidewalk measured from the curb or existing encroachment (such as an existing tree) along the building frontage. In the alternative, the five (5) feet of unobstructed sidewalk may be similarly measured from the building frontage if the applicant wishes the encroachment to front off the curb; provided, however, that at all times pedestrians must have access to a minimum of five (5) feet of unobstructed sidewalk as a thoroughfare between permitted outdoor dining encroachments.**

The dimensions of the proposed encroachment are shown on the attached plans from the applicant. The existing sidewalk exceeds five feet of unobstructed width and will remain after the patio is located in the street.

- (b) **The outdoor dining permittee shall prominently display the permit.**

The Encroachment Permit shall be displayed on the premises as a condition of approval.

Sec. 16-295. - General permit requirements.

- (a) **A permittee is responsible for maintaining the area within and in proximity to the permitted location in a neat, clean and hazard-free condition, including without limitation disposing of all trash off site.**

The applicants shall be responsible for keeping the outdoor patio area and surrounding area in front of the restaurant neat, clean and hazard-free, including snow removal from the sidewalk and outdoor dining area in the right-of-way as a condition of approval.

- (b) **The Town Administrator may deny an encroachment permit if the proposed use does not benefit the Town, would constitute a physical hazard to the public health, safety or welfare or would violate any law.**

Should any hazards to the public health safety or welfare arise, the Town Administrator may revoke the permit, including not maintaining the minimum insurance coverage for the duration of the encroachment within the right-of-way.

IV. CONCLUSION AND RECOMMENDATION

Based upon the information and materials provided by the applicants and included in the staff report, staff supports the requested Encroachment Permit to allow outdoor dining within the East

Main Street right-of-way in front of the Lariat Bar and Grill located at 206 E Main Street. Therefore, staff recommends that the Planning and Zoning Commission recommend approval with the following conditions to the Board of Trustees:

1. Court and Robbie Johnson have applied for an Encroachment Permit to allow a 23' x 13' outdoor dining area on top of the asphalt road for East Main Street; and
2. The Town Administrator has determined that the application should be reviewed by both the Planning and Zoning Commission and the Board of Trustees; and
3. The amended request was reviewed by the appropriate referral agencies; and
4. The proposed Encroachment Permit is consistent with the applicable standards set forth in Article XII of the Town of Buena Vista Zoning Ordinance; and
5. The proposed encroachment for outdoor dining within the right-of-way is consistent with the applicable standards set forth in Article XII of the Town of Buena Vista Zoning Ordinance; and

THEREFORE

The Planning and Zoning Commission recommends that the Board of Trustees **APPROVE WITH CONDITIONS** the Encroachment Permit to allow a 23' x 13' outdoor dining patio constructed on top of the asphalt for East Main Street in front of the existing building located at 206 E Main Street. The conditions of approval are:

- 1) Prior to the issuance of a certificate of occupancy for the outdoor patio area, the applicants shall obtain the minimum insurance for the encroachment as required by the Town. Said insurance shall be maintained as long as the patio remains in the right-of-way. If the minimum insurance is not maintained, the patio shall be removed from the right-of-way.
- 2) The outdoor dining shall be installed on top of the existing street, without any permanent improvements requiring installation through the existing asphalt. If any asphalt is damaged as a result of installation or removal of the outdoor patio, the applicants shall repair the street as required by the Public Works Director.
- 3) The outdoor patio and the surrounding area in front of the building shall be maintained in a neat, clean and hazard-free condition, including without limitation disposing of all trash off site, and removal of snow.

Cc: Court and Robbie Johnson, applicants

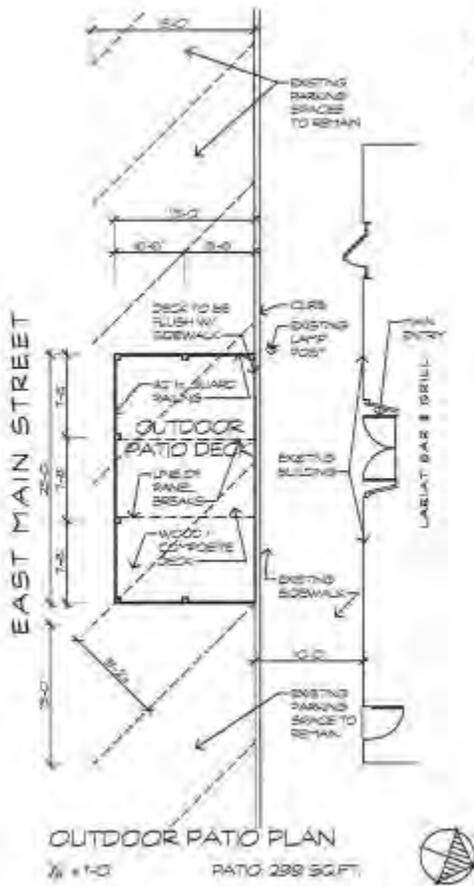
Attachment A – Vicinity Map



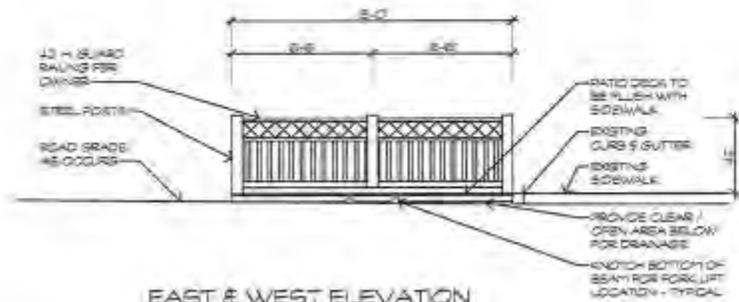
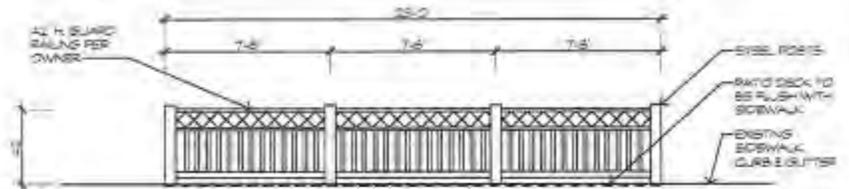
Attachment B – Zoning Map



Attachment C – Site Plan



the LARAT OUTDOOR SEATING
 3-9-16



Attachment D – Site Photos



Attachment D – Site Photos (continued)



Planning Commission Encroachment Permit Meeting Summary

The Commission discussed the availability of parking near the proposed outdoor dining area, and expressed concern for parking in downtown if more of these are allowed. While the existing parking for the use is adequate with the current parking in East Main Street and in Railroad Street, there was concern that additional outdoor patios within the downtown core would reduce the amount of parking for downtown businesses.

The Commission discussed exploring a fee in-lieu of parking for businesses that may seek outdoor patios in the street that replace existing parking spaces. The Commission also had questions on the materials and construction of the patios so that maintenance and drainage are not a concern in the future. The Commission thought that the Town should evaluate how this outdoor dining area works and after one season to evaluate how it works and identify any issues that may arise.

The Commission recommended that the Board and the Commission hold a joint work session to discuss downtown parking, including for South Main, to cover topics relating to fees in-lieu of parking, short-term parking (such as 2-hour parking spaces) better signage, shuttles, and whether or not these applications for the use of parking spaces should be handled administratively. That was suggested in case other businesses want to pursue them, including those that might not be for outdoor dining areas. In addition, the Commission discussed the availability of adequate handicapped parking on the street throughout downtown and South Main Street.

The draft Planning and Zoning Commission meeting minutes for the proposed encroachment permit are included on the following two pages.

206 E Main Encroachment Permit Application

Doering introduced the project by stating that the applicants had requested an Encroachment Permit to allow outdoor dining within the East Main St right-of-way in front of the Lariat Bar and Grill. A 13' x 23' dining patio would be placed on the street at 206 E Main St (B-1 zone), taking up three parking spaces. One parking space would remain on the east side of the dining area to accommodate Town Hall traffic, and the applicants may decide to place bike racks immediately south of the patio, within the area currently used for parking. The patio, once in position, would be level with the sidewalk. Doering noted that the applicants had met all requirements for an encroachment permit, and that the application would normally have been handled administratively. Because this is the first request of its type, however, Town Administrator Reitter wanted the issue to go to the Planning Commission and the Board of Trustees for input. If this permit is granted and proves successful, staff anticipates receiving more such applications from businesses in the downtown area.

Doering informed Commissioners that the applicants would have to obtain insurance for the encroachment before the patio would be allowed to operate. The application is already compliant with outdoor dining requirements. In order for alcohol to be served on the patio, the town would have to create an entertainment district (probably encompassing East Main St and South Main), inside the borders of which state liquor laws would be relaxed to allow alcohol to be served and consumed in non-gated areas.

Doering stated that the staff recommendation was for approval with the following conditions:

- 1) the applicants must enter into a Revocable Encroachment License Agreement with the town, which would include these additional conditions:
- 2) the applicants must obtain and maintain the minimum insurance for the encroachment required by the town;
- 3) the dining patio must be installed on top of the existing street and any damage to the street must be repaired to the Public Works Director's satisfaction; and
- 4) the patio and surrounding area must be maintained in a neat, clean, and hazard-free condition, including off-site disposal of trash and removal of snow.

In response to a question about snow removal from Larimer, Doering noted that a channel would be left clear next to the curb and Public Works Director Maggard did not believe installation of the patio would cause snow/drainage problems.

Applicants Robbie and Court Johnson of 109 E Main St rose to speak. They stated that they had modeled their project on the outdoor patio used by Currents Restaurant in Salida, and that the proposed location of the patio was meant to preserve on-street parking spaces for both of their neighbors (Town Hall and Natural Mystic Wellness Center). As the new front door of the Lariat will be located in the middle of the building, the patio's location will also allow the bartender to keep an eye on patrons seated there. They

went on to explain that they intended for the patio to draw highway traffic onto East Main St, as it will be easily visible from the traffic light.

Davis asked where the Lariat's customers would park, and the Johnsons replied that there were several areas available: the railroad ROW, along the east side of Town Hall, across East Main St, or on Tabor St. Davis followed up by noting that parking in the downtown area is already a problem, and that this sort of activity would further reduce the number of available parking spaces. Larimer and Shelton opined that even with more patios in the ROW, parking needs in the downtown area could be accommodated. Scott Johnson remarked that the Lariat already has an outdoor dining area at the back of the building, to which the applicants responded by stating that this dining area is more useful than theoretical and would in any case draw in traffic from the highway, which is one of their primary goals. Scott Johnson then asked what the patio would be made of, and the Johnsons replied that it would be a composite wood floor over a metal support platform, with a metal railing around the outside.

Doering let the Commission know that with regard to code requirements, parking is not a concern. Scott Johnson suggested that a fee-in-lieu of parking should be considered when an applicant seeks to convert public parking to private use. Doering indicated that this kind of issue was exactly why the application had been forwarded to the Planning Commission: suggestions such as this one should, at the end of the discussion, be included in a motion to be forwarded to the Board of Trustees for their consideration.

Larimer motioned to recommend that the Board of Trustees approve the encroachment permit for an outdoor dining patio to be erected on top of the pavement on East Main St, in front of 206 East Main, with the conditions outlined in the staff report [conditions 2 – 4 on page 3 of these minutes], as well as the condition added by the Town Attorney [condition 1 on page 3 of these minutes]. Banks seconded and Motion #4 passed without dissent.

Shelton asked for additional recommendations to send to the Board of Trustees. Banks suggested that the town move forward with applications like this one, and evaluate the outcomes after a season to identify problems. Larimer expressed a desire to attend a joint work session with the Trustees to talk about parking.

Larimer then motioned to recommend to the Trustees that a joint work session be held prior to the finalization of the new Unified Development Code to discuss parking downtown and in South Main, at which the following topics relating to downtown parking would be addressed: fees-in-lieu, short-term parking, the possibility of shuttles, better signage, and whether or not applications such as this one should be handled administratively. Davis seconded Motion #5.

After a bit of discussion, Larimer and Davis agreed to amend Motion #5 to omit the issue of administrative handling of encroachment permits, and to add the recommendation that the Public Works Department be asked to create adequate handicapped parking spaces downtown and in South Main. Motion #5 then passed unanimously.

RESOLUTION NO. 29
(Series 2016)

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING AN OUTDOOR DINING ENCROACHMENT PERMIT FOR COURTNEY AND ROBBIE JOHNSON AND A REVOCABLE LICENSE AGREEMENT.

WHEREAS, Courtney and Robbie Johnson (the “Applicants”) operate the Lariat Bar at 206 E. Main Street;

WHEREAS, the Applicants applied for an encroachment permit for outdoor dining in the Town’s right of way adjacent to 206 E. Main Street;

WHEREAS, pursuant to Sec. 16-292(f) of the Buena Vista Municipal Code (“Code”), the Town Administrator has the discretion to refer any and all encroachment permit applications for review and approval by the Planning and Zoning Commission and/or Board of Trustees;

WHEREAS, the Town Administrator did refer this application to the Planning and Zoning Commission and the Board of Trustees for review;

WHEREAS, on March 16, 2016, the Planning and Zoning Commission considered the application and recommended conditional approval;

WHEREAS, the Board of Trustees considered the application at its March 22, 2016 meeting; and

WHEREAS, after reviewing all material provided to it, the Board of Trustees desires to approve the encroachment permit, subject to the conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, as follows:

Section 1. The Board of Trustees, having reviewed the application and all information provided, hereby approves the application for the encroachment permit subject to the following conditions:

1. Prior to the use of the public right of way, the Applicants and the Town shall enter into Revocable Encroachment License Agreement, attached hereto as **Exhibit A** which shall, at a minimum, include the following provisions:
 - a. Within 30 days after execution of the Agreement, the Applicants shall obtain the minimum insurance for the encroachment as required by the Town. Said insurance shall be maintained as long as the encroachment remains in the right-of-way. If the minimum insurance is not maintained, the patio shall be removed from the right-of-way.

- b. The outdoor dining shall be installed on top of the existing street, without any permanent improvements requiring installation through the existing asphalt. If any asphalt is damaged as a result of installation or removal of the outdoor patio, the applicants shall repair the street as required by the Public Works Director.
- c. The outdoor patio and the surrounding area in front of the building shall be maintained in a neat, clean and hazard-free condition, including without limitation disposing of all trash off site, and removal of snow.

Section 2. The Revocable Encroachment License Agreement attached hereto as **Exhibit A** is hereby approved and adopted, and the Mayor is authorized to execute the same.

Section 3. This Resolution shall serve as the Applicants' Encroachment Permit required to be displayed pursuant to Sec. 16-294(b).

RESOLVED, APPROVED AND ADOPTED this 12th day of April, 2016.

TOWN OF BUENA VISTA, COLORADO

BY: _____
Joel Benson, Mayor

ATTEST:

Janell Sciacca, Town Clerk

REVOCABLE ENCROACHMENT LICENSE AGREEMENT

THIS REVOCABLE ENCROACHMENT LICENSE AGREEMENT (the "Agreement") is made this 22nd day of March, 2016, by and between the Town of Buena Vista, Colorado (the "Town") and Courtney and Robbie Johnson ("Licensees").

WHEREAS, the Licensees applied for and obtained approval from the Town for an encroachment permit for outdoor dining as described herein and in the application to the Town;

WHEREAS, as a condition of that approval the Licensees was required to enter into this Agreement with the Town; and

WHEREAS, the Town and the Licensees desire to enter into this Agreement pursuant to the terms and conditions set forth herein.

SECTION 1. THE LICENSE

The Town grants the Licensees a revocable license allowing certain existing structures to encroach on Town-owned property, which is a portion of E. Main Street right of way, in front of the property located at 206 E. Main Street (the "Property") as depicted on the attached **Exhibit A**. The license is granted subject to the terms and conditions of this Agreement.

SECTION 2. USE OF PROPERTY

1. The Property may be used by the Licensees for the sole and exclusive purpose of constructing, installing, operating, maintaining and repairing a patio for food and beverage service, such patio to consist of decking, fencing, tables, chairs, and other necessary facilities (the "Encroachment"), as described in this application and as depicted on **Exhibit A**. All installation on the Property of the Encroachment shall consist of decking, fencing, tables, chairs and other necessary facilities as described and depicted on **Exhibit A**. Any changes shall require additional advance approval by the Town. All work shall be completed in compliance with all codes, ordinances, rules, and regulations of the Town. Except for the improvements specifically authorized by the Town, Licensees shall not place, build, expand, or add to any structures or other items on the Premises.

2. Licensees shall strictly comply with the following:

a. Alcohol service on the patio shall be limited to retail sales of alcohol beverages by the drink. No alcohol tastings or private parties with alcohol service shall be permitted on the patio. Alcohol service requires and is subject to appropriate State of Colorado and Local Licensing Authority permits and/or licenses.

b. No chairs, tables, or any other Licensees improvements, equipment, or facilities shall be placed within the sidewalk corridor depicted on **Exhibit A**, which corridor shall be remain open at all times for pedestrian passage.

- c. No amplified sound shall be permitted on the patio area.
- d. Licensees shall not place or permit any signs or banners on the Premises.
- e. No utility connections shall be installed on the Premises.
- f. Licensees shall not place or permit any hazardous materials in or about the Premises.
- g. Licensees shall at its sole expense promptly remove from the Premises and any adjacent areas all snow and trash generated by its operation of the patio facilities.

3. Licensees acknowledge that its use and occupancy hereunder is of the Property in its present, as-is condition with all faults, whether patent or latent, and without warranties or covenants, express or implied. Licensees acknowledge the Town shall have no obligation to repair, replace, or improve any portion of the Property in order to make such Property suitable for Licensees' intended uses.

4. Licensees acknowledge that the Town's Board of Trustees anticipates developing a formal policy for the issuance of outdoor dining and similar encroachment permits, which is anticipated to include fees for use of Town property. The Town reserves the right to charge a fee to Licensees for use of the Premises, which shall apply prospectively to Licensees upon delivery of notice of the fee to Licensees.

SECTION 3. TERMINATION

Either party may terminate this Agreement by giving written notice to the other party specifying the date of termination, such notice to be given not less than thirty (30) days prior to the date specified therein. Licensees' obligations under Sections 4, 5, and 6 of this Agreement survive its termination until the Town excuses such obligations by written notice. The Licensees, at their sole expense, shall be required to remove the Encroachment, at the direction of the Town upon termination of this Agreement.

SECTION 4. MAINTENANCE

1. Licensees agree to take such actions, at its sole expense, as are necessary to maintain the patio improvements and Property in good and safe condition at all times. Licensees shall also maintain and keep clean and hazard-free the area between the Property and the Licensees' property located at 206 E. Main Street, including disposal of all trash and removal of snow, Licensees further agree to comply at all times with the ordinances, resolutions, rules, and regulations of the Town in Licensees' use and occupancy of the Property.

2. Notwithstanding any other provisions of this Agreement to the contrary, the Town shall at all times have the right to enter the Property to inspect, improve, maintain, alter or utilize the Property in any manner authorized to the Town. If such entry requires disturbance of any items placed upon the Property under this Agreement, the Town shall not be required to repair or

replace any such disturbance. In the exercise of its rights pursuant to this Agreement, Licensees shall avoid any damage or interference with any Town installations, structures, utilities, or improvements on, under, or adjacent to the Property.

SECTION 5. DAMAGE TO PROPERTY

Licensees shall be responsible for all damage to the Property arising out of or resulting from the Encroachment. Licensees shall make all repairs in accordance with the direction of the Town’s Director of Public Works.

SECTION 6. INDEMNIFICATION

Licensees agree to indemnify and hold harmless the Town, its officers, employees and insurers, from and against all liability, claims and demands arising out of the existence of the Encroachments on the Property. Licensees agree to investigate, handle, respond to, and to provide defense for and defend against any such liability, claims or demands at his sole expense, or, at the option of the Town, agrees to pay the Town or reimburse the Town for the defense costs incurred by the Town in connection with any such liability, claims or demands. Licensees also agree to bear all other costs and expenses related thereto, including court costs and attorney fees, whether or not any such liability, claims or demands alleged are groundless, false or fraudulent.

SECTION 7. INSURANCE

Licensees agree to procure an insurance policy which includes and covers the Property that is the subject of this Agreement, and to name the Town of Buena Vista as an additional insured thereon. Such insurance policy shall at a minimum include liability and property damage insurance, with a combined single limit for bodily injury and property damage of three hundred fifty thousand dollars (\$350,000.00) per person and nine hundred ninety thousand dollars (\$990,000.00) per occurrence. A Certificate of Insurance showing the Town as an additional insured thereon shall be provided to the Town within thirty (30) days of execution of this Agreement and annually thereafter. The failure to provide the Certificate of Insurance shall be grounds for immediate revocation of this Agreement.

SECTION 8. GOVERNMENTAL IMMUNITY

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

SECTION 9. NOTICES

Any notice given pursuant to this Agreement by either party to the other shall be in writing and mailed by certified mail, return receipt requested, postage prepaid, and addressed as follows:

To the Town: Town Administrator
 Town of Buena Vista
 210 E. Main Street
 PO Box 2002
 Buena Vista, CO 81211

To Licensees: _____

SECTION 10. MISCELLANEOUS

1. Agreement Binding. This Agreement shall inure to the benefit of and be binding upon the heirs, successors and assigns of the parties hereto, subject to any other conditions and covenants contained herein. However, this Agreement is only transferable or assignable as provided herein.

2. Applicable Law and Venue. The laws of the State of Colorado and applicable federal, state and local laws, rules, regulations and guidelines shall govern this Agreement. Any action arising out of this Agreement shall be brought in a court of competent jurisdiction in Chaffee County, Colorado.

3. Amendment. This Agreement may not be amended except in writing by mutual agreement of the parties, nor may rights be waived except by an instrument in writing signed by the party charged with such waiver.

4. Headings. The headings of the sections of this Agreement are inserted for reference purposes only and are not restrictive as to content.

5. Assignment. Licensees may not assign or transfer this Agreement, except upon the express written authorization of the Town.

IN WITNESS WHEREOF, the parties have duly executed this Agreement, effective the day and year first above written.

[Remainder of page intentionally blank – Signatures on following page]



Town of Buena Vista
P.O. Box 2002
Buena Vista CO 81211
Phone: (719)395-8643
Fax: (719)395-8644

DATE: April 8, 2016
TO: Mayor and Board of Trustees
FROM: Mark Doering, Principal Planner, Planning Department
AGENDA ITEM: Outdoor Dining on East Main Street Moratorium

Request:

At the March 22, 2016, the Board of Trustees raised concerns about outdoor dining operations needing an Encroachment Permit that are located within the street for East Main Street and directed staff to provide a moratorium for those operations for their review at the next meeting.

Overview:

The owners of the Lariat Bar and Grill have requested an encroachment for an outdoor dining patio in the parking spaces in front of the building at 206 E. Main Street. The Board raised concerns about allowing other businesses along East Main Street also pursuing outdoor dining located in the parking spaces along the street and their impact on parking in and near downtown. A temporary moratorium will allow staff to review other communities' policies and evaluate any impacts from the outdoor dining encroachment for the Lariat if approved. Once staff has developed a policy relating to outdoor patio encroachments into parking areas, staff will bring it before the Board for reconsideration.

Analysis:

The Lariat has applied for an encroachment permit for the outdoor dining area, which is located west of the railroad tracks. It impacts parking differently than those areas east of the railroad tracks on Main Street where the majority of businesses and downtown parking spaces are located. While the Lariat's outdoor patio may be less on the community, the Town wants to develop a policy for any future downtown businesses who may consider pursuing the same encroachment permit for their business. The temporary moratorium will allow staff to evaluate impacts and determine requirements for any future patios within the parking spaces for downtown, if allowed.

Policy Alignment:

The temporary moratorium for outdoor dining encroachments within the street parking spaces along East Main Street complies with the Town's Infrastructure and Economic Vitality policies. It allows staff to develop future guidance for additional encroachments, if allowed, that may increase prosperity for downtown and how the existing infrastructure for East Main Street is used and maintained.

BOT Action:

Staff recommends approval of the moratorium for outdoor dining areas within the parking spaces along East Main Street. Other encroachment permits (signs, awnings, etc.) not affecting parking spaces should not be affected by the moratorium.

