

**AGENDA
FOR THE BOARD OF TRUSTEES
OF THE TOWN OF BUENA VISTA, COLORADO**
June 14, 2016

Work Session Fire Department Tour at 6:00 PM

The Buena Vista Fire Department will show the public various improvements to the Fire Station as a result of recent renovations completed by volunteers.

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. **AGENDA ADOPTION**
- V. **CONSENT AGENDA**
 - A. **Minutes**
 - 1. Regular Meeting – May 24, 2016
 - 2. Planning & Zoning – May 18, 2016
 - 3. Tree – May 5, 2016
 - 4. Trails – May 3, 2016
 - 5. Recreation – May 11, 2016
 - B. **Police Chief Report**
 - C. **Fire Chief Report**
- VI. **POLICY DISCUSSION – Parking/Use of Right of Ways – RVs and Trailers**
- VII. **PUBLIC COMMENT**
- VIII. **RESPONSE TO PUBLIC COMMENT**
- IX. **BUSINESS ITEMS**
 - A. **Town Facility Security Presentation.**

The Board of Trustees will see a presentation by Staff on different approaches to improve security at town-owned facilities. .
 - B. **Should the Board of Trustees approve adoption of Ordinance #7 “AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO AMENDING CERTAIN SECTIONS OF CHAPTERS 16 AND 18 OF THE BUENA VISTA MUNICIPAL CODE REGARDING THE OCCUPANCY, PARKING AND STORAGE OF RECREATIONAL VEHICLES; CAMPING ON PRIVATE PROPERTY AND STORAGE OF TRAILERS.”?**

The Board of Trustees will consider amendments to Chapter 16 and 18 of the Municipal Code regarding recreational vehicles, camping and storage of trailers in Town.
 - C. **Should the Board of Trustees approve adoption of Ordinance #9 “AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO, REPEALING ARTICLES I, II, III, IV, V, VI, AND VII OF CHAPTER 7 AND REINSTATING ARTICLES I, II, III AND IV OF CHAPTER 7 OF THE BUENA VISTA MUNICIPAL CODE REGARDING NUISANCES AND NUISANCE ABATEMENT.”?**

The Board of Trustees will consider amendments to Chapter 7 of the Municipal Code regarding nuisance and abatement procedures.

This Agenda may be Amended

Posted at Buena Vista Town Hall, www.buenavistaco.gov, Post Office, and Public Library on
Friday, June 10, 2016

- D. **PUBLIC HEARING** – Should the Board of Trustees approve adoption of Resolution #56 entitled **“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.”**?

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.

- 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.

A Public Hearing on 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** - Should the Board of Trustees approve adoption of Resolution #57 **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING A MINOR DEVELOPMENT FOR THE PROPERTY LOCATED AT 116 N COURT STREET, BUENA VISTA, COLORADO.”**?

The Board of Trustees will consider a request to approve a minor subdivision for 3 residential/commercial lots located at 116 N. Court Street.

- G. Should the Board of Trustees approve adoption of Resolution #58 entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING AN A REVOCABLE ENCROACHMENT LICENSE WITH THE TOWN COMPANY, LLC.”**?

The Board of Trustees will consider a revocable license agreement to allow for a public art installation on Town land located northeast of the intersection of South Main and Front Loop.

- H. Should the Board of Trustees approve adoption of Resolution #59 **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH CO CREATIVE FOR DESIGN.”**

The Board of Trustees will consider a contract with CO Creative to provide on call design services for the Town to implement various projects associated with recent master plans.

- I. Should the Board of Trustees approve adoption of Resolution #60 **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO APPROVING THE EXECUTION OF A CONTRACT WITH MILES CONSTRUCTION COMPANY, INC. FOR THE 2016 RODEO ROAD TRAIL PAVING PROJECT IN BUENA VISTA.”**?

The Board of Trustees will consider a contract with Miles Construction to install an 8 foot trail going north and south along Rodeo Road from Gregg Drive to West Main Street.

- J. Ivy League Conversion Project Change Order.

The Board of Trustees will consider allocation of additional funding for the completion of a waterline conversion project in Ivy League.

X. **STAFF REPORTS**

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

XI. **TRUSTEE/STAFF INTERACTION**

XII. **ADJOURNMENT**

This Agenda may be Amended

Posted at Buena Vista Town Hall, www.buenavistaco.gov, Post Office, and Public Library on
Friday, June 10, 2016

**MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO**

May 24, 2016

WORK SESSION Regarding Compensation Classification Study at 6:01 PM

Present for the work session: Mayor Joel Benson, Trustees Lawanna Best, Mark Jenkins, Duff Lacy, and David Volpe, Town Administrator Brandy Reitter, Director of Public Works Greg Maggard, and Deputy Town Clerk Melanie Jacobs.

Shannon Daily from the School of Public Affairs in Denver attended to present a compensation and classification analysis to the Board of Trustees. She explained that the purpose of the study had been to gather data on town staff pay rates and job descriptions, and to compare these with the rates and descriptions being used in 24 similar Colorado towns to evaluate Buena Vista's competitiveness. Reitter indicated that she would use the information Daily had assembled to bring an updated pay plan to the Trustees at a later date, and to revamp job descriptions in order to make sure they are both current and accurate.

The work session ended at 6:41 PM.

I. CALL TO ORDER 00:00

A regular meeting of the Board of Trustees was called to order at 7:00 PM on Tuesday, May 24, 2016, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Joel Benson. Present were Trustees Lawanna Best, Mark Jenkins, Duff Lacy, and David Volpe, Town Administrator Brandy Reitter, Public Works Director Greg Maggard, Principal Planner Mark Doering, Town Treasurer Michelle Stoke, Town Attorney Kathryn Sellars, and Deputy Town Clerk Melanie Jacobs. Trustees Eric Gibb and Phillip Puckett were absent.

II. ROLL CALL 00:06

Deputy Town Clerk Melanie Jacobs proceeded with the roll call and declared a quorum.

III. PLEDGE OF ALLEGIANCE 00:25

Mayor Benson led in the Pledge of Allegiance.

IV. AGENDA ADOPTION 00:45

Benson requested the following modifications to the agenda: that the Executive Session be deleted, that item F be moved to B, that item G be moved to C, that item J be moved to D, and that item I be moved to E.

Motion #1 by Trustee Best, seconded by Trustee Lacy, to adopt the Agenda as amended. **Motion carried, 4-0.**

V. CONSENT AGENDA 02:16

A. Minutes

1. Regular Meeting – May 10, 2016
2. Planning & Zoning – April 20, 2016

3. Planning & Zoning – May 4, 2016
4. Airport – January 19, 2016
5. Airport – February 16, 2016
6. Airport – March 15, 2016
7. Airport – April 19, 2016
8. Beautification – April 14, 2016
9. Economic Vitality – April 28, 2016
10. Recreation – April 13, 2016

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

VI. POLICY DISCUSSION – Nuisances; Abandoned/Inoperable Vehicles; Occupancy, Parking, and Storage of Recreational Vehicles; and Camping on Private Property 02:37

Benson explained to the audience that these policy discussions are intended to allow Trustees to set high-level policy as a guide for future Trustee and staff decisions in particular cases. Doering then introduced the evening's topic: nuisances, RVs, trailers, camping, and inoperable/ abandoned vehicles. He indicated that Trustees had expressed concerns at their May 10 meeting about some of the proposed regulations and drew the Board's attention to the redlined versions of the ordinances included in their packets. All changes in language were made in order to address Trustees' earlier objections.

Doering highlighted some of the specific alterations that had been made: camping would be limited to three consecutive days; the rules governing RV parking, storage, and use as temporary dwellings had been spelled out; language had been added to ensure proper storage of trailers; and regulations were put in place pertaining to agricultural use of animals and numbers/types of animals permitted to be kept in town.

Benson remarked, and Trustees agreed, that the inoperable vehicle ordinance had been adequately discussed at prior meetings and did not require further alteration at this point. Lacy expressed reservations about the possibility that an overenthusiastic Code Enforcement Officer could use the RV ordinance to harass citizens who are not, in fact, living in the vehicles even though it might appear that they are. Benson opined that the blanket requirement that trailers only be left in a public right of way for a maximum of 72 hours could create hardships for citizens. Doering clarified that regulations like these are intended to function as a tool allowing town staff to have productive conversations with residents to resolve possible problems. Reitter suggested that a supporting policy document outlining the intent of the ordinance be put together to supplement the Code, and stated that town staff would have this ready before the ordinance could go into effect.

Sellers drew Trustees' attention to the permitting provisions for allowing people to reside in RVs on residential properties; she wanted to make sure those regulations were understood. Doering explained that this ordinance would allow one occupied RV on a lot at a time, and would limit storage to one RV and two trailers per lot. Benson then thanked staff for cleaning up the animal regulations and allowing for some agricultural uses of animals in town.

VII. PUBLIC COMMENT 27:37

John Abdelnour of 801 ½ Swift Circle, Buena Vista: He spoke on behalf of installing the water line along Pinon St, explaining that many private lot owners were a part of the project, not just South Main, and that he expected 25 lots to be served by the line.

Pat Moffatt of 922 W Main St and 113 N Sangre de Cristo, Buena Vista: She objected to some of the new regulations pertaining to RVs, explaining that she has two fifth wheels on her lot that are kept hooked up to some services even though no one lives in them. She believes the proposed ordinance could create hardships for a segment of the local population that is already marginalized and underrepresented, and asked that this ordinance be tabled. She complimented Code Enforcement Officer Alex Junker on the job he is doing.

Jed Selby of 901 S Main St, Buena Vista: He stated that he had bought the Pinon St land some years ago, and that the property taxes already paid along with future tap fees would reimburse the town for the cost of installing the water line there. He opined that the town should go ahead and install water lines in all priority areas and then put in roads in those neighborhoods where development takes off. He reported that he has sold 16 lots in the Pinon St area.

VIII. RESPONSE TO PUBLIC COMMENT 40:57

Mayor Benson thanked the citizens for coming forward to express their opinions and concerns.

IX. BUSINESS ITEMS

A. South Main Infrastructure Request 42:05

Benson stated that the town was trying to encourage affordable housing and infill development and had set aside money to help with various types of projects; at the same time, the town does not have unlimited funds from which to draw. He noted that the timing of the Pinon St project did not fall within the parameters of the Capital Improvement Plan but wanted to find a way for the town to encourage this development.

Reitter noted that tap fees pay for installation of the tap itself (materials and labor) and perpetual maintenance of existing infrastructure, rather than being used to fund water line extensions. She reminded Trustees that at their April 12 meeting they had discussed criteria for use of town funds for new infrastructure, and said that utilizing these criteria yields a Pinon St project score of 4 points (for infill development; it does not meet the criteria for affordable/workforce housing, long-term housing, or creation of primary or secondary jobs). This score would allow the town to spend up to 20% of the allocated money in the Water Fund (\$100,000) on the project (for a maximum of \$20,000). Other funding options would put the Water, General, or Capital Improvement Funds below the 27% reserve threshold previously adopted by the Board. The town estimates that the water line will cost a total of \$255,000.

JJ Kinsfather of 905 Swift Circle, Buena Vista, rose to speak on behalf of the funding request. He stated that this was not a development as such, just a grouping of lots, many of which already have buyers. He argued that as some of these property owners are interested in building in the near future, the project is shovel-ready and this should constitute its own criterion. Lacy asked if the homes being built would be utilized for long-term housing; Kinsfather replied that he did not know the owners' plans. Lacy then suggested deed restrictions to prevent these properties from being turned into vacation rentals. Jed Selby stated that buyers would not agree to deed restrictions of this sort.

Reitter remarked that Sangre de Cristo and Atmos Energy use recapture mechanisms to recoup infrastructure costs as property owners develop their land, and suggested that the buyers could get together with town staff to discuss this option if they were interested. Benson expressed a desire to bump the project score to 5, based on the probability that at least some of the homes built would be used for long-term housing. This would make the project eligible for up to 30% funding.

Lacy motioned to approve 30% funding of the Pinon St project (\$30,000). Jenkins seconded **Motion #3**. Roll call vote: Volpe, Aye; Best, Aye; Jenkins, Aye; Lacy, Aye. **Motion carried, 4-0**.

Reitter indicated that town staff and property owners would work together on the details of getting the town's portion of the payment to the contractor.

B. PUBLIC HEARING – Should the Board approve adoption of Ordinance #12 “**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO APPROVING A ZONING MAP AMENDMENT TO CERTAIN REAL PROPERTIES KNOW AS LOTS 7-16 OF BLOCK 66, LOTS 1-17 OF BLOCK 67, AND BLOCK 68 IN THE TOWN OF BUENA VISTA, COLORADO.**”? 1:14:20

C. PUBLIC HEARING – Should the Board approve adoption of Ordinance #13 “**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO VACATING AN ALLEY RIGHT OF WAY LOCATED BETWEEN BLOCKS 67 AND 68 IN THE TOWN OF BUENA VISTA, COLORADO.**”? 1:14:20

Doering informed Trustees that he would present the rezoning and vacation requests at the same time. Both applications pertain to an arrangement between the Town and the Buena Vista School District whereby the latter plans to trade their current baseball field for a piece of town-owned property in River Park to be used as a new sports field; the town plans to utilize the property thus acquired for a workforce housing development close to downtown. The town will submit an application to the Colorado Housing and Finance Authority (CHFA) for low-income housing tax credits on the development; CHFA's deadline is June 1, 2016.

Doering explained that the rezoning of the property in question, located at 609 E Pine St, would be from R-1 OT to B-1 OT. The change in zone would allow for development of multifamily housing on the parcel. The vacation request pertains to an alley right of way between Pine St on the north and Carbonate St on the south, and between Utah St on the west and Nevada St on the east. This right of way is currently part of the baseball field located at that address. Doering showed Trustees a site plan of the proposed development, which would be comprised of two apartment buildings of three stories each, with eight units per floor, for a total of 48 new housing units.

Doering noted that as there are no criteria in the Municipal Code to use in evaluating rezoning requests, he had performed his analysis based on the criteria used in other Colorado communities. He has found that the rezoning is in conformance with the Comprehensive Plan, that it preserves contiguity with adjoining zone districts, and that it is compatible with adjacent land uses. The fourth criterion sometimes used, that the rezoning would correct a prior zoning error, is not applicable in this case. Doering closed his discussion of the rezoning request by letting the Trustees know that the Planning and Zoning Commission had recommend approval.

Doering then turned to an explication of the criterion for approval of right of way vacation requests: would it serve the public interest? He stated that he believed so, as there are no public improvements in the right of way that the town would be relinquishing; the vacation would allow the property to develop; and per the Comprehensive Plan, the citizens of Buena Vista desire more affordable housing in the downtown area. As with the rezoning request, the Planning Commission had recommended approval of the alley vacation.

Sandy Campbell of 527 E Pine St, Buena Vista, stepped to the podium to speak. She stated that her residence borders the ballpark on its northwest corner, and that she supports this plan. She does have two major concerns, one being the increased traffic the development would bring to her area, and the other being the possibility that businesses could locate on the property if CHFA rejects the town's application. She thanked Doering for meeting with her and her family about the matter.

Stacy Campbell, also of 527 E Pine St, expressed similar concerns about traffic and suggested it could become a safety issue if too many cars ended up routed in front of the elementary school. She requested that the Utah St access be dropped from consideration, to be replaced by an access onto Evans St. Campbell also asked that the building proposed to be located along Pine St be shifted south, in order to preserve the views from her property.

With no further comment received, Benson closed the public comment portion of the hearing.

Alan Blum of Urban Property Management, Inc. rose to address the Board. Urban, Inc. is the company that will develop the property if CHFA approves the town's application, and has been in the business of building workforce housing since 1972. Blum has met with CHFA and with the Chaffee County Economic Development Corporation about the project and is willing to work with staff and citizens to try to address any concerns. He indicated that their submittal to CHFA would be ready to turn in once the Board hands down its zoning decision.

Benson asked why the request was to switch the zone to B-1 rather than R-3. Doering explained that the R-3 parcel downtown (on which apartments had been erected) was an anomaly in the area, with a different development pattern than that followed in the rest of town. B-1 matches the majority of the downtown area. Jenkins was concerned about preventing businesses from moving onto the property if the tax credit application were to be rejected by CHFA. Reitter responded by reminding the Trustees that the land would belong to the town, and that the town's intent was to see workplace housing built there rather than allowing it to turn into a business area.

Applicant Shelly Mueller of 106 Surrey St, Buena Vista, approached the podium to address the Board. She stated that she was employed by and acting as a representative of the Buena Vista School District in this matter, and that the Buena Vista Board of Education approved of the District's involvement with the project. She offered to answer any questions from the Trustees.

No Trustees had further inquiries and Benson closed the public hearing.

After minimal further discussion, Lacy made a motion to approve Ordinance 12 (rezoning) as written. Best seconded **Motion #4** and it **carried 4-0**.

Volpe then motioned to approve Ordinance 13 as presented (alley vacation). **Motion #5** was seconded by Jenkins and **passed 4-0**.

- D. Should the Board approve adoption of Resolution #53 **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO APPROVING THE PURCHASE AND SALE AGREEMENT BETWEEN THE TOWN OF BUENA VISTA AND URBAN PROPERTY MANAGEMENT, INC. AND AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO EXECUTE RELATED DOCUMENTS."**? 2:02:00

Reitter introduced this resolution by explaining that it pertained to a purchase agreement with Urban Property Management, Inc. Once the School District's ballfield property is transferred to the town, the town will sell it to Urban, Inc. for \$10. UI will then develop it according to CHFA regulations and town standards. The agreement stipulates that there will be deed restrictions on the lot. If CHFA rejects the town's application, the contract would automatically terminate on October 1, 2016, without the need for any further action by the Board. The sale is set to close by July 1, 2017.

In response to a question from the Trustees, Sellars stated that the contract is a standard purchase and sale agreement. Reitter clarified that the entire property was not being sold, but rather just the parcel pictured on the site plan; some land was being retained by the town for a possible Habitat for Humanity project. Reitter also pointed out that the Board and town staff would have to approve the workforce housing development as it progresses, since only a preliminary site plan is available at this point.

Best motioned to adopt Resolution 53 and Lacy seconded **Motion #6**. It **carried 4-0**.

- E. Should the Board approve adoption of Resolution #52 **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO APPROVING THE PURCHASE AND SALE AGREEMENT BETWEEN THE TOWN OF BUENA VISTA AND THE BUENA VISTA SCHOOL DISTRICT R-31 AND AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO EXECUTE RELATED DOCUMENTS."**? 2:08:40

Reitter informed the Board that this resolution addressed the School District's portion of the land swap. The District has expressed satisfaction with the terms of the agreement and is supportive of the effort to bring workplace housing to the downtown area. In return for the 609 E Pine St property, the town has agreed to convey a five-acre parcel (in River Park, north of the softball fields) to the School District for use as a sports field. Because of the park property involved, the land transfer will have to be put to a vote of the people in April 2017. In the interim, the town would enter into a long-term (99-year) lease with the District. If the land swap were to be rejected by the voters, the town would dedicate the same amount of land to the District in the area near the Rodeo Grounds. This would not require voter approval as park land would not be involved. Superintendent Sue Holmes has stated that she is comfortable with this arrangement.

The Trustees discussed the need to change the election date that appears in the agreement to April 2017. In response to a request from Benson, Sellars agreed to add language to the agreement stating that the town could not develop the Pine St property until land had been provided to the School District for their new ballfield.

Best made a motion to approve Resolution 52 as presented and the Agreement as amended. Lacy seconded **Motion #7**, which **carried 4-0**.

Benson asked if any of the Trustees had an objection to moving agenda item H up to F, to better accommodate those members of the audience waiting for the public hearing on that land use matter. No one expressed opposition and the agenda was so amended.

F. PUBLIC HEARING – Should the Board approve adoption of Resolution #51 “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO APPROVING A MINOR DEVELOPMENT FOR THE PROPERTIES LOCATED AT 224 JAMES STREET AND 702 YALE AVENUE BUENA VISTA, COLORADO”? 2:16:00

Doering introduced this resolution, explaining that the applicants were seeking approval of a final plat for the Foreman – Greiner Minor Subdivision to create three residential lots on the property. The application was filed in order to rectify an illegal split made by a former property owner. No new public improvements will be needed, though the property owner will be required to rededicate half of an alleyway (8’ in width) back to the town to provide access onto one of the new lots.

Doering projected a diagram of the proposed lot configuration onto the meeting room screen and ran quickly through the criteria for approval of a minor subdivision. He noted that the application conformed to the town subdivision and zoning ordinances, adequate utility service is available to the lots and an easement will be created across lot 1 to service lot 2, the northern half of the alley running along the south side of lots 1 and 2 will be required to be rededicated to the town, and proper drainage has been demonstrated for lot 1 (the only lot on which there is an existing house). Drainage control requirements will have to be met for lots 2 and 3 when they develop. Doering closed by noting that staff and the Planning and Zoning Commission recommend approval of the subdivision.

Benson opened the hearing to public comment.

Nita Stevens of 123 Neighbors Lane, Buena Vista, rose to ask a question: was there a current plan to build on lot 3? Doering responded that he was not aware of one, and stated that lot 3 was owned by Joe Greiner, who also owns property along Yale Avenue that is partially contiguous with that lot. Doering also stated that only one house could be built on lot 3 in the future.

With no further comment received, Benson closed the public comment portion of the hearing.

Benson asked if the applicant wanted to add anything to the presentation; receiving no response, he closed the public hearing.

Lacy motioned to approve Resolution 51, and **Motion #8** was seconded by Volpe. It **carried 4-0**.

G. Should the Board approve adoption of Ordinance #7 “AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO AMENDING CERTAIN SECTIONS OF CHAPTERS 16 AND 18 OF THE BUENA VISTA MUNICIPAL CODE”

REGARDING THE OCCUPANCY, PARKING AND STORAGE OF RECREATIONAL VEHICLES; CAMPING ON PRIVATE PROPERTY AND STORAGE OF TRAILERS.”? 2:27:50

Jenkins drew the Board's attention to Section 5, stating that he finds the tent camping language too restrictive and wants it to allow for at least seven consecutive days (rather than three). Lacy expressed reservations about limiting trailer parking in public rights of way to 72 hours, and inquired whether there would be exceptions made for construction trailers. Doering replied that such exceptions would be possible with approval of a construction project. He also reiterated the limits on storage: only one RV and two trailers are allowed to be parked on a lot. Benson requested that food carts be permitted to be stored on business premises, as long as they do not occupy parking spaces. There followed some debate about how many RVs and trailers could be stored on lots with duplexes, with a variety of viewpoints expressed but no mutually agreeable compromise reached.

Benson wrapped up discussion by asking that the ordinance be modified in accordance with Trustee comments and brought back to a future meeting. Best motioned to table Ordinance 7 and was seconded by Lacy. **Motion #9 passed 4-0.**

- H. Should the Board approve adoption of Ordinance #8 “**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO REPEALING AND REINSTATING ARTICLES III AND IV, CHAPTER 8 AND AMENDING SECTIONS 7-39, 16-4, 16-161, AND 16-243 OF THE BUENA VISTA MUNICIPAL CODE REGARDING ABANDONED AND INOPERABLE VEHICLES ON PUBLIC AND PRIVATE PROPERTY.”? 2:36:30**

Jenkins raised the issue of classic cars, inquiring about why the ordinance states that a citizen can only park one collector car outside and asking what would happen if someone owned two collector cars that s/he routinely drove. Doering responded that the requirement is tied to state statutes and permits one collector car to be parked outside but any additional such cars would have to be kept inside. Lacy asserted that this rule will lead to game-playing, as it discourages people from getting collector tags if they have multiple classic vehicles. Reitter reminded the Trustees that regulations of this nature are intended to give the town a tool to be used in problem situations.

Jenkins motioned to approve Ordinance 8 and **Motion #10** was seconded by Best. Motion **carried 4-0.**

- I. Should the Board approve adoption of Ordinance #9 “**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO, REPEALING ARTICLES I, II, III, IV, V, VI, AND VII OF CHAPTER 7 AND REINSTATING ARTICLES I, II, III AND IV OF CHAPTER 7 OF THE BUENA VISTA MUNICIPAL CODE REGARDING NUISANCES AND NUISANCE ABATEMENT.”? 2:40:25**

Lacy remarked that the snow removal section of the Ordinance (Sec 7-14) should include language prohibiting the piling of snow in sight triangles/intersections. Lacy then asked if Sec 7-25(i), which allows some town properties to be maintained in their natural states, was intended to give the town the right to avoid landscaping work that is required of town residents. Benson remarked that it might behoove staff to revisit some of this language. In response to a further inquiry from Lacy, Doering replied that the town was indeed responsible for maintaining all

town-owned property, which would generally include the strip of land between a sidewalk and a street. Doering agreed to bring the Board a good, illustrative example of the difference between town right of way and town streets.

Benson requested that mules and donkeys be added to the chart in Sec 7-36, and that six fowl be allowed per half-acre of property rather than per acre. In Sec 7-38(d)(4), Benson asked that the phrase 'but may not run at large' be removed due to redundancy. Volpe inquired about teacup pigs, as people keep them as pets and they could be exempted from the prohibition on swine. Doering explained the rationale behind the swine ban, which was prompted not only by the noise and smell of the animals but also by people's tendency to butcher them. Lacy then asked about butchering deer and elk in town, a not uncommon occurrence during hunting season.

Lacy motioned to table Ordinance 9 to allow for further review and modification. Jenkins seconded **Motion #11**, which **passed 4-0**.

- J. Should the Board approve adoption of Ordinance #11 "**AN ORDINANCE CREATING AN ENTERTAINMENT DISTRICT AND AMENDING CHAPTER 6 OF THE BUENA VISTA MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE VI COMMON CONSUMPTION AREAS.**"? **2:54:40**

Benson introduced this matter by stating that the ordinance related to the Trustees' prior discussion of setting up an entertainment district. Sellars explained that the regulations would 1) create such a district, within which promotional associations could set up common consumption areas, and 2) specify the procedures for the licensing of these associations. Security and other concerns can be addressed through the licensing process, which allows the town to place conditions on a license at the time of issuance.