Attachments:

Moratorium Resolution for outdoor dining in parking areas along East Main Street

TOWN OF BUENA VISTA

**RESOLUTION NO. 30
SERIES 2016**

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ENCROACHMENT PERMITS FOR THE PURPOSES OF OUTDOOR DINING AND RETAIL OPERATIONS ON EAST MAIN STREET

WHEREAS, the Town issues encroachment permits for outdoor dining and retail operations pursuant to Article VII, Chapter 16, of the Buena Vista Municipal Code;

WHEREAS, the Town desires to impose a temporary moratorium on the acceptance of applications for encroachment permits for the purposes of outdoor dining and retail operations to the extent such a permit would encompass public parking spaces on East Main Street;

WHEREAS, the purpose of this moratorium is to allow the Town to study the impacts of such permits on parking, traffic and the Town environment and to assess the costs associated with such permits; and

WHEREAS, the Board of Trustees finds that the imposition of a moratorium is in the best interests of the Town.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, as follows:

Section 1. The Board of Trustees hereby finds, determines and declares that it has the power to adopt this Resolution pursuant to: (i) C.R.S. § 31-15-401, C.R.S. (concerning municipal police powers); (ii) C.R.S. § 31-15-501 (concerning municipal power to regulate businesses); (iii) C.R.S. §§ 31-15-702(1)(a)(III) and (IV) (concerning municipal power to regulate use of sidewalks and streets).

Section 2. The Board of Trustees imposes a 90-day moratorium on the acceptance of the applications for encroachment permits for the purposes of outdoor dining and retail operations on East Main Street to the extent the dining or retail operation would be located on public parking spaces. The moratorium period shall begin to run from the date of adoption of this Resolution.

ADOPTED this 12th day of April, 2016.

Joel Benson, Mayor

ATTEST:

Janell Sciacca, Town Clerk



Town of Buena Vista
P.O. Box 2002
Buena Vista CO 81211
Phone: (719)395-8643

DATE: April 7, 2016
TO: Mayor and Board of Trustees
FROM: Mark Doering, Principal Planner, Planning Department
AGENDA ITEM: Special Use Permit for 102 Brookdale Avenue

Request:

Steve Wartman is requesting a Special Use Permit to allow a windshield and tire replacement facility in the existing building on the property located at 102 Brookdale Avenue. The property is zoned B-1 (General Business District). The applicant is seeking to have the windshield and tire replacement use in the eastern portion of the existing building. CrossFit will remain in the western portion of the building.

Overview:

The proposed use is defined in the Town of Buena Vista Zoning Ordinance as, "Tire or windshield repair or replacement operations, muffler and exhaust system repair and fabrication operations and oil or vehicular fluid change operations" but was called a "minor vehicle repair" use in the Planning and Zoning Commission Staff Report for simplicity. That use was created and determined to be allowed in the B-1 zone district with approval of a Special Use Permit by Ordinance 26, Series 2010. Motor vehicle repair uses other than those mentioned in that definition (such as engine repair or body work) are not allowed in the B-1 zone district. A Special Use Permit must be granted by the Board to be allowed on the property. The Planning and Zoning Commission heard the request on March 16, 2016 and voted to recommend to the Trustees approval of the application with six conditions by a vote of 5-0. Their staff report and the minutes from the meeting are attached for the Board's review. Since the commission's meeting staff received one letter in opposition, from Carle Linke, and have included it in the materials for the Board's review.

Analysis:

The application meets all of the criteria listed in Sections 16-61 of the Zoning Ordinance, with the six conditions listed in the approval resolution before the Board.

Policy Alignment:

The proposed use meets the Economic Vitality and Infrastructure policies. The proposed use will re-use an existing building. No new infrastructure is needed for the proposal.

BOT Action:

Staff and the Planning and Zoning Commission recommend approval of the encroachment permit for the outdoor dining area subject to the following conditions:

1. All necessary measures shall be taken to limit noise to the acceptable levels as provided for in Code Section 7-163, as may be amended;
2. Prior to use of the Property as provided for in this Resolution, a minor subdivision final plat must be approved by the Town and recorded in the records of the Chaffee County Clerk and Recorder within 120 days from the date of adoption of this Resolution in order to correct the illegal subdivision on the Property;

3. Any and all screened outdoor storage shall be stored or stacked in a manner not to exceed the height of the screening and unenclosed outdoor storage is prohibited;
4. Major automotive services shall not be permitted. Examples of major automotive services include but are not limited to, body work, engine repair, transmission work or where a vehicle is stored for multiple days due to extensive repairs;
5. If the current screening, consisting of a chain-link fence with slats, is damaged, a dumpster and storage screening that conforms with the Code must be installed. The fence shall be considered damaged if it is at least ten (10) degrees out of plumb or the opacity is reduced by five square feet or greater as a result of damage to slats; and
6. Any new exterior light fixtures shall be required to be down cast and fully shielded.

Attachments:

Planning and Zoning Commission Staff Report
Planning and Zoning Commission Minutes
Letter from Carle Linke



Town of Buena Vista

210 East Main St.
P.O. Box 2002
Buena Vista, CO 81211
719-395-8643

PLANNING AND ZONING COMMISSION STAFF REPORT

REPORT DATE: March 11, 2016

HEARING DATE: March 16, 2016

ADDRESS: 102 Brookdale Avenue

APPLICANT: Steve Wartman

REQUEST: The applicant is requesting a Special Use Permit to allow Vista Auto Parts (3D Auto) in the General Business (B-1) zone district. Minor automotive service is allowed with the approval of a Special Use Permit according to Section 16-155(16).

CITY STAFF: Mark Doering, Principal Planner
Scott Reynolds, Planner I

STAFF RECOMMENDATION:

That the Planning and Zoning Commission recommend that the Board of Trustees approve a Special Use Permit application to allow a minor automotive service use on the property located at 102 Brookdale Avenue.

ATTACHMENTS TO THE REPORT:

Attachment A – Aerial Map
Attachment B – Zoning Map
Attachment C – Site Photos
Attachment D – Site Photos
Attachment E – Site Plan/ILC

I. REQUEST

Steve Wartman has submitted an application for review by the Town. The application is seeking approval of a Special Use Permit (SUP) to allow a minor automotive service use in the Low General Business (B-1) zone district. The subject property is located at 102 Brookdale. If the SUP is approved, the property owner will be allowed to use a section of the building for minor automotive services, as shown in the attachment D.

II. PROCESS – REQUIRED APPROVALS

The applicant submitted a SUP application as specified in Section 16-61 of the Town of Buena Vista Municipal Code. The SUP is then sent to the Planning and Zoning Commission for review and a recommendation to the Board of Trustees for a final decision on the application.

If the SUP request for the property is approved, the applicant will need to submit a change of use review to ensure building occupant safety and a subdivision application to address land title issues.

Separate from the Special Use Permit, the existing property was created without approval from the Town for a Subdivision Plat. As a condition of approval for the SUP, staff will require the applicant to record a subdivision plat to correct the illegal split of the property within 120 days of the approval of the Special Use Permit, if approved.

III. ANALYSIS – ZONING AND LAND USE

	North	South	East	West
Adjacent Zoning Designation	Highway Business (B-2)	General Business Old Town & General Density Residential Old Town. (B-1 OT) & (R-2 OT)	Highway Business (B-2)	General Business (B-1)
Adjacent Land Use	Hotel	Medical Office and Single Family Residence(s)	Bank	Post Office

See Attachment A - Aerial Map and Attachment B - Zoning Map.

B-1 Zone District Dimensional Standards

	Requirement:	Applicant has proposed:
Minimum Lot Area	2,500 square feet	35,720 square feet
Minimum Lot Width	25 feet	188 feet
Minimum Front Yard Setback	None	40.8 feet
Minimum Side Yard Setback	0 feet	9.9 feet east side, 32.7 feet west side
Minimum Rear Yard Setback	0 feet	200+ feet
Maximum Building Coverage	100%	20.3% (1,994 square feet)
Maximum Building Height	35 feet	Not provided and not changing
Minimum Landscape Area	10% (2,452 square feet)	0% exempt by 16-255(c)(3)

IV. ANALYSIS – SPECIAL USE PERMIT CRITERIA

Section 16-61 of the Buena Vista Municipal Code provides specific review criteria for SUPs. Each review criteria is shown below in bold text followed by applicant's response and staff's analysis criterion in standard text.

1. Ingress and egress to the property and proposed structures, with particular reference to automotive and pedestrian safety, convenience, traffic flow and control and access in case of fire or catastrophe.

Applicant: Entrance and exit will be along Brookdale Avenue, which runs the full length of the south side of the property.

Staff: The existing building has pedestrian and vehicular access along the south facade of the building. The garage doors and front door provides direct access to Brookdale Avenue without curb, gutter or sidewalk. See Attachment D.

2. The need and/or adequacy of off-street parking and loading areas and the economic, noise, glare or odor effects of the special use on adjoining properties and the neighborhood generally.

Applicant: Parking is along south side of building.

Staff: The current building has unstriped parking in front of the garage bays that is shared with an indoor recreation facility, Buena Vista CrossFit. Loading and unloading will take place within or in front of the bays and also within the screened area behind the building. Noises and odor produced will be typical of a tire and glass replacement shop and will have to adhere to noise standards in Municipal Code Section 7-163. With residential to the south of Brookdale Avenue mitigation efforts are required to keep the noise and light effects meeting code requirements. The majority of work will be done in the garage and no new lighting is proposed. See Attachments C and D.

3. Refuse and service areas.

Applicant: Trash Dumpster will be located on north side of building

Staff: The dumpster is proposed to be located within the nonconforming screening area. Section 18-225(b)(2) requires the dumpster to be screened with a six-foot high solid wood or masonry screening wall, styled and colored to match the material and color of any adjacent primary building. If the current screening or fence is damaged, code compliant screening will be required pursuant to a fence permit unless the commission wants quicker compliance. See Attachment C.

4. Utilities, with reference to location, availability and compatibility.

Applicant: Natural Gas is on south side, water on south side, electric on north side.

Staff: The existing building currently serviced by sewer, water, electric and gas. Sangre De Cristo, Atmos, Buena Vista Sanitation and the Town Water department did not have any concerns with providing necessary utilities.

5. Screening and buffering, with reference to type, dimensions and character.

Applicant: Majority of work is performed indoors. Cars are not generally left outside overnight.

Staff: The existing building and rear nonconforming screening area will be utilized for business operations. Section 18-225(b)(4) does not permit chain-link fence with interwoven plastic, wood or metal slats to be used as screening therefore the fence is existing nonconforming. If the current screening or fence is damaged, code compliant screening will be required pursuant to a fence permit unless the commission wants quicker compliance. See attachment C.

6. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety and compatibility and harmony with properties in the neighborhood.

Applicant: We will be moving our current sign to the existing pole located at the NE corner of the building.

Staff: We are currently working with the applicant regarding the necessary sign permit application. No new exterior lights are proposed to be added or existing lighting to change. Any new exterior light fixtures will be required to be down cast and fully shielded

7. Required yards and other open spaces.

Applicant: Vacant property on the north side

Staff: The property currently has unimproved open space to the north of the building. Landscaping is not required to be installed since this will be a change of zoning use based of municipal code section 16-255(c)(3). If the foot print of the building is enlarged, code compliant landscaping will be required. Please see attachment C.

8. General compatibility with adjacent property and other property in the neighborhood.

Applicant: Property will be operated as an auto glass & tire replacement shop. The existing building was originally built as a tire shop and has operated as such in the past.

Staff: The current single story commercial building is compatible with the properties to the north, east and west. Historically there has been a compatibility issue with the southern property owner but minimum mitigation efforts can negate any negative concerns. The current building was built as a garage back in the late 1980's but the use moved in 2010 to 401 N. Highway 24 Unit B. The reintroduction of the use will slightly increase the intensity in the area during normal business hours.

V. POLICY ALIGNMENT

1. Economic Vitality – This project retains an already existing business in the Town of Buena Vista and reutilizes an existing building originally built for tire and windshield service.
2. Infrastructure – This business will not require any expansion/overreach of any utility system and will utilize already existing infrastructure.
3. Community – This use could cause disruptions to surrounding property owners but with necessary due diligence to potential sources of conflict, the overall community should benefit from the provided specialized services.

4. Environment – Retaining a business in an existing building will help preserve our surrounding natural environment and help bring economic vitality to not only the business owner but also the community as a whole. This SUP will also retain local jobs in the community to allow people to live and work close by.
5. Water – This project will only consume water and will not cause adverse impact to our water supply due to the presence of a backflow preventer.

VI. PLANNING AND ZONING COMMISSION ACTION

Based upon the information and materials provided by the applicant and in the staff report, staff supports the Special Use Permit request. Therefore, staff recommends that the Planning and Zoning Commission and Board of Trustees find that:

1. Steve Wartman is requesting approval of a Special Use Permit to allow Vista Auto Parts to have minor vehicle repair use for tire and windshield repair on the property located at 102 Brookdale Ave; and
2. Notice of the public hearing was posted as required by the Municipal Code; and
3. The request was reviewed by the appropriate referral agencies; and
4. The application is consistent with the applicable standards for Special Use Permits as set forth in Section 16-61 of the Buena Vista Municipal Code; and

THEREFORE

The Planning and Zoning Commission accepts the conclusion and recommendation as presented in the staff report and recommends **APPROVAL WITH CONDITIONS** for the Special Use Permit at 102 Brookdale Avenue to allow Vista Auto Parts to operate a minor automotive service.

- 1) All necessary measures shall be taken to limit noise levels to the acceptable levels as outlined in Municipal Code Section 7-163.
- 2) Approval shall be contingent upon recordation of a minor subdivision approval within 120 days to correct land title issues.
- 3) Any and all screened outdoor storage shall be stored or stacked to not exceed the height of the screening. Unenclosed storage shall be prohibited.
- 4) Major automotive service shall not be permitted. Examples include but not limited to, body work, engine repair, transmission work or where a vehicle is stored for multiple days due to extensive repairs.
- 5) If any damages to the nonconforming screening take place, code compliant dumpster and storage screening shall be installed pursuant to a fence permit.
- 6) Any new exterior light fixtures shall be required to be down cast and fully shielded.

Cc: Steven Wartman, applicant

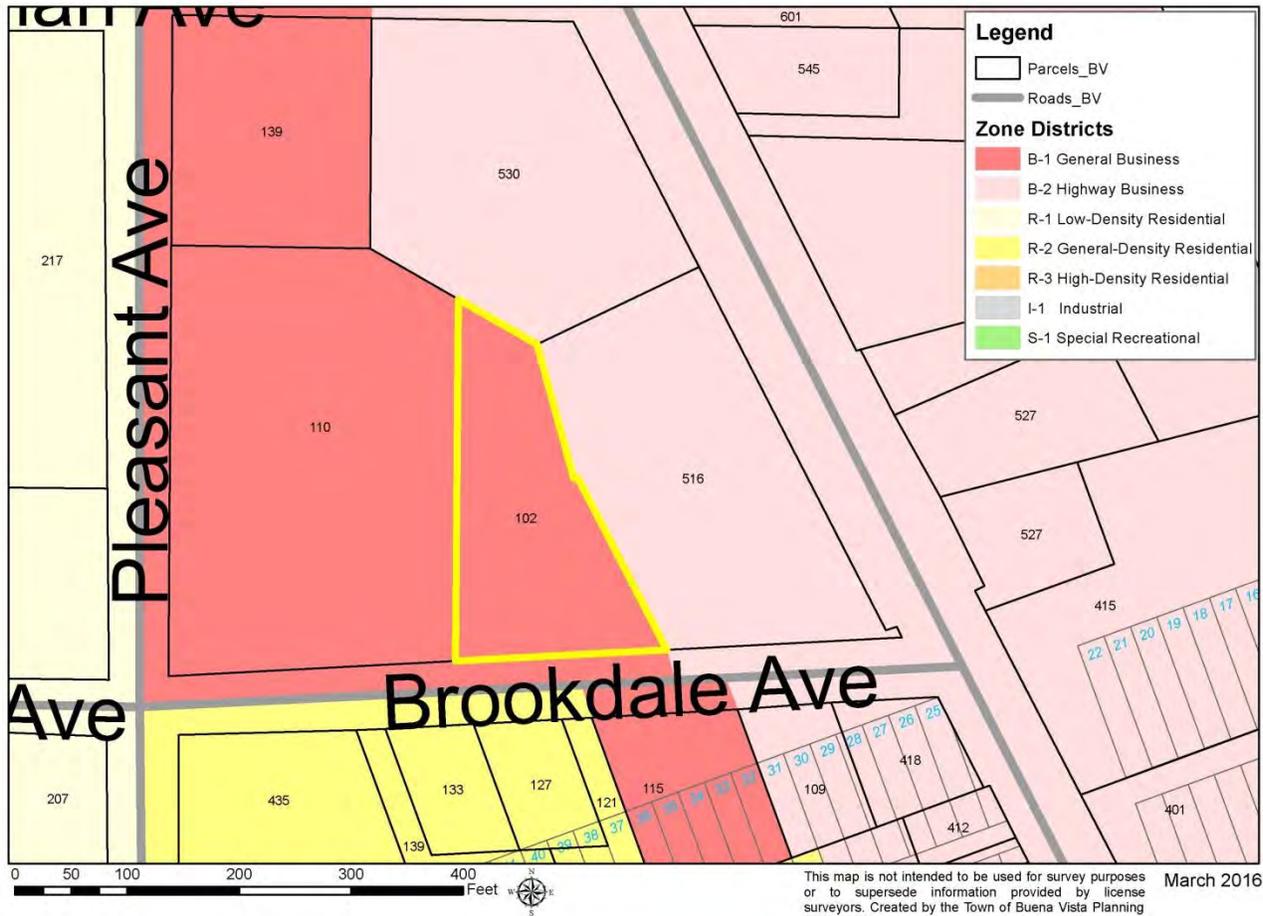
Attachment A – Vicinity Map

102 Brookdale



Attachment B – Zoning Map

102 Brookdale



Attachment C – Site Photos



Access from Brookdale Avenue to screen storage area



Screened storage area with open space

Attachment D – Site Photos



Current Condition



2008 Condition



Minutes of the Regular Meeting of the Buena Vista Planning and Zoning Commission

March 16, 2016

CALL TO ORDER

A Regular meeting of the Planning and Zoning Commission was called to order at 6:00pm, Wednesday, March 16, 2016 at the Buena Vista Community Center, Pinon Room, 715 E Main Street, Buena Vista, Colorado by Chair Trey Shelton. Also present were Commissioners Estes Banks, Annie Davis, Preston Larimer, Scott Johnson, and Tim Bliss. Staff Present: Principal Planner Mark Doering and Deputy Town Clerk Melanie Jacobs.

PLEDGE OF ALLEGIANCE

Chair Shelton led in the Pledge of Allegiance.

ROLL CALL

Jacobs proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

Shelton called for approval of the agenda. **Motion #1** by Davis seconded by Banks to adopt the agenda as presented. Motion carried.

APPROVAL OF MINUTES

Davis motioned for approval of the February 17, 2016 minutes. **Motion #2** was seconded by Larimer. Motion carried.

PUBLIC COMMENT

Shelton opened the public comment portion of the hearing at 6:02pm. With no comments received, the public comment portion of the hearing was closed at 6:02pm.

NEW BUSINESS

102 Brookdale Ave Special Use Permit

Doering explained that the applicant was requesting a Special Use Permit to allow 3D Auto Glass and Tire to carry out minor vehicle repairs (primarily the replacement of tires and windshields) at 102 Brookdale Ave in the B-1 zone. The building was previously used for this purpose, but as more than six months have elapsed since the business was located at this address, a Special Use Permit is necessary. 3D Auto will occupy the eastern portion of the building and CrossFit Buena Vista will remain in the western part. The applicant has no plans to modify the premises in any way except in regard to signage; this matter will come back before the Commission if a Comprehensive Sign Plan is required.

Doering went briefly through the criteria for approval, noting that staff anticipates no problems with ingress/egress, off-street parking, glare, or odor issues. There is some concern about the noise generated by air impact wrenches, as residential property lies immediately to the south of the location; this could be mitigated by keeping most such activity inside the building. Refuse and service areas are already screened by a chain-link fence with slats running through it. Though this type of screening is not allowed by the current code, it can remain as long as no alterations are made to it. Utilities are adequate

to serve the address and signage has not yet been addressed by the applicant. Open space requirements have been met, and the building is surrounded on all sides by commercial uses, with the exception of the residential area to the south.

Doering closed by stating that staff recommends approval of the application with the following conditions (as outlined in the staff report): 1) the applicant will need to ensure that all necessary measures are taken to limit noise levels to fewer than 60 decibels; 2) approval shall be contingent upon recordation of a minor subdivision approval within 120 days to correct land title issues; 3) stored items must not exceed the height of the fence (which is six feet tall), and nothing may be stored outside the fence; 4) major automotive service (such as engine removal or extensive body work) and multiple days' storage of vehicles are not permitted; 5) if the existing nonconforming screening is damaged, code-compliant dumpster and storage screening must be installed; and 6) any exterior lighting must be downcast and shielded.

Larimer asked how noise complaints would be handled. Doering replied that both the Police Department and the Planning Department would be involved, and noise levels would be measured at the property line of the business.

Steve Wartman, applicant and Buena Vista resident, was present in the audience and stepped to the podium to speak. He informed the Commission that he had used a decibel meter to measure air impact wrench noise levels, and he obtained the following results with both garage doors open and the wrench being utilized inside the building: a noise level of 47 decibels at the garage door, 43 decibels at the southern property line of 102 Brookdale, and 39 decibels at the nearest residential property line. He stated that he intended to be a good neighbor, keeping the garage doors closed during the cold months and limiting activity to regular business hours. Cars brought in for repair will generally be removed the same day.

Samuel Mick of 501 S Railroad St also rose to address the Commission. He said that he had sold the property at 102 Brookdale Ave to Mr. Wartman, and that Little Daisy Liquor Store was planning to move to the location being vacated by 3D Auto (401 N Hwy 24). He remarked that no one involved in these transactions had thought that there would be any difficulty in obtaining this Special Use Permit, and that both businesses are waiting on permit approval to move forward.

Shelton determined that no one else present in the audience had any additional remarks and closed the public hearing.

Commissioners asked if anyone had come forward to complain about potential noise, and Doering replied that no one had. In response to a question from Larimer, Doering noted that the noncompliant fencing was in good condition, and can remain as-is unless and until changes are made to it. Banks expressed concern about lighting, and Doering responded by stating that brightness could be regulated if necessary.

Larimer motioned to recommend that the Board of Trustees approve the Special Use Permit at 102 Brookdale Ave allowing for minor automotive service to take place at the location, with the conditions listed in the staff report [outlined above]. Davis seconded **Motion #3** and it passed unanimously.

206 E Main Encroachment Application

Doering introduced the project by stating that the applicants had requested an Encroachment Permit to allow outdoor dining within the East Main St right-of-way in front of the Lariat Bar and Grill. A 13' x 23' dining patio would be placed on the street at 206 E Main St (B-1 zone), taking up three parking spaces.

One parking space would remain on the east side of the dining area to accommodate Town Hall traffic, and the applicants may place bike racks immediately to the east of the patio. Once in position, the patio would be level with the sidewalk. Doering noted that the applicants had met all requirements for an encroachment permit, and that the application would normally have been handled administratively. Because this is the first request of its type, however, Town Administrator Reitter wanted the issue to go to the Planning Commission and the Board of Trustees for input. If this permit is granted, staff anticipates receiving more such applications from businesses in the downtown area.

Doering informed Commissioners that the applicants would have to obtain insurance for the encroachment before the patio would be allowed to operate. The application is already compliant with outdoor dining requirements. In order for alcohol to be served on the patio, the town would potentially have to create an entertainment district (probably encompassing East Main St and South Main), inside the borders of which state liquor laws would be relaxed to allow alcohol to be served and consumed in non-gated areas.

Doering stated that the staff recommendation was for approval with the following conditions: 1) the applicants must enter into a Revocable Encroachment License Agreement with the town, which would include these additional conditions: 2) the applicants must obtain the minimum insurance for the encroachment required by the town; 3) the dining patio must be installed on top of the existing street and any damage to the street must be repaired to the Public Works Director's satisfaction; and 4) the patio and surrounding area must be maintained in a neat, clean, and hazard-free condition, including off-site disposal of trash and removal of snow. In response to a question about snow removal from Larimer, Doering noted that a channel would be left clear next to the curb and Public Works Director Maggard did not believe installation of the patio would cause snow/drainage problems.

Applicants Robbie and Court Johnson of 109 E Main St rose to speak. They stated that they had modeled their project on the outdoor patio used by Currents Restaurant in Salida, and that the proposed location of the patio was meant to preserve on-street parking spaces for both of their neighbors (Town Hall and Natural Mystic Wellness Center). As the new front door of the Lariat will be located in the middle of the building, the patio's location will also allow the bartender to keep an eye on patrons seated there. They went on to explain that they intended for the patio to draw highway traffic onto East Main St, as it will be easily visible from the traffic light.

Davis asked where the Lariat's customers would park, and the Johnsons replied that there were several areas available: the railroad ROW, along the east side of Town Hall, across East Main St, or on Tabor St. Davis followed up by noting that parking in the downtown area is already a problem, and that this sort of activity would further reduce the number of available parking spaces. Larimer and Shelton opined that even with more patios in the ROW, parking needs in the downtown area could be accommodated. Scott Johnson remarked that the Lariat already has an outdoor dining area at the back of the building, to which the applicants responded by stating that this dining area is more theoretical than useful and would in any case not draw in traffic from the highway, which is one of their primary goals. Scott Johnson then asked what the patio would be made of, and the Johnsons replied that it would be a composite wood floor over a metal support platform, with a metal railing around the outside.

Doering let the Commission know that with regard to code requirements, parking is not a concern. Scott Johnson suggested that a fee-in-lieu of parking should be considered when an applicant seeks to convert public parking to private use. Doering indicated that this kind of issue was exactly why the application had been forwarded to the Planning Commission: suggestions such as this one should, at the end of the discussion, be included in a motion to be forwarded to the Board of Trustees for their consideration.

Larimer motioned to recommend that the Board of Trustees approve the encroachment permit for an outdoor dining patio to be erected on top of the pavement on East Main St, in front of 206 East Main, with the conditions outlined in the staff report [conditions 2 – 4 on page 3 of these minutes], as well as the condition added by the Town Attorney [condition 1 on page 3 of these minutes]. Banks seconded and **Motion #4** passed without dissent.

Shelton asked for additional recommendations to send to the Board of Trustees. Banks suggested that the town move forward with applications like this one, and evaluate the outcomes after a season to identify problems. Larimer expressed a desire to attend a joint work session with the Trustees to talk about parking.

Larimer then motioned to recommend to the Trustees that a joint work session be held prior to the finalization of the new Unified Development Code to discuss parking downtown and in South Main, at which the following specific topics would be addressed: fees-in-lieu, short-term parking, shuttles, better signage, and whether or not applications such as this one should be handled administratively. Davis seconded **Motion #5**.

After a bit of discussion, Larimer and Davis agreed to amend **Motion #5** to omit the issue of administrative handling of encroachment permits, and to add the recommendation that the Public Works Department be asked to create adequate handicapped parking spaces downtown and in South Main. **Motion #5** then passed unanimously.

STAFF / COMMISSION INTERACTION

Shelton asked the Commission to think about who would like to step into the role of Vice-Chair, given that Jenkins will be moving to the Board of Trustees in April.

Doering invited Commissioners to attend the Trustees' walking tour of the downtown area that will take place March 22 at 6:00pm. Trustees will discuss design requirements and development standards. The intent of the tour is to facilitate the formulation of policies related to commercial and residential development throughout the town, which will help staff draft regulations for the new UDC.

In response to a question from the Commission, Doering stated that the new UDC was on track for approval in July. The date of the next Steering Committee meeting, which will be convened for the purpose of discussing Module 2, is still TBD.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Davis motioned to adjourn the meeting at 7:58pm. Commissioner Larimer seconded. **Motion #6** was unanimously approved.

Respectfully submitted:

Trey Shelton, Chair

Melanie Jacobs, Deputy Town Clerk

Special Use at 102 Brookdale Ave.

Carle Linke <carlelinke@gmail.com>
Mar 25 (13 days ago)

Dear Mr. Doering;

RE: Special Use permit at 102 Brookdale Ave. Buena Vista

Please confirm receipt of this email and please make sure that it is read at the Public Hearing to the audience and board of Trustees Tuesday April 12th 2016. And that the Trustees have this letter in their file. I cannot attend this hearing in person. But will have legal representation available if needed.

Statement for the Record as follows:

I Carle A. Linke, 32709 Columbia Ranch Road, Buena Vista, Colorado do hereby OBJECT to any type of special use permit - with or without designed back door - made up- restrictions or promises to be issued to the Wartman's or any future owners of 102 Brookdale Ave. that violates the present zoning regulations, and accepted uses of the property. Or any back door changes to the Zoning codes concerning the property located at 102 Brookdale Ave.

I am Objecting to this special use permit as the Managing Partner of the LLP that owns and operates the residential leased properties at 121, 127, 133, and 139 Brookdale Ave. across the street from 102 Brookdale Ave.

After referencing the Chaffee County Assessor Data Base. I can see that the Wartman's purchased 102 Brookdale Ave. in December of 2015. The Wartman's purchased this property with full knowledge by a prior lease of the property - that the property was not zoned for and Tire /Glass / and auto repair **garage**. Maybe that is why the business moved to the Hwy 24 location. So here we go again - they had full premeditated intentions of breaking the zoning regulations and manipulating the powers that be into given them a special use permit without regards to complaints the Wartman's are very familiar with, and the illegal use of this property accepted zoning uses.

My family has owned property in Buena Vista for over 60 years, and we have seen many changes, and had changes made to our property without our approval, and at a cost to our family's income potential. How could this happen to a law abiding, tax paying community resident? Please stop and think how your powerful decisions may harm someone else.

So about 102 Brookdale Ave. and past problems with Tire / Glass /Auto repair **garage**. And the monetary damage and damage to our "Right to quiet use and enjoyment of our property" by the illegal use of 102 Brookdale Ave.

1. One tenant actually moved due to excessive noise.
2. More than a dozen more noise complaints by tenants.
3. Three different qualified prospective tenants saw the illegally zoned Auto garage - and didn't want to live in our rental homes.
4. The Garage had a very loud door ringer, and phone ringer amplifier, and even after asking them to turn it down, and being called names for asking. The garage continued, think they even turn the volume up. So we proceeded to complain to code enforcement and police. The garage was finally forced to turn down the volume 6 weeks later.
5. Auto body repair work inside & outside of building in late hours, sanding and painting. Hazardous Industrial chemicals being used on property for auto body work.

6. Impact Wrenches zinging all day long, and sometimes into evening.
7. Revving of engines, backfires, sometimes late into evening, and very early in morning.
8. Employees working on personal vehicles after hours and having a good time parting at same time, again revving of engines.
9. Working on a personal race car after hours, more revving engines. (Didn't they know that revving is not good for a vehicle?) Almost like it was on purpose!
10. Heavy trucks and trailers using our driveway so they can back into 102 Brookdale Ave. also blocking the traffic to the Post Office.
11. Parking on our property in spite of the "Private Drive" signs posted,
12. Driving over personally property sewer and water lines.
13. Unsightly new and used tires stacked outside front of garage but mostly in back behind ugly broken down fence. Which is a huge fire hazard, especially with used oil filled drums, used filters, used auto parts, other auto repair garage refuse, and hazardous chemicals used in the trade that are disposed as trash and not hazardous waste in the back of garage.

I cannot speak to the full history of this building, but do know that it was never zoned for a tire or auto repair garage, and when Mr. Haug bought the property back in 1993 from Mr. Korber he had full knowledge what the property was and was not zoned for, so the deception goes a long way back. At the cost of our family's business. Illegal use is illegal use, and should not be viewed as a precedence for more illegal behavior.

Two different legitimate Business people respectfully moved their Auto businesses to a location that was properly zoned for their Auto related business when they found out that they were in violation of the Buena Vista Zoning Regulation and that they were deceived by the owner of the property at 102 Brookdale Ave. One of these legitimate business men is on your Board of Trustees.

It is great that the Wartman's are successful business people in our community, and can see that they respect the property they presently have their tire / Glass / auto repair garage in. So why would they move to a place that is not zoned for their business? Especially if by moving to 102 Brookdale Ave they would knowingly cause harm to another business owner? Are they being evicted?

So what say you, are the Wartman's so much more special then another resident that they can manipulate you into giving them a Special Use Permit that will intentionally harm another? Or as I wish to believe, you are honest caring people that have the power to be fair to all the people you serve. I look forward to your respectful decision, and Hope the best for the Wartman's in whatever legally zoned, legally appreciated business opportunity they choose.

Respectfully,

Carle A. Linke

TOWN OF BUENA VISTA

**RESOLUTION NO. 31
SERIES 2016**

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING A SPECIAL USE PERMIT FOR 102 BROOKDALE AVENUE, BUENA VISTA, COLORADO.

WHEREAS, Steve Wartman (the “Applicant”) owns 102 Brookdale Avenue, Buena Vista, Colorado (“Property”) in the B1 Zone District;

WHEREAS, pursuant to Section 16-155(16) of the Buena Vista Municipal Code (“Code”), tire or windshield repair or replacement operations, muffler and exhaust system repair and fabrication operations and oil or vehicular fluid change operations require special use approval;

WHEREAS, the Applicant submitted an application for a Special Use Permit to use a section of the building located on the Property as an auto glass and tire replacement shop pursuant to Section 16-155(16);

WHEREAS, on March 16, 2016, the Planning and Zoning Commission recommended approval with conditions of the special use requested by the Applicant;

WHEREAS, notice of the public hearing before the Board of Trustees was properly posted and published pursuant to Section 16-61 of the Code;

WHEREAS, the Board of Trustees opened the public hearing on April 12, 2016, and took public comment; and

WHEREAS, after reviewing all material provided to it and hearing staff and public testimony, the Board of Trustees desires to approve the special use permit, subject to the conditions set forth herein.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, as follows:

Section 1. The Board of Trustees, having reviewed the application, all information provided, testimony heard, and the criteria for approval of a Special Use Permit as set forth in Section 16-61 of the Code, finds that:

1. The proposed special use will not adversely impact the neighborhood or the public safety and welfare, and is consistent with the Town's Comprehensive Plan; and
2. The proposed auto glass and tire replacement shop is a use requiring special use permit in the B-1 Zone District.

Section 2. The Board of Trustees hereby approves the Special Use Permit; subject to the following conditions:

1. All necessary measures shall be taken to limit noise to the acceptable levels as provided for in Code Section 7-163, as may be amended;
2. Prior to use of the Property as provided for in this Resolution, a minor subdivision final plat must be approved by the Town and recorded in the records of the Chaffee County Clerk and Recorder within 120 days from the date of adoption of this Resolution in order to correct the illegal subdivision on the Property;
3. Any and all screened outdoor storage shall be stored or stacked in a manner not to exceed the height of the screening and unenclosed outdoor storage is prohibited;
4. Major automotive services shall not be permitted. Examples of major automotive services include but are not limited to, body work, engine repair, transmission work or where a vehicle is stored for multiple days due to extensive repairs;
5. If the current screening, consisting of a chain-link fence with slats, is damaged, a dumpster and storage screening that conforms with the Code must be installed. The fence shall be considered damaged if it is at least ten (10) degrees out of plumb or the opacity is reduced by five square feet or greater as a result of damage to slats; and
6. Any new exterior light fixtures shall be required to be down cast and fully shielded.

Section 3. The Special Use Permit shall be a covenant that runs with the land, provided that pursuant to Section 16-61(g), the special use permit shall expire and be deemed void if the permit has not been substantially acted on or there is no objectively measurable development activity within one (1) year from the date set forth below.

ADOPTED this 12th day of April, 2016.

Joel Benson, Mayor

ATTEST:

Janell Sciacca, Town Clerk



Town of Buena Vista
P.O. Box 2002
Buena Vista CO 81211
Phone: (719)395-8643
Fax: (719)395-8644

DATE: April 8, 2016
TO: Mayor and Board of Trustees
FROM: Mark Doering, Principal Planner, Planning Department
AGENDA ITEM: Gunnison Street Vacation of Right-of-Way

Request:

Valley Fellowship Church is requesting a vacation of a portion of Gunnison Street located between Oak Street and the vacated portion of Kent Avenue. With the request for the vacation of the right-of-way is a request for a waiver of the \$2,000.00 application fee.

Overview:

The right-of-way for Gunnison Street was realigned with the development of the subdivisions in the area, but was never formally vacated by the Board of Trustees, as required by state statutes. The County Assessor records have shown the land as being owned by the church for some time. A portion of the vacation was previously conveyed to the existing property owner at the southwest corner of Oak Street and Gunnison Street. The Town obtained a 20' wide portion of the original right-of-way to build Gunnison Street in its current configuration. Once the vacation is complete, the adjoining property owner, Valley Fellowship Church will obtain that land free and clear of the Town's interest and they can add that land to the existing lots that were created with the Loan's Addition to Buena Vista Subdivision. The waiver of the fees is being requested because the vacation should have been done at the time of the purchase of the 20'-wide portion and development of Gunnison Street.

Analysis:

Gunnison Street as it currently exists has adequate right-of-way for the Town. The additional right-of-way is not needed by the Town. The vacation of the Town's land for that portion of Gunnison Street will allow the existing lots on the west side of the street to become larger. The Town is reserving a utility easement along the first ten feet of the area abutting the existing street to allow utilities to serve those properties. In addition, the existing alley west of Gunnison will remain Town property and allow for access to all of the future properties when they are developed.

Policy Alignment:

The vacation of the right-of-way aligns with the Town's infrastructure policy. It allows land that the Town does not need to be used for private development. The Town will not maintain that area that is not needed for the Gunnison street and sidewalks.

BOT Action:

Staff recommends approval of the vacation of the unneeded portion of Gunnison Street south of Oak Street and recommends approval of the fee waiver.

Attachments:

Vacation of Right-of-Way Ordinance
Exhibit showing the vacation of right-of-way and reserving a 10'-wide utility easement

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 5
(SERIES OF 2016)**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO VACATING A PORTION OF THE GUNNISON AVENUE RIGHT-OF-WAY BETWEEN PREVIOUSLY VACATED KENT AVENUE AND OAK STREET.

WHEREAS, the owner of property described as Lots 5 through 16 of Block 4 in the Town of Buena Vista has requested that the Town vacate a portion of Gunnison Avenue located in the vicinity of their property, as more specifically described in the attached **Exhibit A** (the "Vacated Parcel");

WHEREAS, the Town has determined that the Vacated Parcel should include the portion of the Gunnison Avenue right-of-way adjacent to Lots 1 through 4, Block 4 in the Town of Buena Vista as shown on Exhibit A;

WHEREAS, the Vacated Parcel may have vacated previously but no records of the vacation have been located;

WHEREAS, Article IV of Chapter 11 of the Buena Vista Municipal Code ("Code") in conjunction with Part 3 of Title 43, Article 2 of the Colorado Revised Statutes set forth the procedures for vacating rights-of-way;

WHEREAS, pursuant to Code Section 11-62, public notice of the request for the vacation was published twice in a newspaper of general circulation in the Town, the first publication being at least fifteen (15) days prior to such hearing and the second publication being at least eight (8) days prior to such hearing. In addition, the Town Clerk mailed notice of such hearing to all owners of property adjacent to the public way sought to be vacated as shown in the request for vacation, and to all public utility companies providing service within the Town;

WHEREAS, pursuant to Code Section 11-63, a vacation shall only be granted if the Board of Trustees finds that the vacation is in the public interest; and

WHEREAS, the Board of Trustees finds that (1) granting the vacation will not deny any owner access to their property and (2) the Vacated Parcel is not needed, nor will it be needed in the foreseeable future for any Town purposes; and therefore, the Board of Trustees finds that the requested vacation is in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO:

Section 1. Vacation Granted. The Vacated Parcel as described in **Exhibit A** is hereby vacated.

Section 2. Easements Reserved. All rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 12th day of April, 2016.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____
Joel Benson, Mayor

ATTEST:

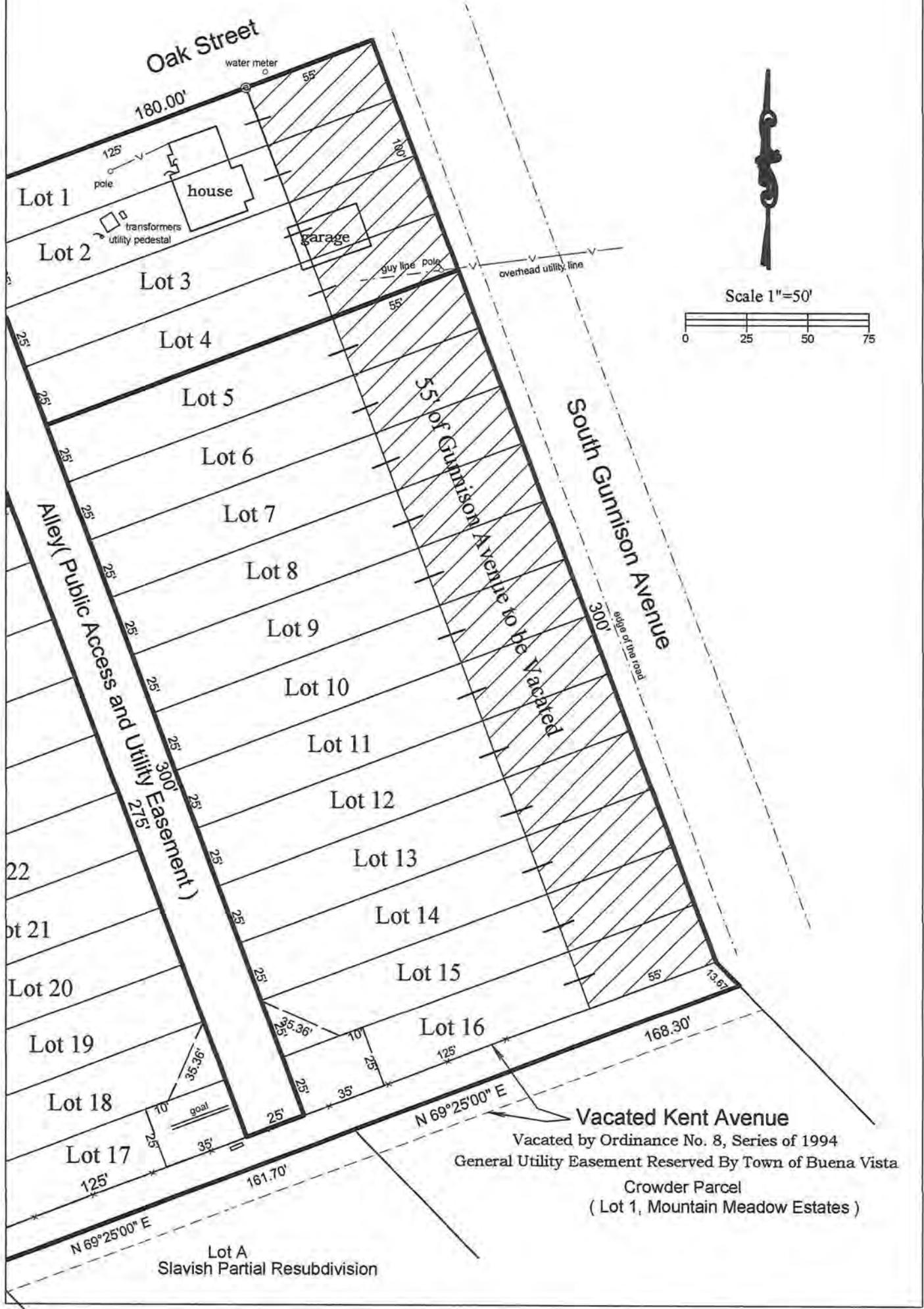
Janell Sciacca, Town Clerk

(SEAL)

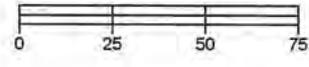
Exhibit to Vacate 55 feet of Gunnison Avenue

Legal description:

55 feet of Gunnison Avenue adjoining Lot Nos. 1 thru 16, Block 4, Loan's Addition to the Town of Buena Vista, Chaffee County, Colorado.



Scale 1"=50'





Town of Buena Vista
P.O. Box 2002
Buena Vista CO 81211
Phone: (719)395-8643
Fax: (719)395-8644

DATE: April 8, 2016
TO: Mayor and Board of Trustees
FROM: Janell Sciacca, Town Clerk – Clerk's Office

AGENDA ITEM: The Little Daisy Company dba Little Daisy Company Retail Liquor Store,
Change of Location Application

Request

To change the location of The Little Daisy Company Retail Liquor Store from 302 US Highway 24 North to 401 US Hwy 24 N, Unit B.

Overview

Seldon Turnbull, President of Little Daisy Company dba The Little Daisy Company, submitted an application to the Town Clerk's Office on March 1, 2016 for a Change of Location for his Retail Liquor Store currently located 302 US Hwy 24. The applicant is seeking to move from the current location to 401 US Highway 24 N, Unit B which currently houses 3D Autoglass and Tire.

Analysis

The applicant submitted the required application in a timely fashion. The application is complete with a copy of a Commercial Lease establishing possession of the proposed location, a detailed diagram of the premises and fees for the State of Colorado and the Town of Buena Vista. The applicant applied for a Sign Permit and was granted approval by the Planning & Zoning Commission on April 6, 2016. The applicant also applied for and was granted a Change of Use by the Town Planning Department and he has sought a building permit with Chaffee County for an interior remodel.

Per the Liquor Enforcement Division, a new petition proving the needs and desires of the neighborhood is not required when the area where the original petitioning granting the license took place would not change for the proposed new location. Therefore, no petition was required for this particular application.

As required by law, the proposed new location was posted with a Public Notice on March 2, 2016 and a Notice of Public Hearing on the application appeared in the March 31, 2016 edition of the Chaffee County Times.

Finally, if the application is approved by the Board of Trustees, the license for the new location would be held by the Town Clerk's Office pending final filing of the Building Permit and the applicant will have sixty (60) days from approval to change the location and cease sale of alcoholic beverages at the old location.

Policy Alignment

Administration Policy – A change of location is permitted under the Colorado Liquor Code Section 12-47-303(9)(a) and Chapter 6, Article I of the Buena Vista Town Code.

BOT Action

To approve the application from The Little Daisy Company to Change Location of The Little Daisy Company Retail Liquor Store to 401 US Highway 24 N, Unit B, Buena Vista, CO.

Attachments

Permit Application and Report of Changes
Diagram of Premises
Public Hearing Notice

PERMIT APPLICATION AND REPORT OF CHANGES

CURRENT LICENSE NUMBER 05212470000
 ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN
 LOCAL LICENSE FEE \$ 500-
 APPLICANT SHOULD OBTAIN A COLORADO LIQUOR & BEER CODE BOOK TO ORDER CALL (303) 370-2165

1. Applicant is a	PRESENT LICENSE NUMBER
<input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership..... <input type="checkbox"/> Limited Liability Company	05212470000

2. Name of Licensee <u>Little Daisy Company</u>	3. Trade Name <u>The Little Daisy Company</u>
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4. Location Address
302 US HWY 24 N

City <u>Buena Vista CO</u>	County <u>Chaffee</u>	ZIP <u>81211</u>
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SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

Section A – Manager reg/change	Section C
• License Account No. <u>05212470000</u> 1983-750 (999) <input type="checkbox"/> Manager's Registration (Hotel & Restr)..\$75.00 2012-750 (999) <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00 <input type="checkbox"/> Change of Manager (Other Licenses) NO FEE	2210-100 (999) <input type="checkbox"/> Retail Warehouse Storage Permit (ea) \$100.00 2200-100 (999) <input type="checkbox"/> Wholesale Branch House Permit (ea).... 100.00 2260-100 (999) <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) .50.00 2230-100 (999) <input type="checkbox"/> Change Location Permit (ea)..... 150.00 2280-100 (999) <input checked="" type="checkbox"/> Change, Alter or Modify Premises \$150.00 x <u>1</u> Total Fee <u>\$150-</u>
Section B – Duplicate License	
• Liquor License No. _____ 2270-100 (999) <input type="checkbox"/> Duplicate License\$50.00	2220-100 (999) <input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____ 1988-100 (999) <input type="checkbox"/> Addition of Related Facility to Resort Complex \$75.00 x _____ Total Fee _____

DO NOT WRITE IN THIS SPACE – FOR DEPARTMENT OF REVENUE USE ONLY

DATE LICENSE ISSUED	LICENSE ACCOUNT NUMBER	PERIOD
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-750 (999)	-100 (999)	The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.	TOTAL AMOUNT DUE \$ _____ .00
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INSTRUCTION SHEET

FOR ALL SECTIONS, COMPLETE QUESTIONS 1-4 LOCATED ON PAGE 1

Section A

To Register or Change Managers, check the appropriate box in section A and complete question 8 on page 4. Proceed to the Oath of Applicant for signature (Please note: Hotel, Restaurant, and Tavern licensees are required to register their managers).