None of the Trustees expressed reservations about the ordinance, but Lacy did ask that the phrase 'enhance the community's quality of life and' be removed from the fourth 'WHEREAS' on the first page of the document. He expressed skepticism about the likelihood of common consumption areas making people's lives better.

Lacy then motioned to approve Ordinance 11 as amended and Volpe seconded **Motion #12**, which **carried 4-0**.

- K. Should the Board approve adoption of Resolution #54 "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO AUTHORIZING A CONTRACT WITH NATIONAL CAR CHARGING FOR THE DESIGN, FURNISHING AND INSTALLATION OF PUBLICLY ACCESSIBLE LEVEL 2 ELECTRIC VEHICLE (EV) CHARGING STATIONS.**"? **3:00:45**

Benson inquired as to whether the Trustees were being asked to approve both a contract and a budget amendment with this resolution. Reitter replied that this was correct and went on to explain that Railroad St next to Optimist Square Splash Park and the River Park boathouse were being considered as possible locations for the charging stations. These stations require two dedicated parking spots each and are intended to be highly visible in order to help promote the use of green energy. The bid on the stations came in at \$9,687 over the budgeted amount,

and Reitter has been talking to Sangre de Cristo about potentially having them cover part of this overage.

Lacy expressed a lack of enthusiasm about blocking off parking spots in high-use areas of town for the exclusive use of those who wish to charge their electric vehicles. Reitter let Trustees know that the software associated with the stations is highly flexible, and it should be possible to set up a reservation system that would let drivers know if a charging space was free or not. Benson suggested dedicating the parking spots to charging at some times of day, and leaving them open for anyone's use at others. Maggard and the Trustees discussed limiting the spaces next to the Splash Park to 10-minute parking unless someone was charging their car. Maggard indicated that Public Works could put up signage to that effect when the station was in place.

Benson asked Stoke for sales tax figures for 2016. She replied that the town currently has just over \$40,000 in surplus on sales tax revenues for the year. Lacy noted that only one item had gone over budget so far in 2016.

Lacy motioned to approve Resolution 54, along with the required budget amendment and with the understanding that Sangre de Cristo might help with the overage. **Motion #13** was seconded by Jenkins. Roll call vote: Volpe, Aye; Best, Aye; Jenkins, Aye; Lacy, Aye. **Motion carried, 4-0.**

- L. Should the Board approve adoption of Resolution #55 "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO APPOINTING ED BARKOWSKI AS AN ALTERNATE MEMBER OF THE PLANNING AND ZONING COMMISSION.**"? 3:12:13

Benson requested a motion on the matter. Volpe made a motion to approve Resolution 55, which was seconded by Lacy. **Motion #14 passed 4-0.**

X. STAFF REPORTS

1. Town Administrator 3:12:30

- Reitter informed the Board that there will be an Intergovernmental Meeting on Tuesday, May 31 and asked if anyone had agenda items to add. No one did.
- The Economic Vitality Advisory Board would like to put together an economic development strategy for the town, and plans to apply for a grant in order to have a study done. They have asked for Trustee support. Lacy motioned to direct staff to proceed with this initiative, and Volpe seconded. **Motion #15 carried 4-0.**
- NIMS training will take place on June 2 from 9:00am – 2:00pm. All Trustees should attend, as this is a required training for all key staff and elected officials. In the event of an emergency, the fact that Trustees and appropriate staff have had this training could render the town eligible for reimbursements from the state and federal governments.

2. Town Treasurer 3:17:44

- Stoke reported that the March sales tax receipts were 6.4% over the March 2015 numbers, and that the total surplus for the year so far amounted to \$40,335 (8.81% higher than projections).
- The audit is ahead of schedule and Stoke will bring the results to the Board sometime during the next three or four Trustee meetings.

- Stoke and Van Deel have been working to bring airport grant drawdowns up to date. They have almost completed this task. They will also be collaborating to streamline financial reporting at the airport.
- Stoke drew the Board's attention to recent large expenditures listed in her written report, including a bill for over \$10,000 for electric service in April.

3. Town Clerk

Not present at meeting.

4. Principal Planner 3:21:45

- Doering noted that he had added an item to his written report: the number of phone calls received by the Planning Department during the previous month. He indicated that a lot of the recent calls pertained to the new FEMA Flood Insurance Rate Map (FIRM).
- The deadline for appeals to FEMA regarding the FIRM is June 7.
- Doering suggested June 21 at 7:00pm in the Pinon Room as a good time and place for the Trustee work session with the Planning Commissioners.
- Doering thanked Code Enforcement Officer Alex Junker for the work he has been doing.
- The consultants working on the Unified Development Code rewrite are supposed to get the revised draft of Module 2 to staff on June 3. This will be distributed to Steering Committee members, who will meet in late June to discuss the document.

Benson noted that there was a fee waiver request from Emily Wheeler at The Link School included in the meeting packet. Lacy motioned to approve the request. Best seconded **Motion #16**, which **passed 4-0**. Benson invited Trustees to the Shooting the Anvil event at the July 4th parade.

XI. TRUSTEE/STAFF INTERACTION 3:28:30

Benson mentioned that a new and very large Gunsmoke sign had been erected in Johnson Village. He considers it an object lesson in the need to sign an IGA with Chaffee County. Reitter indicated that this is in process.

Benson stated that Chaffee County is modifying its Land Use Code to reduce parcel sizes from two- to one-acre, and speculated that this could encourage development to move away from town and into the county. He encouraged Trustees to keep an eye on this. Doering said that he had heard the changes were intended to allow more density per parcel, rather than smaller parcels.

Benson concluded his remarks by noting that the soccer tournament would take place next week.

Lacy opined that the April electricity bill was rather high and asked about progress on replacing old lights in town buildings with LEDs. Reitter stated that she was pulling together an RFP to address this, and that the old bulbs would be phased out over time.

Reitter noted that there was a letter of support for the Collegiate Commons subdivision (the workforce housing development at 609 E Pine St) included in the meeting packet. She asked Trustees if they were agreeable to signing off on the letter. Volpe motioned to approve this and Lacy seconded. **Motion #17 carried 4-0**.

Maggard stated that he had met with an archaeologist from the BLM, who had looked at the fire pit and given the town some options regarding what could be done with it. These options included protecting the pit with plexiglas panels and placing interpretive plaques at the site, or burying the site back up in order to preserve it. The Board expressed an interest in keeping the fire pit accessible and asked Maggard to look into the costs associated with adding protective and interpretive materials to the site.

XIII. ADJOURNMENT 3:35:30

Motion #18 by Trustee Best, seconded by Trustee Lacy, noting that there was no further business to come before the Board and declaring the meeting adjourned at 10:35 PM. **Motion carried, 4-0.**

Respectfully submitted:

Mayor Joel Benson

Deputy Town Clerk Melanie Jacobs

**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
May 18, 2016**

CALL TO ORDER

A Regular meeting of the Planning and Zoning Commission was called to order at 7:00pm, Wednesday, May 18, 2016 at the Buena Vista Community Center, Pinon Room, 715 E Main Street, Buena Vista, Colorado by Vice Chair Preston Larimer. Also present were Commissioners Annie Davis and Tim Bliss. Staff Present: Principal Planner Mark Doering and Planning Technician Jill Abrell.

PLEDGE OF ALLEGIANCE

Vice Chair Larimer led in the Pledge of Allegiance.

ROLL CALL

Abrell proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

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

APPROVAL OF MINUTES

Davis motioned for approval of the May 4, 2016 minutes. **Motion #2** was seconded by Bliss. Motion carried.

PUBLIC COMMENT

Larimer opened the public comment portion of the hearing at 7:01 p.m. With no comments received, the public comment portion of the hearing was closed at 7:02 p.m.

NEW BUSINESS

Consideration of Alternate Member Application

Doering informed Commissioners that Ed Barkowski was interested in becoming an alternate member of the Planning and Zoning Commission. The Commissioners briefly discussed Barkowski's application and availability. Davis motioned to recommend that the Board of Trustees approve Barkowski's application to become an alternate member of the Planning and Zoning Commission. Bliss seconded the motion based upon the application materials. **Motion #3** passed unanimously.

Scheduling of Work Session with Board of Trustees

Doering suggested to the Commissioners dates and times to hold a Work Session with the Board of Trustees. The Commissioners decided on June 7 at 7 p.m. to recommend as a meeting time to the Board of Trustees. All Commissioners in attendance said they would be available.

102 Brookdale Ave. Special Use Permit

Doering explained that the applicant was requesting a Special Use Permit (SUP) to allow 3D Auto Glass and Tire to operate a tire and windshield repair and replacement shop at 102 Brookdale Ave in the B-1 zone district. The building was previously used for this purpose, but because more than six months has passed since the business was located at this address, a Special Use Permit is necessary. The applicant is proposing to use a portion of the existing building and has submitted plans showing improvements he intends to make to the building exterior.

Doering presented a video from the applicant showing the decibel (dB) levels as produced by air impact wrenches. The levels were recorded right by the building and again at the property line 60 feet away. The levels as measured were within the limits as outlined in the Municipal Code (7-163). The video was intended to address some of the concerns about the noise levels.

Doering went through the criteria for approval, noting that staff anticipates no problems with ingress/egress, off-street parking, or glare or odor effects. The criteria also looks at noise, which is what the video was intended to address. The current code allows for 60 dB in town limits, and video demonstrated that they are within that limit. Doering noted that if there were complaints about noise, the noise is measured at the property line of the subject property.

Larimer and Doering discussed how the levels were determined and the rules regarding ambient noise. Bliss also questioned if the 60dB level was in addition to the ambient noise that exists or if it is 60dB total. Doering clarified that the 60 dB level as allowed includes ambient noise.

Doering continued with the criteria for approval. He noted that the property did have a screened storage area in the back for materials and trash. It is currently existing non-conforming, but if it was damaged, it would have to be brought up to code when it was replaced. The utilities are adequate and no modifications are needed for use. Screening/buffering currently exists on the backside of the building. Doering stated that if any materials had to be stored outside, they must be stored within that area. The applicant has not yet submitted plans for signage, and that will be addressed at a later time. No new exterior lighting has been proposed, however a condition was added that if there is exterior lighting it must be downcast and shielded. Open spaces requirements have been met. Doering explained that when it came to general compatibility, the majority of properties are commercial in nature (post office, hotel, bank, office buildings), and residential to south and southwest. Predominantly, it is mostly surrounded by one story buildings. Generally, the building is compatible in scale and size with the surrounding buildings.

Doering concluded by stating that staff recommends approval with conditions to allow use on property at 102 Brookdale Ave. The following conditions were outlined in the staff report:

- 1) the noise levels must remain below 60 dB as stated in the code (7-163);
- 2) a minor subdivision must be completed to legalize the property within 120 days of adoption of the Board of Trustee's resolution;
- 3) any and all screened outdoor storage shall be stored and stacked not exceed the height of the fence; unenclosed storage is prohibited – storage must be within the enclosed screen. Should applicant need more space, they can build additional screened storage space that meets current code requirements;
- 4) automotive services not included are not permitted (i.e. only minor repairs that typically do not allow for cars to stay overnight);
- 5) if the current screen is damaged, bent, or knocked-down, applicants must put in a fence that meets current code requirements;
- 6) proposed building exterior elevations shall be made within one year of approval;

7) any new exterior light fixtures shall be downcast and shielded.

Bliss asked if the modifications to exterior were the applicant's idea or a suggestion from the Planning Department. Doering replied that it was the applicant's idea and became part of the updated application.

Larimer asked for clarification about decibel levels. Doering stated that according to the code, the maximum decibel level is 60 dB including ambient noise, and reiterated that the noise as demonstrated in the video was within that regulation. Davis asked if it was tested with the door open and Doering responded that it was.

Steve Wartman, applicant, of 29798 County Road 353, was present in the audience and stepped to the podium to speak. Mr. Wartman and the Commissioners discussed code sections 7-163 and 7-167(a) regarding decibel levels. Mr. Wartman stated that he was comfortable that they are within the 60 dB. Mr. Wartman stated that if they keep noise levels below the 60 dB required by the code, he doesn't think it should be an issue.

Bliss questioned if cars would be stored outside. Mr. Wartman responded that because most of the work is scheduled, it is very rare to have cars stored outside. Bliss followed up the original question extending it to buses or larger vehicles that won't fit inside the garage. Mr. Wartman responded that it would be highly unlikely to have buses or larger vehicles overnight, as most of the work is usually in and out in the same day. He stated that if it was an issue, they could be stored in the back.

Bliss stated that the exterior building improvements applicant proposed were appreciated. Mr. Wartman commented that he takes pride in his property and would like to fix it up. He noted improvements have already been made, such as removing a fence that was falling over and pulling weeds.

Larimer commented that the applicant would need a sign permit to put up a sign. Mr. Wartman responded that he understood that but was waiting for the SUP to be approved before applying.

Larimer opened up the discussion for public input.

Ron Haug of 36505 Hwy N rose to address the Commission. Mr. Haug was the original tenant in 1986 - first as a renter and then as an owner. He remarked that no one besides Mr. Wartman has had a problem using this building. Mr. Haug stated that the building has become run-down over the years and he would like to see it fixed up how Mr. Wartman is suggesting in his application. He also remarked that Mr. Wartman is providing a needed service to the Town and providing a future for his son and his son's family.

Sam Mick of 501 S. Railroad St. also rose to address the Commission: Mr. Mick was the owner of 102 Brookdale Ave. before Mr. Wartman. Mr. Mick expressed concern that Mr. Wartman has been put in a hardship, as he already purchased the building believing there would be no issues given that he had previously run a tire store out of the building in question. He also stated that there are other business waiting to move based upon Mr. Wartman's ability to move his business to 102 Brookdale Ave.

Gary Goms of 29105 County Road 355 rose next to address the Commission. Mr. Goms started Buena Vista Auto Care Clinic in 1977 and ran the business as a general repair shop and has maintained his business since 1977. Mr. Goms stated that he has experience as a shop owner and longtime resident. Mr. Goms remarked that Mr. Wartman is improving the building located at 102 Brookdale Ave. He stated

that it's an eyesore and Mr. Wartman will make it presentable. He continued by saying that Mr. Wartman's business is low impact business (most cars are in and out same day), and it won't generate a lot of additional traffic. He commented that since the building is already designed for automotive service, that type of business should succeed at that location. He further remarked that Mr. Wartman has a good business record and reputation, and concluded by stating that if the SUP is denied and another business goes in, he does not believe future owners would make exterior improvements.

Carle A. Linke of 32709 Columbia Ranch Road rose next to address the Commission. Ms. Linke owns properties across the street on Brookdale and has given some conditions that she would like to see the Commissioners add on to their list of conditions for approval. Ms. Linke wrote a letter outlining her desired conditions. Ms. Linke did state her support of the exterior renovations Mr. Wartman is proposing. Ms. Linke stated that she would like to correct some of the history of the property. Ms. Linke explained that residences were existing before the garage was built. Ms. Linke remarked that the Post Office changed the zoning and feel of the neighborhood, and commented that the zoning has never been proper. Ms. Linke expressed concern about the process of approving a Special Use Permit and frustration that there had been no posting for public hearing the first time the Special Use Permit was before the Commission. Ms. Linke continued stating that publicity has been ugly. She remarked that the code was broken and that she was frustrated that Mr. Wartman was allowed to re-apply after his SUP was denied. She believes that neighbors should have a chance to work out differences and the Commission should act as mediators and then make a recommendation. She expressed concerns about the Planning and Zoning Commission and the Board of Trustees, and reiterated her desire for the Commission to follow her recommendations.

Cindy Swisher of 100 Baylor rose next to address the Commission. Mrs. Swisher's husband owns Swisher-Automotive, a complete service shop. Mrs. Swisher stated that they stopped doing windshields about a year and half ago and Mr. Wartman took over. She expressed concern that the Town needed someone in town to do that. She remarked that since Mr. Wartman just does tires and windshields, 3D-Auto's smells and noises will be considerably less than previous businesses located at 102 Brookdale. Mrs. Swisher stated that if 3-D Auto had rules they have to follow, she doesn't think it would be a problem to run their business at 102 Brookdale.

Daniel Wartman of 29831 County Road 353 rose next to address the Commission. Mr. Daniel Wartman is the General Manager of 3-D Auto. Mr. Daniel Wartman stated that they have talked with Ms. Linke to try to resolve some of the issues. He remarked that they want to be good neighbors and work together to be a community. He commented that some of the things in the past have nothing to do with their operation. Mr. Daniel Wartman stated that they wanted to stay in Buena Vista for their family and build a future here. He remarked that Buena Vista is growing and they provide a needed service. He continued by stating that they have a desire to be a good looking business and considerate people, and that they are not out to make enemies or ruffle feathers. He stated that they would like to follow the code. He remarked that they make strides in appearance and quality of work. He concluded by stating that they would like to keep Buena Vista growing in all age groups and aspects, and that their future is very dependent upon their ability to run 3-D Auto.

Dennis Giese of 30699 County Road 361 rose next to address the Commission. Mr. Giese noted that the application must be judged on the seven or eight criteria as outlined. He stated that he appreciated the recommendation of the Planning Department of the Commission the last time this application was received, and that "does it fit the feel of the neighborhood" seems to be the criteria no one can agree on. Mr. Giese remarked that the shops that had previously been there were successful and that he does not

feel any other business would have a better fit than 3-D Auto. He believes that if the application meets the criteria, it should be approved, and he would like to see the Commission recommend approval again.

Sheryl Dusenbery of 180 Susan Drive rose next to address the Commission. Ms. Dusenbery stated that she was appalled when the Board of Trustees denied the application the last time. She stated that the current shop is immaculate. She also noted that it's not uncommon for banks or restaurants to be located next to tire shops. She does not believe there is anything incongruous locating 3-D Auto at 102 Brookdale.

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

In response to comments made during the Public Hearing, Larimer stated that although the land use code is currently being re-written, it is the current guidelines. He also noted that Public Notice is not required for a Special Use Permit, and addressed Ms. Linke's frustrations. Larimer remarked to Mr. Daniel Wartman that if his application is approved by the Board of Trustees, that 3-D Auto's approach will be to be good neighbors. He noted the importance of that approach when residential zones interface with commercial zones.

Bliss and Doering clarified a couple of the procedural issues that Ms. Linke mentioned in her statements regarding the Special Use Permit process.

Ms. Linke asked for further clarification.

Larimer stated that there is no Public Notice for a Special Use Permit before the Planning and Zoning Commission meeting. Doering remarked that there are agendas posted at Town Hall, the library, and the post office, which are posted per Colorado State Law. Doering further clarified that the agendas are posted again before the Board of Trustees meeting, and that there is a Public Notice in the form of mailing and sign posting before a Board of Trustees meeting for a Special Use Permit.

Doering and Larimer noted that the code is being re-written, and there is a draft currently available for the Public to review and comment.

Davis asked Mr. Daniel Wartman how many big trucks or buses do he works on in the average year. Mr. Daniel Wartman replied that from October through May they rarely do any, but May through September he estimated that they work on 2-3 buses or bigger trucks a month. He further stated that almost all of the work could be done in a day, as they and the customers prefer quick turnaround, and that the work would probably be performed in the back. He went on to state that he does not agree with past actions of previous tenants, and that many things occurred which he would never allow as a good manager and a good neighbor. He remarked that he wanted to have a good reputation to have a livelihood for his family and his future.

Bliss asked Doering to define consideration of ambient noise. Doering stated that it is difficult to judge a 65 dB noise event if you're right next door to an event that's 80 dB. Doering noted that the background noise at the time and what is going on around it influences ambient noise. He stated that the 35 dB in the video is the background noise level.

The Commissioners discussed Ms. Linke's letter.

Mr. Wartman rose to respond to some of the Commissioners' concerns. Mr. Wartman stated that he is seeking approval based upon the code and recommendation of Mr. Doering. He went on to state that he would like to try to work with Ms. Linke to address her concerns, but would like to further discuss a few of her recommended conditions, such as keeping the doors closed, business hours, and no work on vehicles after hours or on weekends. Mr. Wartman questioned if the Town wanted to regulate hours of operation. He noted that in terms of the noise ordinance in the code, the acceptable hours of operation are 7:00 a.m. to 7:00 p.m. He stated that he would like the ability to come and go after hours, and that if something like that occurred, the doors would remain shut, and that this was not a code violation. He noted that he would rarely work on vehicles outside, and only if they would not fit in the garage. He followed up by saying that he would still strive to be a good neighbor and encouraged Ms. Linke to call him if she saw something that shouldn't be happening. Mr. Wartman reiterated his request for the SUP to be approved with conditions as provided with the recommendations of the Town Planner.

Larimer agreed with several of his statements, and stated to Ms. Linke that they do have to work by the code.

The Commissioners further discussed Ms. Linke's letter, and concluded that they did not wish to add any conditions based upon her recommendations.

Davis asked Mr. Wartman what was done with old tires. Mr. Wartman replied that tires are kept in enclosed storage in the back and that they are picked up once a month. He noted that the State requires that old tires be kept enclosed, that they usually don't have more than 100 at any given time, and that the storage of old tires does not go above fence level.

Bliss commented that if this business had never left it would still be there if not for the lapse. He remarked that there are criteria, and the criteria have been met. Larimer noted that the Wartmans now own the building and that makes a difference. He remarked that it was more significant than just being tenants.

Davis motioned that the Commission recommend to the Board of Trustees approval with the conditions as outlined by the Staff for the Special Use Permit at 102 Brookdale Drive. Bliss seconded the motion. **Motion #4** passed unanimously.

Larimer dismissed the Commission for a five minute break. The meeting reconvened at 8:41 p.m.

Grove-Minor Subdivision

Doering presented the Staff review for the Grove-Minor Subdivision. The property is located at 116 N. Court Street, on the corner of Chestnut and Court. Applicants are requesting a minor subdivision to create three commercial/residential lots in the B-1 OT Zone District, which allows for mixed use. One of the lots has a house, and the other two are currently vacant. Doering noted that the lots currently run north to south, and applicants are requesting that the lots be re-oriented to run east-west. This would allow access to the alley, and change the feel of the neighborhood in a positive manner. Doering went through the criteria for subdivision approval, and recommended to the Commission approval with the following condition:

- 1) Ensure vehicular access to all three lots is only from the alley. No new driveways accessing Chestnut or Court Street shall be allowed. The easement for the access and utilities shall be required across lots two and three.

Larimer asked if the easement included parking. Doering clarified that the easement is for access and utilities only; not for parking. Doering remarked that parking would have to meet the requirements of whatever is developed on those lots. He further clarified that the lots are 100 feet deep and the easement is 20 feet.

Bliss asked if the lot lines in other directions were vacated. Doering responded that they were not, but platting will remove the property lines and turn them to align east-west.

Larimer suggested moving on to the applicant's presentation.

John Grove of 116 N. Court St. rose to address the Commission. Mr. Grove wanted to add that there is also a sewer line on Court Street so there are different access points for sanitation. Mr. Grove remarked that the idea for access and parking is for future owners to build garages for off-street parking. He noted that that would be up to whoever buys it. He concluded that reorienting the lot lines would provide a better view for future development.

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

The Commission had no further questions or discussion. Davis made a motion to recommend to the Board of Trustees approval of the final plat with the condition as outlined by Staff to create three new residential or commercial lots.

Grove asked for clarification about usage. Doering stated that it would be possible to have one building on a lot that was commercial downstairs and residential upstairs. Grove followed up that question asking if he can still drive through the gate off of Chestnut where he presently has vehicular access. Doering responded that he can still access through the gate but cannot build a driveway.

With no further discussion, Bliss seconded the motion. **Motion #5** passed unanimously.

STAFF / COMMISSION INTERACTION

Doering reminded the Commission about the Planning Commission training in Golden on Saturday.

Doering discussed the reasoning behind requiring alley access. He displayed some photos showing alley access and street access and explained that alley access allows for a downtown feeling and pedestrian interaction.

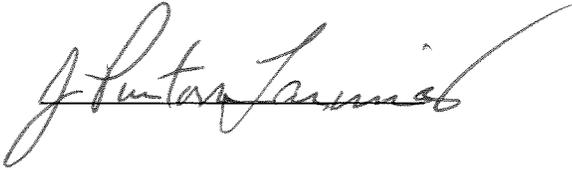
Doering informed the Commission that FEMA is closing appeal period on June 7 or 8 for the map. He noted that any appeals received will be submitted to FEMA. He remarked that FEMA is trying to be flexible, however, they have their own process.

Doering also informed the Commission that Staff now has the second part of the Unified Development Code. He stated that it was being reviewed by staff now, and that improvements need to be made before it goes to the Steering Committee. He encouraged public comment once the UDC is made public.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Davis motioned to adjourn the meeting at 9:00 p.m. Commissioner Banks seconded. **Motion #6** was unanimously approved.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Preston Larimer", written over a horizontal line.

Preston Larimer, Vice Chair

A handwritten signature in cursive script, appearing to read "Jill Abrell", written over a horizontal line.

Jill Abrell, Planning Technician

Buena Vista Tree Advisory Board

Minutes of May 5, 2016

The meeting called to order by Tom Liverman at 2:20 pm.

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

Agenda adoption by Chairman Tom Liverman .

Minutes from the April 7, 2016 meeting were approved by motion with corrections from Tom and 2nd by Dan

Volunteer Time Ledger , 5 hrs for administration & tree inspections

Work plan reviewed , on schedule with Arbor day & E. Main tree inspections upcoming

Public Works Report

Greg reported that the revised Planting Guide was adopted by Town Council. Greg will post ads for Tree Board membership. We are still need 3 members.

Colorado State Forest Service Report : Kathryn presented the Colorado Tree Coalition grant sign to be posted at the upcoming planting project on Evans St.