Section B

For a Duplicate license, be sure to include the liquor license number in section B on page 1 and proceed to page 4 for Oath of Applicant signature.

Section C

Check the appropriate box in section C and proceed below.

- 1) *For a Retail Warehouse Storage Permit*, go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 2) *For a Wholesale Branch House Permit*, go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 3) *To Change Trade Name or Corporation Name*, go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 4) *To modify Premise*, go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 5) *For Optional Premises or Related Facilities* go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 6) *To Change Location*, go to page 3 and complete question 7. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

STORAGE PERMIT	<p>5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit</p> <p><input type="checkbox"/> Retail Warehouse Permit for:</p> <p style="margin-left: 20px;"><input type="checkbox"/> On-Premises Licensee (Taverns, Restaurants etc.)</p> <p style="margin-left: 20px;"><input type="checkbox"/> Off-Premises Licensee (Liquor stores)</p> <p><input type="checkbox"/> Wholesalers Branch House Permit</p> <p>Address of storage premise: _____</p> <p>City _____, County _____, Zip _____</p> <p>Attach a deed/ lease or rental agreement for the storage premises. Attach a detailed diagram of the storage premises.</p>	
	<p>6. Change of Trade Name or Corporation Name</p> <p><input type="checkbox"/> Change of Trade name / DBA only</p> <p><input type="checkbox"/> Corporate Name Change (Attach the following supporting documents)</p> <ol style="list-style-type: none"> Certificate of Amendment filed with the Secretary of State, or Statement of Change filed with the Secretary of State, <u>and</u> Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement. 	
	<p>Old Trade Name</p>	<p>New Trade Name</p>
<p>Old Corporate Name</p>	<p>New Corporate Name</p>	
CHANGE TRADE NAME OR CORPORATE NAME	<p>7. Change of Location</p> <p><small>NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 12-47-311 (1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.</small></p> <p>Date filed with Local Authority <u>3-1-16</u> ✓ Date of Hearing <u>04-12-2016</u></p> <p>(a) Address of current premises <u>302 US HWY 24 N</u></p> <p style="margin-left: 20px;">City <u>Buena Vista</u> County <u>Chaffee</u> Zip <u>81211</u></p> <p>(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)</p> <p style="margin-left: 20px;">Address <u>401 US HWY 24 N Unit B</u></p> <p style="margin-left: 20px;">City <u>Buena Vista</u> County <u>Chaffee</u> Zip <u>81211</u></p> <p>(c) New mailing address if applicable.</p> <p style="margin-left: 20px;">Address <u>PO BOX 5</u></p> <p style="margin-left: 20px;">City <u>Buena Vista</u> County <u>Chaffee</u> State <u>CO</u> Zip <u>81211</u></p> <p>(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.</p>	
	CHANGE OF LOCATION	

CHANGE OF MANAGER

8. Change of Manager or to Register the Manager of a Tavern or a Hotel and Restaurant liquor license.

(a) Change of Manager (attach Individual History DR 8404-I H/R and Tavern only)

Former manager's name _____

New manager's name _____

(b) Date of Employment _____

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

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

If yes, give name and location of establishment _____

9. Modification of Premises, Addition of an Optional Premises, or Addition of Related Facility

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

(a) Describe change proposed _____

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

Start _____ (mo/day/year) End _____ (mo/day/year)

NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00

(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

(If yes, explain in detail and describe any exemptions that apply) Yes No

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

(e) If this modification is for an additional Hotel and Restaurant Optional Premises or Resort Complex Related Facility, has the local authority authorized by resolution or ordinance the issuance of optional premises?

..... Yes No

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

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

MODIFY PREMISES OR ADDITION OF OPTIONAL PREMISES OR RELATED FACILITY

OATH OF APPLICANT

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

Signature <i>Seldon E. Lambert</i>	Title <i>President</i>	Date <i>3-1-16</i>
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY / COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 12, Articles 46 and 47, C.R.S., as amended. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority (City or County)	Date filed with Local Authority <i>03-01-2016</i>
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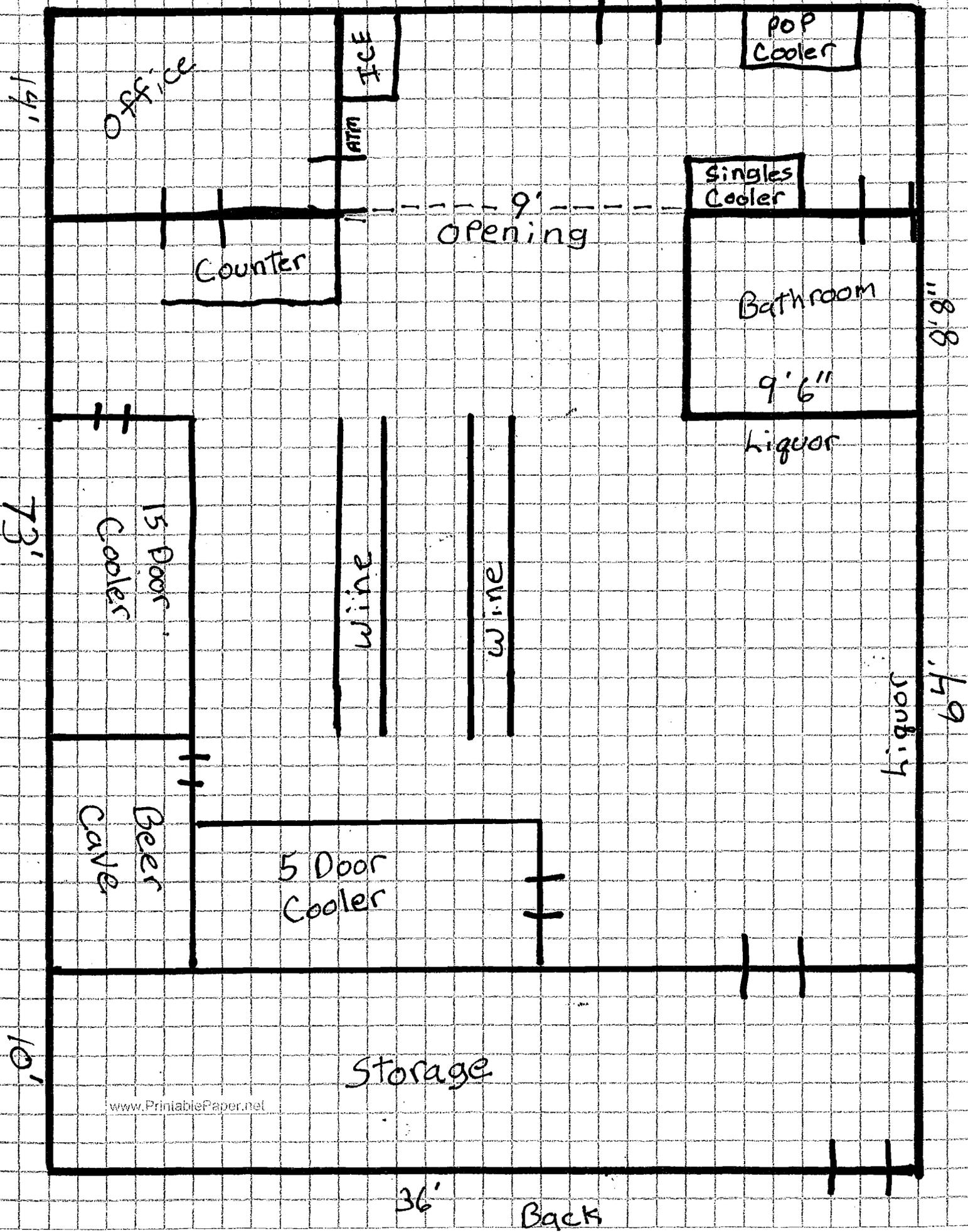
Signature	Title	Date
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REPORT OF STATE LICENSING AUTHORITY

The foregoing has been examined and complies with the filing requirements of Title 12, Article 47, C.R.S., as amended.

Signature	Title	Date
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West Front



36' Back

NOTICE OF PUBLIC HEARING ON LIQUOR LICENSE APPLICATION

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Board of Trustees of the Town of Buena Vista, Colorado, in the Piñon Room of the Buena Vista Community Center, 715 East Main Street, Buena Vista, Colorado, on Tuesday, April 12, 2016, beginning at 7:30 PM or approximately thereafter. This hearing is on an application to Change Location of the Little Daisy Company Liquor Store currently located at 302 N. Highway 24, Buena Vista, Colorado as submitted by Little Daisy Company.

The following information is provided:

APPLICATION REQUEST:	Change of Location for Retail Liquor Store
CURRENT LOCATION:	302 US Highway 24 North, Buena Vista, CO
PROPOSED NEW LOCATION:	401 US Highway 24 North – Unit B, Buena Vista, CO
DATE OF APPLICATION:	March 1, 2016
DATE & TIME OF HEARING:	April 12, 2016 – 7:30 PM
APPLICANT:	The Little Daisy Company
Owner/Manager:	Seldon Turnbull, President 227 US Highway 24 N Buena Vista, CO 81211

All interested parties are encouraged to attend. Further information can be obtained at the Clerk’s Office, 210 East Main Street in Buena Vista, or by calling (719) 395-8643 ext. 10.

For the Board of Trustees
Town of Buena Vista, Colorado
Janell Sciacca, CMC
Town Clerk

As per Section 12-47-311C.R.S., Public notice - posting and publication - Notice was posted by sign in a conspicuous place on the premises for which this application has been made on or before Thursday, March 31, 2016, and published in *The Chaffee County Times* on Thursday, March 31, 2016.



*Town of Buena Vista
P.O. Box 2002
Buena Vista CO 81211
Phone: (719)395-8643
Fax: (719)395-8644*

DATE: April 8, 2016
TO: Mayor and Board of Trustees
FROM: Janell Sciacca, Town Clerk – Clerk's Office

AGENDA ITEM: Buena Vista Adventure Center, LLC dba Adventure Hub, Application for New Tavern Liquor License

Request

To grant a Tavern Liquor License for Buena Vista Adventure Center, LLC dba Adventure Hub at 801 Front Loop, Unit 1A.

Overview

Buena Vista Adventure Center, LLC submitted an application for concurrent review to the Town Clerk's Office on February 22, 2016 seeking a Tavern Liquor License for the Adventure Hub located at 801 Front Loop, Unit 1A. A complete copy of the application was forwarded to the Colorado Department of Revenue Liquor Enforcement Division on February 23, 2016. The Liquor Enforcement Division has been reviewing the application simultaneously with the Town which reduces the timeframe in which the applicant can have a new license in hand.

Analysis

The application was submitted in a timely fashion. The application is complete with a diagram of the premises, proof of property possession by a Commercial Lease, individual histories and fingerprints for all corporate members, Articles of Incorporation, a Certificate of Good Standing, Operating Agreement and a Petition demonstrating the needs and desired of the neighborhood.

The applicants have requested permission from the Town to use a portion of the Town sidewalk for a patio. Town Clerk's Office, Public Works and Planning Staff met with the managing members to discuss an encroachment permit and fencing details. The results of those discussions are incorporated in the attached DRAFT Revocable Encroachment License Agreement with Exhibits.

The application was routed to the Police Department and County Health inspector with no negative comments being received. As required by law, the premises was posted with a Public Notice on March 16, 2016 and a Notice of Public Hearing on the application appeared in the March 31, 2016 edition of the Chaffee County Times. No comments have been received regarding this application.

Policy Alignment

Administration Policy – Granting of new Liquor Licenses are governed by the Colorado Liquor Code and Chapter 6, Article I of the Buena Vista Town Code.

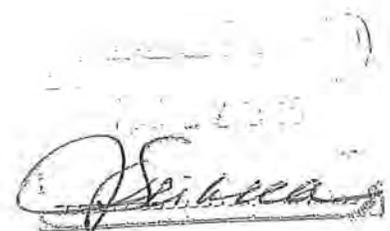
BOT Action

1. To approve the application from Buena Vista Adventure Center, LLC dba Adventure Hub for a new Tavern Liquor License at 801 Front Loop, Unit 1A, Buena Vista, CO.
2. To approve the Revocable Encroachment License Agreement for the Adventure Hub, subject to the applicants providing the insurance policy required in Section 7 of the agreement.

Attachments

Retail Liquor License Application and Supporting Materials
DRAFT Revocable License Agreement
Public Hearing Notice

Colorado Liquor Retail License Application



New License
 New-Concurrent
 Transfer of Ownership

• All answers must be printed in black ink or typewritten
 • Applicant must check the appropriate box(es)
 • Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor
 • Local License Fee \$ 875-

1. Applicant is applying as a/an

<input type="checkbox"/> Corporation	<input type="checkbox"/> Individual
<input type="checkbox"/> Partnership (includes Limited Liability and Husband and Wife Partnerships)	<input checked="" type="checkbox"/> Limited Liability Company
	<input type="checkbox"/> Association or Other

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation

Buena Vista Adventure Center, LLC

FEIN Number 47-3664426

2a. Trade Name of Establishment (DBA)

DBA: Adventure Hub

State Sales Tax Number 29907118-0000 Business Telephone 719-395-2466

3. Address of Premises (specify exact location of premises, include suite/unit numbers)

801 Front Loop Unit 1A

City <u>Buena Vista</u>	County <u>Chaffee</u>	State <u>CO</u>	ZIP Code <u>81211</u>
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4. Mailing Address (Number and Street) <u>P.O. BOX 5244</u>	City or Town <u>Buena Vista</u>	State <u>CO</u>	ZIP Code <u>81211</u>
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5. Email Address Kevin@whitewater.net

6. If the premises currently has a liquor or beer license, you must answer the following questions

Present Trade Name of Establishment (DBA)	Present State License Number	Present Class of License	Present Expiration Date
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Section A Nonrefundable Application Fees	Section B (Cont.) Liquor License Fees
<input type="checkbox"/> Application Fee for New License..... \$ 600.00	<input type="checkbox"/> Liquor Licensed Drugstore (City)..... \$227.50
<input checked="" type="checkbox"/> Application Fee for New License w/Concurrent Review \$ 700.00	<input type="checkbox"/> Liquor Licensed Drugstore (County) \$312.50
<input type="checkbox"/> Application Fee for Transfer..... \$ 600.00	<input type="checkbox"/> Manager Registration - H & R..... \$ 75.00
	<input type="checkbox"/> Manager Registration - Tavern..... \$ 75.00
	<input type="checkbox"/> Master File Location Fee\$ 25.00 X _____ Total _____
	<input type="checkbox"/> Master File Background\$250.00 X _____ Total _____
	<input type="checkbox"/> Optional Premises License (City)..... \$500.00
	<input type="checkbox"/> Optional Premises License (County) \$500.00
	<input type="checkbox"/> Racetrack License (City)..... \$500.00
	<input type="checkbox"/> Racetrack License (County)..... \$500.00
	<input type="checkbox"/> Resort Complex License (City)..... \$500.00
	<input type="checkbox"/> Resort Complex License (County)..... \$500.00
	<input type="checkbox"/> Retail Gaming Tavern License (City) \$500.00
	<input type="checkbox"/> Retail Gaming Tavern License (County)..... \$500.00
	<input type="checkbox"/> Retail Liquor Store License (City)..... \$227.50
	<input type="checkbox"/> Retail Liquor Store License (County) \$312.50
	<input checked="" type="checkbox"/> Tavern License (City)..... \$500.00
	<input type="checkbox"/> Tavern License (County)..... \$500.00
	<input type="checkbox"/> Vintners Restaurant License (City) \$750.00
	<input type="checkbox"/> Vintners Restaurant License (County)..... \$750.00

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Do not write in this space - For Department of Revenue use only

Liability Information			
License Account Number	Liability Date	License Issued Through (Expiration Date)	Total
			\$

Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Items submitted, please check all appropriate boxes completed or documents submitted	
I.	Applicant information <input checked="" type="checkbox"/> A. Applicant/Licensee identified <input checked="" type="checkbox"/> B. State sales tax license number listed or applied for at time of application <input checked="" type="checkbox"/> C. License type or other transaction identified <input checked="" type="checkbox"/> D. Return originals to local authority <input checked="" type="checkbox"/> E. Additional information may be required by the local licensing authority
II.	Diagram of the premises <input checked="" type="checkbox"/> A. No larger than 8 1/2" X 11" <input checked="" type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input checked="" type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input checked="" type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input checked="" type="checkbox"/> E. Bold/Outlined Licensed Premises
III.	Proof of property possession (One Year Needed) <input type="checkbox"/> A. Deed in name of the Applicant (or) (matching question #2) date stamped / filed with County Clerk <input checked="" type="checkbox"/> B. Lease in the name of the Applicant (or) (matching question #2) <input checked="" type="checkbox"/> C. Lease Assignment in the name of the Applicant with proper consent from the Landlord and acceptance by the Applicant <input checked="" type="checkbox"/> D. Other Agreement if not deed or lease. (matching question #2) (Attach prior lease to show right to assumption)
IV.	Background information and financial documents <input checked="" type="checkbox"/> A. Individual History Records(s) (Form DR 8404-I) <input checked="" type="checkbox"/> B. Fingerprints taken and submitted to local authority (State Authority for Master File applicants) <input checked="" type="checkbox"/> C. Purchase agreement, stock transfer agreement, and or authorization to transfer license <input checked="" type="checkbox"/> D. List of all notes and loans (Copies to also be attached)
V.	Sole proprietor / husband and wife partnership <input checked="" type="checkbox"/> A. Form DR4679 <input checked="" type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
VI.	Corporate applicant information (if applicable) <input type="checkbox"/> A. Certificate of Incorporation dated stamped by the Secretary of State <input checked="" type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Certificate of Authorization if foreign corporation <input type="checkbox"/> D. List of officers, directors and stockholders of Applying Corporation (If wholly owned, designate a minimum of one person as Principal Officer of Parent)
VII.	Partnership applicant information (if applicable) <input type="checkbox"/> A. Partnership Agreement (general or limited). Not needed if husband and wife <input type="checkbox"/> B. Certificate of Good Standing (If formed after 2009)
VIII.	Limited Liability Company applicant information (if applicable) <input checked="" type="checkbox"/> A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office) <input checked="" type="checkbox"/> B. Certificate of Good Standing <input checked="" type="checkbox"/> C. Copy of operating agreement - <i>parent company provided.</i> <input type="checkbox"/> D. Certificate of Authority if foreign company
IX.	Manager registration for hotel and restaurant, tavern licenses when included with this application <input type="checkbox"/> A. \$75.00 fee <input type="checkbox"/> B. Individual History Record (DR 8404-I) <input checked="" type="checkbox"/> C. If owner is managing, no fee required

7. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes No

8. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):

(a) Been denied an alcohol beverage license?

(b) Had an alcohol beverage license suspended or revoked?

(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?

If you answered yes to 8a, b or c, explain in detail on a separate sheet.

9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.

10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

Waiver by local ordinance? or
Other:

11. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee. *Riverside Grill - 50% owner / The Beach 100% owner*

12. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?

Ownership Lease Other (Explain in Detail) _____

a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:

Landlord <i>Urban Flats, LLC</i>	Tenant <i>Buena Vista Adventure Hub DBA Adventure Hub Buena Vista Adventure Center, LLC</i>	Expires <i>Nov 1, 2020</i>
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b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.

c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".

13. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
<i>N/A</i>				
<i>N/A</i>				

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

14. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:
Has a local ordinance or resolution authorizing optional premises been adopted?

Number of additional Optional Premise areas requested. (See license fee chart) *N/A*

15. Liquor Licensed Drug Store applicants, answer the following:
(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? *N/A*

If "yes" a copy of license must be attached.

16. Club Liquor License applicants answer the following: Attach a copy of applicable documentation *N/A*

(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?

(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?

(c) How long has the club been incorporated? _____

(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?

17. Brew-Pub License or Vintner Restaurant Applicants answer the following:
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) *N/A*

18a. For all on-premises applicants.
(If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an individual History Record - DR 8404-1)

Last Name of Manager <i>Jon Donaldson</i>	First Name of Manager	Date of Birth <i>1/31/1991</i>
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18b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.

Name	Type of License	Account Number

19. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?

If yes, provide an explanation and include copies of any payment agreements.

20. If applicant is a corporation, partnership, association or limited liability company, applicant must list all **Officers, Directors, General Partners, and Managing Members**. In addition, applicant must list any stockholders, partners, or members with **ownership of 10% or more in the Applicant**. All persons listed below must also attach form DR 8404-1 (Individual History Record), and submit fingerprint cards to the local licensing authority.

Name	Home Address, City & State	DOB	Position	% Owned
Kevin Meadows	34000 Surrey Ln, Buena Vista, CO	12-11-71	principle manager officer	37.5
Jon Donaldson	438 slate river dr., Crested Butte, CO	10-31-71	manager	37.5
Jed Selby	901 S. main, Buena Vista, CO	8-26-78	manager	10
Adventures Colorado, LLC	24070 C.R. 301 Buena Vista, CO 81211	DOB parent company	Position	100

principle officer

parent company

** If Applicant is owned 100% by a parent company, please list the designated principal officer on question #20 *Kevin Meadows*
 ** Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)
 ** If total ownership percentage disclosed here does not total 100%, applicant must check this box:
 Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant, and does not have ownership in a prohibited liquor license pursuant to Title 47 or 48, C.R.S.

Oath Of Applicant

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. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature <i>[Signature]</i>	Printed Name and Title Kevin Meadows - principle officer managing member	Date 2-19-16
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Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority <i>02-22-2016</i>	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.) <i>April 12, 2016</i>
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The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-1 (Individual History Record) has:

Been fingerprinted

Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

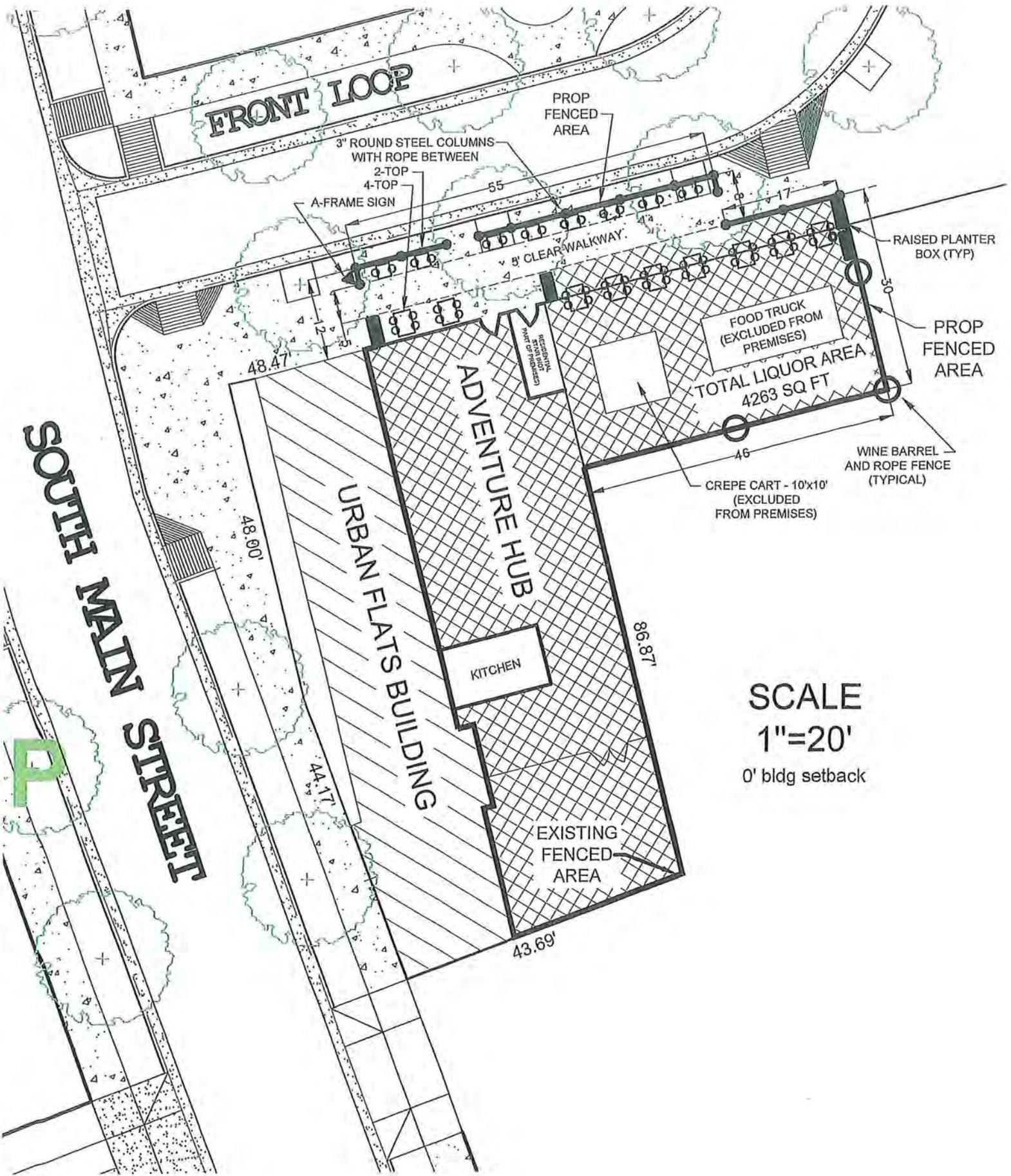
(Check One)

Date of inspection or anticipated date _____

Will conduct inspection upon approval of state licensing authority

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S.
Therefore, this application is approved.