Business;

1. Discussion of upcoming Arbor day on May 20th.Meeting at 0900 on site at Evans St.. The planting consists of 7 new trees and an irrigation system along east side and west of Evans St. Trees have been ordered through Little Valley Wholesale Nursery and will be delivered May 18th. Greg to call in utility locates. Public Works and other Town employees are invited to help with planting and installing the irrigation system. Greg to prepare a press release and notification for volunteers. An educational discussion by Kathryn Hardgrave will start off the day at 0900.
2. GIS tree update is on hold until a new planning intern is assigned.
3. Rodeo Rd tree snow-fence maintenance project has been scheduled w DOC work crews. Project involves minimum trimming branches around base, removing some topsoil to the expose the weed fabric and cut it back from tree trunks.
4. Tree order for this years planting has been ordered from Little Valley Nursery, twenty trees will be delivered for the Arbor day plantings and adopt a tree program on May 18th. Seven trees are allocated for the Evans St Project and the remaining 13 trees will be for Adopt- a Tree project.
5. Tree board conducted a tree survey along the street at 895 Yale. The large Spruce trees seem in good health and are not considered to be hazardous at this time. Greg to contact homeowner.

Other Business: none presented

Final Comments: Prepared agenda for June meeting

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

Adjournment

The meeting was adjourned at 3:00 PM by motion by Dan and 2nd from Tom.

Tree board proceeded to Evans St Project for Arbor Day and staked the seven proposed tree sites.

Respectfully submitted,



Roy Gertson

Secretary



Buena Vista Trails Advisory Board Minutes

Public Works Building

May 3, 2016

Present: Lois Walton, Nancy Anderson, Kathy Hoerlein, Ed Eberle, Greg Maggard, Emily Osborn, Dick Scar

I. **Meeting called to order:** 9:03am

II. **Agenda:** approved

III. **Minutes:** approved

IV. OLD BUSINESS

● **Public Works Director's report (Greg):**

- a) CDOT's involvement with the Arizona Trail project has been revived. CDOT contacted Greg to say that they do not want the project to die after so much time & effort. After a 90 minute phone conference, Greg will meet with CDOT in Durango to discuss details & plans. Greg is working to get Olson Engineering to come back on board with the original plans. Ryan Cole will need to be contacted with the new/old project direction.
- b) Peaks View Trail has begun to wash out at the bottom of the N/S hill. Greg will look at possibilities for mitigation. FEMA floodplain designation will need to be considered. The E/W segment has logs from the Clearview Church parking lot intruding into the trail. Greg & Emily will have some of the church community work group move them on May 15th.
- c) Rodeo Rd. Trail paving bids are due May 20th, 2016. Paving will be completed by the end of June 2016.
- d) The crusher fines material taken from Rodeo Rd. Trail prior to paving will be re-purposed in constructing the RR Trail extension to Baylor. This will save \$4,000 on the RR project this summer 2016.
- e) Some trails clean-up will be done by 25 Clearview Church members on their May 15th Community Day.
- f) The Trails Maintenance employee has begun work, but there is still an opening for three additional seasonal employees. Until such employees are hired, work is somewhat delayed.
- g) There is no need for TAB approval of CO Center plans, as the developer is putting in a gravel path along CR 319. Lois requested a review of the preliminary plans at the June 7, 2016 TAB meeting
- h) The CR 317 paving, with trail is slated for completion by late July 2016.
- i) The well and the irrigation line have been installed at the River Park.

● **Brochures (Ed):**

- a) The brochures have been printed and distributed to numerous sites by Ed & Lois. Emily will get brochures to the rafting companies. Kathy will distribute some to another location. Ed purchased lucite brochure holders & made information cards that inform business owners as to where/how to get more brochures.
- b) Ed built 6 new wood boxes, which need to be installed. Suggestions for locations: Boulder Garden, Splash Park, McPhelemy Park, East Main RR Parking area. Greg will have staff install the boxes.
- c) Ed proposed that TAB look at budgeting for a large sign and addition to the kiosk at the River Park, as FoF is planning to upgrade their current 3-panel kiosk next year. It might be time to put a kiosk with a large map at McPhelemy also.

d) Next year, perhaps TAB could collaborate with the Rec Board to develop a bigger map.

- **Town and South Main Boat Launch (Emily):** The Rec Board recommended pursuing the idea and the Trustees want a code revision to accommodate a launch. Emily was directed to compile rules for the potential launch.

● **CMA Committee Report (Emily):**

- a) Emily will present the Midland Hills Bridge/Ramsour Trail proposal to the Trustees on May 10th, 2016. The proposal is the same as TAB reviewed in April, with the addition of an extension to CR 304. After The May 10th presentation,

the proposal will go to BLM for approval. BLM will determine any further actions, such as the need for NEPA, Archeological survey, etc...

b) The trail meeting held on April 28th was well attended by representatives from most of the local active volunteer groups. Progress is being made to have a cohesive, collaborative group of community trails advocates to work with Town & BLM.

c) Todd Loubsky will be presenting two Trail Crew Leader workshops to train local volunteers in sustainable trail building and maintenance techniques. Those trained trail crew leaders can then lead crews in using consistent methods that work. The first is scheduled for Friday, May 13th, 2016; the second during UAWV's training weekend, June 11-12, 2016.

● **Recreation Board Updates (Emily):**

a) Dog poop bags need to be consistently stocked on the Whipple Trail and at the Dog Park. Greg will have staff keep them stocked.

b) An RFP has gone out to Design firms for several projects (Sunset Vista pocket park, BB field, Community Garden, etc...) By the end of May 2016, a firm will be chosen and the scoping process will begin.

c) The Aug 9-14 2016 TransRockies Run will begin on South Main in BV. Registration is at the BV Heritage Museum on Aug. 8th. Discussion has been had regarding a potential CBS advertising expenditure. Town Advisory Boards may be asked for input.

● **Other: None**

V. NEW BUSINESS

● **TAB Meeting Time:** The TAB meeting time is changed to 8am (instead of 9am), beginning with the June 7th regular meeting

● **Upcoming Events:** Agnes Vaille community information meeting is being held at the BV Community Center on May 25th, 2016 from 5:30-7:30pm.

● **Other:** S&RT has received first year funding for priority tasks including hiring a coordinator.

VI. Adjournment: 10:41am

Next Meeting: June 7, 2016 *Please Note*** Meeting time is 8:00am**

Minutes submitted by Nancy Anderson

Minutes approved as written (Date) 6/07/2016 by 

MINUTES FOR THE MEETING OF THE
RECREATION ADVISORY BOARD
Wednesday, May 11, 2016

CALL TO ORDER: A meeting of the Recreation Advisory Board was held on Wednesday, March 9, 2016 at the Buena Vista Community Center, 715 E. Main Street, Buena Vista, Colorado. Earl Richmond called the meeting to order at 7:35am.

Members present were Co-Chair Earl Richmond, Co-Chair McKenzie Lyle, Gary Crowder, Ashley Blazer, and Marcus Trusty, along with Trustee Dave Volpe. Recreation Supervisor Emily Osborn and Recreation Program Coordinator Ashley Davis were also present. Amanda Krost from Mt. Princeton Hot Springs Resort and Ed Eberle from the Trails Board were also present.

APPROVAL OF MINUTES: Minutes will be approved via email due to technological difficulties.

APPROVAL OF THE AGENDA: The agenda was amended to include a discussion concerning the 95th annual Rodeo. There were no other amendments to the agenda. Gary Crowder motioned to approve the agenda as amended. McKenzie Lyle seconded the motion. Unanimous approval.

PUBLIC COMMENT: No public comments.

DISCUSSION ITEMS:

- I. Discussion re Trails Map: Ed Eberle presented the finished 2016 trails map. In 2015, there were only 10 locations that housed these and they were gone in three months. This year, they printed more and have put them at various other locations. Ed has made some outside boxes to store these and he is interested in where he could put those. Some suggestions were the dump station, splash park, airport, Chamber of Commerce, McPhelemy Park, K's Park, and South Main. Emily can gather any other ideas and report them to Ed. They have expanded the map to include the Whipple Trails and the hope is that the Friends of Fourmile group will eventually jump on board with using this map once the old ones have been used up. Ed is curious if the Rec Board would be interested in helping fund these maps next year and they could include more recreation descriptions. There is room for a lot more verbiage if we do a double-fold map. Ed isn't sure yet what the trails board would be contributing. Both Marcus and McKenzie like the option of having two maps, a smaller to carry and see what's to do in town versus a larger one for the trails system. The Recreation Board showed interest in possibly partnering with the Trails Board further down the road to produce these maps.
- II. Discussion re RFP: The Request for Proposal went out last week with all the items: 2 Town Parks, Community Garden, and Baseball Field. Trustee Lawanna Best, Earl, Marcus, Joel, Brandy, and Emily met last week to discuss splitting up the items and doing them separately. Vertex would donate the \$10,000 still but it could be designated toward something other than specifically a garden. There is a little bit of flexibility, so Joel didn't think it would be a problem to approach them with these projects and possibly re-designate funds. As Marcus understand it, staff is looking for someone to give them specific numbers necessary for a project like the community parks, present those to the Board of Trustees, and then bring it back to the Recreation Board for the actual leg work. He thinks we're getting to the same place just in different ways. Earl is questioning if this part of the process is misleading and should be called a "Request for Information" instead. Neither options produce numbers, according to Emily, but it will produce work from all companies and we will chose

a specific group to design and come up with a number. McKenzie wants to keep the ideas coming organically from the community, and Marcus agrees that this is something the Recreation Board can't lose. Amanda inputted that it creates a better sense of community and empowers community members to stay involved. Earl reported that our time will come to have input but it is a different timeline than we would have originally chosen to do. McKenzie thinks this is the new communication and even though it's backward, maybe we can wrap our heads around it and communicate in a different way. McKenzie questioned what we have to do to communicate better with the Board. She believes we need to ramp it up ourselves, show up to meetings, push agendas, and fight for what we want.

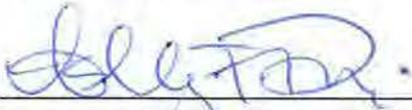
- III. Discussion re Advisory Board Training and Fair: Emily Katsimpalis will be doing this for about a half hour in June. There will be a fair with all the advisory boards, as well as other groups such as the Heritage group. There is also hope that we can present twice a year, once around budget talks, and then another time to share ideas and discuss items. Marcus questioned what it will cover. Emily Osborn believes it will cover how the process works, what the role is of the boards, etc.
- IV. Discussion re Boat Launch Rules and Regulations: Last night they approved the amended code verbiage at the Board of Trustee meeting. It basically states that at the Town Boat Launch sites, all rules and regulations must be followed. Currently, there is parking on the right side of South main Loop. McKenzie suggested that we have them follow all traffic laws. Marcus thinks we need to be more specific to ensure other people don't get the wrong ideas and cause us to have to go back and fix it later. Marcus asked if there was any update on the access road. Dave stated that Jed is pretty clear that it will not be maintained. Earl stated that Kevin wants to be able to do this right, he wants the opportunity to succeed, but he doesn't want to have a lot of rules and feel like he's walking on egg-shells. McKenzie thinks we should just lay low and approach it if issues arise. Earl likes having them following regular traffic rules so as those rules change it automatically updates our rules. Earl is curious if we can add a possibility of keeping unattended rafts from being left in the Eddy. McKenzie is curious how we can keep unattended kayaks, SUPs, etc. off of the trail, out of the vegetation, etc. Emily is going to send this out to all the companies to see who is interested in using the ramp and to supply them with the rules. If more parties are interested, the board can revisit these original rules/guidelines and change or edit them.
- V. Discussion re Rodeo: The rodeo this year will be on June 11 and 12. It is the 95th annual rodeo. Gary is asking for some assistance from the Town to help make it a better event- possibly including it in the waterbill insert or getting some financial assistance to help put this on and make it a success. There is only \$850 in the budget to help with some of the repairs. As a private board they are willing to do some of these fixes themselves, but they obviously can't do it all. His biggest hope is that we can help advertise and get the word out there to keep the tradition going. McKenzie asked if they had any budgetary numbers for the welding and paint that need to be completed, but they do not have the hard figures. The correctional facility workers have a big part in getting these tasks done. Marcus asked if this could work like the whitewater park where if they raise a certain amount of funding, if the Town would match it. It's been a good model: we have a facility, a board that runs that facility, and events that happen there. These three pieces are what the recreation board has always asked for to help maintain our current facilities.

Ongoing Discussion Items:

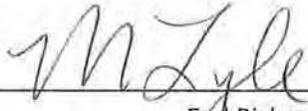
- I. Trails Proposal: Emily did a presentation to Board of Trustees and they were good with the new plan, so she is going to send it to the trails board today to get their approval.
- II. Lake Placid Hockey Rink: So far there have been a lot of donations from the private sector, which is awesome. They are hoping to host a roller event to showcase the new rink once it is installed to hopefully help drive the interest forward.
- III. Master Plan- Before the next meeting the board is going to come up with priorities for the Recreation Department/Board, including what they hope to see for the future. This will be the only item on the agenda and we will complete it before the July meeting.
- IV. Recreation Update: Everything is very busy, which is good- there are a lot of new programs to sign up for. Girls' softball has started practice and there are about 50 girls participating. Pickleball is hosting a clinic this summer and they've raised over \$5,000 in players fees.
- VI. ADJOURNMENT:

The meeting adjourned by Earl Richmond at 9:02am.

Respectfully submitted:



Ashley Davis, Recreation Program Coordinator



Earl Richmond, Co-Chair
McKenzie Lyle, Co-Chair



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 May 2016

We had a busy May! We spent a lot of time in our schools during the month. We taught numerous "Drug Indicator" classes to the Forensic Class at BVHS & we spoke to the Honor Students and parents at the middle school.

We taught "Hold up Alarm" Training at High Country Bank & Collegiate Peaks Bank. This training helps the bank employees with knowledge of what to & what not to do should someone hold them up & this in turn helps our officers in case of this type of call.

Most of our officers were called to testify in a Stalking case in District Court at a jury trial. It was a long week of appearing and testifying in a case that our department had compiled evidence on. The jury found the offender guilty on all four counts.

We attended a meeting at Sangre De Cristo Electric reference the music festival that is being held August 5th - 7th. The festival is in the county but it is going to have a big impact on our town. We will go to 12 hour shifts for 3 days & nights to cover the town during the festival.

Paddlefest went really well. We had no major issues during the event. We did make 6 arrests over the Memorial Day/Paddlefest weekend.

Our summer tourist season looks like it's going to be a "stampede"! We are just getting started with a long list of summer events!

Once again, we really appreciate the support from our mayor, trustees, Brandy and our citizens. We strive to be as professional as possible.

Please see attached calls for service & stats

THERE IS NO "I" IN THE WORD TEAM!



BVPD CALLS FOR SERVICE FOR THE MONTH OF MAY 2016

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

0	LIQUOR VIOLATION
0	LIVESTOCK
3	LOST PROPERTY
3	MEDICAL ASSIST
7	MEETING
1	MISSING PERSON
0	MOTORIST ASSIST
2	PARKING VIOLATION
0	PHONE CALL
0	PBT - PORTABLE BREATH TEST
4	REDDI REPORT
45	REPORTS
3	ROADSIDES
0	RUNAWAY
18	SECURITY CHECKS
0	SEXUAL ASSAULT
0	SMOKE INVESTIGATION
1	SUICIDE ATTEMPT
5	SUSPICIOUS INCIDENT
4	SUSPICIOUS PERSON
9	SUSPICIOUS VEHICLE
3	THEFT
196	TRAFFIC STOPS (ALL CONTACTS)
11	TRAFFIC VIOLATIONS (CITATIONS WITH CASE #)
82	TRAFFIC MISC (VEHICLE INVESTIGATION)
4	TRAFFIC COMPLAINT
9	TRAINING
3	TRANSPORTS
4	TRESPASS
21	VIN INSPECTION
0	VEHICLE MAINTENANCE
1	VIOLATION OF PROTECTION ORDER
8	WARRANT ARREST (INCLUDING ATTEMPTED)
1	WEAPONS/GUN
26	WELFARE CHECK
0	WILDLIFE
1031	TOTAL CALLS RECEIVED FROM CHAFFEE CTY. DISPATCH

Buena Vista Police Department

Statistics from: 5/1/2016 12:00:00AM to 5/31/2016 11:59:00PM

Citation Printout Report by Violation

Total Citations of (10-123 THEFT): 2
Total Mandatory Appearances: 0

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

Total Citations of (10-202 ILLEGAL POSSESSION/CONSUMPTION OF ALCOHOL BY UNDERAGE PERSON): 2
Total Mandatory Appearances: 0

Total Citations of (18-3-204 ASSAULT IN THE THIRD DEGREE): 1
Total Mandatory Appearances: 1

Total Citations of (18-6-803.5 CRIME OF VIOLATION OF A PROTECTION ORDER): 3
Total Mandatory Appearances: 3

Total Citations of (18-8-103 RESISTING ARREST): 1
Total Mandatory Appearances: 1

Total Citations of (18-8-104 OBSTRUCTING A PEACE OFFICER/FIREFIGHTER/EMS/VO): 1
Total Mandatory Appearances: 1

Total Citations of (18-9-106 DISORDERLY CONDUCT): 1
Total Mandatory Appearances: 1

Total Citations of (42-2-101(2) PERSON DROVE VEH WITH DRIVER LICENSE EXPIRED ONE YEAR OR LESS): 1
Total Mandatory Appearances: 1

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

Total Citations of (42-3-114 EXPIRATION OF VEHICLE REGISTRATION): 2
Total Mandatory Appearances: 0

Total Citations of (42-3-121 (1)(A) VIOLATION OF REGISTRATION PROVISIONS): 1
Total Mandatory Appearances: 1

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

Total Citations of (42-4-1101 SPEED LIMITS (EXCEEDING)): 30
Total Mandatory Appearances: 1

Total Citations of (42-4-1204 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES): 1
Total Mandatory Appearances: 0

Total Citations of (42-4-1211 LIMITATIONS ON BACKING): 3
Total Mandatory Appearances: 0

Total Citations of (42-4-1301(1)(A) DROVE VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR BOTH): 6
Total Mandatory Appearances: 6

Total Citations of (42-4-1301(1)(B) DROVE VEHICLE WHILE ABILITY IMPAIRED BY ALCOHOL OR DRUGS OR BOTH): 1
Total Mandatory Appearances: 1

Total Citations of (42-4-1301(2)(A) DROVE VEHICLE WITH BLOOD ALCOHOL CONTENT OF 0.08 OR MORE): 4
Total Mandatory Appearances: 4

Total Citations of (42-4-1305 CONSUMED ALCOHOL OPEN CONTAINER): 3
Total Mandatory Appearances: 3

Total Citations of (42-4-1402 CARELESS DRIVING): 2
Total Mandatory Appearances: 2

Total Citations of (42-4-1409 COMPULSORY INSURANCE): 3
Total Mandatory Appearances: 2

Total Citations of (42-4-206 TAIL LAMPS AND REFLECTORS): 1
Total Mandatory Appearances: 0

Total Citations of (42-4-237 SAFETY BELT SYSTEMS): 5
Total Mandatory Appearances: 0

Total Citations of (42-4-608 SIGNALS BY HAND OR SIGNAL DEVICE): 2
Total Mandatory Appearances: 2

Total Citations of (7-164 PROHIBITED NOISE ACTIVITY): 1
Total Mandatory Appearances: 0

Total Citations of (VOID): 7
Total Mandatory Appearances: 0

Grand Total

Total Number of Citations Reported: 87
Total Fine Amounts Reported: \$0.00
Total Money Collected: \$0.00
Total Money Still Due: \$0.00
Total Mandatory Appearances: 33



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 May 1 to 31, 2016

Total Month Calls: 29

Current Year to Date Calls: 134

2015 Year to Date Calls: 92

May 1- 31 Calls: 29

Fire Calls: 10

Medical Calls: 14

Accident Calls: 4

Hazardous calls: 0

Assist Other: 1

Missed Calls: 1 (1 – dispatch cancelled call)

Volunteer Firefighters: 14

Total Training hour for May: 252

May Highlights:

Firefighters Evans and Shoop successfully passed Hazardous materials awareness and operations training.

Assistant Chief Rodriguez successfully passed Fire Officer 1 training. Fire Chief Villers and Admin Asst. Prentiss Attended Chief Officers Training for Human Resources in the Fire Department.

Assistant Chief Rodriguez is continuing to get the Town Employees and citizens CPR and First Aid Certified.

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

Policy List:

- a. Parking/use of right of ways - rvs and trailers
- b. Policy Discussion Process Analysis
- c. Parking/use of right of ways - sidewalks, etc
- d. Parklets in downtown
- e. Rec Board role with private businesses, etc
- f. 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
- Sponsorships/advertising levels for support of town activities



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



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

DATE: June 10, 2016

TO: Mayor and Board of Trustees

FROM: Mark Doering, Principal Planner, Planning Department

AGENDA ITEMS: Policy Discussion for the proposed changes to the regulations regarding Recreational Vehicles, Camping, Trailers, and Nuisances

Requests:

Staff is requesting input from the Board of Trustees as to suggested changes to two proposed ordinances from the May 10 and 24, 2016 Board Meetings. Staff received comments from the Board and has provided redlined changes for the Board's review prior to the ordinances going to the public hearing to allow confirmation of those changes or allow alterations once the ordinance changes come before the Board at the public hearing.

Overview:

Staff evaluated Trustee's comments and made adjustments to the Code with the redlined version to show the Board those changes. Staff will be available to discuss those proposed changes. Some of the suggested approaches were not proposed with the pending ordinances, due to issues relating to fairness of enforcement and to community engagement. Those issues will be discussed by staff at the meeting, and if the Board desires to still have them revised, can be added into the ordinances when they are discussed at the public hearings.

Analysis:

The proposed ordinances have been changed and the proposed language will still allow staff to pursue the standards that Town wants to enforce to minimize the nuisances that arise from those activities that create conflicts in the community. Staff has proposed regulations that address elements identified in the Comprehensive Plan. That plan calls for the Town to, "ensure consistent enforcement of the Land Use Code" and calls for the Town to, "maintain and enhance the community's overall appearance." The proposed regulations also help achieve the Citizens Collective Vision Statement elements of General Community Character and Community Appearance.

Policy Alignment:

The proposed changes to the Municipal Code meet the Economic Vitality and Community Key Outcomes. The proposed changes ensure that the community prospers and improves the quality of life of residents and businesses and creates a community with a sense of pride and acceptance where all contribute to the social, economic, and political life, take part in prosperity, and feel respected and safe.

BOT Action:

Please review and evaluate the proposed redlined changes in the following two proposed ordinances. Once the policy discussion session has opened, please provide staff with the basis for your decision that the proposed revisions either work or do not work to allow staff to adjust any requirements if needed.

Attachments:

Redlined draft ordinances for Chapter 7 of the Municipal Code relating to nuisances, nuisance abatement and Chapters 16 and 18 of the Municipal Code relating to the occupancy, parking, and storage of recreational vehicles, camping on private property, and storage of trailers.

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

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,
AMENDING CERTAIN SECTIONS OF CHAPTERS 16 AND 18 OF THE
BUENA VISTA MUNICIPAL CODE REGARDING THE OCCUPANCY,
PARKING, AND STORAGE OF RECREATIONAL VEHICLES;
CAMPING ON PRIVATE PROPERTY AND STORAGE OF TRAILERS**

WHEREAS, the use of recreational vehicles for both temporary and permanent occupancy raises issues associated with the safety and health of those individuals residing in them;

WHEREAS, permitting long term residency in a recreational vehicle may have an adverse effect on the health, safety and welfare of those residing in permanent dwellings near the recreational vehicle;

WHEREAS, the Town desires to define when a recreational vehicle may be used as a temporary dwelling; and

WHEREAS, the Town also desires to address the parking and storage of unoccupied recreational vehicles and trailers and camping on private property to protect the health, safety and welfare for the citizens of the Town.

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

Section 1. Section 16-4 of the Buena Vista Municipal Code is hereby amended by the addition of the following definitions:

Recreational Vehicle (RV) means a vehicular or portable unit mounted on a chassis and wheels, which either has its own motive power or is mounted on, in, or drawn by another vehicle, including but not limited to travel coaches, fifth wheel trailers, pop-up trailers, bed mounted truck campers, camping trailers, or motor homes. A recreational vehicle is not designed or intended for use as a permanent dwelling or sleeping place, but is to provide temporary living quarters associated with recreation, camping, or travel.

Trailer means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and that is generally and commonly used to carry and transport property over the public highways or streets, and shall not include any vehicle or structure intended for human habitation.

Section 2. The definition of “Mobile Home” in Section 16-4 of the Buena Vista Municipal Code is hereby amended as follows:

Mobile home means a single-family dwelling unit with a living area of at least 500 square

feet or more, partially or entirely manufactured in a factory, built on a permanent chassis, and designed to be transported on streets to the place where it is to be occupied as a dwelling unit and built prior to the adoption of the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. sec. 5401 *et seq.*

Section 3. Section 16-4 of the Buena Vista Municipal Code is hereby amended by the deletion of the definition of travel trailer.

Section 4. Section 16-249 of the Buena Vista Municipal Code is hereby repealed and reinstated to read as follows:

Section 16-249. - Recreational Vehicles

- (a) The use of RVs as temporary dwellings on commercial properties is prohibited.
- (b) In any zone district, on properties used for residential purposes, an RV may only be used for temporary dwelling in accordance with this Section.
 - (1) An RV may be used as a temporary dwelling for guests of the owner or occupant of the property on which the RV is located if a permit is obtained from the Town. The permit must be obtained prior to the occupancy of the RV. Only three permits may be issued to an owner or occupant per calendar year and the owner or occupant must apply for the permit. Each such permit shall be for specifically designated days. A permit may be issued for any length of time but no more than fourteen (14) days. Once an RV has been issued a permit under this subsection, it may not be issued another permit under this subsection within the same calendar, regardless of whether the RV moves locations.
 - (2) The Board may permit occupancy of RVs for certain holidays, festivals or events without a permit and these days shall not be included in the fourteen (14) day maximum in subsection (1) above.
 - (3) Permits shall be displayed on the RV and be clearly visible from the adjacent right of way.
 - (4) Only one (1) RV at a time may be parked for as a temporary dwelling under this Section on a lot or parcel. However, if more than one permanent dwelling unit exists on a single lot or parcel, no more than two (2) RVs may be used as temporary dwellings on that lot or parcel at the same time.
 - (5) It is unlawful to use an RV as a temporary dwelling on public property, public right of way or railroad right of way. The public right of way shall include the full width of the right of way which may be beyond the visible road surface.
 - (6) No electrical cords, extension cords, hose, cables, or any type of public

service or utility connections may be made across or be extended across any public or railroad right of way or public property.

- (7) No connections are permitted between a recreational vehicle and any public or private sewer or septic system, unless at a designated RV dump station.
 - (8) Discharge of grey water or sewage onto the ground is prohibited.
- (c) In any zone district, an RV, which is unoccupied, may be parked and stored in accordance with this Section.
- (1) RVs may only be parked or stored on public property or in the public right of way for a period not to exceed 72 hours, regardless of whether the owner of the RV is also the owner or occupant of the abutting property. The fact that the RV is moved along the same right of way, moved for the primary purpose of avoiding the 72 hour limitation, or moved away for any period of fewer than 24 hours, shall be ignored in determining whether or not an RV has remained parked for 72 hours or more.
 - (2) Notwithstanding any other provision of this Section, an RV may not be parked or stored in any manner that constitutes a public safety issue, including without limitation by blocking vehicular sight lines or creating unsanitary conditions.
 - (3) RVs may not be parked or stored in the railroad right of way, except that an RV may be parked in any designated public parking lot subject to the same restrictions on any other vehicle.
 - (4) Any RV parked or stored on a public right of way for longer than 72 hours pursuant to this subsection or parked or stored in the railroad right of way in violation of this Section shall be considered abandoned pursuant to this Code.
 - ~~(5)~~ Only one (1) RV may be parked or stored on private property at any given time. Private property shall not include the public right of way beyond the visible road surface.
 - ~~(6)~~~~(5)~~ ~~An RV must be parked or stored on an improved parking surface, including but not limited to, gravel, concrete, or asphalt. However, the~~ RV may not be parked or extend onto the sidewalk, curb and/or gutter.
 - ~~(7)~~~~(6)~~ A parked or stored RV may not be used for business operations, except as permitted through a Temporary Use or Temporary Vendor Permit, or the storage of waste materials.
 - ~~(8)~~~~(7)~~ The parked RV must be operable and maintained as not to create a nuisance.

- (d) It shall be prima face evidence that an RV is being occupied as a dwelling if any of the following are present:
 - (1) The use of any slide-out components of the RV;
 - (2) The use of awnings attached to the RV;
 - (3) Visible electric cords connected to the RV; or
 - (4) Visible water and/or wastewater lines connected to the RV.
- (e) Any permit issued under this Section shall be approved by the Town Administrator or designee.

Section 5. Chapter 16 of the Buena Vista Municipal Code is hereby amended by the addition of the following new subsections:

Section 16-249.1 - Tent Camping on Private Property

Tent camping on private property is permitted for periods of no more than seven consecutive days.

Section 16-249.2 - Trailers

- (a) Trailers may not be parked or stored, unattached to a vehicle, on public property or in the public right of way for a period longer than ~~72 hours~~ 7 days, regardless of whether the owner of the trailer is also the owner or occupant of the abutting property. The fact that the trailer is moved along the same right of way or is moved away for any period of fewer than 24 hours, shall be ignored in determining whether or not a trailer has remained parked for more than ~~72 hours~~ 7 days.
- (b) A trailer may not be parked or stored in any manner that constitutes a public safety issue.
- (c) Any trailer left in the public right of way for more than ~~72 hours~~ 7 days pursuant to this subsection or located in the railroad right of way for any period of time shall be considered abandoned pursuant to this Code.
- (d) Trailers may not be parked or stored in the railroad right of way, except that a trailer may be parked in any designated public parking lot subject to the same restrictions any other vehicle. Trailers may be parked in a designate public parking lot for a longer period if permitted by the Town pursuant to Sec. 7-13 of this Code.
- (e) Trailers may be parked or stored on private property ~~and must be parked on an improved surface as defined in Sec. 8-41(e) of this Code. For a single lot or parcel one-quarter acre in size or less, only one (1) trailer may be parked or~~

stored. For a single lot or parcel over one-quarter acre, no more than ~~Only~~ two (2) trailers may be parked or stored ~~on private property~~ at any given time. Private property shall not include the public right of way beyond the visible road surface.

Section 6. Section 18-163 of the Buena Vista Municipal Code is hereby amended as follows:

Recreational Vehicle has the same meaning as in Chapter 16 of this Code.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this ____ day of _____, 2016.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____
Mayor, Joel Benson

ATTEST:

Janell Sciacca, Town Clerk

(SEAL)

FOR DISCUSSION PURPOSES

Exhibit A to Ordinance No. _____

Chapter 7 – Health Sanitation and Animals

Article 1 –General Provisions

Sec 7-1. - Definitions

Abandon: to voluntarily surrender, relinquish or disclaim for a period of 30 days.

Blighted property: a property, building, mobile home, shed, fence, or other man-made structure where any of the following conditions exists:

- (a) Conditions posing a serious threat to health, safety, and welfare of Town residents;
- (b) Any structure open to the elements as a result of damage or decay; unable to provide shelter or serve the purpose for which it was constructed due to damage, dilapidation, or decay; or
- (c) It is not being maintained to a significant degree, as evidenced by at least one of the following conditions:
 - (1) Missing, broken, or boarded windows or doors;
 - (2) Collapsing or deteriorating exterior walls, roofs, stairs, porches, handrails, railings, basement hatchways, chimneys, flues, or floors;
 - (3) Exterior walls which contain holes, breaks, or loose or rotting materials;
 - (4) Foundation walls which contain open cracks and breaks;
 - (5) Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, and exhaust ducts, which contain rust or other decay;
 - (6) Vermin or insect infestations;
 - (7) Unmanaged and overgrown vegetation;
 - (8) Waste materials, dumping, clutter, garbage, junk, debris, inoperable vehicles or trash improperly stored or accumulated on the premises;
 - (9) Fences, broken or rotted boards or in an otherwise dilapidated condition;
 - (10) Any other exterior condition reflecting a level of maintenance which is an element leading to the progressive deterioration of the neighborhood;

- (11) Is attracting illegal activity as documented in Police records;
- (12) Is a fire hazard, as documented by the Fire Chief;
- (13) Creates a substantial and unreasonable interference with the use and enjoyment of nearby premises, as documented by neighborhood complaints, police reports, cancellation of insurance on proximate properties, or similar circumstance; or
- (14) A building or structure or part thereof that would not qualify for a certificate of occupancy if applied for, or which is deemed an unsafe or dangerous structure as defined by the applicable building code adopted by the Town, or any dwelling or unit that is designated as unfit for human habitation.

Brush: Woody shrubs not part of a planned and maintained landscape of either a highly structured manicured type or a natural appearance.

Construction Debris: Waste resulting from construction, remodeling, repair, or demolition operations.

Firewood: Any wood or wood product used or intended to be used as heating fuel in a residence. Painted or treated wood shall not be considered firewood.

Junk: Any property, object or other article having nominal salvage value, which has been left unprotected from the elements or in deteriorated condition, including, but not limited to any used machinery or parts; plumbing fixtures (sinks, toilets, pipes, valves, etc), vehicle parts, tires, household appliances and fixtures or parts thereof; household hardware or furnishings, wire; cable, building materials (wood, tile block, brick, etc.), or any other similar articles.

Landscape: Any combination of living plants and non-living landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials) in a managed and planned manner.

Litter: Any rubbish, waste material, refuse, garbage, trash, debris, excrement, urine, offal composed of animal matter or vegetable matter or both, or any noxious or offensive matter whatever, dead bird, dead fish, fishing line, bait, chemical, chemical compound, petroleum product or compound, automobile part or accessory, tire, wheel, junk, paper, cardboard, can, lid, bottle, cap, carton, wrapper, box, wooden object, plastic object, clothing, cloth, metal object, rubber object, leather object, hide, feathers, grass clippings, leaves, cut weeds, branches cut from trees or bushes, brick, cinderblock, building material, paint, concrete, sand, gravel, stone, glass, asphalt, ashes, cigarette, cigar, food or food product, solvent, dye, beverage and liquid except water, and other similar material.

Nuisance includes, but is not limited to:

- (a) Any activity, operation, condition, building, structure, place, premises or thing which annoys, injures or endangers the comfort, health, repose or safety of the public;

- (b) The conducting or maintaining of any business, occupation, operation activity, building or structure prohibited by statute or ordinance;
- (c) Any building, structure or land open to or used by the general public, the condition of which presents a substantial danger or hazard to public health or safety;
- (d) Any activity, operation or condition which, after being ordered abated, corrected or discontinued by a lawful order of a department or officer of the Town, continues to be conducted or continues to exist in violation of statute or ordinance or in violation of any regulation of the Town, County, or the State;
- (e) Any illicit discharge or other lawful pollution or contamination of any surface or subsurface waters in the Town, or of the air or of any water, substance or material intended for human consumption;
- (f) Any nuisance defined or declared as such by statute or ordinance; or
- (g) Interfere with, obstruct or tend to obstruct, or render danger for passage on any street, alley, highway, navigable body of water or other public way or the use of public property.
- (h) When, in the opinion of the Town Administrator or his/her designee, a nuisance exists which is not specifically enumerated in Municipal Code, The Town Administrator or his/her designee will make a determination of whether a nuisance in fact exists. Every thing, substance, or act which is determined by Administrator or his/her designee to be offensive, injurious or detrimental to the public health, safety or welfare of the Town shall be declared to be a nuisance and may be abated as provided in the Municipal Code.

Ornamental plants: Grasses, perennials, annuals, trees and/or groundcovers purposefully planted for aesthetic reasons.

Responsible Person: The person responsible for creating, allowing, correcting, or abating a nuisance pursuant to this Chapter. The responsible person includes the property owner and any person who causes or permits a nuisance to occur or remain upon property in the Town, and includes, but is not limited to, the owner, tenant or other responsible person entitled to control, use and/or occupy property where a nuisance occurs. In cases where there is more than one responsible person, the Town may proceed against one, some, or all of them.

Residential Property: Any lot, tract, parcel, land, or other property located within the Town, on which single or multifamily structures used as a residence or for human habitation exist, or any property that is located within an area that is zoned for residential uses by the Town.

Refuse container: An outdoor receptacle designed and intended to be used to hold refuse. A refuse container includes, but is not limited to, trash cans, trash dumpsters and similar containers.

Riparian buffers: Narrow strips of land bordering waterways protecting streams, rivers, or other bodies of water from runoff, erosion and provide wildlife habitat.

Turf-grass: A lawn comprised mostly of grasses commonly used in regularly cut and irrigated lawns, parks or play areas (such as but not limited to buffalograss, wheatgrass, fescue, and brome-grass blends).

Vegetation: A general term for all plants and living ground cover.

Waste Materials: Shall include all construction debris, garbage, junk, litter, refuse, rubbish, scrap, trash and similar items.

Weeds: Includes the following: (1) brush; (2) turf grasses in excess of twelve (12) inches in height and other vegetation grown in a rank or unsightly fashion; (3) bindweed, Canada thistle, common ragweed, dandelion, fireweed, milkweed, mustard, perennial sowthistle, Russian knapweed, Russian thistle, sandburs and any other similar plants and vegetation. The foregoing enumeration is not intended to be all inclusive, but rather is intended to be indicative of those types of plants which are considered a nuisance.

Xeriscape: A landscaping method developed especially for arid and semiarid climates that utilize water-conserving techniques (as the use of drought-tolerant plants, mulch, and efficient irrigation).

Sec. 7-2. - Inspection of Properties

- (a) Authorized inspector. The Town Administrator shall have the power and authority to appoint and authorize any police officer, building inspector, code enforcement officer or other officer of the Town (including independent contractors engaged by the Town) to inspect and examine any public or private property in the Town for the purpose of ascertaining the nature and existence of any nuisance.
- (b) Right of entry generally. Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever an authorized inspector has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a nuisance hereunder, such inspector may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed on him or her; provided, however, that if such building or premises is occupied, such inspector shall first present proper credentials and request entry; and if such building or premises is unoccupied, he or she shall first make a reasonable effort to locate the responsible party having charge or control of the building or premises, and upon locating the owner, occupant or other person or persons shall present proper credentials and request entry. If entry is refused, the authorized inspector shall give the owner or occupant, or if the owner or occupant cannot be located after a reasonable effort, he or she shall leave at the building or premises, a written notice of intention to inspect not sooner than twenty-four (24) hours after the time specified in the notice. The notice given to the owner or occupant or left on the premises shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a Municipal Judge, or by a judge of any court having jurisdiction.

- (c) Search warrants. After the expiration of the twenty-four-hour period from the giving or leaving of such notice, the authorized inspector may appear before the Municipal Court or any other court with jurisdiction, and, upon a showing of probable cause by written affidavit, shall obtain a search warrant entitling him or her to enter the building or upon the premises. Upon presentation of the search warrant and proper credentials, or possession of the same in the case of an unoccupied building or premises, the authorized inspector may enter into the building or upon the premises using such reasonable force as may be necessary to gain entry.
- (d) Probable cause for issuance of search warrant. For purposes of this Section, a determination of probable cause will be based upon reasonableness, and if a valid public interest and reasonable suspicion of violation justifies the intrusion contemplated, then there is probable cause to issue a search warrant. The person applying for such warrant shall not be required to demonstrate specific knowledge of the condition of the particular structure or premises at issue in order to obtain a search warrant, but must show some factual or practical circumstances that would cause an ordinarily prudent person to act. It is unlawful for any responsible party of the building or premises to deny entry to any authorized inspector or to resist reasonable force used by an authorized inspector, acting pursuant to this Section.
- (e) Right of entry; emergencies. Whenever an emergency situation exists in relation to the enforcement of any of the provisions of this Chapter, an authorized inspector, upon a presentation of proper credentials or identification in the case of an occupied building or premises, or possession of the credentials in the case of an unoccupied building or premises, may enter into any building or upon any premises within the jurisdiction of the Town.
 - (1) In an emergency situation, such person or his or her authorized representative may use such reasonable force as may be necessary to gain entry into the building or upon the premises.
 - (2) For purposes of this Subsection, an emergency situation includes any situation where there is imminent danger of loss of, or injury or damage to, life, limb or property. It is unlawful for any responsible party of the building or premises to deny entry to any authorized inspector or to resist reasonable force used by the authorized official acting pursuant to this Section.

Sec. 7-3. – Penalty

- (a) It shall be a civil infraction for any person to:
 - (1) Create, operate, maintain or conduct any nuisance as defined in this Code.
 - (2) Interfere with or prevent, or attempt to interfere with or prevent, the abatement of any nuisance pursuant to the provisions of this Code.
 - (3) Fail to abate a nuisance as specified in this Article.

- (b) Any person who is found guilty of, or pleads nolo contendere to the commission of, the civil infraction shall be subject to a civil penalty of no more than \$499.00. For each day, or portion thereof, during which any violation continues, a person may be cited for a separate civil infraction. The penalties specified in this Section shall be cumulative and nothing shall be construed as either prohibiting or limiting the Town from pursuing such other remedies or penalties, in an action at law or equity.
- (c) The Municipal Court has the authority to order the abatement of the nuisance by the responsible party or parties, and may authorize the Town to abate the nuisance if the responsible party or parties fails to do so as ordered by the Municipal Court. If the Town proceeds to abate the nuisance as authorized by the Municipal Court, the Town shall be entitled to an order from the Municipal Court for recovery of its abatement costs, plus fifteen percent (15%) of the abatement cost for inspection, and any other additional administrative costs. If the cost of abatement is not paid, a lien may be placed upon any property on which the abatement was performed and shall have priority over all other liens, except general taxes and prior special assessments. The lien may be collected by any legal means, including certification to the Chaffee County Treasurer for collection in the same manner as taxes.
- (d) A civil action to declare and abate a violation of this Chapter shall be brought in the name of the Town by filing a summons and complaint, which shall be verified or supported by an affidavit. A peace officer of the Town may serve a summons and verified complaint upon responsible party. The trial or hearing of such action shall be to the court.
- (e) A notice of appearance shall be served with the summons and complaint. The appearance date shall be not less than seven (7) days from the date of service of the summons and complaint. The respondent shall file a response or answer on or before the appearance date specified in the notice of appearance. A hearing shall be held upon the appearance date, unless the court grants a continuance for good cause shown.
- (f) Upon the date and time specified for appearance and hearing, if the respondent has not filed a response and fails to appear, and if the Town proves service was made on respondent at least seven (7) days prior to the appearance date, the court may grant such orders as are requested by the Town; except that, the court shall order that enforcement by the Town be stayed for ten (10) days and that a copy of the court's order be mailed to the respondent at respondent's last known address. Failure to appear at any hearing date shall be grounds for entering a default, and default judgment against the non-appearing party. Prior to enforcement, and upon good cause shown, the court may set aside any entry of default and the default judgment entered thereon.

Sec. 7-4. – Complaints of Nuisances

Complaints of nuisances may be made in writing to the Town Administrator or Code Enforcement Officer on forms provided by the Town. Whenever possible, any complaint shall state the nature of such nuisance, the street address, the name of the owner, occupant or responsible party of the building or lot, if known, and the name and address of the complainant.

Sec 7-5. – Abatement of Nuisances – Administrative

- (a) This Section provides an alternative method for abating a nuisance to a Municipal Court action. An administrative abatement pursuant to this Section is not a prerequisite for a Municipal Court action, nor shall it preclude the issuance of a summons and complaint prior to, concurrently with or subsequent to an administrative abatement action.
- (b) Whenever the Town Administrator or his or her designee determines that a nuisance exists in violation of this Code, he or she, or his or her designee, shall issue a Notice of Abatement to the responsible party or parties with the information required herein.
 - (1) The time for abatement of a nuisance posing an imminent danger of damage or injury to or loss of life, limb, property or health or where there is an illicit discharge shall not exceed twenty-four (24) hours.
 - (2) The reasonable time for abatement of all other nuisances shall not exceed seven (7) days unless it appears from the facts and circumstances that compliance could not reasonably be made within seven (7) days and that a good-faith attempt at compliance is being made.
 - (3) If the responsible party shall fail to comply with the notice for a period longer than that named in the notice, then the authorized inspector shall proceed to have the nuisance described in the notice removed or abated from the property described in the notice without delay; and the authorized inspector shall have the authority to call for any necessary assistance. In no event shall the notice described by this Section be required prior to issuance of a summons and complaint.
- (c) Contents of notice. The Notice of Abatement issued pursuant to the provisions of this Section to the responsible party upon which a nuisance was discovered shall contain the following:
 - (1) The address and other description of the property upon which the nuisance was discovered;
 - (2) The name and address of the owner of the property upon which the nuisance was discovered as reflected in the county assessor records;
 - (3) The name and address of the occupant of the property upon which the nuisance was discovered, if known, and if different from the owner;
 - (4) A description of the thing or things or condition deemed to be a nuisance;
 - (5) The time in which the thing or things or condition are to be removed or abated from the property;

- (6) A statement advising the responsible party that he or she may protest the determination of the authorized inspector with respect to any matters stated in the notice, by filing a written protest pursuant to this Section;
 - (7) A statement that, if the responsible party fails to comply with directions contained in the written notice or file a written protest thereto in the time allowed, the Town will enter the property, abate the nuisance described therein and assess the costs thereof to the owner of the property;
 - (8) A statement that, if the Town abates the nuisance, it shall be entitled to recover its abatement costs, plus fifteen percent (15%) of the abatement cost for inspection, and any other additional administrative costs; and
 - (9) A statement of the cost of abatement.
- (d) Service of notice. The written notice to abate shall be served by:
- (1) Personally delivering a copy of the notice to the owner of the property described in the notice if the owner also resides at the property;
 - (2) Personally delivering a copy of the notice to the non-owner occupant or resident of the property described in the notice and mailing a copy of the notice by certified mail, return receipt requested, to the last known address of the owner as reflected in the county assessor records; or
 - (3) Mailing a copy of the notice by certified mail, return receipt requested, to the last known address of the owner of the property described in the notice as reflected in the county assessor records if the property is unoccupied and by posting a copy of the notice in a conspicuous place at the unoccupied premises. Service of the notice shall be deemed complete upon the date of personal delivery or three (3) business days after the date of mailing as required herein.
- (e) Costs of abatement. If the Town abates the nuisance, it shall be entitled to recover its abatement costs, plus fifteen percent (15%) of the abatement cost for inspection, and any other additional administrative costs. If the cost of abatement is not paid, a lien may be placed upon any property on which the abatement was performed and shall have priority over all other liens, except general taxes and prior special assessments. The lien may be collected by any legal means, including certification to the Chaffee County Treasurer for collection in the same manner as taxes.
- (f) Abatement action. When a nuisance has not been voluntarily abated within the time specified in the notice to abate, the Town may proceed to abate the nuisance from the property and collect the costs specified in Subsection (5) above.

Sec. 7-6. – Appeals

For Administrative abatements set forth in Section 7-5 above:

- (a) A written appeal of the determination of the existence of a nuisance may be appealed to the Town Administrator within the time set forth in the notice of abatement. The Appeal shall state the basis for the appeal and why the circumstances on the property do not constitute a nuisance.
- (b) The Town Administrator shall promptly schedule a hearing on the appeal. During the pendency of the appeal, the order to abate shall be stayed.

Sec. 7-7 to 7-9 (reserved)

Article II – Nuisances

Sec. 7-10. - Flammable Liquids: storage or parking of tank vehicles

It shall be deemed a nuisance to store or cause to be stored or parked, except for unloading, any vehicle used for the purpose of storage of flammable liquids, gases, explosives or toxicants upon any streets, ways or avenues of the Town, or any other part of the Town except those areas zoned for such use.

Sec. 7-11. - Abandoned containers

- (a) It shall be deemed a nuisance for any person to discard, abandon or leave in any place accessible to children any refrigerator, icebox, deep-freeze locker, stove, oven, trunk or any self-latching container having a capacity of one and one-half (1½) cubic feet or more, which is no longer in use, and which has not had the door removed or the hinges and such portion of the latch mechanism removed as to prevent latching or locking of the door, or to knowingly permit such a refrigerator, icebox, deep-freeze locker, stove, oven, trunk or self-latching container to remain on premises under his or her control without having the door removed or the hinges and such portion of the latch mechanism removed as to prevent latching or locking of the door.
- (b) The provisions of this Section shall not apply to any vendor or seller of refrigerators, iceboxes, deep-freeze lockers, stoves, ovens, trunks or self-latching containers, who keeps or stores them for sale purposes in a showroom or salesroom ordinarily watched or attended by sales personnel during business hours and locked to prevent entry when not open for business, or if such vendor or seller takes reasonable precaution to effectively secure the door of any such refrigerator, icebox, deep-freeze locker, stove, oven, trunk or self-latching container so as to prevent entrance by children small enough to fit therein.

Sec. 7-12. - Stagnant water, contaminated or impure wells or cisterns

- (a) Any cellar, vault, drain, sewer, pond of water, swimming pool or other place in this Town, that shall be noxious or offensive to others, or injurious to public health, through an accumulation or deposition of noxious, offensive or foul water, or other substances, or be conducive to the breeding of mosquitoes, shall be deemed a nuisance.

- (b) Any well or cistern on any property within the limits of the Town, whenever a chemical analysis or other proper test, or the location of the same shows that the water of the well or cistern is probably contaminated, impure or unwholesome, shall be deemed a nuisance.
- (c) Every person in possession of any premises or any part thereof, upon which there is located a well containing contaminated, impure or unwholesome water, shall abandon the use of the same and cause the same to be filled with earth or such other material as may be designated by the Town.

Sec 7-13. - Storage of Construction Materials

- (a) It shall be deemed a nuisance for any person to store lumber or other construction materials, construction vehicles, and/ or construction equipment on any property not associated with a permitted building project being currently undertaken on the property. except as permitted by the Town pursuant to a Construction Permit. This Section shall not apply to construction vehicles parked at the residence of the owner.
- (b) It shall be deemed a nuisance for any person to keep or store any construction materials and/or equipment, as described above, unless such materials are in an enclosed structure, covered, secured, or in some manner protected so as to prevent such materials and/or equipment from being blown, scattered about, or otherwise moved by wind, water, or other natural causes.

Sec 7-14. - Snow or Ice Deposits

- (a) It shall be deemed a nuisance for any person to deposit, cause or allow any snow or ice to be deposited on or against any fire hydrant or traffic signal control device; ~~or~~ upon any sidewalk, street or roadway, loading and unloading area of a public transportation system, or designated emergency access, in a way that interferes with the safe and orderly flow of pedestrian or vehicular traffic, ~~or~~ in any way obstruct or impede street or roadway drainage or is in Sight Triangle.
- (b) The owners or occupants of property abutting upon or adjacent to sidewalks within the corporate limits of the Town shall at all times keep such sidewalks free and clear of snow and ice.
- (c) In the event such owners or occupants fail to remove snow and ice from such adjacent sidewalks within twenty-four (24) hours of the accumulation, such condition shall be deemed a nuisance.

Sec 7-15. - Abandoned and Hazardous Bicycle

- (a) Every bicycle left at any place to cause an immediate safety hazard or an obstruction to entry or exit to a building or a public right-of-way shall be deemed a nuisance. If the person in possession of the bicycle is not present or is unwilling or unable to provide for its immediate removal, the Town may remove and impound the bicycle.

- (b) Every bicycle left abandoned as defined in this Chapter may be removed by Town staff and impounded.