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> Town, City <input type="checkbox"/> County	
Signature	Print	Title	Date
Signature (attest)	Print	Title	Date



FRONT LOOP

SOUTH MAIN STREET

PROP FENCED AREA

3" ROUND STEEL COLUMNS WITH ROPE BETWEEN

2-TOP
4-TOP
A-FRAME SIGN

55

3' CLEAR WALKWAY

RAISED PLANTER BOX (TYP)

PROP FENCED AREA

FOOD TRUCK (EXCLUDED FROM PREMISES)

TOTAL LIQUOR AREA
4263 SQ FT

WINE BARREL AND ROPE FENCE (TYPICAL)

CREPE CART - 10'x10' (EXCLUDED FROM PREMISES)

ADVENTURE HUB

URBAN FLATS BUILDING

KITCHEN

EXISTING FENCED AREA

SCALE
1"=20'
0' bldg setback

48.47'

48.90'

44.17'

43.69'

86.87'

46'

50'

7.4'

5.2'

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Colorado Secretary of State
 Date and Time: 03/30/2015 08:20 AM
 ID Number: 20151221747
 Document number: 20151221747
 Amount Paid: \$50.00

Document must be filed electronically.
 Paper documents are not accepted.
 Fees & forms are subject to change.
 For more information or to print copies
 of filed documents, visit www.sos.state.co.us.

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-80-203 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

Buena Vista Adventure Center, LLC.

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address **801 Front Loop**
(Street number and name)

Buena Vista **CO** **81211**
(City) (State) (ZIP/Postal Code)

United States
(Province - if applicable) (Country)

Mailing address **2001 Blake Ave**
 (leave blank if same as street address) *(Street number and name or Post Office Box information)*

Suite 2B

Glenwood Springs **CO** **81601**
(City) (State) (ZIP/Postal Code)

United States
(Province - if applicable) (Country)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name **Adelman Christopher A**
 (if an individual) *(Last) (First) (Middle) (Suffix)*

or

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Street address **2001 Blake Ave.**
(Street number and name)

Suite 2B

Glenwood Springs **CO** **81601**
(City) (State) (ZIP Code)

Mailing address (leave blank if same as street address) *(Street number and name or Post Office Box information)*

(City) CO (State) _____
(ZIP Code)

(The following statement is adopted by marking the box.)

The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual) Adelman Christopher A
(Last) (First) (Middle) (Suffix)
or
(if an entity) _____
(Caution: Do not provide both an individual and an entity name.)
Mailing address 2001 Blake Ave
(Street number and name or Post Office Box information)
Suite 2B
Glenwood Springs CO 81601
(City) (State) (ZIP/Postal Code)
United States
(Province - if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in

(Mark the applicable box.)

one or more managers.

or

the members.

6. (The following statement is adopted by marking the box.)

There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

<u>Adelman</u>	<u>Christopher</u>	<u>A</u>	
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
<u>2001 Blake Ave</u>			
<small>(Street number and name or Post Office Box information)</small>			
<u>Suite 2B</u>			
<small>(Street number and name or Post Office Box information)</small>			
<u>Glenwood Springs</u>	<u>CO</u>	<u>81601</u>	
<small>(City)</small>	<small>(State)</small>	<small>(ZIP/Postal Code)</small>	
<u></u>	<u>United States</u>	<u></u>	
<small>(Province - if applicable)</small>	<small>(Country)</small>		

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Buena Vista Adventure Center, LLC.

is a

Limited Liability Company

formed or registered on 03/30/2015 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20151221747 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 02/16/2016 that have been posted, and by documents delivered to this office electronically through 02/17/2016 @ 15:18:12 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 02/17/2016 @ 15:18:12 in accordance with applicable law. This certificate is assigned Confirmation Number 9506802 .



A handwritten signature in blue ink that reads "Wayne W. Williams".

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

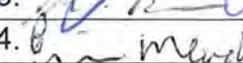
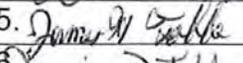
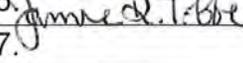
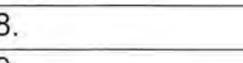
PETITION TO THE BUENA VISTA BOARD OF TRUSTEES

I, the undersigned, am aware that an application for a Liquor License has been filed with the Town of Buena Vista by Adventure Hub and proposed to be located at 801 A Front Loop Buena Vista CO 8124. I am at least 21 years of age and a resident, owner or manager of a business located within the defined neighborhood boundaries of the proposed liquor establishment (Town of Buena Vista). I have indicated below whether I consider the granting of the above-mentioned liquor license to be desirable and necessary for the reasonable requirements of the neighborhood:

SIGNATURE	PRINTED NAME	ADDRESS	OWNER, MANAGER, RESIDENT	DATE SIGNED	YES	NO
	Joni M Douthett	10775 US Hwy 24+285	manager	2-10-14	✓	
	Chris Lynch	General Delivery	Resident	2-10-16	✓	
	Graham Yeiser	29560 McDiAVE BV	Resident	2/10/16	✓	
	Rachael White	1000 Swift Cir	resident	2/10/16	✓	
	Kristina Griffith	1000 Swift circle	resident	02/10/16	✓	
	Nora B. Karimier	902 South Main	resident	2/10/16	✓	
	Andrea Spruiell-Smith	900 S Main St.	resident	2-10-16	✓	
	JOHN W. HEFNER	301 ALSINA ST	RESIDENT	2-10-16	✓	
	JASON HAY	29845 CR 353	Resident	2-10-16	✓	
	MIKE WILSON	13250 CR 353	RESIDENT	2/10-16	✓	
	Jerry Wilsey	308 EVANS	Resident	2/10/16	✓	
	Aaron Medlo	13650 CR 353	resident	2-10-16	✓	
	David Host	30624 CR 383	resident	2/10/16	✓	
	John A. Crum	204 S Pleasant Ave	Resident	2/10/16	✓	
	Phillip Puckett	905 S Main St	Resident	2/10/16	✓	
	Cindy Puckett	905 S Main St	Resident	2/10/16	✓	
	Corey Johnson	1111 River Park Rd.	Resident	2/10/16	✓	
	Tim Allen	224 Neighbors' Ln.	Resident	2/10/16	✓	
	Shelby Goehl	118 W. Sterling Ave	Resident	2/10/16	✓	
	Angela Slama	8035 Main St.	Resident	2/10/16	✓	
	Yabella LUSK	16025 CR 350	Res. Margi	2/11/16	✓	
	Evelyn G Baker	831 McDonald	Resident	2/12/16	✓	
	Andrew Kenison	PO Box 542	Resident	2/12/16	-	
	Allism Abdelnour	801 1/2 SWIFT CIR	Resident	2/12/16	✓	
	JOHN ABDELNOUR	801 1/2 Swift Cir	Resident	2/12/16	✓	
	Danielle Forsythe	323 dustnut st	Resident	2/12/16	✓	
	Lindsey Mueller	115 Brookdale Ave	Resident	2/12/16	✓	
	Alex Forsythe	900 S Main St.	Resident	2/12/16	✓	
	Devin Gardner	1000 Swift Cir	Resident	2/12/16	✓	
	Manette Norville	PO Box 3163	Resident	2/15/16	✓	

PETITION TO THE BUENA VISTA BOARD OF TRUSTEES

I, the undersigned, am aware that an application for a Liquor License has been filed with the Town of Buena Vista by Adventure Hub and proposed to be located at 801 A Front Loop Buena Vista CO 81211. I am at least 21 years of age and a resident, owner or manager of a business located within the defined neighborhood boundaries of the proposed liquor establishment (Town of Buena Vista). I have indicated below whether I consider the granting of the above-mentioned liquor license to be desirable and necessary for the reasonable requirements of the neighborhood:

SIGNATURE	PRINTED NAME	ADDRESS	OWNER, MANAGER, RESIDENT	DATE SIGNED	YES	NO
	Kenley Selby	901 S Main St	owner	2/12/16	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Jed Selby	901 S. Main St	owner	2/19/16	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Kevin Meadows	34000 Surrey Ln	BV resident	2/20/16	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Erin Meadows	34000 Surrey Ln	BV resident	2/20/16	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	James H. Tobbe	1232 Brighton Ln ^{Bristol}	visitor	2/22/16	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Jamie D. Tobbe	1232 Brighton Ln ^{Bristol}	visitor	2/22/16	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.						
8.						
9.						
10.						
11.						
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NOTICE OF PUBLIC HEARING ON LIQUOR LICENSE APPLICATION

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Board of Trustees of the Town of Buena Vista, Colorado, in the Piñon Room of the Buena Vista Community Center, 715 East Main Street, Buena Vista, Colorado, on Tuesday, April 12, 2016, beginning at 7:30 PM or approximately thereafter. This hearing is on an application for a new Tavern Liquor Store License for 801 Front Loop, Unit 1A, Buena Vista, Colorado as submitted by Buena Vista Adventure Center, LLC, doing business as Adventure Hub.

The following information is provided:

APPLICATION REQUEST:	Tavern Liquor License
LOCATION:	801 Front Loop, Unit 1A, Buena Vista, CO
DATE OF APPLICATION:	February 22, 2016
DATE/TIME OF HEARING:	April 12, 2016 – 7:30 PM
APPLICANT:	Buena Vista Adventure Center, LLC Dba Adventure Hub
Owner/Manager:	Kevin Meadows, Principal Officer/Managing Member 34000 Surrey Lane Buena Vista, CO 81211

All interested parties are encouraged to attend. Further information can be obtained at the Clerk's Office, 210 East Main Street in Buena Vista, or by calling (719) 395-8643 ext. 10.

For the Board of Trustees
Town of Buena Vista, Colorado
Janell Sciacca, CMC
Town Clerk

As per Section 12-47-311C.R.S., Public notice - posting and publication - Notice was posted by sign in a conspicuous place on the premises for which this application has been made on March 16, 2016 and notice was published in *The Chaffee County Times* on Thursday, March 31, 2016.

DRAFT

REVOCABLE ENCROACHMENT LICENSE AGREEMENT

THIS AGREEMENT is made this ____ day of April, 2016, by and between the Town of Buena Vista, Colorado (the "Town") and Adventure Hub_("Licensee").

For and in consideration of the sum of one dollar (\$150.00) paid by the Licensee to the Town, the covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

SECTION 1. THE LICENSE

Licensee wishes to acquire a license allowing certain existing structures to encroach on Town-owned property, which is a portion of 801 Front Loop Drive sidewalk as depicted on the attached **Exhibit A** (the "Property") and **Exhibit B** (details). Subject to all the terms and conditions hereof, the Town hereby grants to Licensee a license solely as set forth in Section 2 herein.

SECTION 2. TERMS OF AGREEMENT

The Property may be used by the Licensee for the sole and exclusive purpose of leaving currently constructed fences, outdoor tables chairs, outdoor tables, A frame sign and raised planters box (the "Encroachments") in their current locations as depicted on **Exhibit A** and **Exhibit B**.

SECTION 3. TERMINATION

Either party may terminate this Agreement by giving written notice to the other party specifying the date of termination, such notice to be given not less than thirty (30) days prior to the date specified therein.

SECTION 4. MAINTENANCE

Licensee shall, at its own expense, keep and maintain in good repair the Encroachments and, within thirty (30) days of termination of this Agreement, shall remove the Encroachments if determined necessary by the Town.

SECTION 5. DAMAGE TO PROPERTY

Licensee shall be responsible for all damage to the Property arising out of or resulting from the Encroachments.

SECTION 6. INDEMNIFICATION

Licensee agrees to indemnify and hold harmless the Town, its officers, employees and insurers, from and against all liability, claims and demands arising out of the existence of the Encroachments on the Property. Licensee agrees to investigate, handle, respond to, and to

provide defense for and defend against any such liability, claims or demands at his sole expense, or, at the option of the Town, agrees to pay the Town or reimburse the Town for the defense costs incurred by the Town in connection with any such liability, claims or demands. Licensee also agrees to bear all other costs and expenses related thereto, including court costs and attorney fees, whether or not any such liability, claims or demands alleged are groundless, false or fraudulent.

SECTION 7. INSURANCE

Licensee agrees to procure an insurance policy which includes and covers the Property that is the subject of this Agreement, and to name the Town of Buena Vista as an additional insured thereon. Such insurance policy shall at a minimum include liability and property damage insurance, with a combined single limit for bodily injury and property damage of three hundred fifty thousand dollars (\$350,000.00) per person and nine hundred ninety thousand dollars (\$990,000.00) per occurrence. A Certificate of Insurance showing the Town as an additional insured thereon shall be provided to the Town within thirty (30) days of execution of this Agreement. The failure to provide the Certificate of Insurance shall be grounds for immediate revocation of this License Agreement.

SECTION 8. NOTICES

Any notice given pursuant to this Agreement by either party to the other shall be in writing and mailed by certified mail, return receipt requested, postage prepaid, and addressed as follows:

To the Town: Town Administrator
 Town of Buena Vista
 210 E. Main Street
 PO Box 2002
 Buena Vista, CO 81211

To Licensee: Adventure Hub
 PO Box 5244
 Buena Vista, CO 81211

DRAFT

SECTION 9. MISCELLANEOUS

A. Agreement Binding. This Agreement shall inure to the benefit of and be binding upon the heirs, successors and assigns of the parties hereto, subject to any other conditions and covenants contained herein.

B. Applicable Law. The laws of the State of Colorado and applicable federal, state and local laws, rules, regulations and guidelines shall govern this Agreement.

C. Amendment. This Agreement may not be amended except in writing by mutual agreement of the parties, nor may rights be waived except by an instrument in writing signed by the party charged with such waiver.

D. Headings. The headings of the sections of this Agreement are inserted for reference purposes only and are not restrictive as to content.

E. Assignment. Licensee may not assign or transfer this Agreement, except upon the express written authorization of the Town.

IN WITNESS WHEREOF, the parties have duly executed this Agreement, effective the day and year first above written.

TOWN OF BUENA VISTA, COLORADO

By: _____
Joel Benson, Mayor

ATTEST:

Janell Sciacca, Town Clerk

LICENSEE

Jed Selby
Jed Selby

Kevin Meadows
Kevin Meadows

Jon Donaldson
Jon Donaldson

DRAFT

STATE OF COLORADO)
) ss.
COUNTY OF Chaffee)

The foregoing instrument was subscribed, sworn to, and acknowledged before me this day of 6, 2016, by Ted Selby, Kevin Mredows + as the owners of Adventure Hub Jon Donaldson

My commission expires: 12-18-2017

(S E A L)

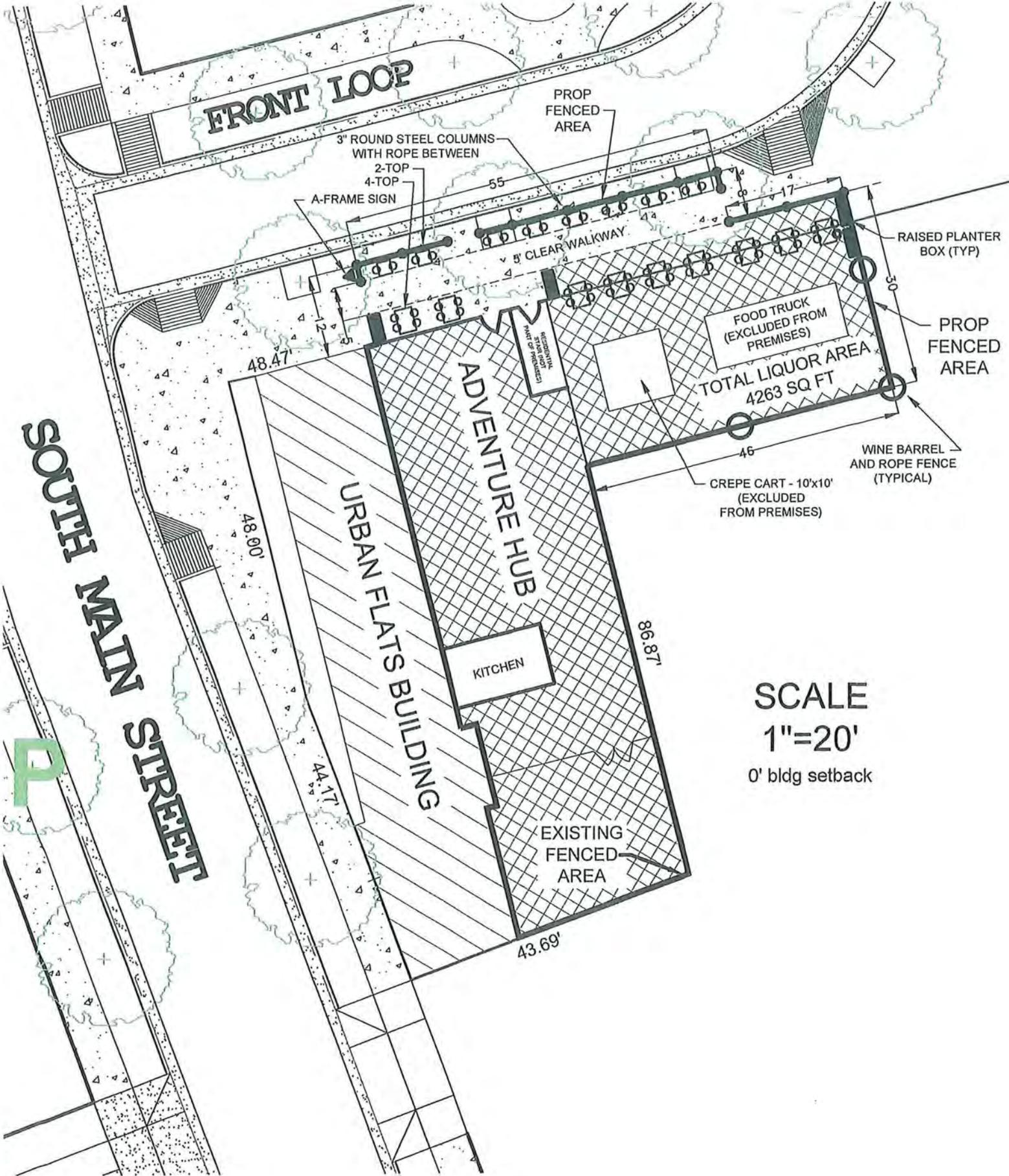
Joni M. Douty
Notary Public

JONI M. DOUTY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19894018069
MY COMMISSION EXPIRES DEC. 18, 2017

Exhibit A

Draft

DRAFT



SCALE
 1"=20'
 0' bldg setback

SOUTH MAIN STREET

FRONT LOOP

ADVENTURE HUB

URBAN FLATS BUILDING

**FOOD TRUCK
 (EXCLUDED FROM
 PREMISES)**

**TOTAL LIQUOR AREA
 4263 SQ FT**

KITCHEN

**EXISTING
 FENCED
 AREA**

**PROP
 FENCED
 AREA**

**PROP
 FENCED
 AREA**

**RAISED PLANTER
 BOX (TYP)**

**WINE BARREL
 AND ROPE FENCE
 (TYPICAL)**

**CREPE CART - 10'x10'
 (EXCLUDED
 FROM PREMISES)**

**3' ROUND STEEL COLUMNS
 WITH ROPE BETWEEN**

**2-TOP
 4-TOP**

A-FRAME SIGN

55

17

8' CLEAR WALKWAY

48.47'

48.90'

44.17'

43.69'

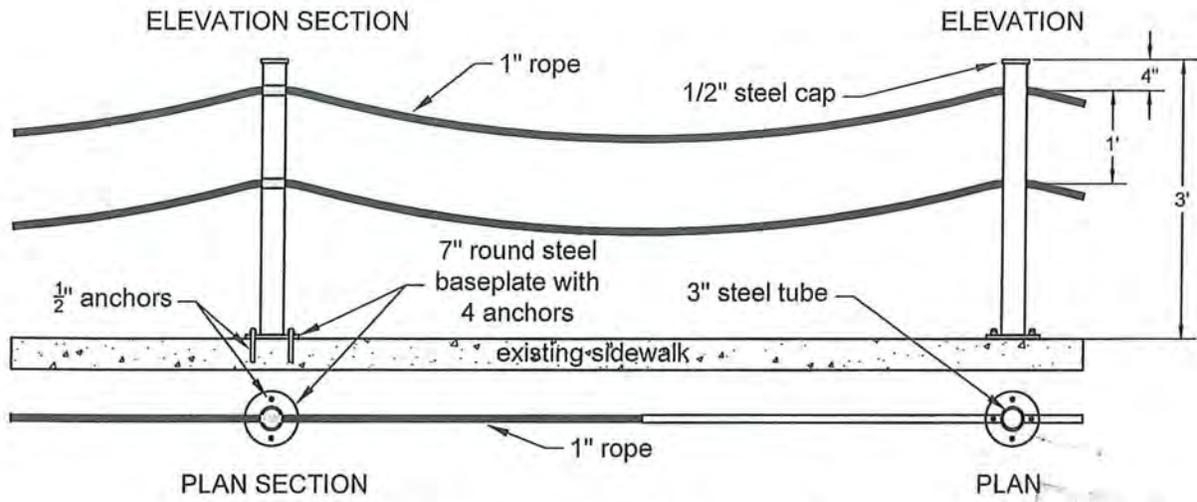
86.87'

46'

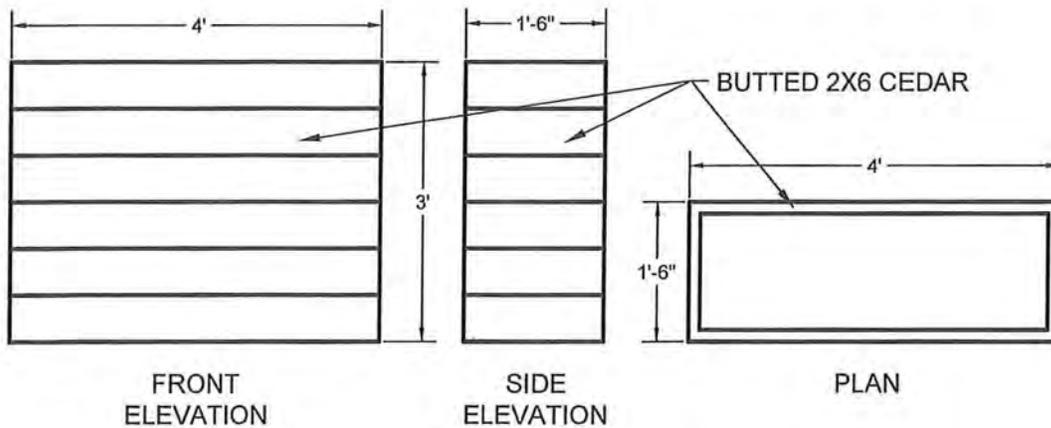
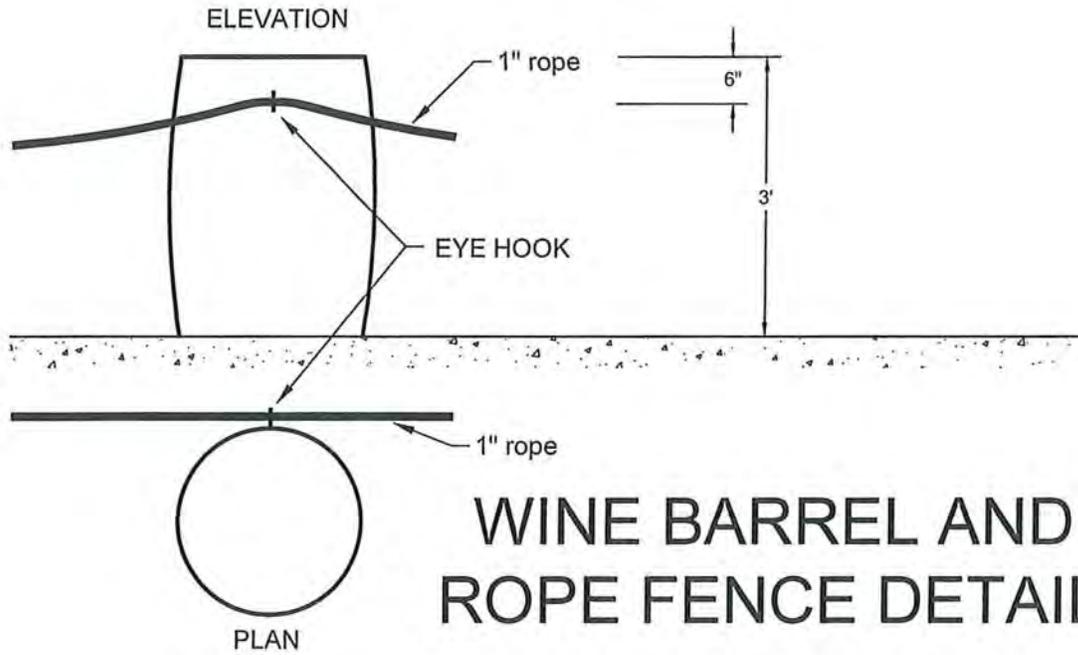
30'

Exhibit B

DRAFT



STEEL AND ROPE FENCE DETAIL



PLANTER BOX DETAIL



Town of Buena Vista
P.O. Box 2002
Buena Vista CO 81211
Phone: (719)395-8643
Fax: (719)395-8644

DATE: April 12, 2016
TO: Mayor and Board of Trustees
FROM: Greg Maggard, Public Works Director, Public Works Department
AGENDA ITEM: Resolution #32, Planting Guide Adoption

Request

Approval of the Town of Buena Vista Planting Guide.