Sec 7-16. - Airborne Nuisances

- (a) It shall be deemed a nuisance for any person to allow the emission of air contaminants and/or odors that are detrimental to the health, comfort, safety or welfare of the public, that causes or tends to cause injury or substantial annoyance, interfere with the reasonable and comfortable use and enjoyment of property, or inconvenience to persons exposed thereto or causes or tends to cause damage to property.
- (b) Any odor will be deemed to interfere with reasonable and comfortable use and enjoyment of property:
 - (1) When the air containments or odors rise above the threshold of the Air Quality Control Commission's Regulations; or
 - (2) When the Town receives five (5) or more complaints from individuals representing separate households within the Town within a twelve (24) hour period relating to a single odor description.
- (c) To be considered an odor complaint a written complaint must be received by the Town and include, in addition to the written complaint required by Section 7-4:
 - (1) Name, address and phone number of complainant.
 - (2) Time and date of call.
 - (3) Description of odor nuisance, including estimated location or source of odor, and if possible, prevailing wind or weather conditions observed.
- (d) The Town shall use reasonable efforts to investigate all complaints to verify the source of the odor.
- (e) It is an affirmative defense to the alleged violation of this Section if the air contaminant or odor was caused by a condition or breakdown of a device, facility, or process that: (1) could not have been reasonably anticipated or prevented; (2) the facility owner or operator took immediate action to eliminate the upset condition and, if necessary, repair all equipment and devices that caused or contributed to the upset condition or breakdown; (3) the facility owner or operator notified the Town about the condition or breakdown within eight (8) hours of its occurrence; and (4) the facility owner or operator provided written detailed information describing the condition or breakdown and identifying the measures taken to correct it within three (3) working days of the occurrence.
- (f) Rodeos, stock shows, tarring operations, other similar temporary events and activities of the Town are exempt from this section.

Section 7-17. - Blighted property

It shall be deemed a nuisance to cause or allow blighted property to be created or maintained in the Town.

Section 7-18. - Firewood Storage

- (a) Firewood may be stored upon residential premises solely for heating uses on the premises and not for resale. Firewood not stored in compliance with this Section shall be deemed a nuisance.
- (b) The firewood shall be prepared for use and stored in neat and secure stacks, protected from bare soil or ground on a well supported, non-rotting base.
 - (1) Firewood may be stored in the front yard on residentially zoned property for a period of seven (7) days from the date of its delivery in order to be processed and transferred to side or rear yard for permanent storage.
 - (2) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises longer than seven (7) days after processing the firewood.
 - (3) Freestanding firewood stacks shall not be in excess of four (4) feet in height unless such stack is amply supported by a rack or structure designed for such storage. Where the firewood is so supported, the stack shall not be in excess of six (6) feet.
 - (4) Firewood must be stored on the owner's property.
 - (5) No firewood shall be stacked in a manner that encroaches into the public right-of-way, obstructs the view of drivers on public streets or private driveways.

Sec. 7-19. - Unlawful Disposal of Waste Materials

It shall be deemed a nuisance for any person to:

- (a) Place, deposit, abandon, or discard any waste materials on public property, Town right-of-way, alley, river, lake, stream, ditch, or the private property of others without the property owners permission;
- (b) Place, deposit, abandon, or discard within the Town limits, waste materials which were generated at a location outside the Town limits;
- (c) Bury waste materials within the Town limits; or
- (d) Discard or dump waste materials in a receptacle not designed or intended to be a refuse container.

Sec. 7-20. - Vehicles causing Litter

It shall be deemed a nuisance for any person to operate any vehicle within the Town, unless such vehicle is loaded, covered or secured so as to prevent any contents from being blown or deposited upon any street, alley or other public or private property.

Sec. 7-21. - Storage of Waste Materials

- (a) No responsible person having the control, management or ownership of any property shall maintain any property where waste materials are permitted to accumulate in any manner that:
 - (1) Becomes a nuisance;
 - (2) Interferes with the health, safety or welfare of residents in the vicinity; or
 - (3) Detracts from the aesthetic appearance, enjoyment or value of the property or any neighboring properties.
- (b) All responsible parties shall ensure that all waste materials are covered, secured, or in some manner protected so as to prevent such materials from causing a nuisance, health, safety, or sanitation hazard by reason of being blown or scattered about by wind, children, animals, or any other means of dispersal.
- (c) All responsible parties shall clean up spillage and overflows or waste materials immediately when they occur.

Sec. 7-22. - Refuse Containers

It shall be deemed a nuisance to violate any of the following:

- (a) Refuse containers must not block or interfere with public rights of way or cause a nuisance for adjacent properties.
- (b) Refuse containers with secured lids shall be used for handling, storing and disposing of waste materials to control odors, insects, rodents, animals, and other nuisance conditions.

Sec. 7-23. - Unlawful use of refuse container

It shall be unlawful for any person to intentionally or knowingly deposit, or to cause to be deposited, any waste material in a refuse container located on the property of another, or on public property, without the prior permission of the owner or person(s) in lawful possession of such refuse container.

Sec. 7-24. - Weeds

- (a) It shall be deemed a nuisance for any responsible person to permit any growth of brush, weeds or unmanaged vegetation that:
 - (1) Constitutes a nuisance by collecting trash or debris;
 - (2) Creates a fire hazard;
 - (3) Harbors wildlife or pests that are hazards to public health or safety;
 - (4) Contributes to the spread of noxious weeds as identified on Lists A and B of the Colorado Noxious Weed Act, C.R.S. § 35-5.5-101 et seq., as may be amended;
 - (5) Is a violation of the responsible party's duty under Section 7-25; or
 - (6) Creates an environment that could be injurious the public health by providing a habitat for vermin, insects and other pests.
- (b) Growth of vegetation as an intentional nuisance is prohibited.

Sec. 7-25. - Duty of responsible party

- (a) The responsible party has a duty to ensure that all landscaping is maintained in a healthy condition.
- (b) Vegetation shall not intrude, impinge, invade or otherwise negatively adversely affect adjacent properties.
- (c) Plants which have thorns, spines or prickles shall not encroach into public sidewalk or public right-of-way.
- (d) No vegetation shall grow into the public right-of-way or private property such that it obstructs or physically interferes with a driver's view of approaching, merging, or intersecting traffic or pedestrian traffic or obstructs traffic signs and traffic control signs/devices.
- (e) All vegetation should be managed so that it does not block or obstruct any fire hydrant.
- (f) Responsible parties have a duty to clean and maintain vegetation from the rear property line to the center line of alleys.
- (g) The portion of a dedicated public right-of-way between the street and the property line excepting the sidewalk shall be landscaped and maintained by the abutting property owner. Landscaping placed in the public right-of-way shall be managed not to interfere with snow removal, water drainage, public walking, site distances, repair of utilities, or contribute to the deterioration of streets.
- (h) Turf grass shall be managed at a height of no more than twelve (12) inches.

- (i) In order to retain certain Town properties in their natural states, Town-owned parks, open space, wetlands, and riparian buffers (stream beds or banks) are exempt from vegetation height requirements. Wetlands are exempt from the requirements.
- (j) Aesthetic judgments shall not be a consideration nor play any role in determining non-compliance or compliance with this Section.

Sec 7-26. –Removal of vegetation debris

- (a) All vegetation, weeds, shrubs, trees, brush, and any part thereof from the lot upon which the plant materials have been cut shall be immediately removed from the Town or otherwise entirely destroyed by the responsible party.
- (b) No responsible parties shall allow or permit vegetation debris of any kind, including, but not limited to, weeds, grass, overgrown vegetation, dead trees, leaves, bushes or shrubbery, to be deposited into any street, gutter, curb, road, lane, cul-de-sac, highway, alley, open creek, stream, watercourse, public place, common ground or right-of-way. The responsible person(s) shall promptly dispose of debris by removal, or in such a manner as to not create a nuisance.

Sec. 7-27. - Noxious Weeds

- (a) It shall be deemed a nuisance for any person to plant or permit the spread of noxious weeds as identified on Lists A and B of the Colorado Noxious Weed Act, C.R.S. § 35-5.5-101 et seq., as may be amended.
- (b) Every person shall destroy all noxious weeds on all lands which are under their ownership, occupation or control.

Sec. 7-28 to 7-34 (reserved)

ARTICLE III - Animals

Sec. 7-35. Definitions:

At large: when an animal is off the premises of the owner and not under effective control of that owner, his agent, servant, or competent member of his family by means of a leash, cord or chain, reasonable in length; except that, for the purposes of this definition, the "premises of the owner" shall not include common areas of multiple household dwelling units and any animal not in the effective control of its owner upon the common area of a multiple household dwelling unit or the grounds thereof, by means of a leash, cord or chain, reasonable in length, shall be deemed to be running at large.

Animal: any wild or domestic living thing that is not a human being or plant.

Domestic Animal: an animal that lives in a tame condition.

Vicious Animal: any animal that, without provocation, bites or attacks persons or other animals; approaches any person or other animal with vicious or terrorizing behavior or an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated; or has acted in a manner that causes or should cause its owner or custodian to know that the animal is potentially vicious.

Wild Animal: an animal which is not customarily domesticated and which, because of its size, disposition, or other characteristics could constitute a danger to human life or property.

Fowl: a bird of any kind.

Bee: any stage of the common domestic honey bee, including any non-Africanized bee.

Livestock: Domesticated animals raised for agricultural purposes, excluding swine.

Swine: a domesticated pig or hog.

Sec 7-36. – Animal Permits

An animal permit is required as outlined in the table below. Even with a permit, the maximum number of animals allowed may not be exceeded as described below.

Animal type	Minimum number of animals requiring a permit	Maximum number animals allowed
Horses, cattle, goats, yaks, <u>mules</u> , <u>donkeys</u> , -and llamas	1	2 per 15,000 sq. feet
Bees	1 hive	2 hives
Fowl, excluding roosters	1	6 per <u>1/2</u> acre of property
Dogs	5	8
Any other domestic animals not named above	No permit required	10

Sec 7-37. - Permit Application and Fees

- (a) In order to obtain an animal permit, the following must be completed:
 - (1) Applications for a permit under this Article shall be made to the Town on the form(s) provided.
 - (2) If building a structure associated with an animal permit, a site plan showing the following:

- a. Property lines with dimensions.
 - b. Setbacks for animal housing structures and feeding areas. Setbacks must comply with the Dimensional Requirements in the applicable zoning district.
 - c. Existing and proposed structures with perimeter dimensions, height and square footage.
 - d. All public rights of way abutting the property.
 - e. Description of all waste locations and how waste will be handled to avoid a public nuisance.
 - f. Location of feed storage and a description of how feed will be protected from tampering by or attracting wildlife.
 - g. Clear Sight Triangle needs to be denoted.
- (c) Animal housing structures, pens, runs and feed storage larger than 200 square feet shall not be located within the front yard.
 - (d) All animal fencing, containment and housing structures shall comply with any applicable regulations governing accessory structures and building codes.
 - (e) If applicable, the permittee shall ensure all approvals from any homeowners association. Town issuance of a permit shall not be deemed to negate any homeowner's association approval.
 - (f) Except for Special Permits as provided for in Section 7-40, each permit shall be valid through the end of the calendar year in which it was issued, and no permit shall be issued absent the payment of a nonrefundable fee in an amount established by the Town. Permittees must apply for a renewal of the permit prior to the beginning of each calendar year.

Sec 7-38. - Other Standards for Domestic Animals, Fowl and Livestock

- (a) **Domestic Animals:** The number of domestic animals that a person may keep on his/her property in the Town is designated in Sec. 7-36, except that a litter of any size may be kept for a period of time not exceeding four (4) months from birth.

(b) Running at large.

- (1) It is unlawful for a dog owner to permit his or her dog to run at large except as set forth in Subsections (2) and (3) below. A dog shall be deemed to be running at large when off or away from the property or premises of the dog owner and not

under the direct control of the owner, a responsible member of the owner's family or an employee or agent of the owner, either by leash, rope or chain not more than twenty (20) feet in length.

(2) Dogs shall be allowed off leash while actually working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers or actually being trained for any of these pursuits.

(+)(3) Dogs shall be allowed off leash at areas designated by the Board of Trustees by resolution.

~~(b)~~(c) **Swine:** It shall be unlawful for any person to keep any swine within the Town.

~~(e)~~(d) **Honeybees:**

(1) Only one hive is permitted per every 1000 sq. ft. Regardless of the size of the property, no more than two (2) hives are permitted per each parcel of property.

(2) Hives are permitted to only have one colony each.

(3) Hives may not be located within 25 feet from any lot line, unless the hives satisfies subsection (6) below.

(4) Hives are permitted on residential property only.

(5) Hives shall be made of a movable frame.

(6) Hives that are located within twenty (20) feet of a property line shall be screened at the property line by a six (6) foot solid fence, wall or other barrier, which may be vegetative. The screen shall extend at least twenty (20) feet in both directions from the point on the property line, or lines, where the hive is the closest to the property line. Vegetative screening shall be planted or maintained so as to form a continuous, unbroken, solid screen prior to the establishment of the hive. The screened area must be in compliance with the other fence requirements set forth in Chapter 18 of this Code.

~~(d)~~(e) **Domestic Fowl:** Subject to the numerical limitations in Sec. 7-36, fowl may be kept on any property subject to the following restrictions:

(1) Roosters are prohibited.

(2) The keeping of fowl and sale or barter of eggs shall be compliant with the Town's zoning regulations and any applicable state law.

(3) Raising of fowl for fighting purposes is prohibited.

- (4) Fowl must be kept in enclosures or fenced areas at all times and confined to the property. During daylight hours, fowl may be allowed outside of their enclosure in a securely fenced yard but may not run at large. The securely fenced yard must include a fence of at least six (6) feet tall that is also in compliance with the other fence requirements set forth in Chapter 18 of this Code. Fowl shall be secured in an enclosure meeting the following requirements during the non-daylight hours.
- (5) Fowl may be used for meat consumption. Slaughtering shall be permitted on site as long as it does not pose a health, nuisance or safety risk to adjoining residents. The disposal of hens that no longer lay eggs shall occur off site.

Sec. 7-39. - Zoning compliance.

In addition to the requirements of this Article, the keeping of domestic animals, livestock and fowl shall comply with the Town's zoning regulations.

Sec. 7-40. - Special permits.

Permission to keep livestock and/or fowl in Town on a temporary basis, for a period not to exceed twenty-four (24) hours in duration, may be obtained without the payment of a permit fee by calling the Town during business hours on weekdays or the Police Department on weekends or holidays and requesting that such permission be given. Such permission must be obtained prior to the time when the temporary keeping is to commence and shall be in writing.

Sec 7-41. - Revocation or denial of permits

- (a) An application for a permit under this Article may be denied or a permit under this Article may be revoked if the Town finds:
 - (1) The permitted animals present a risk to public health or safety; or
 - (2) That a violation of this Article has occurred or is ongoing or the permittee has failed to comply with terms and conditions of a currently issued or previously issued animal permit.
- (b) Denial of Application
 - (1) A written notification of a denial shall be sent via mail to the applicant explaining the reason for the denial.
 - (2) A written appeal of the denial may be made to the Town Administrator. The appeal process provides an opportunity for the applicant to raise any objections to the denial of the permit. The appeal must be requested, in writing, to the Town Administrator within 10 (ten) days after the date of denial notice. If the applicant does not desire to appear in person, statements in writing may be submitted for consideration. The Town Administrator shall promptly make a decision regarding the appeal and such decision shall be final.

(c) Revocation of a Permit

- (1) Revocation of a permit may only occur after written notice is mailed to the permit holder providing the basis for possible revocation. The notice should include an opportunity to request a hearing before the Town Administrator within 10 days of the date of the notice.
- (2) If no written request for a hearing is received by the Town within the time set forth herein, the Town Administrator shall render a decision on the revocation. If a request for a hearing is timely made, the Town Administrator shall promptly conduct a hearing on the revocation. After the hearing, the Town Administrator shall render a decision on the revocation. Any decision of the Town Administrator shall be final.

Sec 7-42. - Animal Nuisances

It shall be deemed a nuisance for any person to own, keep, possess or maintain an animal in such a manner as described in this Section.

- (a) Having an animal that disturbs the rights of, threatens the safety of, injures a member of the public, or interferes with the ordinary use and enjoyment of their property.
- (b) Permitting an animal to damage the property of another.
- (c) Maintaining animals in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor, is dangerous to the public health, welfare or safety, or increases transmission of disease.
- (d) Causing an airborne nuisance subject to the provisions of Sec. 7-16 of this Code.
- (e) Allowing or permitting an animal to bark, growl, whine, howl, crow, cackle, or cause noise in an excessive, continuous or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises.
- (f) Maintaining an animal that is diseased and dangerous to the public health.
- (g) Maintaining an animal that repeatedly chases or snaps at pedestrians, joggers, bicycles, vehicles or other animals.
- (h) Failing to remove feces deposited by any animal on any public street, sidewalk, gutter, park or other publicly owned property or private property unless the owner of the property has given permission allowing such use of the property. This subsection shall not apply to visually impaired persons who have charge, control or use of guide dogs or persons using dogs.

- (i) No owner shall permit any animal to enter or remain upon the premises of another within the Town without the consent of the person owning, occupying or lawfully in control of such premises.

Sec 7-43. - Destroying a Vicious, injured or diseased animal

- (a) Whenever any animal is so injured or diseased and is suffering, and when such animal is imminently near death, then Town law enforcement, acting in good faith, may immediately destroy such animal without the consent of the owner.
- (b) Law enforcement may destroy any animal when the animal poses immediate threat to human life.

Sec 7-44. - Vicious animals

- (a) No person shall have, keep, maintain or have in their possession or under their control any vicious animal within the Town.
- (b) In determining the viciousness of an animal, the Town or a court may take into consideration the severity of the vicious or dangerous nature of the animal, including prior history of the animal, and prior history of the owner related to animals in his or her possession.
- (c) If a court finds an animal to be vicious, the following is a non-exclusive list of sanctions that may be imposed:
 - (1) Obedience training.
 - (2) Community service work at an animal sheltering facility.
 - (3) Require a muzzle, shortened leash or other means to secure animal when off premises.
 - (4) Construct a secure enclosure to prevent escape. It shall be constructed to totally confine the animal upon the owner's property prevent contact with persons or animals owned by others.
 - (5) Removal of animal from Town limits.
 - (6) Spay or neuter the animal.
 - (7) Euthanasia of the animal.

Sec. 7-45. - Wild Animals

- (a) No person shall maintain or have in their possession or under their control any wild animals.

- (b) Sale of wild animals is prohibited. It shall be unlawful for any person, firm or corporation to sell or offer for sale any wild animal within the limits of the Town.
- (c) It shall be unlawful to intentionally feed wild animals

Sec 7-46. - Animal Cruelty

- (a) It shall be unlawful and deemed a nuisance for any person to needlessly beat, inflict violence upon, or needlessly kill, neglect, mistreat, overwork, torture or mutilate, or to otherwise treat in a cruel, dangerous or inhumane manner, any animal, or to cause or allow any of such acts to be done.
- (b) It shall be unlawful and deemed a nuisance for any person to leave an animal in an unattended vehicle either without adequate ventilation or in any manner which subjects the animal to extreme temperatures that are dangerous or detrimental to the animal's health or welfare.
- (c) It shall be unlawful and deemed a nuisance for any person having care, custody or control of any animal to fail to provide such animal with food sufficient for the species, potable water and adequate shelter from the weather, or to cause or allow any of such acts to be done.
- (d) It shall be unlawful and deemed a nuisance for any person to abandon any animal or to cause an animal to be abandoned.
- (e) It shall be unlawful and deemed a nuisance for any person to keep or cause to be kept any place where any fowls or any animals are suffered to fight upon exhibition, or for sport upon any wager.

Sec. 7-47 to 7-52 (reserved)

Article IV - Noise

Sec. 7-53. - Definitions

Plainly audible: any sound that can be detected by a person using his or her unaided hearing faculties.

Sec. 7-54. - General Provisions

- (a) It shall be a nuisance for any person to make or cause to be made any unreasonable noise. Noise shall be deemed to be unreasonable and deemed a nuisance when it disturbs, injures or endangers the peace or health of another or when it endangers the health, safety or welfare of the community.

- (b) The following acts, although not considered to be exclusive, are declared to be violations of this Article:
- (1) The use of a sound producing device in such manner or with such volume at any time and place so as to disturb, destroy or endanger the comfort, repose, or peace of other persons. Evidence of such disturbance shall be if sound producing device is plainly audible at a distance of 150 feet in any direction from the device.
 - (2) Noise produced from the excavation, erection, demolition, alteration, or repair of any buildings, structure, property or streets between the hours of 9:00 P.M. and 7:00 A.M., except as provided for below as an exemption.
 - (3) The non-emergency use of engine compression braking systems within Town limits.
 - (4) Outside musical performances at a public or private event between the hours of 10:00 P.M. and 8:00 A.M. without a special event permit by the Town expressly allowing for the performance outside of such hours.

Sec. 7-55. - Exemptions

Sounds from the following sources shall be exempt from the prohibitions specified herein:

- (a) All safety signals, alarms, warning devices or any other device used to alert persons to any emergency or used by law enforcement or emergency activities.
- (b) The repair and maintenance of municipal facilities, services or public utilities when such work must be accomplished outside of daytime hours.
- (c) Snow removal equipment operated within the manufacturer's specifications and in proper operating condition when being used to remove snow.
- (d) Events conducted by and on the site of a school or educational institution and municipal institutions.
- (e) Events permitted pursuant to this Article or events sponsored by the Town.
- (f) Construction or repair work which must be done to address an emergency health or safety concern and that cannot be accomplished during daytime hours and which is not work which includes normal maintenance and repair.
- (g) Locomotives, railroad equipment and aircraft which the Federal government has exclusive authority to regulate.

Sec. 7-56. - Nonresident property owner culpability

- (a) A nonresident property owner who, after notice, fails to take reasonable steps to prevent subsequent violations of this Article by the tenant shall be liable for violations of this Article.
- (b) Prior to issuing a summons and complaint to a nonresident property owner, the Town must provide written notice stating that the tenant has been issued a summons and complaint for a violation of Article, specifying the violation.

Sec. 7-57. – Enforcement

- (a) No person who has been in lawful possession of property shall knowingly permit a violation of this Article by another person on such property.
- (b) Each time an enforcement officer is called to a scene of a noise complaint shall be deemed to be a separate offense.

Sec. 7-58. - Special Permit

- (a) Any person may apply to the Town for a permit to be allowed to hold a special event that would typically violate the provisions of this Article. The applicant shall provide a list of property owners within two hundred fifty (250) feet of the site(s) where the activity is to occur. The Town shall provide at least ten (10) days written notice prior to issuing the permit to the property owners and residents within two hundred fifty (250) feet.
- (b) For good cause shown, including without limitation, the likelihood of disturbance to nearby property owners and past Code violations of the applicant, the Town Administrator may either grant or deny the permit.
- (c) If the permit is granted, Town Administrator may impose conditions on it.
- (d) An applicant may appeal the decision of the Town Administrator to the deny the permit to the Board of Trustees in writing within five days of the Town Administrator's decision; provided there is a regularly scheduled Board of Trustees' meeting prior the event. Otherwise, there shall be no right of administrative appeal of the Town Administrator's decision.



Town of Buena Vista
P.O. Box 2002
Buena Vista CO 81211
Phone: (719)395-8643
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DATE: June 6, 2016

TO: Mayor and Board of Trustees

FROM: Mark N. Doering, Principal Planner

AGENDA ITEM: Amendments to Chapters 7, 8, 16, and 18 of the Municipal Code regarding Health sanitation and animals, abandoned vehicles on public and private property, recreational vehicles, camping on private property, and storage of trailers.

Requests:

Staff is requesting amendments to the Municipal Code regulating nuisance, including sanitation and animals, abandoned vehicles, recreational vehicles, trailers, and camping within town limits.

Overview:

Changes to the Municipal Code are being proposed with two separate ordinances that address areas where the Town's enforcement requirements need to be improved to allow staff the ability to regulate and enforce codes designed to protect and improve the quality of life relating to trash, animals, recreational vehicles and trailers within town limits. The separate ordinances allow Town to have clearer regulations that allow for compliance and, if necessary, legal action against those that do not comply. Code enforcement will have improved regulations to allow the Town address areas that have been raised as continuing issues within Town.

Analysis:

The proposed changes reorganize for easier use by the public and staff and are revised to include a civic penalty instead of a jury trial and limits penalties to be below \$500.00. The new regulations clarify which farm animals are allowed in Town. They also explain nuisances in town, including storage of materials, trailers and recreational vehicles, camping, snow and ice removal, weeds and noise, along with the requirements to abate those nuisances, if needed

Policy Alignment:

The proposed changes to the Municipal Code meets the Economic Vitality, Community, Environment, and Water policies of the Town. The proposed changes ensure that the community prospers and improves the quality of life of residents and businesses, creates a healthy community where people live, work and play.

BOT Action:

Staff recommends approval of the following ordinances, each by a separate motion:

1. Amending Chapter 7 of the Municipal Code relating to nuisances and nuisance abatement.
2. Amending Chapters 16 and 18 of the Municipal Code relating to the occupancy, parking, and storage of recreational vehicles, camping on private property, and storage of trailers.

Attachments: Proposed ordinance for each item listed in BOT Action, above
Memorandum from Town Attorney's Office

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 7
(SERIES OF 2016)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,
AMENDING CERTAIN SECTIONS OF CHAPTERS 16 AND 18 OF THE
BUENA VISTA MUNICIPAL CODE REGARDING THE OCCUPANCY,
PARKING, AND STORAGE OF RECREATIONAL VEHICLES;
CAMPING ON PRIVATE PROPERTY AND STORAGE OF TRAILERS.**

WHEREAS, the use of recreational vehicles for both temporary and permanent occupancy raises issues associated with the safety and health of those individuals residing in them;

WHEREAS, permitting long term residency in a recreational vehicle may have an adverse effect on the health, safety and welfare of those residing in permanent dwellings near the recreational vehicle;

WHEREAS, the Town desires to define when a recreational vehicle may be used as a temporary dwelling; and

WHEREAS, the Town also desires to address the parking and storage of unoccupied recreational vehicles and trailers and camping on private property to protect the health, safety and welfare for the citizens of the Town.

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

Section 1. Section 16-4 of the Buena Vista Municipal Code is hereby amended by the addition of the following definitions:

Recreational Vehicle (RV) means a vehicular or portable unit mounted on a chassis and wheels, which either has its own motive power or is mounted on, in, or drawn by another vehicle, including but not limited to travel coaches, fifth wheel trailers, pop-up trailers, bed mounted truck campers, camping trailers, or motor homes. A recreational vehicle is not designed or intended for use as a permanent dwelling or sleeping place, but is to provide temporary living quarters associated with recreation, camping, or travel.

Trailer means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and that is generally and commonly used to carry and transport property over the public highways or streets, and shall not include any vehicle or structure intended for human habitation.