Overview

The Planting Guide is a regulatory document referenced throughout the Municipal Code. This document was created with aid from the Tree Board, local experts, and outside sources, and outlines planting requirements within the Town of Buena Vista. This document is shall be used as a planning document and will be referenced during plan review.

Policy Alignment

The Planting Guide is an essential component in achieving the Town's key outcome of a safe, healthy, and conservation centered environment.

BOT Action

Motion to Approve or Deny Resolution #32, Adopting the Town of Buena Vista Planting Guide.



Town of Buena Vista Planting Guide

April 12, 2016

Town of Buena Vista Planting Guide

April 12, 2016

On February 14, 2012 the Board of Trustees passed Ordinance 5, Series 2012 amending Section 16-255, Landscape requirements, for the Town of Buena Vista. The ordinance adopted new landscape standards in regards to the number of trees and shrubs required for new development within the Town. All landscape requirements can be found in the municipal code or by contacting the Planning Department at (719) 395-8643.

This document is regulatory in nature based on language from the Buena Vista Municipal Code, Sections 11-82, 11-84, 11-85, 16-239(b)(2)h, 16-255 (d)(2)b, 17-37(8)a, 17-56(a)(2), 17-57(b)(14)a, 17-57(b)(15). This guide represents best practices for the survival of plantings located in the Town.

These planting techniques and plant species recommendations represent years of practice by local nurserymen, landscapers and tree enthusiasts of the Town Buena Vista and the surrounding area. Their collective knowledge has been utilized to provide direction with plantings to create a truly lasting green canopy for the Town.

This guide must be reviewed prior to making selections on plantings or beginning landscaping. In reviewing this document, note species that you find interesting and learn the requirements for planting, watering, and protecting them for their long-term survival. Planting a tree in our town is a long term investment that we are excited that you are making. This guide provides valuable insight on protecting your investment for the long-term value of your property.

Table of Contents

Plant lists (Revised December 2015)	
Group 1 (requires the least amount of water)	4
Group 2 (requires more water than Group 1 plants)	6
Group 3 (requires regular watering for our climate)	8
Planting Methods and Techniques	10
Protecting Your Investment – The Next Steps	11
Definitions	13
References	14
Details	15
Images	18

Plant List (Revised December 2015)

The following lists of plants are the Town's recommendations on tree, grass, and shrub plantings that have the best chance of long-term survival. This extensive list of plants has been tested in the Town and has proven to be resilient in the Town's climate. While deviations from this are expected, the Town will not count these deviations towards the required trees per the Municipal Code, unless a 2 year warranty period is accepted

The plant list is divided into three groups based on the water needs of the plants. For healthy plants, a particular planting area should contain plants from only one group.

Behind the common name of each tree is a "Large", "Medium," or "Small" which refers to the tree's mature height. Large is over 40' when mature, Medium is 20' to 40' tall, and Small is under 20'.

When selecting plant species, consider the planting location and individual plant characteristics.

Planting location characteristics to consider are:

- soil type
- site exposure
- slope of grade
- possible microclimate
- site use

Plant characteristics to consider are:

- hardiness
- insect and disease susceptibility
- invasiveness potential
- growth rate
- water requirements
- litter potential (leaves, fruit, acorns, cones, or pods)
- allergic potential to property users
- toxic plant parts
- wildlife use/misuse potential
- hazardous growth (thorns, prickly leaves)
- mature size relative to utilities and structures
- site conditions

Group 1:

Grasses, shrubs, and trees in the following list require minimal irrigation, once established.

Trees - Evergreen

Juniperus monosperma

One Seed Juniper (Small)

Juniperus scopulorum

Rocky Mountain Juniper (Small)

Pinus edulis

Pinyon (Piñon) Pine (Small)

Grasses (from seed or plugs)

Agropyron cristatum, varieties	Crested Wheatgrass
Bouteloua gracilis	Blue Grama Grass
Koeleria cristata	Junegrass
Oryzopsis hymenoides	Indian Ricegrass
Pascopyrum smithii	Western Wheatgrass
Sporobolus cryptandrus	Sand Dropseed

Shrubs

Berberis fendleri	Fendler Barberry
Caragana arborescens	Siberian Pea Shrub
Cercocarpus montanus	Mountain Mahogany
Chrysothamnus nauseosus	Rabbitbrush
Fallugia paradoxa	Apache Plume
Fendlera rupicola	Fendlerbush
Holodiscus dumosus	Rock Spirea
Jamesia americana	Cliff Jamesia
Krasheninnikovia lanata	Winterfat
Philadelphus microphyllus	Littleleaf Mock Orange
Purshia stansburiana	Cliff Rose
Purshia tridentata	Bitterbrush
Rhus aromatica, ssp trilobata	3-leaf Sumac
Ribes cereum	Squaw Currant
Seriphidium vaseyanum	Mountain Sagebrush
Symphoricarpus rotundifolius (oreophilus)	Mountain Snowberry
Yucca glauca	Soapweed

Specific Watering Instructions - Group 1:

Establishment watering of the most drought tolerant plants (Examples: pinyon pine, rabbitbrush, littleleaf mock orange, and mountain sagebrush). Establishment water must be made available. The following schedule must be adhered to for the success of the planting.

1st Year - Soak the root zone to a depth of 15" every week for the first four weeks, then soak once every two weeks until the ground freezes (in November). Any time extended drought conditions result in the drying of the root zone, water must be applied. During the winter the soil condition must be checked monthly, water should be applied when the root zone is dry.

2nd Year - Soak the root zone to a depth of 15" once every 2 weeks beginning April 1st until June 30th. After June 30th, soak the root zone to a depth of 15" once a month until the

ground freezes. Any time extended drought conditions result in the drying of the root zone, water must be applied. The trees will have to be monitored closely for drought stress and watered if too dry. During the winter the soil condition must be checked monthly, water should be applied when the root zone is dry.

3rd year and beyond - Soak the root zone to a depth of 15" at the beginning of the season. The trees will have to be monitored closely for drought stress and watered if too dry. Any time extended drought conditions result in the drying of the root zone, water must be applied. Monthly watering will encourage faster growth.

Group 2:

Grasses, shrubs, and trees in this classification require more water than those in Group 1.

Trees - Deciduous

Acer negundo	'Sensation' Boxelder (Medium)
Crataegus ambigua	Russian Hawthorn (Small)
Crataegus succulenta coloradensis	Colorado Hawthorn (Small)
Crataegus x mordenensis "Toba"	Toba Hawthorn (Small)
Malus sp	Flowering Crabapple varieties (Small)
Malus sp	Apple varieties (Small)
Prunus maackii	Amur Chokecherry (Small)
Prunus padus	European Bird Cherry (Small)
Prunus sp "Montmorency"	Montmorency (Sour) Cherry (Small)
Prunus virginiana "Schubert"	Canada Red Cherry (Medium)
Sorbus x thuringiaca	Oakleaf Mountain Ash (Medium)

Trees – Evergreen

Abies concolor	White or Concolor Fir (Large)
Pinus aristata	Bristlecone Pine (Medium)
Pinus contorta latifolia	Lodgepole Pine (Large)
Pinus flexilis	Limber Pine (Large)
Pinus ponderosa	Ponderosa Pine (Large)
Pseudotsuga menziesii	Douglas Fir (Large)

Grasses – Native grasses from seed

Festuca ovina	Sheep Fescue
Elymus lanceolatus	Sodar Wheatgrass
Blepharoneuron tricholepis	Pine Dropseed
Calamagrostis purpurascens	Purple Reed Grass

Deschampsia cespitosa

Tufted Hair Grass

Decorative Landscape Grasses

Calamagrostis acutiflora "Avalanche"

Feather Reed Grass

Calamagrostis acutiflora "Karl Foerster"

"Karl Foerster" Feather Reed Grass

Festuca glauca "Elijah Blue"

"Elijah Blue" Blue Fescue

Helictotrichon sempervirens

Blue Avena Grass or Blue Oat Grass

Leymus arenarius "Blue Dune"

"Blue Dune" Lyme Grass

Miscanthus sinensis "Purpurascens"

Flame Grass

Miscanthus sinensis "Silberfeder"

Silver Feather Grass

Panicum virgatum "Heavy Metal"

Heavy Metal Switch Grass

Shrubs

Amelanchier alnifolia

Serviceberry

Aronia melanocarpa

Black Chokeberry

Caryopteris x clandonensis

Blue Mist Spirea

Cerasus (Prunus) tomentosa

Nanking Cherry

Cotoneaster lucida

Peking Cotoneaster

Lonicera tartarica "Arnolds Red"

Arnold's Red Honeysuckle

Oreobatus(Rubus) deliciosus

Thimbleberry

Padus(Prunus) virginiana ssp.melanocarpa

Chokecherry

Pentaphylloides (Potentilla) floribunda

Potentilla, All Varieties

Pinus mugo "Mughus"

Mugo Pine

Ribes "Pixwell" Pixwell

Gooseberry

Ribes "Red Lake"

Red Lake Currant

Ribes aureum

Golden Currant

Ribes inerme

White Stem Gooseberry

Rosa foetida "bicolor"

Austrian Copper Rose

Rosa glauca rubrifolia

Red Leaf Rose

Rosa harrisoni

Harrison's Rose

Rosa rugosa "Hansa"

Hansa Rose

Rosa woodsii

Woods Rose

Sambucus microbotrys (racemosa)

Red Elderberry

Shepherdia argentea

Silver Buffaloberry

Sorbaria sorbifolia

Ural False Spirea

Spirea bumalda

All S. bumalda varieties

Spirea Vanhouttei	Vanhoutte Spirea
Syringa sp	Most other Lilac Varieties
Syringa vulgaris	Common Purple Lilac
Syringa vulgaris alba	Common White Lilac
Syringa X prestoniae "Donald Wyman"	Donald Wyman Lilac
Syringa X prestoniae "James McFarlane"	James McFarlane Lilac

Specific Watering Instructions - Group 2:

Establishment watering of plants that require medium amounts of water (Examples: potentillas, hawthorns, serviceberry, Rocky Mtn. maple, Ponderosa pine). Establishment water must be made available. The following schedule must be adhered to for the success of the planting.

1st Year - Soak the root zone to a depth of 15" every week until Sept 1st, then soak once every 10 days until the ground freezes (in November). Any time extended drought conditions result in the drying of the root zone, water must be applied. During the winter the soil condition must be monitored, and water applied when the root zone is dry.

2nd Year - Soak the root zone to a depth of 15" once every week beginning April 1st until June 30th. After June 30th soak the root zone to a depth of 15" once every 10 days until the ground freezes. Any time extended drought conditions result in the drying of the root zone, water must be applied. The plants will have to be monitored closely for drought stress and watered if too dry. During the winter the soil condition must be monitored, and water applied when the root zone is dry.

3rd year and beyond - Soak the root zone to a depth of 15" at the beginning of the season and once every 2 weeks until the ground freezes (in November). The plants will have to be monitored closely for drought stress and watered if too dry. Any time extended drought conditions result in the drying of the root zone, water must be applied.

Group 3:

Grasses, shrubs, and trees in this classification require more water than those in group 2. Group 3 plants need to be planted in areas that get regular irrigation. Group these plants in moist areas or along water ways or in irrigated environments.

Trees - Deciduous

Acer ginnala	Ginnala Maple (Small)
Alnus incana, ssp tenuifolia	Thin leaf Alder (Small)
Populus acuminata	Lanceleaf Poplar (Large)
Populus angustifolia	Narrowleaf Cottonwood (Large)
Populus balsamifera	Balsam Poplar (Large)
Populus deltoides ssp monolifera	Plains Cottonwood (Large)
Populus tremuloides	Quaking Aspen (Large)

Trees – Evergreen

Abies lasiocarpa	Subalpine Fir (Large)
Picea engelmannii	Engelmann Spruce (Large)
Picea glauca densata	Black Hills Spruce (Large)
Picea pungens	Colorado Spruce, all colors (Large)

Lawn Grasses from seed (Note: normally requires irrigation at least once every five days.)

Festuca rubra	Creeping Red Fescue
Poa pratensis	Kentucky Bluegrass
Poa hybrid	Armadillo Hybrid Bluegrass
Festuca sp.	Tall Fescue Varieties

Shrubs

Acer glabrum	Rocky Mt. Maple
Betula fontinalis	River Birch
Betula glandulosa	Bog Birch
Distegia involucrata	Twinberry Honeysuckle
Salix sp.	All shrub willow varieties
Swida sericea (Cornus stolonifera)	Red Twig Dogwood
Syringa palibin meyeri	Dwarf Korean Lilac

Specific Watering Instructions - Group 3:

Establishment watering of plants that require the most water (Examples: Colorado spruce, aspen, cottonwood, and most non-native trees, red twig dogwood, alder, willow). Establishment water must be made available. The following schedule must be adhered to for the success of the planting.

1st Year - Soak the root zone to a depth of 15” every week until the ground freezes (in November). Any time extended drought conditions result in the drying of the root zone, water must be applied. During the winter the soil condition must be checked monthly, water should be applied when the root zone is dry.

2nd Year - Soak the root zone to a depth of 15” once every week beginning April 1st until June 30th. After June 30th soak the root zone to a depth of 15” once every 10 days until the ground freezes. Any time extended drought conditions result in the drying of the root zone, water must be applied. The trees will have to be monitored closely for drought stress and watered if too dry. During the winter the soil condition must be checked monthly, water should be applied when the root zone is dry.

3rd year and beyond - Soak the root zone to a depth of 15” at the beginning of the season and once every 10 days until the ground freezes in November. The trees will have to be monitored closely for drought stress and watered if too dry. Any time extended drought conditions result in the drying of the root zone, water must be applied.

Planting Methods and Techniques

The following planting methods and techniques were taken from [2012 GreenCO Tree Planting Recommendations](#) and local planting standard practice in the Arkansas River Valley. Following these instructions will result in the best chance of long-term survival for your trees and other plantings.

Trees and shrubs should be planted at those times of the year during which proper root development can occur. In Buena Vista, that period is April through September.

It is the responsibility of the developer/planter to locate all underground utilities prior to undertaking any excavation. Please call 811 for assistance in locating utilities. A two day response is normal from each utility. Contact each utility for tree planting with close proximity of a utility for specifications.

Excavations prepared for balled-and-burlap or container plants should have sloping sides and be three times (3x) the width of the widest part of the root ball, and have a depth equal to the height of the root ball.

Backfill for all plants should be 25% organic material (peat or compost) and 75% native soil. It is suggested that water be applied during or immediately after planting. After a deep soaking with water, additional backfill soil will need to be used to fill any holes created by settling. Let the soil settle on its own. Tamping wet soil will compact it, which is not desirable for the plant. Additional backfill must be applied before the landscape fabric and mulch is installed. After the plant is completely installed, and the watering dish is completed, additional watering is recommended to ensure complete saturation of the root ball and surrounding backfill.

Plants shall always be handled by their container or by the metal handles on balled-and-burlap plants. Under no circumstances should plants be dragged, lifted, or pulled by the trunk or foliage parts.

All twine, rope and plant labels secured around the trunk of a tree shall be removed after planting is completed.

Trees or shrubs that have root balls secured in a wire basket shall have 1/3 to 1/2 of basket removed after the plant is placed in the planting pit and before backfilling occurs. Burlap shall be removed to the maximum extent possible while maintaining the integrity of the root ball (minimum of one-third (1/3) of the burlap shall be removed).

Warranty Period – Check with your landscaping provider for their warranty period and installation requirements. If the plant does not survive during that warranty period, contact your provider/contractor about replacement of the dead materials.

Protecting Your Investment – The Next Steps

Staking and Guying of Trees

All trees over 4-feet tall must be staked and guyed to keep the root ball stable for the first full year after planting. Each tree should be guyed for one year on at least two (2) sides utilizing grommated fabric tree straps at least one-inch (1") wide to keep the tree and root ball stable. The tree trunk should be able to move one-inch (1") in any direction. Rubber hose or bare wire shall not be used to stabilize a tree. Be sure to tighten the guy wires when they need to be tightened, as they will loosen as time goes on. The guy wires and stakes must then be removed after the one year anniversary. Removal of the guy wires after one year is very important to allow the trees to strengthen properly. **Detail #1 and Image #1**

Wood Chip Mulch

Place medium sized decorative bark or shredded cedar wood-chip mulch in the tree watering dish. The mulch will reduce water evaporation from the soil and discourage competing weeds. Make sure the mulch is less than 1-inch deep immediately at the crown of the plant and about 2-inches deep in the remainder of the dish.

Deer Protection

Protection from browsing deer or antler rubbing by the deer or elk is strongly suggested. Install protection within two days of planting. Weld-wire fence, formed into a tube large enough for protection of the plants is recommended. The fence is attached to the ground with 2-foot long rebar stakes driven into the ground at the base of the fence or wired to steel "T" posts which would be installed to stake & guy the trees. Shrubs and junipers may not be a target of heavy browsing, but it is the responsibility of the owner to protect them if they begin sustaining damage. **Detail #3**

Protection from wind

In new development areas, evergreen trees (Ponderosa pine, Colorado spruce and others) should have snow fence installed at the time of planting. This 4' tall snow fence should remain in place for two full winters to protect the evergreens from wind and animal damage while becoming established. Junipers should be covered with burlap for the first winter.

Water Supply

An irrigation system with a timer is strongly recommended for all tree plantings to maximize watering efficiency and promote healthy tree growth.

If a drip irrigation system is installed, the system must be extended outward as the tree roots expand. Sprayers work quite well for this design. Check emitters often to ensure adequate water is reaching the plant roots.

If a sprinkler system is installed, consider the roots of existing plants and trees during the design phase. Plants/trees with severed roots will need additional water while growing new roots. Design to minimize damage to bark from the pressurized water. Ensure the system is providing the correct amount of water. Irrigate when the air is calm and temps are cool.

When watering is performed by hand hoses, the watering dishes which are built around the plants should be filled with water and then given time to soak in, then filled again, and then again (3 times filling dish). This will assure that there is enough water to soak to the bottom of the roots. At planting time, these watering dishes should be 2.5 times the diameter of the original root ball with a berm 3-4 inches high. Fill the dish with mulch to reduce evaporation. They will have to be rebuilt occasionally as they will erode. Never count on the rainfall to be enough water for your newly planted plants. Stick to your watering schedule, no matter how much rain we get.

Tree Watering: Amount of water needed

During a drought, trees must be given top watering priority over your lawn. However, caring for trees requires different watering methods than your lawn. During water restrictions, irrigation systems designed to water turf do not sufficiently water your trees. During a drought, trees should be given a higher priority than lawns. Lawns can be replaced in a matter of months whereas a 20 year old tree will take 20 years to replace.

How much water your tree should receive depends upon the tree size. A general rule of thumb is to use approximately 10 gallons of water per inch of trunk diameter for each watering. Measure the trunk diameter at knee height. General formula: Tree Diameter x 5 minutes = Total Watering Time.

Understanding Tree Roots

Tree root systems consist of large perennial roots and smaller, short-lived, adsorbing roots. The large, woody tree roots and their primary branches increase in size and grow horizontally. At least 90% of large roots are located in the top 12" inches of the soil. Root functions include water and mineral conduction, food and water storage, and anchorage.

In contrast, adsorbing roots, although averaging only 1/16 inch in diameter, constitute the major portion of the root system's surface area. These smaller roots grow outward and predominantly upward from the large roots near the soil surface, where minerals, water and oxygen are relatively abundant. The major function of adsorbing roots is the absorption of water and minerals.

Large roots and small adsorbing roots occupy a large area underground. Typically, the root system of a tree extends outward well past the drip-line, up to two to four times the height of the tree.

Remember, all trees' root systems will increase in spread as the plant becomes established. You must apply water to the soil where the roots are. Soaking the full width and depth of the root zone every time the plant is watered is extremely important. A tree that has been planted for five years may have a root system that spreads 5-6 feet in every direction. You must supply water where those roots are located for the tree to remain healthy.

Rodent, Gopher, Rabbit, and Ground Squirrel Damage

It is the responsibility of the owner to anticipate and prevent small animal damage. Plants which die due to damage by animals will need to be replaced during the warranty period. Gopher tunnels in the root area of the tree must be broken down, as soon as they are noticed to prevent the drying of the plant's roots. Removal of the animal that is digging under your tree is a must.

Definitions

Backfill: The soil used to fill in around a plant being planted.

Balled-and-burlap: A method to harvest large plants and trees out of a field or natural setting. Plant roots are severed, leaving a ball of soil around the intact roots. Burlap and nails are used to keep the soil in place. The burlap roots and soil may then be placed in a wire basket for easier handling.

Caliper: The diameter of the trunk of a tree measured at a point six inches (6") above the ground surface.

Drip Line: The circle that would be drawn on the ground surface around a tree directly under and corresponding to the perimeter of its outermost branch tips.

Root ball: Refers to the soil and root mass associated with potted plants and balled-and-burlap trees.

Tree: Includes trees, perennial plants and shrubs of all kinds for the purpose of this document.

Tree Board: The citizen volunteer board created by Section 2-201 of the Buena Vista Municipal Code.

Tree, large: A tree with a projected maximum height at maturity greater than forty feet (40').

Tree, medium: A tree with a projected maximum height at maturity of between twenty (20') and forty (40') feet.

Tree, small: A tree with a projected maximum height at maturity of not greater than twenty feet (20').

Tree Lawn: A landscaped area lying between the curb or pavement edge of a street and the adjacent property, and which may be traversed by sidewalk.

Xeriscaping: A landscape design and construction technique which incorporates the following seven principles of water conservation: Proper planning, soil improvement, limited turf area, efficient irrigation, the proper use of mulches, use of native and drought tolerant plants, and proper maintenance. Plants in Group 1 of the guide are appropriate for xeriscaping in the Town of Buena Vista.

Watering dish: A berm constructed outside a plant's perimeter made from soil, rock or other materials to keep water contained around a plant while watering.