Section 2. The definition of “Mobile Home” in Section 16-4 of the Buena Vista Municipal Code is hereby amended as follows:

Mobile home means a single-family dwelling unit with a living area of at least 500 square

feet or more, partially or entirely manufactured in a factory, built on a permanent chassis, and designed to be transported on streets to the place where it is to be occupied as a dwelling unit and built prior to the adoption of the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. sec. 5401 *et seq.*

Section 3. Section 16-4 of the Buena Vista Municipal Code is hereby amended by the deletion of the definition of travel trailer.

Section 4. Section 16-249 of the Buena Vista Municipal Code is hereby repealed and reinstated to read as follows:

Section 16-249. - Recreational Vehicles

- (a) The use of RVs as temporary dwellings on commercial properties is prohibited.
- (b) In any zone district, on properties used for residential purposes, an RV may only be used for temporary dwelling in accordance with this Section.
 - (1) An RV may be used as a temporary dwelling for guests of the owner or occupant of the property on which the RV is located if a permit is obtained from the Town. The permit must be obtained prior to the occupancy of the RV. Only three permits may be issued to an owner or occupant per calendar year and the owner or occupant must apply for the permit. Each such permit shall be for specifically designated days. A permit may be issued for any length of time but no more than fourteen (14) days. Once an RV has been issued a permit under this subsection, it may not be issued another permit under this subsection within the same calendar, regardless of whether the RV moves locations.
 - (2) The Board may permit occupancy of RVs for certain holidays, festivals or events without a permit and these days shall not be included in the fourteen (14) day maximum in subsection (1) above.
 - (3) Permits shall be displayed on the RV and be clearly visible from the adjacent right of way.
 - (4) Only one (1) RV at a time may be parked for as a temporary dwelling under this Section on a lot or parcel. However, if more than one permanent dwelling unit exists on a single lot or parcel, no more than two (2) RVs may be used as temporary dwellings on that lot or parcel at the same time.
 - (5) It is unlawful to use an RV as a temporary dwelling on public property, public right of way or railroad right of way. The public right of way shall include the full width of the right of way which may be beyond the visible road surface.
 - (6) No electrical cords, extension cords, hose, cables, or any type of public

service or utility connections may be made across or be extended across any public or railroad right of way or public property.

- (7) No connections are permitted between a recreational vehicle and any public or private sewer or septic system, unless at a designated RV dump station.
 - (8) Discharge or grey water or sewage onto the ground is prohibited.
- (c) In any zone district, an RV, which is unoccupied, may be parked and stored in accordance with this Section.
- (1) RVs may only be parked or stored on public property or in the public right of way for a period not to exceed 72 hours, regardless of whether the owner of the RV is also the owner or occupant of the abutting property. The fact that the RV is moved along the same right of way, moved for the primary purpose of avoiding the 72 hour limitation, or moved away for any period of fewer than 24 hours, shall be ignored in determining whether or not an RV has remained parked for 72 hours or more.
 - (2) Notwithstanding any other provision of this Section, an RV may not be parked or stored in any manner that constitutes a public safety issue, including without limitation by blocking vehicular sight lines or creating unsanitary conditions.
 - (3) RVs may not be parked or stored in the railroad right of way, except that an RV may be parked in any designated public parking lot subject to the same restrictions on any other vehicle.
 - (4) Any RV parked or stored on a public right of way for longer than 72 hours pursuant to this subsection or parked or stored in the railroad right of way in violation of this Section shall be considered abandoned pursuant to this Code.
 - (5) Only one (1) RV may be parked or stored on private property at any given time. Private property shall not include the public right of way beyond the visible road surface. The RV may not be parked or extend onto the sidewalk, curb and/or gutter.
 - (6) A parked or stored RV may not be used for business operations, except as permitted through a Temporary Use or Temporary Vendor Permit, or the storage of waste materials.
 - (7) The parked RV must be operable and maintained as not to create a nuisance.
- (d) It shall be prima face evidence that an RV is being occupied as a dwelling if any of the following are present:

- (1) The use of any slide-out components of the RV;
 - (2) The use of awnings attached to the RV;
 - (3) Visible electric cords connected to the RV; or
 - (4) Visible water and/or wastewater lines connected to the RV.
- (e) Any permit issued under this Section shall be approved by the Town Administrator or designee.

Section 5. Chapter 16 of the Buena Vista Municipal Code is hereby amended by the addition of the following new subsections:

Section 16-249.1 - Tent Camping on Private Property

Tent camping on private property is permitted for periods of no more than seven consecutive days.

Section 16-249.2 - Trailers

- (a) Trailers may not be parked or stored, unattached to a vehicle, on public property or in the public right of way for a period longer than 7 days, regardless of whether the owner of the trailer is also the owner or occupant of the abutting property. The fact that the trailer is moved along the same right of way or is moved away for any period of fewer than 24 hours, shall be ignored in determining whether or not a trailer has remained parked for more than 7 days.
- (b) A trailer may not be parked or stored in any manner that constitutes a public safety issue.
- (c) Any trailer left in the public right of way for more than 7 days pursuant to this subsection or located in the railroad right of way for any period of time shall be considered abandoned pursuant to this Code.
- (d) Trailers may not be parked or stored in the railroad right of way, except that a trailer may be parked in any designated public parking lot subject to the same restrictions any other vehicle. Trailers may be parked in a designate public parking lot for a longer period if permitted by the Town pursuant to Sec. 7-13 of this Code.
- (e) Trailers may be parked or stored on private property. For a single lot or parcel one-quarter acre in size or less, only one (1) trailer may be parked or stored. For a single lot or parcel over one-quarter acre, no more than two (2) trailers may be parked or stored at any given time. Private property shall not include the public right of way beyond the visible road surface.

Section 6. Section 18-163 of the Buena Vista Municipal Code is hereby amended as

follows:

Recreational Vehicle has the same meaning as in Chapter 16 of this Code.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this _____ day
of _____, 2016.

**THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM
PUBLICATION.**

TOWN OF BUENA VISTA, COLORADO

By: _____
Mayor, Joel Benson

ATTEST:

Janell Sciacca, Town Clerk

(SEAL)

TOWN OF BUENA VISTA, COLORADO

**ORDINANCE NO. 9
(SERIES OF 2016)**

AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO, REPEALING ARTICLES I, II, III, IV, V, VI, AND VII OF CHAPTER 7 AND REINSTATING ARTICLES I, II, III AND IV OF CHAPTER 7 OF THE BUENA VISTA MUNICIPAL CODE REGARDING NUISANCES AND NUISANCE ABATEMENT .

WHEREAS, the Town has had difficulty enforcing its current nuisance regulations;

WHEREAS, in particular, the Trustees would like to update and provide alternative methods of enforcement of the Town's nuisance regulations, including providing for a civil penalty and an order for abatement; and

WHEREAS, the Board of Trustees finds that updating the Town's nuisance regulations is in the best interests of the Town and its residents.

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

Section 1. Articles I, II, III, IV, V, VI, VII of Chapter 7 of the Buena Vista Municipal Code are hereby repealed.

Section 2. Exhibit A to this Ordinance is hereby adopted.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this _____ day of _____, 2016.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____
Mayor, Joel Benson

ATTEST:

Janell Sciacca, Town Clerk

(SEAL)

Exhibit A to Ordinance No. _____

Chapter 7 – Health Sanitation and Animals

Article 1 –General Provisions

Sec 7-1. - Definitions

Abandon: to voluntarily surrender, relinquish or disclaim for a period of 30 days.

Blighted property: a property, building, mobile home, shed, fence, or other man-made structure where any of the following conditions exists:

- (a) Conditions posing a serious threat to health, safety, and welfare of Town residents;
- (b) Any structure open to the elements as a result of damage or decay; unable to provide shelter or serve the purpose for which it was constructed due to damage, dilapidation, or decay; or
- (c) It is not being maintained to a significant degree, as evidenced by at least one of the following conditions:
 - (1) Missing, broken, or boarded windows or doors;
 - (2) Collapsing or deteriorating exterior walls, roofs, stairs, porches, handrails, railings, basement hatchways, chimneys, flues, or floors;
 - (3) Exterior walls which contain holes, breaks, or loose or rotting materials;
 - (4) Foundation walls which contain open cracks and breaks;
 - (5) Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, and exhaust ducts, which contain rust or other decay;
 - (6) Vermin or insect infestations;
 - (7) Unmanaged and overgrown vegetation;
 - (8) Waste materials, dumping, clutter, garbage, junk, debris, inoperable vehicles or trash improperly stored or accumulated on the premises;
 - (9) Fences, broken or rotted boards or in an otherwise dilapidated condition;
 - (10) Any other exterior condition reflecting a level of maintenance which is an element leading to the progressive deterioration of the neighborhood;

- (11) Is attracting illegal activity as documented in Police records;
- (12) Is a fire hazard, as documented by the Fire Chief;
- (13) Creates a substantial and unreasonable interference with the use and enjoyment of nearby premises, as documented by neighborhood complaints, police reports, cancellation of insurance on proximate properties, or similar circumstance; or
- (14) A building or structure or part thereof that would not qualify for a certificate of occupancy if applied for, or which is deemed an unsafe or dangerous structure as defined by the applicable building code adopted by the Town, or any dwelling or unit that is designated as unfit for human habitation.

Brush: Woody shrubs not part of a planned and maintained landscape of either a highly structured manicured type or a natural appearance.

Construction Debris: Waste resulting from construction, remodeling, repair, or demolition operations.

Firewood: Any wood or wood product used or intended to be used as heating fuel in a residence. Painted or treated wood shall not be considered firewood.

Junk: Any property, object or other article having nominal salvage value, which has been left unprotected from the elements or in deteriorated condition, including, but not limited to any used machinery or parts; plumbing fixtures (sinks, toilets, pipes, valves, etc), vehicle parts, tires, household appliances and fixtures or parts thereof; household hardware or furnishings, wire; cable, building materials (wood, tile block, brick, etc.), or any other similar articles.

Landscape: Any combination of living plants and non-living landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials) in a managed and planned manner.

Litter: Any rubbish, waste material, refuse, garbage, trash, debris, excrement, urine, offal composed of animal matter or vegetable matter or both, or any noxious or offensive matter whatever, dead bird, dead fish, fishing line, bait, chemical, chemical compound, petroleum product or compound, automobile part or accessory, tire, wheel, junk, paper, cardboard, can, lid, bottle, cap, carton, wrapper, box, wooden object, plastic object, clothing, cloth, metal object, rubber object, leather object, hide, feathers, grass clippings, leaves, cut weeds, branches cut from trees or bushes, brick, cinderblock, building material, paint, concrete, sand, gravel, stone, glass, asphalt, ashes, cigarette, cigar, food or food product, solvent, dye, beverage and liquid except water, and other similar material.

Nuisance includes, but is not limited to:

- (a) Any activity, operation, condition, building, structure, place, premises or thing which annoys, injures or endangers the comfort, health, repose or safety of the public;

- (b) The conducting or maintaining of any business, occupation, operation activity, building or structure prohibited by statute or ordinance;
- (c) Any building, structure or land open to or used by the general public, the condition of which presents a substantial danger or hazard to public health or safety;
- (d) Any activity, operation or condition which, after being ordered abated, corrected or discontinued by a lawful order of a department or officer of the Town, continues to be conducted or continues to exist in violation of statute or ordinance or in violation of any regulation of the Town, County, or the State;
- (e) Any illicit discharge or other lawful pollution or contamination of any surface or subsurface waters in the Town, or of the air or of any water, substance or material intended for human consumption;
- (f) Any nuisance defined or declared as such by statute or ordinance; or
- (g) Interfere with, obstruct or tend to obstruct, or render danger for passage on any street, alley, highway, navigable body of water or other public way or the use of public property.
- (h) When, in the opinion of the Town Administrator or his/her designee, a nuisance exists which is not specifically enumerated in Municipal Code, The Town Administrator or his/her designee will make a determination of whether a nuisance in fact exists. Every thing, substance, or act which is determined by Administrator or his/her designee to be offensive, injurious or detrimental to the public health, safety or welfare of the Town shall be declared to be a nuisance and may be abated as provided in the Municipal Code.

Ornamental plants: Grasses, perennials, annuals, trees and/or groundcovers purposefully planted for aesthetic reasons.

Responsible Person: The person responsible for creating, allowing, correcting, or abating a nuisance pursuant to this Chapter. The responsible person includes the property owner and any person who causes or permits a nuisance to occur or remain upon property in the Town, and includes, but is not limited to, the owner, tenant or other responsible person entitled to control, use and/or occupy property where a nuisance occurs. In cases where there is more than one responsible person, the Town may proceed against one, some, or all of them.

Residential Property: Any lot, tract, parcel, land, or other property located within the Town, on which single or multifamily structures used as a residence or for human habitation exist, or any property that is located within an area that is zoned for residential uses by the Town.

Refuse container: An outdoor receptacle designed and intended to be used to hold refuse. A refuse container includes, but is not limited to, trash cans, trash dumpsters and similar containers.

Riparian buffers: Narrow strips of land bordering waterways protecting streams, rivers, or other bodies of water from runoff, erosion and provide wildlife habitat.

Turf-grass: A lawn comprised mostly of grasses commonly used in regularly cut and irrigated lawns, parks or play areas (such as but not limited to buffalograss, wheatgrass, fescue, and brome-grass blends).

Vegetation: A general term for all plants and living ground cover.

Waste Materials: Shall include all construction debris, garbage, junk, litter, refuse, rubbish, scrap, trash and similar items.

Weeds: Includes the following: (1) brush; (2) turf grasses in excess of twelve (12) inches in height and other vegetation grown in a rank or unsightly fashion; (3) bindweed, Canada thistle, common ragweed, dandelion, fireweed, milkweed, mustard, perennial sowthistle, Russian knapweed, Russian thistle, sandburs and any other similar plants and vegetation. The foregoing enumeration is not intended to be all inclusive, but rather is intended to be indicative of those types of plants which are considered a nuisance.

Xeriscape: A landscaping method developed especially for arid and semiarid climates that utilize water-conserving techniques (as the use of drought-tolerant plants, mulch, and efficient irrigation).

Sec. 7-2. - Inspection of Properties

- (a) Authorized inspector. The Town Administrator shall have the power and authority to appoint and authorize any police officer, building inspector, code enforcement officer or other officer of the Town (including independent contractors engaged by the Town) to inspect and examine any public or private property in the Town for the purpose of ascertaining the nature and existence of any nuisance.
- (b) Right of entry generally. Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever an authorized inspector has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a nuisance hereunder, such inspector may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed on him or her; provided, however, that if such building or premises is occupied, such inspector shall first present proper credentials and request entry; and if such building or premises is unoccupied, he or she shall first make a reasonable effort to locate the responsible party having charge or control of the building or premises, and upon locating the owner, occupant or other person or persons shall present proper credentials and request entry. If entry is refused, the authorized inspector shall give the owner or occupant, or if the owner or occupant cannot be located after a reasonable effort, he or she shall leave at the building or premises, a written notice of intention to inspect not sooner than twenty-four (24) hours after the time specified in the notice. The notice given to the owner or occupant or left on the premises shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a Municipal Judge, or by a judge of any court having jurisdiction.

- (c) Search warrants. After the expiration of the twenty-four-hour period from the giving or leaving of such notice, the authorized inspector may appear before the Municipal Court or any other court with jurisdiction, and, upon a showing of probable cause by written affidavit, shall obtain a search warrant entitling him or her to enter the building or upon the premises. Upon presentation of the search warrant and proper credentials, or possession of the same in the case of an unoccupied building or premises, the authorized inspector may enter into the building or upon the premises using such reasonable force as may be necessary to gain entry.

- (d) Probable cause for issuance of search warrant. For purposes of this Section, a determination of probable cause will be based upon reasonableness, and if a valid public interest and reasonable suspicion of violation justifies the intrusion contemplated, then there is probable cause to issue a search warrant. The person applying for such warrant shall not be required to demonstrate specific knowledge of the condition of the particular structure or premises at issue in order to obtain a search warrant, but must show some factual or practical circumstances that would cause an ordinarily prudent person to act. It is unlawful for any responsible party of the building or premises to deny entry to any authorized inspector or to resist reasonable force used by an authorized inspector, acting pursuant to this Section.

- (e) Right of entry; emergencies. Whenever an emergency situation exists in relation to the enforcement of any of the provisions of this Chapter, an authorized inspector, upon a presentation of proper credentials or identification in the case of an occupied building or premises, or possession of the credentials in the case of an unoccupied building or premises, may enter into any building or upon any premises within the jurisdiction of the Town.
 - (1) In an emergency situation, such person or his or her authorized representative may use such reasonable force as may be necessary to gain entry into the building or upon the premises.
 - (2) For purposes of this Subsection, an emergency situation includes any situation where there is imminent danger of loss of, or injury or damage to, life, limb or property. It is unlawful for any responsible party of the building or premises to deny entry to any authorized inspector or to resist reasonable force used by the authorized official acting pursuant to this Section.

Sec. 7-3. – Penalty

- (a) It shall be a civil infraction for any person to:
 - (1) Create, operate, maintain or conduct any nuisance as defined in this Code.
 - (2) Interfere with or prevent, or attempt to interfere with or prevent, the abatement of any nuisance pursuant to the provisions of this Code.
 - (3) Fail to abate a nuisance as specified in this Article.

- (b) Any person who is found guilty of, or pleads nolo contendere to the commission of, the civil infraction shall be subject to a civil penalty of no more than \$499.00. For each day, or portion thereof, during which any violation continues, a person may be cited for a separate civil infraction. The penalties specified in this Section shall be cumulative and nothing shall be construed as either prohibiting or limiting the Town from pursuing such other remedies or penalties, in an action at law or equity.
- (c) The Municipal Court has the authority to order the abatement of the nuisance by the responsible party or parties, and may authorize the Town to abate the nuisance if the responsible party or parties fails to do so as ordered by the Municipal Court. If the Town proceeds to abate the nuisance as authorized by the Municipal Court, the Town shall be entitled to an order from the Municipal Court for recovery of its abatement costs, plus fifteen percent (15%) of the abatement cost for inspection, and any other additional administrative costs. If the cost of abatement is not paid, a lien may be placed upon any property on which the abatement was performed and shall have priority over all other liens, except general taxes and prior special assessments. The lien may be collected by any legal means, including certification to the Chaffee County Treasurer for collection in the same manner as taxes.
- (d) A civil action to declare and abate a violation of this Chapter shall be brought in the name of the Town by filing a summons and complaint, which shall be verified or supported by an affidavit. A peace officer of the Town may serve a summons and verified complaint upon responsible party. The trial or hearing of such action shall be to the court.
- (e) A notice of appearance shall be served with the summons and complaint. The appearance date shall be not less than seven (7) days from the date of service of the summons and complaint. The respondent shall file a response or answer on or before the appearance date specified in the notice of appearance. A hearing shall be held upon the appearance date, unless the court grants a continuance for good cause shown.
- (f) Upon the date and time specified for appearance and hearing, if the respondent has not filed a response and fails to appear, and if the Town proves service was made on respondent at least seven (7) days prior to the appearance date, the court may grant such orders as are requested by the Town; except that, the court shall order that enforcement by the Town be stayed for ten (10) days and that a copy of the court's order be mailed to the respondent at respondent's last known address. Failure to appear at any hearing date shall be grounds for entering a default, and default judgment against the non-appearing party. Prior to enforcement, and upon good cause shown, the court may set aside any entry of default and the default judgment entered thereon.

Sec. 7-4. – Complaints of Nuisances

Complaints of nuisances may be made in writing to the Town Administrator or Code Enforcement Officer on forms provided by the Town. Whenever possible, any complaint shall state the nature of such nuisance, the street address, the name of the owner, occupant or responsible party of the building or lot, if known, and the name and address of the complainant.

Sec 7-5. – Abatement of Nuisances – Administrative

- (a) This Section provides an alternative method for abating a nuisance to a Municipal Court action. An administrative abatement pursuant to this Section is not a prerequisite for a Municipal Court action, nor shall it preclude the issuance of a summons and complaint prior to, concurrently with or subsequent to an administrative abatement action.
- (b) Whenever the Town Administrator or his or her designee determines that a nuisance exists in violation of this Code, he or she, or his or her designee, shall issue a Notice of Abatement to the responsible party or parties with the information required herein.
 - (1) The time for abatement of a nuisance posing an imminent danger of damage or injury to or loss of life, limb, property or health or where there is an illicit discharge shall not exceed twenty-four (24) hours.
 - (2) The reasonable time for abatement of all other nuisances shall not exceed seven (7) days unless it appears from the facts and circumstances that compliance could not reasonably be made within seven (7) days and that a good-faith attempt at compliance is being made.
 - (3) If the responsible party shall fail to comply with the notice for a period longer than that named in the notice, then the authorized inspector shall proceed to have the nuisance described in the notice removed or abated from the property described in the notice without delay; and the authorized inspector shall have the authority to call for any necessary assistance. In no event shall the notice described by this Section be required prior to issuance of a summons and complaint.
- (c) Contents of notice. The Notice of Abatement issued pursuant to the provisions of this Section to the responsible party upon which a nuisance was discovered shall contain the following:
 - (1) The address and other description of the property upon which the nuisance was discovered;
 - (2) The name and address of the owner of the property upon which the nuisance was discovered as reflected in the county assessor records;
 - (3) The name and address of the occupant of the property upon which the nuisance was discovered, if known, and if different from the owner;
 - (4) A description of the thing or things or condition deemed to be a nuisance;
 - (5) The time in which the thing or things or condition are to be removed or abated from the property;

- (6) A statement advising the responsible party that he or she may protest the determination of the authorized inspector with respect to any matters stated in the notice, by filing a written protest pursuant to this Section;
 - (7) A statement that, if the responsible party fails to comply with directions contained in the written notice or file a written protest thereto in the time allowed, the Town will enter the property, abate the nuisance described therein and assess the costs thereof to the owner of the property;
 - (8) A statement that, if the Town abates the nuisance, it shall be entitled to recover its abatement costs, plus fifteen percent (15%) of the abatement cost for inspection, and any other additional administrative costs; and
 - (9) A statement of the cost of abatement.
- (d) Service of notice. The written notice to abate shall be served by:
- (1) Personally delivering a copy of the notice to the owner of the property described in the notice if the owner also resides at the property;
 - (2) Personally delivering a copy of the notice to the non-owner occupant or resident of the property described in the notice and mailing a copy of the notice by certified mail, return receipt requested, to the last known address of the owner as reflected in the county assessor records; or
 - (3) Mailing a copy of the notice by certified mail, return receipt requested, to the last known address of the owner of the property described in the notice as reflected in the county assessor records if the property is unoccupied and by posting a copy of the notice in a conspicuous place at the unoccupied premises. Service of the notice shall be deemed complete upon the date of personal delivery or three (3) business days after the date of mailing as required herein.
- (e) Costs of abatement. If the Town abates the nuisance, it shall be entitled to recover its abatement costs, plus fifteen percent (15%) of the abatement cost for inspection, and any other additional administrative costs. If the cost of abatement is not paid, a lien may be placed upon any property on which the abatement was performed and shall have priority over all other liens, except general taxes and prior special assessments. The lien may be collected by any legal means, including certification to the Chaffee County Treasurer for collection in the same manner as taxes.
- (f) Abatement action. When a nuisance has not been voluntarily abated within the time specified in the notice to abate, the Town may proceed to abate the nuisance from the property and collect the costs specified in Subsection (5) above.

Sec. 7-6. – Appeals

For Administrative abatements set forth in Section 7-5 above:

- (a) A written appeal of the determination of the existence of a nuisance may be appealed to the Town Administrator within the time set forth in the notice of abatement. The Appeal shall state the basis for the appeal and why the circumstances on the property do not constitute a nuisance.
- (b) The Town Administrator shall promptly schedule a hearing on the appeal. During the pendency of the appeal, the order to abate shall be stayed.

Sec. 7-7 to 7-9 (reserved)

Article II – Nuisances

Sec. 7-10. - Flammable Liquids: storage or parking of tank vehicles

It shall be deemed a nuisance to store or cause to be stored or parked, except for unloading, any vehicle used for the purpose of storage of flammable liquids, gases, explosives or toxicants upon any streets, ways or avenues of the Town, or any other part of the Town except those areas zoned for such use.

Sec. 7-11. - Abandoned containers

- (a) It shall be deemed a nuisance for any person to discard, abandon or leave in any place accessible to children any refrigerator, icebox, deep-freeze locker, stove, oven, trunk or any self-latching container having a capacity of one and one-half (1½) cubic feet or more, which is no longer in use, and which has not had the door removed or the hinges and such portion of the latch mechanism removed as to prevent latching or locking of the door, or to knowingly permit such a refrigerator, icebox, deep-freeze locker, stove, oven, trunk or self-latching container to remain on premises under his or her control without having the door removed or the hinges and such portion of the latch mechanism removed as to prevent latching or locking of the door.
- (b) The provisions of this Section shall not apply to any vendor or seller of refrigerators, iceboxes, deep-freeze lockers, stoves, ovens, trunks or self-latching containers, who keeps or stores them for sale purposes in a showroom or salesroom ordinarily watched or attended by sales personnel during business hours and locked to prevent entry when not open for business, or if such vendor or seller takes reasonable precaution to effectively secure the door of any such refrigerator, icebox, deep-freeze locker, stove, oven, trunk or self-latching container so as to prevent entrance by children small enough to fit therein.

Sec. 7-12. - Stagnant water, contaminated or impure wells or cisterns

- (a) Any cellar, vault, drain, sewer, pond of water, swimming pool or other place in this Town, that shall be noxious or offensive to others, or injurious to public health, through an accumulation or deposition of noxious, offensive or foul water, or other substances, or be conducive to the breeding of mosquitoes, shall be deemed a nuisance.

- (b) Any well or cistern on any property within the limits of the Town, whenever a chemical analysis or other proper test, or the location of the same shows that the water of the well or cistern is probably contaminated, impure or unwholesome, shall be deemed a nuisance.
- (c) Every person in possession of any premises or any part thereof, upon which there is located a well containing contaminated, impure or unwholesome water, shall abandon the use of the same and cause the same to be filled with earth or such other material as may be designated by the Town.