References

www.csfs.colostate.edu

www.greenco.org

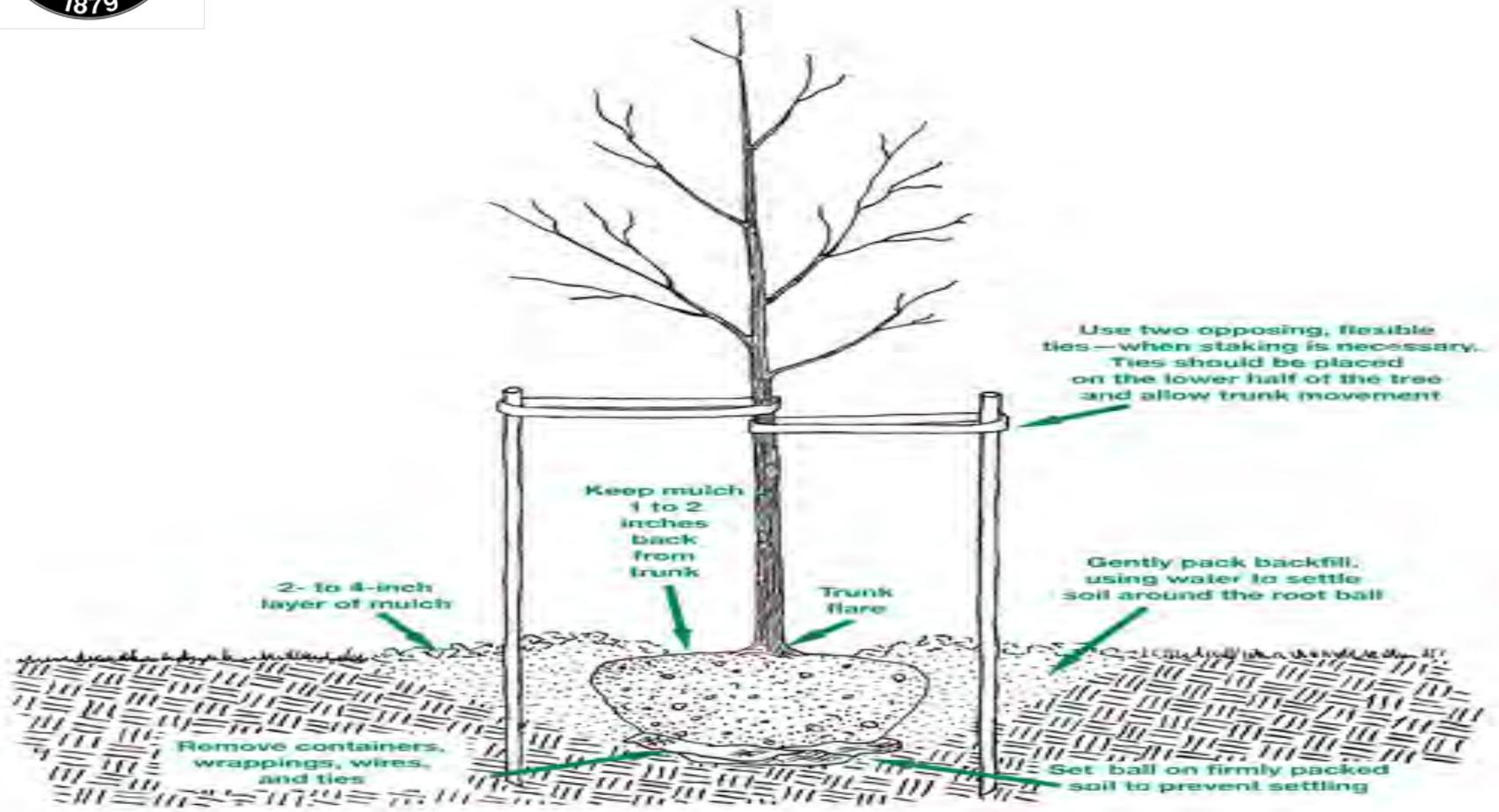
www.treeownersmanual.info

www.isa-arbor.com

www.epa.gov/watersense/

www.buenavistaco.gov

<http://www.colostate.edu/Dept/CoopExt/4dmg/Trees/caring.htm>

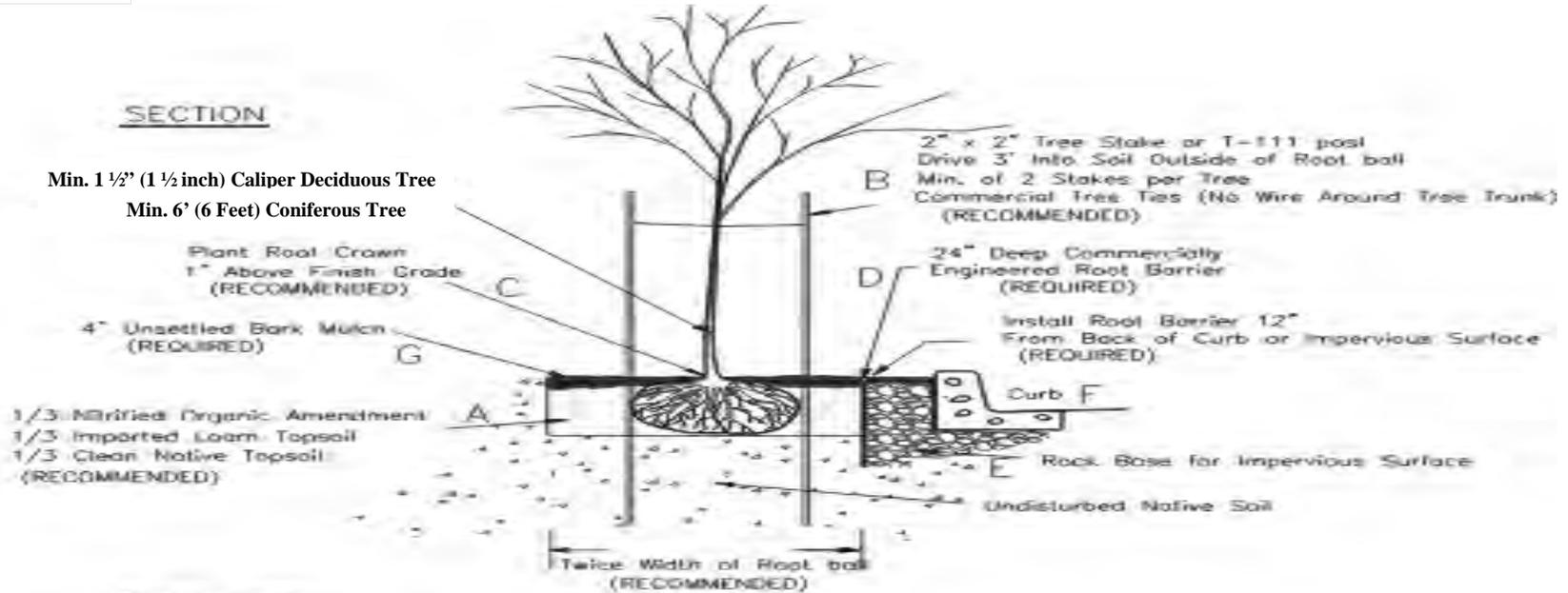


Standard Tree Planting and Staking Detail
February 1, 2016
Detail #1



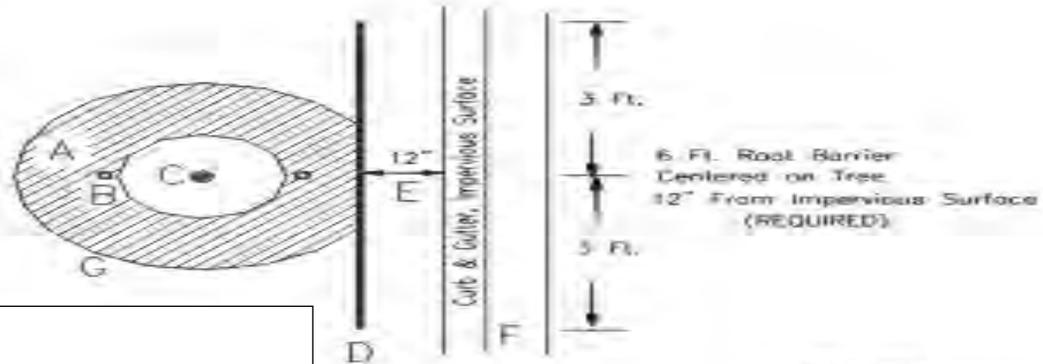
SECTION

Min. 1 1/2" (1 1/2 inch) Caliper Deciduous Tree
 Min. 6' (6 Feet) Coniferous Tree



PLAN VIEW

- A Amended Soil
- B Tree Stakes
- C Root ball
- D 24" Root Barrier
- E Rock Base
- F Curb or Impervious Surface
- G 4" Unsettled Bark Mulch



FILED: mon
 P. Huang, 1/29/05

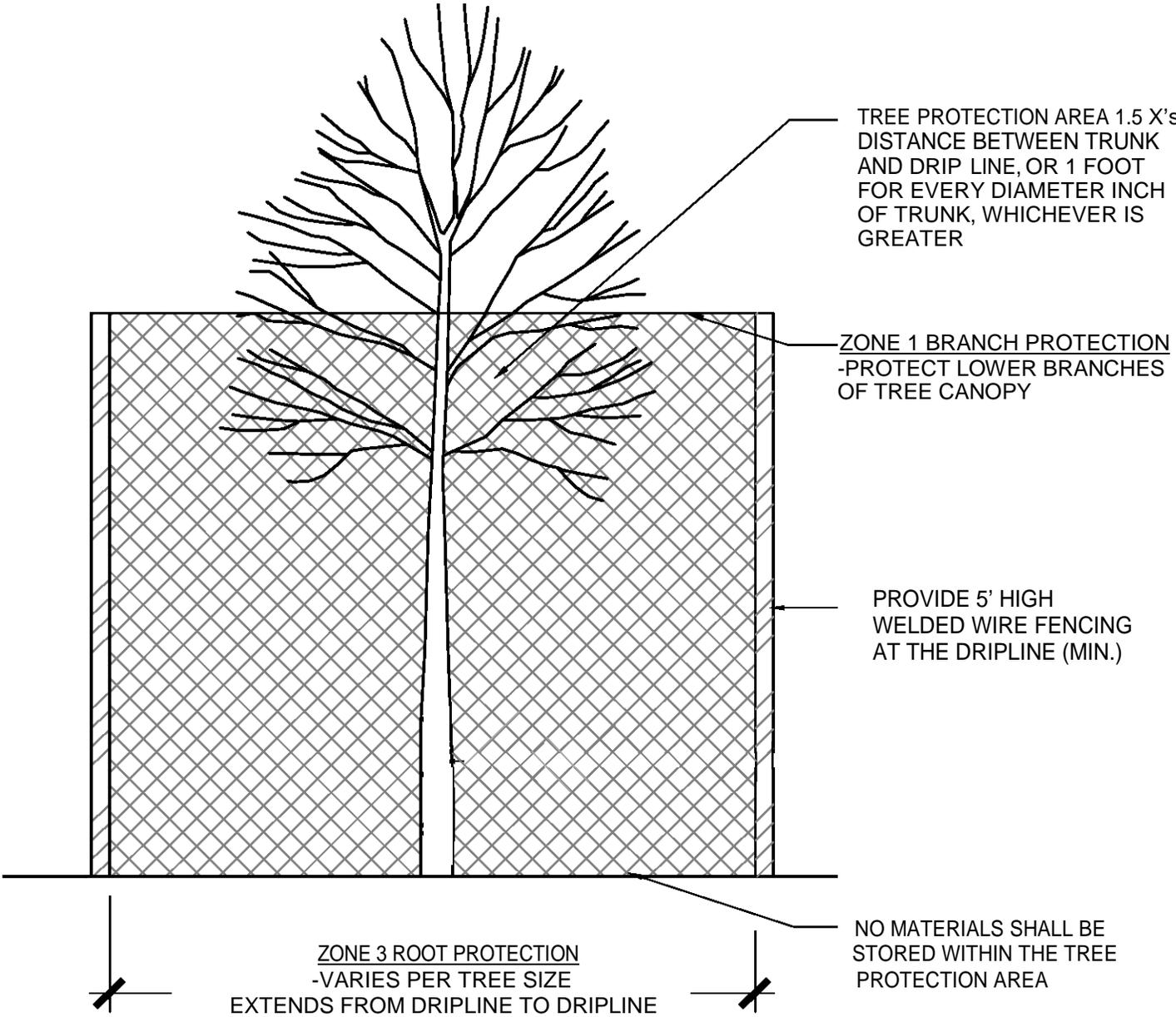
Small Tree Planting and Staking Detail

February 1, 2016

Detail #2

Detail #3

February 1, 2016



TREE PROTECTION

SCALE: NTS

Image #1



Image #2



Image #3



TOWN OF BUENA VISTA, COLORADO

RESOLUTION NO. 32

Series of 2016

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING THE PLANTING GUIDE

WHEREAS, the Town of Buena Vista Tree Advisory Board has completed a project to create the Town of Buena Vista Planting Guide; and

WHEREAS, the Town of Buena Vista Board of Trustees has reviewed the Guide and find that it is in the best interest of the citizens of the Town of Buena Vista to approve this Guide.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, that the Planting Guide is hereby approved as presented.

RESOLVED, APPROVED, and ADOPTED this 12th day of April, 2016.

TOWN OF BUENA VISTA, COLORADO

By: _____
Mayor, Joel Benson

ATTEST:

Janell Sciacca, Town Clerk



Town of Buena Vista
P.O. Box 2002
Buena Vista CO 81211
Phone: (719)395-8643
Fax: (719)395-8644

DATE: April 8, 2016

TO: Mayor and Board of Trustees

FROM: Mark Doering, Principal Planner, Planning Department

AGENDA ITEM: Contract extension with Clarion and Associates to allow completion of the Unified Development Code

Request:

Staff is requesting an extension to the contract for services with Clarion and Associates to allow completion of the Unified Development Code to replace the existing subdivision and zoning ordinances. Staff is seeking an extension to August 8, 2016 from the current completion date of April 30, 2016.

Overview:

Drafting the new zoning and subdivision ordinance has taken longer than originally expected. This extension will allow staff and the consultant additional time to complete the rewrite. Staff anticipates having the zoning and subdivision ordinances rewritten by this summer.

Analysis:

The consultant is currently preparing the last portion of the draft regulations relating to design standards, the sign code, and development processes under the proposed code. Additional time is needed to complete that draft, take it to the Land Use Code Steering Committee, the planning and Zoning Commission and bring the final version to the Board of Trustees for adoption.

Policy Alignment:

Administration policy

BOT Action:

Staff recommends approval of the resolution extending the contract of services with Clarion and Associates.

Attachment:

Resolution extending the contract with Clarion and Associates

RESOLUTION NO. 33
(Series 2016)

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH CLARION ASSOCIATES, LLC, TO EXTEND THE COMPLETION DATE FOR THE REVISED LAND USE CODE.

WHEREAS, the Trustees desire to extend the deadline for completing the land use code revisions to provide more time for the consultant and Town staff to prepare the new code; and

WHEREAS, Town Trustees find and determine it to be in the Town's best interest to amend the initial agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO:

Section 1. The First Amendment to Agreement for Professional Services attached hereto as **Exhibit A** is hereby approved and adopted, and the Mayor is authorized to execute the same.

RESOLVED, APPROVED AND ADOPTED this 12th day of April, 2016.

TOWN OF BUENA VISTA, COLORADO

BY: _____
Joel Benson, Mayor

ATTEST:

Janell Sciacca, Town Clerk

SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES

THIS SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES is made and entered into this 12th day of April, 2016, by and between the Town of Buena Vista, a Colorado municipal corporation having an address of P.O. Box 2002, Buena Vista, Colorado 81211 (the "Town"), and Clarion Associates, LLC, an independent contractor having an address of 621 17th Street, Suite 2250, Denver, Colorado 80293 ("Consultant") (collectively the "Parties").

WHEREAS, the Parties are parties to an Agreement for Professional Services dated March 3, 2015 ("Agreement"), which required Consultant to complete Consultant's Services by November 30, 2015;

WHEREAS, the Parties executed a First Amendment to Agreement for Professional Services dated December 8, 2015 ("First Amendment"), which extended the deadline for Consultant to complete the Consultant's Services to April 30, 2016; and

WHEREAS, the Parties desire to extend the April 30, 2016 deadline to August 1, 2016.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1. Section II of the Agreement is hereby amended to read as follows:

Consultant shall commence work as set forth in the Scope of Services. Except as may be changed in writing by the Town, the Scope of Services shall be complete and Consultant shall furnish the Town the specified deliverables as provided in Exhibit A. Work set forth in the Scope of Services shall be completed no later than August 1, 2016.

2. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES on the date first set forth above.

TOWN OF BUENA VISTA

Joel Benson, Mayor

ATTEST:

Janell Sciacca, Town Clerk

APPROVED AS TO FORM:

Jefferson H. Parker, Town Attorney

CONSULTANT

By: _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was subscribed, sworn to and acknowledged before me this _____ day of _____, 2016, by _____, as _____ of _____.

My commission expires:

(SEAL)

Notary Public



Town of Buena Vista
P.O. Box 2002
Buena Vista CO 81211
Phone: (719)395-8643
Fax: (719)395-8644

DATE: April 12, 2016
TO: Mayor and Board of Trustees
FROM: Brandy Reitter, Town Administrator
AGENDA ITEM: Town/BVSD Land Swap Timeline

Request

The BOT needs to review the project schedule, give staff feedback and consider funding for the design of the baseball field on town property in 2016.

Overview

The Town of Buena Vista proposed swapping the current BVSD baseball site with land in the River Park for the purpose of providing land for a low income housing tax credit project for affordable housing. The project provides an opportunity for affordable housing as an infill project in the town's downtown area. It also gives BVSD a new regulation sized baseball field. Both the BVSD board and BOT supported the project in February.

Now that the project is moving ahead, staff has provided a project schedule with deliverables for the completion of both projects. There are two deadlines, June 1st for the CHFA submittal and November 2016 for the Great Outdoors Colorado (GOCO) grant submittal for park construction.

Staff will pursue the acquisition of the BVSD baseball field regardless of the tax credit award. While the town waits, staff will work with Habitat for Humanity on a project utilizing the space provided by relocating the baseball field.

Analysis

The proposed project timeline to meet the requirements for the June 1st Colorado Housing and Finance Authority (CHFA) deadline for the Urban Inc. application submittal:

- Rezoning current BVSD site from R-1 low density residential to B1-OT
- Vacation of right-of-way (ROW) that includes an alley for site development
- Site plan that includes a subdivision process
- Purchase agreements:
 - BVSD
 - Town of Buena Vista

What is needed for the GOCO grant application in November of 2016:

- Appraisal of both BVSD and River Park property
- Plat and survey of River Park property
- Design of BVSD baseball field
- Costs associated with phase one construction of the BVSD baseball field at the River Park

There are no funds allocated to design or to conduct the necessary land use work for this project in 2016. BVSD and the town have agreed to cost share on the survey and title work, however, additional funds are needed to allocate to finish the preparatory work that is required to meet both CHFA and GOGO deadlines.

Staff is proposing a reallocation of funds from the Arizona Street bridge trail project to fund the planning requirements necessary for this project. The trail project will be budgeted in 2017.

Policy Alignment

- Policy Governance – Economic Vitality, Infrastructure, Community and Environment
- River Park Master Plan
- Comprehensive Plan
- Workforce Housing Policy

BOT Action

Motion to **APPROVE** or **DENY** a funding relocation from the Arizona Street bridge trail project to fund the design and land use preparation required for the BVSD and Town of Buena Vista land swap project.

Roll call vote required.



Town of Buena Vista
P.O. Box 2002
Buena Vista CO 81211
Phone: (719)395-8643
Fax: (719)395-8644

DATE: April 12, 2016
TO: Mayor and Board of Trustees
FROM: Brandy Reitter, Town Administrator
SUBJECT: TOWN ADMINISTRATOR REPORT

Administration

Reminders:

- April 27 – 28 Arkansas River Basin Water Forum at the Salida Steam Plant.
- June 21- 24 CML annual conference in Vail, CO.

I will be on vacation from April 16 - 25th but will be available via email and cell phone.

Town welcomes new staff on April 11th:

- Michelle Stoke - Treasurer
- Jill Abrell – Planning Technician
- Tom Navarette - Seasonal Trails

Town has started the interview process for the Code Enforcement Officer position. Interviews are scheduled for April 8th and 11th.

2016 Audit Season Updates:

- The financial auditor is schedule to conduct a field visit on April 11th and will visit again in May for a follow up visit. We will be on time.
- The CIRSA audit is scheduled for May.
- The Pinnacol worker's compensation audit is scheduled for June.

The next PAC for the airport master plan committee meeting is April 14th at 5 PM. The committee will provide comments on the identification of preferred alternative solutions for the airport. The next steps are the implementation recommendations. The plan will be completed by the end of 2016.

The 2016 municipal election wrapped up on April 5th and town would like to thank the town clerk and election judges on a historic election, it was very successful. Congratulations to the new and re-elected board members.

Save the date: The post-election BOT retreat is scheduled for either May 2nd or 3rd. Please look at your schedule both those evenings and confirm which date works best for you.

The town has prioritized several information technology projects in 2016. An update on projects is provided below:

- Voters approved opting out of SB 152 giving town the ability to expand technology initiatives.
- Per BOT approval on March 22nd staff applied for a DOLA grant for \$50,000 for a pilot project for inexpensive broadband that will provide higher speeds, a secure network, and public Wi-Fi.
- Staff is developing a short and long-term IT strategy plan for capital improvement planning.
- The town's application to the USDA Cool and Connected program was declined. As a result staff will pursue the broadband study approach budgeted for 2016.

Request for Proposals Update:

- Developing park designs for Sunset Vista 4, community garden, community center corner and the BVSD baseball field. Staff is presenting ideas to the Recreation Advisory on April 13th for input and feedback.
- The level two electric vehicle charging stations will be put out to bid Monday, April 11th. The proposed locations are at the boat house and at the BV Square Optimist Splash Park in front of the bathrooms. The grant will be completed by the end of June.
- The new town server will be placed out to bid by April 15th.
- The Rodeo Rd. trail paving project will be placed out to bid late April.

CDOT U.S. 24 Update:

- The first public meeting was held on April 5th and approximately 30 people came out to look at maps and for Q&A. The next steps are for CDOT to put the project out to bid by the end of April.
- Staff is working with Sangre De Cristo on installing 21 decorative down cast lights along U.S. 24.
- CDOT is working on the project website that will launch early summer for people to follow the project and to express any concerns about the progress.
- The next public meeting will be coordinated by the contractor in June.

The FEMA floodplain map was published last month and there are several changes made that will impact property owners. On April 27th at 5 PM, FEMA will host a remapping open house for Buena Vista and surrounding northern Chaffee County property owner's impacted by the updated map.

Recreation & Events & Trails

Events:

- The climber's social event was successful. The boulder holds were cleaned and removed. New routes will be set by May.
- BV Rec hosted a booth at the 9 News Health Fair.
- The Detour event through Colorado Creative Industries is set and will include tiny chalk painting, tiny themed bike art, tiny theatre and painting during the concert.

Trails:

- The railroad trail extension to Baylor Street will start in June with DOC crew assistance.

- The Arizona trail project grant was pulled from BV and the town will work to look at completing the project using various plans and funding with local dollars and the county's Conservation Trust Fund allocation.
- A new trail proposal is being evaluated by both the Trails and Recreation Advisory Boards and will be brought to the BOT this summer.

Programming:

- No update.

Upper Arkansas Water Conservancy District, Augmentation Plan, and Water Planning

The St. Charles Mesa Agreement was sent over to their representative on Friday, April 8th. This agreement will ensure that town's water is protected in the case of extreme drought conditions. The final draft of the document will be presented to the BOT mid-summer.

Staff met with the Upper Arkansas Water Conservancy District on April 6th to discuss the Cottonwood Lake dam improvements and the 2017 U.S. Forrest Service permit renewal. The next steps are:

- The town budgeted \$15,000 for a coordinated feasibility study on expanding capacity on the lake. Town's portion for the study will be approximately \$5,800.
- The study recommendations will be included in the permit.
- Upper Ark will develop a project schedule for the feasibility study.
- Town will provide a notice to proceed with the study to the district.
- Staff from the Upper Ark and town will meet with Mr. Pitts the new District Ranger in Salida in May for the permit renewal.

On March 29th the town requested a substitute water supply plan to augment the evaporation on McPhelmy Park Town Lake. The town's Fry Arkansas water will be used to augment evaporation while town works on a water decree to legally impound water in the lake. The request letter is included in this report.

Staff will present to the Upper Arkansas Water Conservancy District on April 14th the Source Water Protection Plan. Once all comments and the draft are finalized the next steps are:

- Develop MOU with U.S. Forest Service, Chaffee County, and the Upper Arkansas Water Conservancy District.
- Staff will bring the final document to the BOT for final approval at the first meeting in May.
- Implementation of best management practices recommended by the plan.

Staff met with the Colorado Department of Public Health and the Environment (CDPHE) on April 4th to discuss financing various projects that will occur in 2017. Project details are provided below:

- The pre-application process is completed.
- Town will receive a grant for up to \$10,000 for a project needs assessment and an environmental assessment.
- Town will complete the final loan application January of 2017.
- Construction will occur June 2017.

Main Street & Creative District, Community/Economic Development Initiatives

BV Main Street is very active. Updates from the program are provided below:

- The mini-grant application was turned in April 1st for the \$2,500 grant funds and the 2016 first quarter report in progress is due April 15th.
- The board of directors has booked the People's Stage for almost all Saturday afternoons June-August for free public entertainment. The property owners have extended the use of their lot free of charge to Main Street for another season. The stage will remain where it is next to the Pearl Theater this year.
- Main Street continues to work with public works on the plans to expand parking and to beautify the Railroad parking lots on the north and south side of Main Street.

Staff is working to confirm the contract from Scheuber + Darden Architects the architecture firm that will complete the Historic Structure Assessment of the McGinnis Gym.

This concludes my report. If you have any questions please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Brandy Reitter".

Brandy Reitter, Town Administrator
Town of Buena Vista, CO



Wright Water Engineers, Inc.

2490 West 26th Ave., Suite 100A
Denver, Colorado 80211
(303) 480-1700 TEL
(303) 480-1020 FAX

www.wrightwater.com
e-mail:akremers@wrightwater.com

March 29, 2016

Via E-mail

Ms. Melissa Peterson
Division of Water Resources
State Engineer's Office
1313 Sherman Street, Room 818
Denver, CO 80203

Re: Substitute Water Supply Plan Request for McPhelemy Pond in Buena Vista, Colorado
(Section 8, Township 14 South, Range 78 West, Chaffee County, State of Colorado)

Dear Ms. Peterson:

On behalf of the Town of Buena Vista (Town), Wright Water Engineers (WWE) requests approval of a substitute water supply plan (SWSP) to replace stream depletions to Cottonwood Creek due to evaporative losses from McPhelemy Pond which is an expansion of the natural stream channel in Buena Vista, Colorado. Approval of this SWSP is sought pursuant to C.R.S. §37-92-308(5) for depletions that will not exceed five years. The requested period is one year from approval. A payment of \$300 is enclosed for the application fee.

Background

The Town stores on-channel Cottonwood Creek water in McPhelemy Pond within the Town's McPhelemy Park. McPhelemy Pond is created by a 2-foot high dam located in the SW ¼ of the SE ¼ of Section 8, Township 14 South, Range 78 West of the 6th P.M.; from the NE corner of said Section 8 bears S. 27° W a distance of 511 feet to true point of beginning then bears S 50.6° W a distance of 34 feet, all in Chaffee County, Colorado (see Figures 1 and 2). The State of Colorado requires augmentation from out-of-priority depletions due to evaporation from an on-channel pond pursuant to C.R.S. § 37-92-308(5).

Depletions

The Town of Buena Vista is required to replace depletions to Cottonwood Creek due to evaporative losses from McPhelemy Pond for the surface area of the pond exceeding the surface area of the natural stream channel. Water is stored in the pond in the months of May through October when the headgate on the dam is closed. Based on ArcGIS pond surface area delineation from aerial and topographic imagery performed by WWE, the maximum water surface area of McPhelemy Pond is 51,000 square feet (1.17 acres), of which 19,300 square feet (0.44 acres) is the natural stream

channel of Cottonwood Creek. The net increased surface area requiring replacement of evaporative losses equals 31,700 square feet (0.72 acres).

According to NOAA Technical Report NWS 33, gross evaporation for the region is 40 inches per year. Depletions were calculated as the net amount of evaporation after subtracting effective precipitation. Table 1 shows calculations of annual net evaporative loss, based on the State Engineer's approved methodology for elevations above 6,500 feet. The net evaporation of the McPhelemy Pond is 2.13 feet (25.6 inches). The pond will not store Cottonwood Creek water until May. The water surface is increased above the natural stream area only when the dam headgate is closed, typically in May through October. Because McPhelemy Pond is within the natural stream channel of Cottonwood Creek, depletions are instantaneous to the stream. The total augmentation depletion is 1.54 acre-feet.

Replacement Sources

In order to prevent injury to downstream water users in 2016, water from the Town's Fryingpan-Arkansas Project (Project Water) will be delivered to the Arkansas River. The Town's Project Water account currently contains 1,477 acre-feet of augmentation water that may be released from Twin Lakes Reservoir or Turquoise Reservoir. The transit loss at 0.07 percent per mile for water released from Twin Lakes Reservoir with a river length of 22.2 miles is 1.55 percent. The required released amount is given in Table 1. The total required release amount is 1.57 acre-feet. Replacement of out of priority depletions due to evaporative losses in the case of an Arkansas River call will be made from the Town's Project Water account. Based on the calculated evaporative losses and replacement supplies, the Town's Project Water account will be sufficient to replace all plan depletions pursuant to this SWSP.

Operation and Accounting

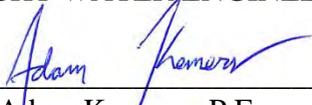
Beginning in May of 2016, the dam at McPhelemy Pond will close and evaporative depletions will be replaced on a monthly basis according to the estimated monthly depletion included in Table 1. Evaporative depletions and replacement water will be reported to the State on a monthly basis in the Town's monthly accounting submittals or other such interval as required by the Division Engineer. A sample accounting form is included in this SWSP.

Conclusion

This plan provides an evaluation of the McPhelemy Pond and associated stream depletions as a result of an increased stream channel on Cottonwood Creek. The proposed plan provides anticipated stream depletions from evaporation and associated replacement deliveries at the proper location to prevent injury to other water rights on Cottonwood Creek.

Sincerely,

WRIGHT WATER ENGINEERS, INC.

By  _____
Adam Kremers, P.E.
Water Resources Engineer

Attachments:

Figure 1 - Overview Map

Figure 2 – Exceedance of Natural Stream Channel

Table 1 – McPhelemy Pond Augmentation Requirement



Path: Z:\Project Files\72-99\841-068\841-068.000\CAD-GIS\GIS\MXD\Figure1_McPhelemyPond_SWSP.mxd

 WRIGHT WATER ENGINEERS, INC. 2490 W 26TH AVE 100A DENVER, CO. 80211 (303) 480-1700	BUENA VISTA, COLORADO OVERVIEW MAP MCPHELEMY POND SWSP	PROJECT NO. 841-068.000	FIGURE 1
SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST			



Path: Z:\Project Files\72-99\841-068\841-068.000\CAD-GIS\GIS\MXD\Figure2_McPhelemyPond_SWSP.mxd

 WRIGHT WATER ENGINEERS, INC. 2490 W 26TH AVE 100A DENVER, CO. 80211 (303) 480-1700	BUENA VISTA, COLORADO EXCEEDANCE OF NATURAL STREAM CHANNEL MCPHELEMY POND SWSP SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST	PROJECT NO. 841-068.000	FIGURE 2
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Table 1 - McPhelemy Pond Augmentation Requirement

Month	McPhelemy Pond Surface Area ₁	Natural Stream Channel Area ₂	Increased Surface Area ₃	Gross Evap Distribution ₄	Gross Evaporation ₅	Precipitation ₆	Effective Precipitation ₇	Unit Net Evaporation ₈	Depletion ₉	Transit Loss ₁₀	Replacement Required ₁₁
	(acres)	(acres)	(acres)	(percent)	(feet)	(feet)	(feet)	(feet)	(acre-feet)	(acre-feet)	(acre-feet)
November	0	0.44	0	4%	0.13	0.04	0.03	0	0	0	0
December	0	0.44	0	1.5%	0.05	0.03	0.02	0	0	0	0
January	0	0.44	0	1%	0.03	0.03	0.02	0	0	0	0
February	0	0.44	0	3%	0.10	0.04	0.03	0	0	0	0
March	0	0.44	0	6%	0.20	0.06	0.04	0	0	0	0
April	0	0.44	0	9%	0.30	0.08	0.05	0	0	0	0
May	1.17	0.44	0.72	12.5%	0.42	0.08	0.06	0.36	0.26	0.004	0.26
June	1.17	0.44	0.72	15.5%	0.52	0.05	0.04	0.48	0.35	0.005	0.35
July	1.17	0.44	0.72	16%	0.53	0.14	0.10	0.43	0.31	0.005	0.32
August	1.17	0.44	0.72	13%	0.43	0.14	0.10	0.34	0.24	0.004	0.25
September	1.17	0.44	0.72	11%	0.37	0.07	0.05	0.32	0.23	0.004	0.23
October	1.17	0.44	0.72	7.5%	0.25	0.06	0.04	0.21	0.15	0.002	0.15
Totals:		0.44	0.72	100%	3.33	0.81	0.57	2.13	1.54	0.024	1.57

Notes:

1. Conservative estimate of McPhelemy Pond surface area via GIS delineation, appx. 51,000 square feet = 1.17 acres.
2. Natural streambed area determined per 2015 topographic survey of pond location and existing stream channel, appx. 19,300 square feet = 0.44 acres.
3. McPhelemy Pond Surface Area area minus Natural Stream Channel Area, 51,000 square feet - 19,300 square feet = 31,700 square feet (0.72 acres)
4. Monthly Distribution via SEO Policy 2003-2 for elevations above 6,500 msl.
5. SEO Aquamap = 40 inches. Nov-Apr, pond drained, values set to zero.
6. Buena Vista (NOAA) weather station (1899-2014)
7. 70% of Precipitation.
8. Gross Evaporation minus Effective Precipitation.
9. Net Evaporation * Net Pond Area.
10. Transit Loss = 1.55 percent (0.07 percent per mile for water released from Twin Lakes Reservoir. appx. 22.2 miles from Twin Lakes Reservoir to McPhelemy Pond)
11. Replacement Required = Depletion (9) + Transit Loss (10)

Office of the Town Treasurer
Memorandum



To: Board of Trustees, Town of Buena Vista, Colorado
From: Jana Schumann, Deputy Treasurer
Date: April 8, 2016
Subject: Report Transmittal for the April 12, 2016 Meeting

Town Expenditures

Since the March 17, 2016 report, the Town has issued:

- 118 Accounts Payable checks for Town expenditures for a total of \$154,612.54.
- ACH withdrawals to the IRS, FPPA, and Colorado Department of Revenue for \$39,039.26 for 2 pay periods, ending 3/12/16 and 3/26/16.
- Net payroll of \$101,224.02 for 2 pay periods.

The breakdown by Fund for AP and payroll-related check disbursements plus the ACH payments is as follows: (Note that all expenditures are not expenses since some are reimbursed or are withholdings from employees' gross payroll.) Attachments A1 – A4 shows the account summary.

• General Fund -	\$ 143,988.89
• Water Fund -	\$ 18,960.00
• Capital Improvement Fund	\$ 20,518.56
• Airport Enterprise Fund -	<u>\$ 9,995.20</u>
• Total all Funds -	<u>\$ 193,462.65</u>

Large expenditures this period:

Sangre De Cristo Electric Association for \$10,132.71 for February 2016 electric charges.

CEBT for \$36,915.41 for the April 2016 medical insurance premium.

Clarion for \$7,467.48 for Land Development Code rewrite for work performed during the month of February.

Hoffman, Parker, Wilson & Carberry, P.C. for \$13,331.53 for legal services for the month of February.

KUBL Group for \$18,565.00 for the equipment and installation of the video surveillance system at the Police Department.

Report Summary

Fund Summary

Fund	Payment Amount
01 - General Fund	143,988.89
02 - Water Enterprise Fund	18,960.00
03 - Capital Improvement Fund	20,518.56
07 - Airport Enterprise Fund	9,995.20
Grand Total:	193,462.65

Account Summary

Account Number	Account Name	Payment Amount
01-110-4410	Legal	2,304.00
01-110-4430	Printing Services	178.68
01-115-4470	Election Forms / Supplie	2,548.26
01-120-4211	Office Supplies	32.66
01-120-4418	Background Check - Non	38.50
01-120-4430	Printing Services	2,532.78
01-120-4510	Software costs	275.00
01-130-4211	Office Supplies	32.67
01-130-4231	Vehicle Gas	18.67
01-130-4346	Cell Phone Service	29.28
01-130-4410	Legal	4,541.26
01-130-4416	Advertising / Public Rela	68.00
01-130-4430	Printing Services	209.35
01-130-4510	Software costs	399.00
01-1321	Prepaid CEBT	31,320.48
01-1322	Prepaid Delta Dental	2,112.87
01-1323	Prepaid VSP insurance	384.14
01-135-4211	Office Supplies	32.65
01-135-4416	Advertising / Public Rela	163.00
01-135-4430	Printing Services	7.57
01-140-4216	Operating Supplies	9.70
01-140-4240	Building Maintenance S	125.41
01-140-4341	Electricity	276.35
01-140-4342	Water	30.45
01-140-4344	Natural Gas / Propone	136.46
01-140-4345	Telephone Service	425.70
01-140-4511	Computer Purchases & P	84.90
01-150-4342	Beautification Exmas Ex	4,999.00
01-150-4903	Trails Committee	1,300.00
01-150-4908	EDC - Main Street Grant	539.70
01-150-4910	Support to Community B	2,679.00
01-150-4911	Economic Development	350.00
01-150-4920	Chamber Building Water	30.45
01-160-4414	IT Services	4,970.00
01-210-4211	Office Supplies	230.42
01-210-4216	Operating Supplies	40.20
01-210-4231	Vehicle Gas	867.75
01-210-4232	Vehicle Maintenance Su	81.50
01-210-4250	Subscriptions	6.75
01-210-4261	Investigation Supplies	60.00
01-210-4275	Uniform / Work Wear	-106.46
01-210-4341	Electricity	512.09
01-210-4342	Water	60.90
01-210-4344	Natural Gas / Propone	115.60
01-210-4345	Telephone Service	149.82
01-210-4346	Cell Phone Service	335.98
01-210-4405	Shipping Fees	56.28
01-210-4410	Legal	2,466.00
01-210-4415	Professional Fees for Ou	17.00

Account Summary

Account Number	Account Name	Payment Amount
01-210-4416	Advertising / Public Rela	558.49
01-210-4430	Printing Services	383.97
01-210-4432	Memberships / Dues	100.00
01-210-4435	Building Rent	2,792.36
01-210-4480	Travel & Training Costs	350.00
01-210-4511	Computer Purchases & P	24.95
01-210-4570	Other Building Furnishin	554.37
01-2115	FPPA Payables	1,017.12
01-2116	FICA Payable	11,966.56
01-2117	FWH Payable	9,608.02
01-2118	SWH Payable	3,342.60
01-2120	Legal Defense Fund Paya	10.00
01-2121	AFLAC Payable	166.15
01-2126	Health Savings Account	4,020.00
01-2127	Liberty Life Ins Payable	13.02
01-2130	CCOERA Payable	3,829.43
01-2131	FPPA Payable - Retireme	6,150.68
01-2132	CCOERA 457 Payable	289.62
01-220-4341	Electricity	247.26
01-220-4342	Water	91.35
01-220-4344	Natural Gas / Propone	276.44
01-220-4345	Telephone Service	473.65
01-220-4426	Building Maintenance Se	5.94
01-230-4210	Medical Supplies	161.85
01-230-4231	Vehicle Gas	108.06
01-230-4232	Vehicle Maintenance Su	291.70
01-230-4233	Equipment Maintenance	130.84
01-230-4346	Cell Phone Service	-142.65
01-230-4415	Professional Fees for Ou	1,250.00
01-230-4427	Maintenance Services Pr	60.00
01-230-4430	Printing Services	251.33
01-230-4432	Memberships / Dues	210.00
01-230-4480	Travel & Training Costs	607.33
01-230-4481	Restaurant Meals for Tr	90.00
01-230-4535	Light Equipment Purcha	329.00
01-310-4211	Office Supplies	32.65
01-310-4410	Legal	2,526.27
01-310-4415	Professional Fees for Ou	7,467.48
01-310-4416	Advertising / Public Rela	274.87
01-310-4430	Printing Services	66.00
01-320-3660	Community Center Rent	200.00
01-320-4240	Building Maintenance S	182.51
01-320-4341	Electricity	517.92
01-320-4342	Water	95.20
01-320-4343	Sewer	80.00
01-320-4344	Natural Gas / Propone	265.74
01-320-4511	Computer Purchases & P	98.89
01-410-4216	Operating Supplies	95.75
01-410-4231	Vehicle Gas	130.58
01-410-4233	Equipment Maintenance	10.24
01-410-4234	Equipment Gas & Oil	359.22
01-410-4240	Building Maintenance S	14.57
01-410-4272	Sign Maintenance Suppli	10.99
01-410-4340	Street Lighting	4,962.48
01-410-4341	Electricity	696.66
01-410-4342	Water	32.90
01-410-4344	Natural Gas / Propone	456.88
01-410-4345	Telephone Service	296.44

Account Summary

Account Number	Account Name	Payment Amount
01-410-4346	Cell Phone Service	185.18
01-410-4430	Printing Services	207.26
01-410-4432	Memberships / Dues	281.50
01-410-4501	Equipment Rental	27.40
01-510-4214	Cleaning Supplies	416.74
01-510-4216	Operating Supplies	93.89
01-510-4231	Vehicle Gas	114.84
01-510-4232	Vehicle Maintenance Su	782.00
01-510-4234	Equipment Gas & Oil	18.03
01-510-4240	Building Maintenance S	37.90
01-510-4242	Park Maintenance Suppl	168.60
01-510-4248	Sprinkler System Supplie	785.94
01-510-4341	Electricity	523.71
01-510-4342	Water	456.75
01-510-4343	Sewer	225.00
01-515-4341	Electricity	67.62
01-520-4341	Electricity	16.80
01-520-4342	Water	30.45
01-550-4211	Office Supplies	32.63
01-550-4231	Vehicle Gas	39.55
01-550-4341	Electricity	97.93
01-550-4342	Water	60.90
01-550-4345	Telephone Service	4.78
01-550-4401	Contract Labor	413.25
01-550-4416	Advertising / Public Rela	159.90
01-550-4430	Printing Services	207.96
01-550-4432	Memberships / Dues	470.00
01-550-4701	Special Interest/Trip/Eve	535.30
01-550-4704	Sports/Athletics	953.63
02-1321	Prepaid CEBT	5,349.57
02-1322	Prepaid Delta Dental	296.70
02-1323	Prepaid VSP insurance	62.39
02-2116	FICA Payable	2,252.52
02-2117	FWH Payable	1,188.82
02-2118	SWH Payable	446.20
02-2126	Health Savings Account	507.50
02-2130	CCOERA Payable	1,077.48
02-2132	CCOERA 457 Payable	57.50
02-710-4205	Postage	832.96
02-710-4211	Office Supplies	49.86
02-710-4216	Operating Supplies	29.97
02-710-4231	Vehicle Gas	368.37
02-710-4236	Meters, Material, & Frt	1,170.67
02-710-4237	Office Equipment Maint	3.99
02-710-4271	Small Tool Purchases	25.95
02-710-4275	Uniform / Work Wear	9.99
02-710-4345	Telephone Service	162.88
02-710-4403	Publication of Public Not	21.67
02-710-4410	Legal	1,322.00
02-710-4430	Printing Services	292.20
02-710-4481	Restaurant Meals for Tr	12.62
02-710-4561	Water Infrastructure Ma	147.55
02-715-4240	Building Maintenance S	5.16
02-715-4244	Plant Operating Supplies	721.68
02-715-4251	Chemicals	1,441.27
02-715-4341	Electricity	814.95
02-715-4344	Natural Gas / Propone	71.58
02-730-4803	Engineering Fees - Capit	216.00

Account Summary

Account Number	Account Name	Payment Amount
03-210-4858	Video Surveillance	18,565.00
03-230-4860	Rescue Equipment	1,394.00
03-415-4861	Street Reconstruction >	559.56
07-1321	Prepaid CEBT	1,400.20
07-1322	Prepaid Delta Dental	171.09
07-1323	Prepaid VSP insurance	31.71
07-2116	FICA Payable	1,668.72
07-2117	FWH Payable	1,041.82
07-2118	SWH Payable	356.20
07-2126	Health Savings Account	507.50
07-2130	CCOERA Payable	363.30
07-2132	CCOERA 457 Payable	7.50
07-815-4240	Building Maintenance S	190.80
07-830-4216	Operating Supplies	80.19
07-830-4218	Oxygen / Nitrogen Suppl	13.64
07-830-4231	Vehicle Gas	241.76
07-830-4275	Uniform / Work Wear	133.00
07-830-4341	Electricity	1,398.94
07-830-4342	Water	30.45
07-830-4344	Natural Gas / Propane	528.13
07-830-4345	Telephone Service	328.82
07-830-4346	Cell Phone Service	67.21
07-830-4410	Legal	792.00
07-835-4233	Equipment Maintenance	584.27
07-835-4235	Maintenance Supplies	57.95
	Grand Total:	193,462.65

Project Account Summary

Project Account Key	Payment Amount
None	192,903.09
Annual Street Maintenance	559.56
	Grand Total:
	193,462.65

Town of Buena Vista
Public Works Operations Report
For
March 2016

Water Department

1. Average Consumption	Average Production
2014=127gpm	2014= 193gpm
2015=134gpm	2015= 204gpm
2016=142gpm	2016= 216gpm

Monthly Calculated Loss

2014= 34%
2015= 34%
2016= 34%

2. Began analyzing meter reading based water loss analysis
3. Completed Consumer Confidence Report
4. Performed 2 meter change-outs (awaiting additional meters)
5. Finalizing SWPP for April board approval
6. Continue backflow certifications
7. Continue water loss analysis and investigation
8. Installed 1 new taps

Total New Taps

- 2013-9
 - 2014-26
 - 2015-15
 - 2016-2
9. Monthly required sampling conducted. No issues detected

Street Department

1. Continue snow and ice removal as necessary
2. Prepping for lake dredging (April 11)
3. Street sweeping as necessary
4. Attended annual Asphalt Conference in Denver
5. Repaired 12 fallen signs (Thanks to Police for catching culprit!!)
6. Routine maintenance as necessary
7. Monitor and remove ice from spillway as necessary

Parks Department

1. Routine maintenance and daily trash removal
2. Began design and lay-out of McPhelamy Park irrigation for April Installation
3. Routine sanding and painting of picnic tables
4. Began ADA required renovations of Columbine Park

Building Maintenance

1. Routine janitorial services
2. Began bid process for Community Center bathroom ventilation install

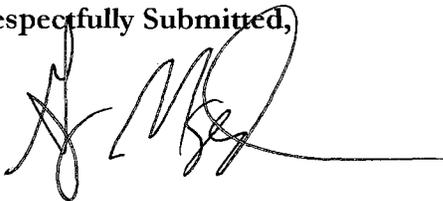
Capital Improvement Projects

- **Public Works Water Fill Station**-Training completed. Conducting water production cost analysis to determine fill station rate. Station should be ready by May 1.
- **Tee Road Tie-In**-Work currently in process. Completed by Mid-April.
- **Beldan Road Waterline Project**-Waterline has been installed and tested. Paving will commence in Spring.
- **Gregg Drive Paving**-Awaiting completion of IGA with CDOT. Work to commence Spring 2017.
- **Rodeo Road Paving**-Cost estimates complete. Should go out to bid Late-April.
- **Well #3**-Change order confirmed at \$10,682.78. Installation of revisions to placement of building currently in process. Project should complete by Mid-April.

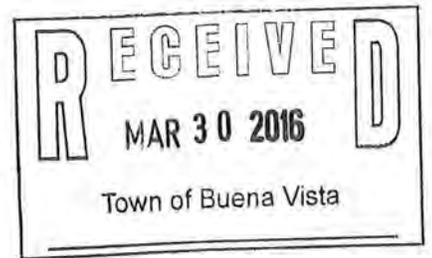
Miscellaneous

- HWY 24 construction slated to begin early summer. Currently researching potential light poles and fixtures for street lighting upgrade.
- Water tank cleaning contract awarded and work will begin early April.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Greg Maggard', with a long horizontal line extending to the right.

Greg Maggard, Public Works Director



March 29, 2016

Board of Trustees
Buena Vista, Colorado

RE: 18th Buena Vista Bike Fest

The Rotary Club of Buena Vista is a non-profit organization. The Club's mission is to meet the needs of our community and beyond thru charitable programs.

The Rotary Club of Buena Vista has submitted a special event permit application to the department of Parks and Recreation for the Bike Fest. The Rotary Club is requesting a waiver of the special event fee and the rental fee for McPhelemy Park for June 3rd thru June 5th.

Sincerely,

A handwritten signature in blue ink that reads "Robert A. Martinez". The signature is written in a cursive style.

Robert A. Martinez
Rotary Club permits chair-person