Sec 7-13. - Storage of Construction Materials

- (a) It shall be deemed a nuisance for any person to store lumber or other construction materials, construction vehicles, and/ or construction equipment on any property not associated with a permitted building project being currently undertaken on the property. except as permitted by the Town pursuant to a Construction Permit. This Section shall not apply to construction vehicles parked at the residence of the owner.
- (b) It shall be deemed a nuisance for any person to keep or store any construction materials and/or equipment, as described above, unless such materials are in an enclosed structure, covered, secured, or in some manner protected so as to prevent such materials and/or equipment from being blown, scattered about, or otherwise moved by wind, water, or other natural causes.

Sec 7-14. - Snow or Ice Deposits

- (a) It shall be deemed a nuisance for any person to deposit, cause or allow any snow or ice to be deposited on or against any fire hydrant or traffic signal control device; upon any sidewalk, street or roadway, loading and unloading area of a public transportation system, or designated emergency access, in a way that interferes with the safe and orderly flow of pedestrian or vehicular traffic, in any way obstruct or impede street or roadway drainage or is in Sight Triangle.
- (b) The owners or occupants of property abutting upon or adjacent to sidewalks within the corporate limits of the Town shall at all times keep such sidewalks free and clear of snow and ice.
- (c) In the event such owners or occupants fail to remove snow and ice from such adjacent sidewalks within twenty-four (24) hours of the accumulation, such condition shall be deemed a nuisance.

Sec 7-15. - Abandoned and Hazardous Bicycle

- (a) Every bicycle left at any place to cause an immediate safety hazard or an obstruction to entry or exit to a building or a public right-of-way shall be deemed a nuisance. If the person in possession of the bicycle is not present or is unwilling or unable to provide for its immediate removal, the Town may remove and impound the bicycle.

- (b) Every bicycle left abandoned as defined in this Chapter may be removed by Town staff and impounded.

Sec 7-16. - Airborne Nuisances

- (a) It shall be deemed a nuisance for any person to allow the emission of air contaminants and/or odors that are detrimental to the health, comfort, safety or welfare of the public, that causes or tends to cause injury or substantial annoyance, interfere with the reasonable and comfortable use and enjoyment of property, or inconvenience to persons exposed thereto or causes or tends to cause damage to property.
- (b) Any odor will be deemed to interfere with reasonable and comfortable use and enjoyment of property:
 - (1) When the air containments or odors rise above the threshold of the Air Quality Control Commission's Regulations; or
 - (2) When the Town receives five (5) or more complaints from individuals representing separate households within the Town within a twelve (24) hour period relating to a single odor description.
- (c) To be considered an odor complaint a written complaint must be received by the Town and include, in addition to the written complaint required by Section 7-4:
 - (1) Name, address and phone number of complainant.
 - (2) Time and date of call.
 - (3) Description of odor nuisance, including estimated location or source of odor, and if possible, prevailing wind or weather conditions observed.
- (d) The Town shall use reasonable efforts to investigate all complaints to verify the source of the odor.
- (e) It is an affirmative defense to the alleged violation of this Section if the air contaminant or odor was caused by a condition or breakdown of a device, facility, or process that: (1) could not have been reasonably anticipated or prevented; (2) the facility owner or operator took immediate action to eliminate the upset condition and, if necessary, repair all equipment and devices that caused or contributed to the upset condition or breakdown; (3) the facility owner or operator notified the Town about the condition or breakdown within eight (8) hours of its occurrence; and (4) the facility owner or operator provided written detailed information describing the condition or breakdown and identifying the measures taken to correct it within three (3) working days of the occurrence.
- (f) Rodeos, stock shows, tarring operations, other similar temporary events and activities of the Town are exempt from this section.

Section 7-17. - Blighted property

It shall be deemed a nuisance to cause or allow blighted property to be created or maintained in the Town.

Section 7-18. - Firewood Storage

- (a) Firewood may be stored upon residential premises solely for heating uses on the premises and not for resale. Firewood not stored in compliance with this Section shall be deemed a nuisance.
- (b) The firewood shall be prepared for use and stored in neat and secure stacks, protected from bare soil or ground on a well supported, non-rotting base.
 - (1) Firewood may be stored in the front yard on residentially zoned property for a period of seven (7) days from the date of its delivery in order to be processed and transferred to side or rear yard for permanent storage.
 - (2) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises longer than seven (7) days after processing the firewood.
 - (3) Freestanding firewood stacks shall not be in excess of four (4) feet in height unless such stack is amply supported by a rack or structure designed for such storage. Where the firewood is so supported, the stack shall not be in excess of six (6) feet.
 - (4) Firewood must be stored on the owner's property.
 - (5) No firewood shall be stacked in a manner that encroaches into the public right-of-way, obstructs the view of drivers on public streets or private driveways.

Sec. 7-19. - Unlawful Disposal of Waste Materials

It shall be deemed a nuisance for any person to:

- (a) Place, deposit, abandon, or discard any waste materials on public property, Town right-of-way, alley, river, lake, stream, ditch, or the private property of others without the property owners permission;
- (b) Place, deposit, abandon, or discard within the Town limits, waste materials which were generated at a location outside the Town limits;
- (c) Bury waste materials within the Town limits; or
- (d) Discard or dump waste materials in a receptacle not designed or intended to be a refuse container.

Sec. 7-20. - Vehicles causing Litter

It shall be deemed a nuisance for any person to operate any vehicle within the Town, unless such vehicle is loaded, covered or secured so as to prevent any contents from being blown or deposited upon any street, alley or other public or private property.

Sec. 7-21. - Storage of Waste Materials

- (a) No responsible person having the control, management or ownership of any property shall maintain any property where waste materials are permitted to accumulate in any manner that:
 - (1) Becomes a nuisance;
 - (2) Interferes with the health, safety or welfare of residents in the vicinity; or
 - (3) Detracts from the aesthetic appearance, enjoyment or value of the property or any neighboring properties.
- (b) All responsible parties shall ensure that all waste materials are covered, secured, or in some manner protected so as to prevent such materials from causing a nuisance, health, safety, or sanitation hazard by reason of being blown or scattered about by wind, children, animals, or any other means of dispersal.
- (c) All responsible parties shall clean up spillage and overflows or waste materials immediately when they occur.

Sec. 7-22. - Refuse Containers

It shall be deemed a nuisance to violate any of the following:

- (a) Refuse containers must not block or interfere with public rights of way or cause a nuisance for adjacent properties.
- (b) Refuse containers with secured lids shall be used for handling, storing and disposing of waste materials to control odors, insects, rodents, animals, and other nuisance conditions.

Sec. 7-23. - Unlawful use of refuse container

It shall be unlawful for any person to intentionally or knowingly deposit, or to cause to be deposited, any waste material in a refuse container located on the property of another, or on public property, without the prior permission of the owner or person(s) in lawful possession of such refuse container.

Sec. 7-24. - Weeds

- (a) It shall be deemed a nuisance for any responsible person to permit any growth of brush, weeds or unmanaged vegetation that:
 - (1) Constitutes a nuisance by collecting trash or debris;
 - (2) Creates a fire hazard;
 - (3) Harbors wildlife or pests that are hazards to public health or safety;
 - (4) Contributes to the spread of noxious weeds as identified on Lists A and B of the Colorado Noxious Weed Act, C.R.S. § 35-5.5-101 et seq., as may be amended;
 - (5) Is a violation of the responsible party's duty under Section 7-25; or
 - (6) Creates an environment that could be injurious the public health by providing a habitat for vermin, insects and other pests.
- (b) Growth of vegetation as an intentional nuisance is prohibited.

Sec. 7-25. - Duty of responsible party

- (a) The responsible party has a duty to ensure that all landscaping is maintained in a healthy condition.
- (b) Vegetation shall not intrude, impinge, invade or otherwise negatively adversely affect adjacent properties.
- (c) Plants which have thorns, spines or prickles shall not encroach into public sidewalk or public right-of-way.
- (d) No vegetation shall grow into the public right-of-way or private property such that it obstructs or physically interferes with a driver's view of approaching, merging, or intersecting traffic or pedestrian traffic or obstructs traffic signs and traffic control signs/devices.
- (e) All vegetation should be managed so that it does not block or obstruct any fire hydrant.
- (f) Responsible parties have a duty to clean and maintain vegetation from the rear property line to the center line of alleys.
- (g) The portion of a dedicated public right-of-way between the street and the property line excepting the sidewalk shall be landscaped and maintained by the abutting property owner. Landscaping placed in the public right-of-way shall be managed not to interfere with snow removal, water drainage, public walking, site distances, repair of utilities, or contribute to the deterioration of streets.
- (h) Turf grass shall be managed at a height of no more than twelve (12) inches.

- (i) In order to retain certain Town properties in their natural states, Town-owned parks, open space, wetlands, and riparian buffers (stream beds or banks) are exempt from vegetation height requirements. Wetlands are exempt from the requirements.
- (j) Aesthetic judgments shall not be a consideration nor play any role in determining non-compliance or compliance with this Section.

Sec 7-26. –Removal of vegetation debris

- (a) All vegetation, weeds, shrubs, trees, brush, and any part thereof from the lot upon which the plant materials have been cut shall be immediately removed from the Town or otherwise entirely destroyed by the responsible party.
- (b) No responsible parties shall allow or permit vegetation debris of any kind, including, but not limited to, weeds, grass, overgrown vegetation, dead trees, leaves, bushes or shrubbery, to be deposited into any street, gutter, curb, road, lane, cul-de-sac, highway, alley, open creek, stream, watercourse, public place, common ground or right-of-way. The responsible person(s) shall promptly dispose of debris by removal, or in such a manner as to not create a nuisance.

Sec. 7-27. - Noxious Weeds

- (a) It shall be deemed a nuisance for any person to plant or permit the spread of noxious weeds as identified on Lists A and B of the Colorado Noxious Weed Act, C.R.S. § 35-5.5-101 et seq., as may be amended.
- (b) Every person shall destroy all noxious weeds on all lands which are under their ownership, occupation or control.

Sec. 7-28 to 7-34 (reserved)

ARTICLE III - Animals

Sec. 7-35. Definitions:

At large: when an animal is off the premises of the owner and not under effective control of that owner, his agent, servant, or competent member of his family by means of a leash, cord or chain, reasonable in length; except that, for the purposes of this definition, the "premises of the owner" shall not include common areas of multiple household dwelling units and any animal not in the effective control of its owner upon the common area of a multiple household dwelling unit or the grounds thereof, by means of a leash, cord or chain, reasonable in length, shall be deemed to be running at large.

Animal: any wild or domestic living thing that is not a human being or plant.

Domestic Animal: an animal that lives in a tame condition.

Vicious Animal: any animal that, without provocation, bites or attacks persons or other animals; approaches any person or other animal with vicious or terrorizing behavior or an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated; or has acted in a manner that causes or should cause its owner or custodian to know that the animal is potentially vicious.

Wild Animal: an animal which is not customarily domesticated and which, because of its size, disposition, or other characteristics could constitute a danger to human life or property.

Fowl: a bird of any kind.

Bee: any stage of the common domestic honey bee, including any non-Africanized bee.

Livestock: Domesticated animals raised for agricultural purposes, excluding swine.

Swine: a domesticated pig or hog.

Sec 7-36. – Animal Permits

An animal permit is required as outlined in the table below. Even with a permit, the maximum number of animals allowed may not be exceeded as described below.

Animal type	Minimum number of animals requiring a permit	Maximum number animals allowed
Horses, cattle, goats, yaks, mules, donkeys, and llamas	1	2 per 15,000 sq. feet
Bees	1 hive	2 hives
Fowl, excluding roosters	1	6 per ½ acre of property
Dogs	5	8
Any other domestic animals not named above	No permit required	10

Sec 7-37. - Permit Application and Fees

- (a) In order to obtain an animal permit, the following must be completed:
 - (1) Applications for a permit under this Article shall be made to the Town on the form(s) provided.
 - (2) If building a structure associated with an animal permit, a site plan showing the following:

- a. Property lines with dimensions.
 - b. Setbacks for animal housing structures and feeding areas. Setbacks must comply with the Dimensional Requirements in the applicable zoning district.
 - c. Existing and proposed structures with perimeter dimensions, height and square footage.
 - d. All public rights of way abutting the property.
 - e. Description of all waste locations and how waste will be handled to avoid a public nuisance.
 - f. Location of feed storage and a description of how feed will be protected from tampering by or attracting wildlife.
 - g. Clear Sight Triangle needs to be denoted.
- (c) Animal housing structures, pens, runs and feed storage larger than 200 square feet shall not be located within the front yard.
 - (d) All animal fencing, containment and housing structures shall comply with any applicable regulations governing accessory structures and building codes.
 - (e) If applicable, the permittee shall ensure all approvals from any homeowners association. Town issuance of a permit shall not be deemed to negate any homeowner's association approval.
 - (f) Except for Special Permits as provided for in Section 7-40, each permit shall be valid through the end of the calendar year in which it was issued, and no permit shall be issued absent the payment of a nonrefundable fee in an amount established by the Town. Permittees must apply for a renewal of the permit prior to the beginning of each calendar year.

Sec 7-38. - Other Standards for Domestic Animals, Fowl and Livestock

- (a) **Domestic Animals:** The number of domestic animals that a person may keep on his/her property in the Town is designated in Sec. 7-36, except that a litter of any size may be kept for a period of time not exceeding four (4) months from birth.
- (b) Running at large.
 - (1) It is unlawful for a dog owner to permit his or her dog to run at large except as set forth in Subsections (2) and (3) below. A dog shall be deemed to be running at large when off or away from the property or premises of the dog owner and not

under the direct control of the owner, a responsible member of the owner's family or an employee or agent of the owner, either by leash, rope or chain not more than twenty (20) feet in length.

- (2) Dogs shall be allowed off leash while actually working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers or actually being trained for any of these pursuits.
 - (3) Dogs shall be allowed off leash at areas designated by the Board of Trustees by resolution.
- (c) **Swine:** It shall be unlawful for any person to keep any swine within the Town.
- (d) **Honeybees:**
- (1) Only one hive is permitted per every 1000 sq. ft. Regardless of the size of the property, no more than two (2) hives are permitted per each parcel of property.
 - (2) Hives are permitted to only have one colony each.
 - (3) Hives may not be located within 25 feet from any lot line, unless the hives satisfies subsection (6) below.
 - (4) Hives are permitted on residential property only.
 - (5) Hives shall be made of a movable frame.
 - (6) Hives that are located within twenty (20) feet of a property line shall be screened at the property line by a six (6) foot solid fence, wall or other barrier, which may be vegetative. The screen shall extend at least twenty (20) feet in both directions from the point on the property line, or lines, where the hive is the closest to the property line. Vegetative screening shall be planted or maintained so as to form a continuous, unbroken, solid screen prior to the establishment of the hive. The screened area must be in compliance with the other fence requirements set forth in Chapter 18 of this Code.
- (e) **Domestic Fowl:** Subject to the numerical limitations in Sec. 7-36, fowl may be kept on any property subject to the following restrictions:
- (1) Roosters are prohibited.
 - (2) The keeping of fowl and sale or barter of eggs shall be compliant with the Town's zoning regulations and any applicable state law.
 - (3) Raising of fowl for fighting purposes is prohibited.

- (4) Fowl must be kept in enclosures or fenced areas at all times and confined to the property. During daylight hours, fowl may be allowed outside of their enclosure in a securely fenced yard but may not run at large. The securely fenced yard must include a fence of at least six (6) feet tall that is also in compliance with the other fence requirements set forth in Chapter 18 of this Code. Fowl shall be secured in an enclosure meeting the following requirements during the non-daylight hours.
- (5) Fowl may be used for meat consumption. Slaughtering shall be permitted on site as long as it does not pose a health, nuisance or safety risk to adjoining residents. The disposal of hens that no longer lay eggs shall occur off site.

Sec. 7-39. - Zoning compliance.

In addition to the requirements of this Article, the keeping of domestic animals, livestock and fowl shall comply with the Town's zoning regulations.

Sec. 7-40. - Special permits.

Permission to keep livestock and/or fowl in Town on a temporary basis, for a period not to exceed twenty-four (24) hours in duration, may be obtained without the payment of a permit fee by calling the Town during business hours on weekdays or the Police Department on weekends or holidays and requesting that such permission be given. Such permission must be obtained prior to the time when the temporary keeping is to commence and shall be in writing.

Sec 7-41. - Revocation or denial of permits

- (a) An application for a permit under this Article may be denied or a permit under this Article may be revoked if the Town finds:
 - (1) The permitted animals present a risk to public health or safety; or
 - (2) That a violation of this Article has occurred or is ongoing or the permittee has failed to comply with terms and conditions of a currently issued or previously issued animal permit.
- (b) Denial of Application
 - (1) A written notification of a denial shall be sent via mail to the applicant explaining the reason for the denial.
 - (2) A written appeal of the denial may be made to the Town Administrator. The appeal process provides an opportunity for the applicant to raise any objections to the denial of the permit. The appeal must be requested, in writing, to the Town Administrator within 10 (ten) days after the date of denial notice. If the applicant does not desire to appear in person, statements in writing may be submitted for consideration. The Town Administrator shall promptly make a decision regarding the appeal and such decision shall be final.

(c) Revocation of a Permit

- (1) Revocation of a permit may only occur after written notice is mailed to the permit holder providing the basis for possible revocation. The notice should include an opportunity to request a hearing before the Town Administrator within 10 days of the date of the notice.
- (2) If no written request for a hearing is received by the Town within the time set forth herein, the Town Administrator shall render a decision on the revocation. If a request for a hearing is timely made, the Town Administrator shall promptly conduct a hearing on the revocation. After the hearing, the Town Administrator shall render a decision on the revocation. Any decision of the Town Administrator shall be final.

Sec 7-42. - Animal Nuisances

It shall be deemed a nuisance for any person to own, keep, possess or maintain an animal in such a manner as described in this Section.

- (a) Having an animal that disturbs the rights of, threatens the safety of, injures a member of the public, or interferes with the ordinary use and enjoyment of their property.
- (b) Permitting an animal to damage the property of another.
- (c) Maintaining animals in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor, is dangerous to the public health, welfare or safety, or increases transmission of disease.
- (d) Causing an airborne nuisance subject to the provisions of Sec. 7-16 of this Code.
- (e) Allowing or permitting an animal to bark, growl, whine, howl, crow, cackle, or cause noise in an excessive, continuous or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises.
- (f) Maintaining an animal that is diseased and dangerous to the public health.
- (g) Maintaining an animal that repeatedly chases or snaps at pedestrians, joggers, bicycles, vehicles or other animals.
- (h) Failing to remove feces deposited by any animal on any public street, sidewalk, gutter, park or other publicly owned property or private property unless the owner of the property has given permission allowing such use of the property. This subsection shall not apply to visually impaired persons who have charge, control or use of guide dogs or persons using dogs.

- (i) No owner shall permit any animal to enter or remain upon the premises of another within the Town without the consent of the person owning, occupying or lawfully in control of such premises.

Sec 7-43. - Destroying a Vicious, injured or diseased animal

- (a) Whenever any animal is so injured or diseased and is suffering, and when such animal is imminently near death, then Town law enforcement, acting in good faith, may immediately destroy such animal without the consent of the owner.
- (b) Law enforcement may destroy any animal when the animal poses immediate threat to human life.

Sec 7-44. - Vicious animals

- (a) No person shall have, keep, maintain or have in their possession or under their control any vicious animal within the Town.
- (b) In determining the viciousness of an animal, the Town or a court may take into consideration the severity of the vicious or dangerous nature of the animal, including prior history of the animal, and prior history of the owner related to animals in his or her possession.
- (c) If a court finds an animal to be vicious, the following is a non-exclusive list of sanctions that may be imposed:
 - (1) Obedience training.
 - (2) Community service work at an animal sheltering facility.
 - (3) Require a muzzle, shortened leash or other means to secure animal when off premises.
 - (4) Construct a secure enclosure to prevent escape. It shall be constructed to totally confine the animal upon the owner's property prevent contact with persons or animals owned by others.
 - (5) Removal of animal from Town limits.
 - (6) Spay or neuter the animal.
 - (7) Euthanasia of the animal.

Sec. 7-45. - Wild Animals

- (a) No person shall maintain or have in their possession or under their control any wild animals.

- (b) Sale of wild animals is prohibited. It shall be unlawful for any person, firm or corporation to sell or offer for sale any wild animal within the limits of the Town.
- (c) It shall be unlawful to intentionally feed wild animals

Sec 7-46. - Animal Cruelty

- (a) It shall be unlawful and deemed a nuisance for any person to needlessly beat, inflict violence upon, or needlessly kill, neglect, mistreat, overwork, torture or mutilate, or to otherwise treat in a cruel, dangerous or inhumane manner, any animal, or to cause or allow any of such acts to be done.
- (b) It shall be unlawful and deemed a nuisance for any person to leave an animal in an unattended vehicle either without adequate ventilation or in any manner which subjects the animal to extreme temperatures that are dangerous or detrimental to the animal's health or welfare.
- (c) It shall be unlawful and deemed a nuisance for any person having care, custody or control of any animal to fail to provide such animal with food sufficient for the species, potable water and adequate shelter from the weather, or to cause or allow any of such acts to be done.
- (d) It shall be unlawful and deemed a nuisance for any person to abandon any animal or to cause an animal to be abandoned.
- (e) It shall be unlawful and deemed a nuisance for any person to keep or cause to be kept any place where any fowls or any animals are suffered to fight upon exhibition, or for sport upon any wager.

Sec. 7-47 to 7-52 (reserved)

Article IV - Noise

Sec. 7-53. - Definitions

Plainly audible: any sound that can be detected by a person using his or her unaided hearing faculties.

Sec. 7-54. - General Provisions

- (a) It shall be a nuisance for any person to make or cause to be made any unreasonable noise. Noise shall be deemed to be unreasonable and deemed a nuisance when it disturbs, injures or endangers the peace or health of another or when it endangers the health, safety or welfare of the community.

- (b) The following acts, although not considered to be exclusive, are declared to be violations of this Article:
- (1) The use of a sound producing device in such manner or with such volume at any time and place so as to disturb, destroy or endanger the comfort, repose, or peace of other persons. Evidence of such disturbance shall be if sound producing device is plainly audible at a distance of 150 feet in any direction from the device.
 - (2) Noise produced from the excavation, erection, demolition, alteration, or repair of any buildings, structure, property or streets between the hours of 9:00 P.M. and 7:00 A.M., except as provided for below as an exemption.
 - (3) The non-emergency use of engine compression braking systems within Town limits.
 - (4) Outside musical performances at a public or private event between the hours of 10:00 P.M. and 8:00 A.M. without a special event permit by the Town expressly allowing for the performance outside of such hours.

Sec. 7-55. - Exemptions

Sounds from the following sources shall be exempt from the prohibitions specified herein:

- (a) All safety signals, alarms, warning devices or any other device used to alert persons to any emergency or used by law enforcement or emergency activities.
- (b) The repair and maintenance of municipal facilities, services or public utilities when such work must be accomplished outside of daytime hours.
- (c) Snow removal equipment operated within the manufacturer's specifications and in proper operating condition when being used to remove snow.
- (d) Events conducted by and on the site of a school or educational institution and municipal institutions.
- (e) Events permitted pursuant to this Article or events sponsored by the Town.
- (f) Construction or repair work which must be done to address an emergency health or safety concern and that cannot be accomplished during daytime hours and which is not work which includes normal maintenance and repair.
- (g) Locomotives, railroad equipment and aircraft which the Federal government has exclusive authority to regulate.

Sec. 7-56. - Nonresident property owner culpability

- (a) A nonresident property owner who, after notice, fails to take reasonable steps to prevent subsequent violations of this Article by the tenant shall be liable for violations of this Article.
- (b) Prior to issuing a summons and complaint to a nonresident property owner, the Town must provide written notice stating that the tenant has been issued a summons and complaint for a violation of Article, specifying the violation.

Sec. 7-57. – Enforcement

- (a) No person who has been in lawful possession of property shall knowingly permit a violation of this Article by another person on such property.
- (b) Each time an enforcement officer is called to a scene of a noise complaint shall be deemed to be a separate offense.

Sec. 7-58. - Special Permit

- (a) Any person may apply to the Town for a permit to be allowed to hold a special event that would typically violate the provisions of this Article. The applicant shall provide a list of property owners within two hundred fifty (250) feet of the site(s) where the activity is to occur. The Town shall provide at least ten (10) days written notice prior to issuing the permit to the property owners and residents within two hundred fifty (250) feet.
- (b) For good cause shown, including without limitation, the likelihood of disturbance to nearby property owners and past Code violations of the applicant, the Town Administrator may either grant or deny the permit.
- (c) If the permit is granted, Town Administrator may impose conditions on it.
- (d) An applicant may appeal the decision of the Town Administrator to the deny the permit to the Board of Trustees in writing within five days of the Town Administrator's decision; provided there is a regularly scheduled Board of Trustees' meeting prior the event. Otherwise, there shall be no right of administrative appeal of the Town Administrator's decision.



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

DATE: June 6, 2016
TO: Mayor and Board of Trustees
FROM: Mark Doering, Principal Planner, Planning Department
AGENDA ITEM: Special Use Permit for 102 Brookdale Avenue – Second Application

Request:

Steve Wartman has resubmitted a Special Use Permit (SUP) application 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. The Board previously denied the first application at its April 12, 2016 meeting. The applicant revised their application to include improvements to the exterior of the building and has included documentation of the noise levels of their equipment below the Town maximum noise levels allowed.

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". That use was created and determined to be allowed in the B-1 zone district with approval of a SUP by Ordinance 26, Series 2010. A SUP must be granted by the Board to be allowed on the property. 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. The Planning and Zoning Commission heard the second request for the SUP on May 18, 2016 and voted to recommend to the Trustees approval of the application with conditions by a vote of 3-0. The Planning and Zoning Commission staff report, public comments received regarding the application, and the minutes from the meeting are attached for the Board's review.

Analysis:

The application meets all of the criteria listed in Sections 16-61 of the Zoning Ordinance, with the 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 Special Use Permit subject to the following conditions:

1. All necessary measures shall be taken to limit noise levels to the acceptable levels as outlined in Municipal Code Section 7-163.
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 to not exceed the height of the screening. Unenclosed storage shall be prohibited.
4. Automotive services other than tire and windshield repair and replacement 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 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. The building exterior elevations shall be modified as shown in Attachment D of the Planning and Zoning Commission Staff Report within one year of the date of approval to make the building more compatible with the surrounding properties.
7. 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
Public Comments Received (4 Letters)



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: May 16, 2016

HEARING DATE: May 18, 2016

ADDRESS: 102 Brookdale Avenue

APPLICANT: Steve Wartman

REQUEST: The applicant is requesting a Special Use Permit (SUP) to allow Vista Auto Parts (3D Auto) in the General Business (B-1) zone district. Tire or windshield repair or replacement operations, muffler and exhaust system repair and fabrication operations and oil or vehicular fluid change operations are allowed with the approval of a Special Use Permit according to Section 16-155 (16). 3D Auto is requesting the SUP to have tire and windshield repair or replacement operations on the property in the existing building.

CITY STAFF: Mark Doering, Principal Planner

STAFF RECOMMENDATION:

That the Planning and Zoning Commission recommend that the Board of Trustees approve a Special Use Permit application to allow tire and windshield repair or replacement operations 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

Attachment F – Board of Trustees Denial resolution from April 26, 2016

I. REQUEST

Steve Wartman has submitted a second revised application for a SUP for review by the Town, after it was denied by the Board of Trustees at its April 12, 2016 public meeting. The Buena Vista Municipal Code does not have any restrictions from preventing an applicant from reapplying for a SUP if it was denied by the Board of Trustees. The application is seeking approval of a SUP to allow a tire and windshield repair or replacement operations 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, as shown in the attachment D, for tire and windshield repair or replacement operations. This request includes new information submitted with the application, which includes letters from adjoining property owners and includes a proposal to modify the existing building to try to be more compatible with the surrounding architecture (See Attachment D).

II. HISTORY AND BACKGROUND

The existing building on the property was built in 1986 as an auto repair garage and used as a garage for automotive repair. In 2003, an application was received to rezone the property from B-1 to B-2 and to subdivide the property were submitted, but they were withdrawn by the applicant prior to going to the Board of Trustees.

In 2010, the applicant moved into the building after getting approval from the Town from the Planning Department that the use was allowed. That approval was incorrect as the use was specifically a listed prohibited use as a "*Auto and vehicular equipment repair and paint shop*" in the B-1 zone district at the time. Later in 2010, the Board of Trustees approved an ordinance (Ordinance 26, Series 2010) that specifically allowed, "*tire or windshield repair or replacement operations, muffler and exhaust system repair and fabrication operations and oil or vehicular fluid change operations*" to be allowed in the B-1 zone district, with approval of a Special Use Permit. At the time, no additional action to require the then existing use to apply for a Special Use Permit was done to legalize the windshield and tire replacement operations.

That tire and windshield land use subsequently left the building for its current location in the B-2 zone district where it was a permitted land use. In 2013, a consignment store moved into the current space being requested for the SUP. The applicants then purchased the property with the assumption that the use was allowed where it had been, but never had been approved for a SUP, to allow the windshield and tire replacement operations to relocate back into the building. The applicants applied in February 2016 for the SUP. The application received a recommendation from the Planning and Zoning Commission at their March 16, 2016 meeting to the Board of Trustees to approve the proposed use. That recommendation was forwarded to the board of Trustees for their consideration. At the April 12, 2016 Board of trustees public hearing the Board of Trustees voted 4-1 to deny the requested SUP for the proposed tire and windshield repair or replacement operations use. The formal denial resolution from the April 26, 2016 denying the SUP meeting is attached, as Attachment F.

After the application was denied, the applicants revised their application to include additional information and resubmitted for the SUP for the windshield and tire repair and replacement facility. The revised application includes letters from adjoining properties, a proposed building elevation showing changes to the building including color and materials changes and video documentation of the noise levels from the air impact wrenches meeting the noise levels at the proposed property line. That video will be shown at the public hearing for the Planning and Zoning Commission.

III. 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 also need to submit a change of use review to ensure building meets the building code for the proposed use.

Separate from the SUP, 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 SUP, if approved.

IV. 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)

V. ANALYSIS – SPECIAL USE PERMIT CRITERIA

Section 16-61 of the Buena Vista Municipal Code provides specific review criteria for SUPs. Each review criterion 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 provide direct access to the parking lot adjacent 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. The applicant is proposing to use the eastern portion of the building. The existing tenant on the west side of the building will remain with an indoor recreation facility use, Buena Vista CrossFit. Loading and unloading will take place within or in front of the bays and also within the screened storage 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. Residential uses are across the street to the south and southwest of the site, while commercial uses are located to the west, north, east and southeast. 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: Any new signs will need to meet the current code requirements, including lighting. No applications for a sign permit have been submitted. Internally lit signs will require separate approval from the Planning and Zoning Commission for a comprehensive sign plan. No new exterior lights are proposed to be added and the existing lighting is not proposed to change with this application. 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 on the north side 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 scale of the buildings and land uses of the commercial properties to the west, north, east, and southeast. The properties to the south and southwest across Brookdale Avenue are residential uses. The current building was built as a garage back in the late 1980's but the use moved in 2010 to its current location on Highway 24. The reintroduction of the use will slightly increase the intensity in the area during normal business hours. The proposed use will not increase the noise over the current limits (60 decibels) at the property line as demonstrated by the applicant's video. The proposed exterior changes to the building will also make the architecture more compatible with the surrounding commercial buildings.

VI. 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. 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.
4. Water – This project will only use Town water and will not cause adverse impact to our water supply due to the presence of a backflow preventer.

VII. 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 (3D Auto) 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 tire or windshield repair or replacement operations use on the property.

- 1) All necessary measures shall be taken to limit noise levels to the acceptable levels as outlined in Municipal Code Section 7-163.
- 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 of the property;
- 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) Automotive services other than tire and windshield repair and replacement shall not be permitted. Examples include but are not limited to, body work, engine repair, transmission work, or other work 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) The building exterior elevations shall be modified as shown in Attachment D within one year of the date of approval to make the building more compatible with the surrounding properties.
- 7) Any new exterior light fixtures shall be required to be down cast and fully shielded.

Cc: Steven Wartman, applicant

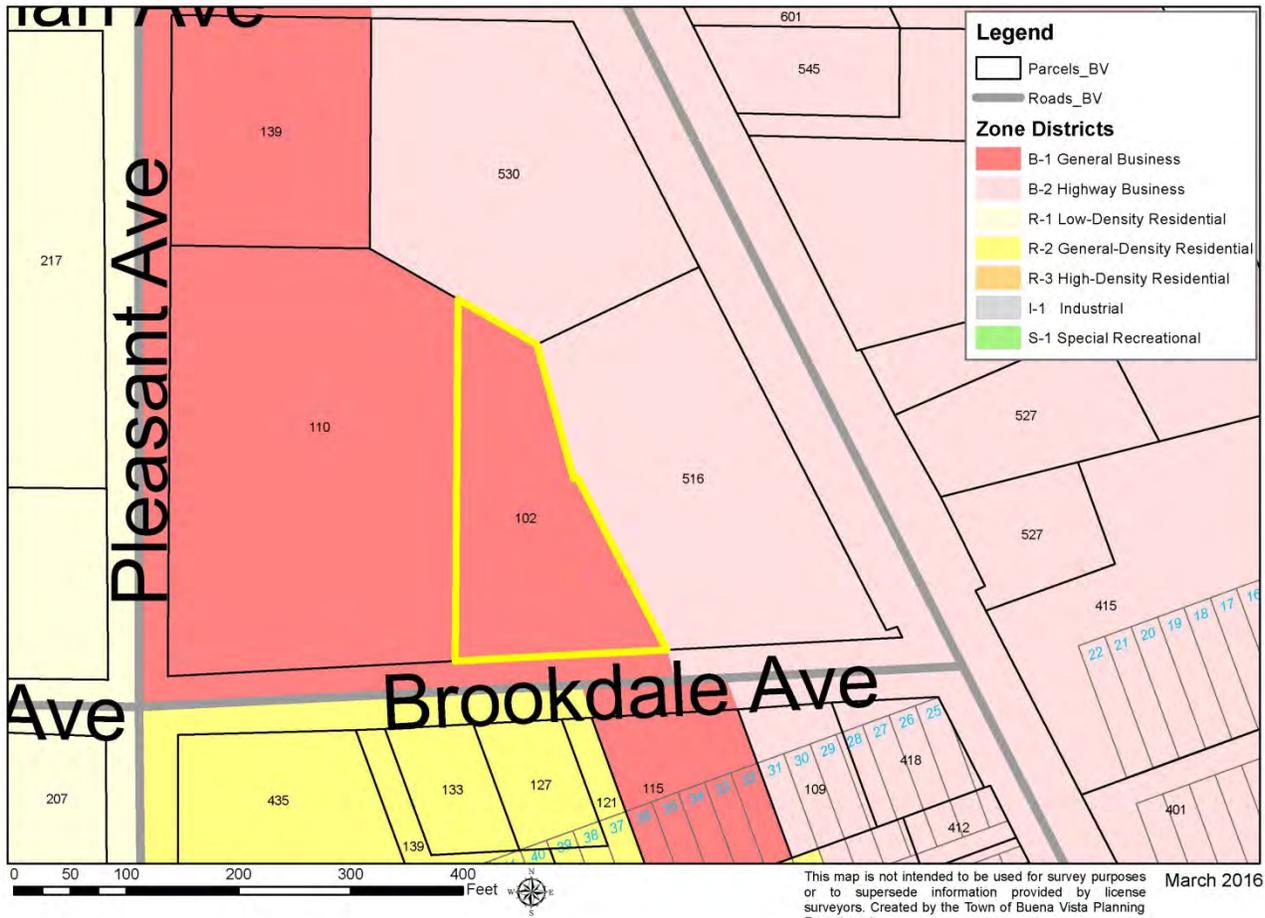
Attachment A – Vicinity Map

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



Proposed Location



Existing Condition



Proposed Condition

Attachment F – Board of Trustees Denial resolution from April 26, 2016

TOWN OF BUENA VISTA

**RESOLUTION NO. 31
SERIES 2016**

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, DENYING 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 B-1 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 deny the special use permit.

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 auto glass and tire replacement shop is a use requiring special use permit in the B-1 Zone District.
2. The adjacent properties, which are used as businesses and single family residences, would be adversely impacted by the use. Previous use of the property in a similar manner demonstrated adverse impacts to the adjacent properties.

Attachment F – Board of Trustees Denial resolution from April 26, 2016, continued

3. The proposed use is not consistent or compatible with the other uses in the neighborhood and adjacent properties.

4. The effects of noise, glare or odor of the special use on adjoining properties and the neighborhood are not acceptable or compatible with the adjoining properties and the neighborhood. In particular, working on vehicles outside of the building on the Property results in a greater impact on neighboring properties related to noise.

Section 2. The Board of Trustees finds that the application for tire or windshield repair or replacement operations, muffler and exhaust system repair and fabrication operations and oil or vehicular fluid change operations does not meet the criteria for approval in Sec. 16-61 of the Code, as described above, and therefore, the Board of Trustees denied the application at their meeting on April 12, 2016.

ADOPTED this 26th day of April, 2016.


Joel Benson, Mayor

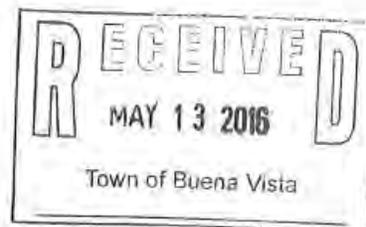
ATTEST:

Janell Sciacca, Town Clerk



Attachment G – Letters from surrounding property owners

Buena Vista Dental Care
Dr. Ryan A. Mueller D.M.D.
115 Brookdale Ave
Buena Vista, CO 81211



May 6th, 2016

To Whom It May Concern;

This letter is to express that, as a neighbor and business owner on Brookdale Avenue, I have no issues with 3-D Auto Glas resuming business in the location across from my office.

Thank You

A handwritten signature in black ink, appearing to read "Ryan A. Mueller DMD". The signature is fluid and cursive.

Ryan A Mueller DMD
Buena Vista Dental Care

Attachment G – Letters from surrounding property owners, continued



April 22, 2016

Town of Buena Vista
Board of Trustees

To Whom It May Concern:

Being a facilitator of small business and economic development, I have been monitoring the Special Use Permit request submitted to you by Mr. Steve Wartman and recommended by The Planning & Zoning Commission. Due to your denial of said application, and knowing that Mr. Wartman intends on appealing your decision made on April 12, 2016, I submit this letter of support for issuance of the Special Use Permit.

Several times in Resolution No. 31, adverse impact to adjacent properties, property owners and businesses is mentioned. Our bank facility has been doing business at this location since January, 2005. There was a period of time when Mr. Wartman operated a similar business indicated in the present Special Use Permit request at 102 Brookdale Avenue. Mr. Wartman was a good business neighbor and property owner. As an adjacent business, we never had any issues with Mr. Wartman's business operation, nor did we ever receive complaints or derogatory comments from any of our customers. Therefore, I fully support Mr. Wartman's business decision to relocate to his previous location of 102 Brookdale Avenue.

For the record, Steve Wartman maintains no account relationships with High Country Bank which would influence my remarks. As I stated in my introduction, our mission at High Country Bank is to support small businesses and economic stability and growth in Buena Vista. Mr. Wartman's request of the Town of Buena Vista is deserving of our support.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Erchul", is written over a faint circular stamp or watermark.

Scott Erchul
Branch President
Buena Vista Branch
scott.erschul@highcountrybank.net

Attachment G – Letters from surrounding property owners, continued

April 22, 2016

To: The Buena Vista Board of Trustees and Whom It May Concern

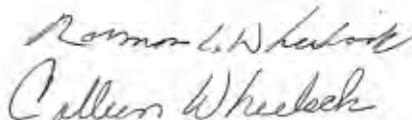
Noting that there was a “no” vote on a resolution approving a special use permit for vehicle and windshield repairs along with tire replacement at 102 Brookdale Avenue. We wish to convey to you that we **do not have any objections to or do not oppose** this use of the property located at 102 Brookdale, in Buena Vista, CO.

We have owned our location at 435 N. Pleasant Avenue since 1982 and being full time residence since 1993. At that time, (1982) only Coronado Motel and the Evergreen Restaurant existed on Brookdale, all other structures have been approved and added since that date.

Sure all are aware that Pleasant Avenue is the only north/south street (in town) going from CR 306 to Crossman other than Hwy 24 and next would be two miles west on CR 361. Therefore, we see more problems with the traffic situation going north and southbound to and from the Post Office and beyond to Crossman or CR 306 at a speed of 45-50 mph, or east and west traffic on Brookdale not adhering to the stop signs at Pleasant; and the clanking of weights at 5-6:00 AM (in the summer) at the BV CrossFit. The Vista Tire was never working at that hour of the day, or having vehicles on the move in a continuous fashion like going to and from the Post Office daily.

Wanted to let you know that there are more serious problems in this area that need to be addressed rather than a denial of a working family trying to make a living at 102 Brookdale.

Respectfully submitted,



Norman and Colleen Wheelock

**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
May 18, 2016**

CALL TO ORDER

A Regular meeting of the Planning and Zoning Commission was called to order at 7:00pm, Wednesday, May 18, 2016 at the Buena Vista Community Center, Pinon Room, 715 E Main Street, Buena Vista, Colorado by Vice Chair Preston Larimer. Also present were Commissioners Annie Davis and Tim Bliss. Staff Present: Principal Planner Mark Doering and Planning Technician Jill Abrell.

PLEDGE OF ALLEGIANCE

Vice Chair Larimer led in the Pledge of Allegiance.

ROLL CALL

Abrell proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

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

APPROVAL OF MINUTES

Davis motioned for approval of the May 4, 2016 minutes. **Motion #2** was seconded by Bliss. Motion carried.

PUBLIC COMMENT

Larimer opened the public comment portion of the hearing at 7:01 p.m. With no comments received, the public comment portion of the hearing was closed at 7:02 p.m.

NEW BUSINESS

Consideration of Alternate Member Application

Doering informed Commissioners that Ed Barkowski was interested in becoming an alternate member of the Planning and Zoning Commission. The Commissioners briefly discussed Barkowski's application and availability. Davis motioned to recommend that the Board of Trustees approve Barkowski's application to become an alternate member of the Planning and Zoning Commission. Bliss seconded the motion based upon the application materials. **Motion #3** passed unanimously.

Scheduling of Work Session with Board of Trustees

Doering suggested to the Commissioners dates and times to hold a Work Session with the Board of Trustees. The Commissioners decided on June 7 at 7 p.m. to recommend as a meeting time to the Board of Trustees. All Commissioners in attendance said they would be available.

102 Brookdale Ave. Special Use Permit

Doering explained that the applicant was requesting a Special Use Permit (SUP) to allow 3D Auto Glass and Tire to operate a tire and windshield repair and replacement shop at 102 Brookdale Ave in the B-1 zone district. The building was previously used for this purpose, but because more than six months has passed since the business was located at this address, a Special Use Permit is necessary. The applicant is proposing to use a portion of the existing building and has submitted plans showing improvements he intends to make to the building exterior.

Doering presented a video from the applicant showing the decibel (dB) levels as produced by air impact wrenches. The levels were recorded right by the building and again at the property line 60 feet away. The levels as measured were within the limits as outlined in the Municipal Code (7-163). The video was intended to address some of the concerns about the noise levels.

Doering went through the criteria for approval, noting that staff anticipates no problems with ingress/egress, off-street parking, or glare or odor effects. The criteria also looks at noise, which is what the video was intended to address. The current code allows for 60 dB in town limits, and video demonstrated that they are within that limit. Doering noted that if there were complaints about noise, the noise is measured at the property line of the subject property.

Larimer and Doering discussed how the levels were determined and the rules regarding ambient noise. Bliss also questioned if the 60dB level was in addition to the ambient noise that exists or if it is 60dB total. Doering clarified that the 60 dB level as allowed includes ambient noise.

Doering continued with the criteria for approval. He noted that the property did have a screened storage area in the back for materials and trash. It is currently existing non-conforming, but if it was damaged, it would have to be brought up to code when it was replaced. The utilities are adequate and no modifications are needed for use. Screening/buffering currently exists on the backside of the building. Doering stated that if any materials had to be stored outside, they must be stored within that area. The applicant has not yet submitted plans for signage, and that will be addressed at a later time. No new exterior lighting has been proposed, however a condition was added that if there is exterior lighting it must be downcast and shielded. Open spaces requirements have been met. Doering explained that when it came to general compatibility, the majority of properties are commercial in nature (post office, hotel, bank, office buildings), and residential to south and southwest. Predominantly, it is mostly surrounded by one story buildings. Generally, the building is compatible in scale and size with the surrounding buildings.

Doering concluded by stating that staff recommends approval with conditions to allow use on property at 102 Brookdale Ave. The following conditions were outlined in the staff report:

- 1) the noise levels must remain below 60 dB as stated in the code (7-163);
- 2) a minor subdivision must be completed to legalize the property within 120 days of adoption of the Board of Trustee's resolution;
- 3) any and all screened outdoor storage shall be stored and stacked not exceed the height of the fence; unenclosed storage is prohibited – storage must be within the enclosed screen. Should applicant need more space, they can build additional screened storage space that meets current code requirements;
- 4) automotive services not included are not permitted (i.e. only minor repairs that typically do not allow for cars to stay overnight);
- 5) if the current screen is damaged, bent, or knocked-down, applicants must put in a fence that meets current code requirements;
- 6) proposed building exterior elevations shall be made within one year of approval;

7) any new exterior light fixtures shall be downcast and shielded.

Bliss asked if the modifications to exterior were the applicant's idea or a suggestion from the Planning Department. Doering replied that it was the applicant's idea and became part of the updated application.

Larimer asked for clarification about decibel levels. Doering stated that according to the code, the maximum decibel level is 60 dB including ambient noise, and reiterated that the noise as demonstrated in the video was within that regulation. Davis asked if it was tested with the door open and Doering responded that it was.

Steve Wartman, applicant, of 29798 County Road 353, was present in the audience and stepped to the podium to speak. Mr. Wartman and the Commissioners discussed code sections 7-163 and 7-167(a) regarding decibel levels. Mr. Wartman stated that he was comfortable that they are within the 60 dB. Mr. Wartman stated that if they keep noise levels below the 60 dB required by the code, he doesn't think it should be an issue.

Bliss questioned if cars would be stored outside. Mr. Wartman responded that because most of the work is scheduled, it is very rare to have cars stored outside. Bliss followed up the original question extending it to buses or larger vehicles that won't fit inside the garage. Mr. Wartman responded that it would be highly unlikely to have buses or larger vehicles overnight, as most of the work is usually in and out in the same day. He stated that if it was an issue, they could be stored in the back.

Bliss stated that the exterior building improvements applicant proposed were appreciated. Mr. Wartman commented that he takes pride in his property and would like to fix it up. He noted improvements have already been made, such as removing a fence that was falling over and pulling weeds.

Larimer commented that the applicant would need a sign permit to put up a sign. Mr. Wartman responded that he understood that but was waiting for the SUP to be approved before applying.

Larimer opened up the discussion for public input.

Ron Haug of 36505 Hwy N rose to address the Commission. Mr. Haug was the original tenant in 1986 - first as a renter and then as an owner. He remarked that no one besides Mr. Wartman has had a problem using this building. Mr. Haug stated that the building has become run-down over the years and he would like to see it fixed up how Mr. Wartman is suggesting in his application. He also remarked that Mr. Wartman is providing a needed service to the Town and providing a future for his son and his son's family.

Sam Mick of 501 S. Railroad St. also rose to address the Commission: Mr. Mick was the owner of 102 Brookdale Ave. before Mr. Wartman. Mr. Mick expressed concern that Mr. Wartman has been put in a hardship, as he already purchased the building believing there would be no issues given that he had previously run a tire store out of the building in question. He also stated that there are other business waiting to move based upon Mr. Wartman's ability to move his business to 102 Brookdale Ave.

Gary Goms of 29105 County Road 355 rose next to address the Commission. Mr. Goms started Buena Vista Auto Care Clinic in 1977 and ran the business as a general repair shop and has maintained his business since 1977. Mr. Goms stated that he has experience as a shop owner and longtime resident. Mr. Goms remarked that Mr. Wartman is improving the building located at 102 Brookdale Ave. He stated

that it's an eyesore and Mr. Wartman will make it presentable. He continued by saying that Mr. Wartman's business is low impact business (most cars are in and out same day), and it won't generate a lot of additional traffic. He commented that since the building is already designed for automotive service, that type of business should succeed at that location. He further remarked that Mr. Wartman has a good business record and reputation, and concluded by stating that if the SUP is denied and another business goes in, he does not believe future owners would make exterior improvements.

Carle A. Linke of 32709 Columbia Ranch Road rose next to address the Commission. Ms. Linke owns properties across the street on Brookdale and has given some conditions that she would like to see the Commissioners add on to their list of conditions for approval. Ms. Linke wrote a letter outlining her desired conditions. Ms. Linke did state her support of the exterior renovations Mr. Wartman is proposing. Ms. Linke stated that she would like to correct some of the history of the property. Ms. Linke explained that residences were existing before the garage was built. Ms. Linke remarked that the Post Office changed the zoning and feel of the neighborhood, and commented that the zoning has never been proper. Ms. Linke expressed concern about the process of approving a Special Use Permit and frustration that there had been no posting for public hearing the first time the Special Use Permit was before the Commission. Ms. Linke continued stating that publicity has been ugly. She remarked that the code was broken and that she was frustrated that Mr. Wartman was allowed to re-apply after his SUP was denied. She believes that neighbors should have a chance to work out differences and the Commission should act as mediators and then make a recommendation. She expressed concerns about the Planning and Zoning Commission and the Board of Trustees, and reiterated her desire for the Commission to follow her recommendations.

Cindy Swisher of 100 Baylor rose next to address the Commission. Mrs. Swisher's husband owns Swisher-Automotive, a complete service shop. Mrs. Swisher stated that they stopped doing windshields about a year and half ago and Mr. Wartman took over. She expressed concern that the Town needed someone in town to do that. She remarked that since Mr. Wartman just does tires and windshields, 3D-Auto's smells and noises will be considerably less than previous businesses located at 102 Brookdale. Mrs. Swisher stated that if 3-D Auto had rules they have to follow, she doesn't think it would be a problem to run their business at 102 Brookdale.

Daniel Wartman of 29831 County Road 353 rose next to address the Commission. Mr. Daniel Wartman is the General Manager of 3-D Auto. Mr. Daniel Wartman stated that they have talked with Ms. Linke to try to resolve some of the issues. He remarked that they want to be good neighbors and work together to be a community. He commented that some of the things in the past have nothing to do with their operation. Mr. Daniel Wartman stated that they wanted to stay in Buena Vista for their family and build a future here. He remarked that Buena Vista is growing and they provide a needed service. He continued by stating that they have a desire to be a good looking business and considerate people, and that they are not out to make enemies or ruffle feathers. He stated that they would like to follow the code. He remarked that they make strides in appearance and quality of work. He concluded by stating that they would like to keep Buena Vista growing in all age groups and aspects, and that their future is very dependent upon their ability to run 3-D Auto.

Dennis Giese of 30699 County Road 361 rose next to address the Commission. Mr. Giese noted that the application must be judged on the seven or eight criteria as outlined. He stated that he appreciated the recommendation of the Planning Department of the Commission the last time this application was received, and that "does it fit the feel of the neighborhood" seems to be the criteria no one can agree on. Mr. Giese remarked that the shops that had previously been there were successful and that he does not

feel any other business would have a better fit than 3-D Auto. He believes that if the application meets the criteria, it should be approved, and he would like to see the Commission recommend approval again.

Sheryl Dusenbery of 180 Susan Drive rose next to address the Commission. Ms. Dusenbery stated that she was appalled when the Board of Trustees denied the application the last time. She stated that the current shop is immaculate. She also noted that it's not uncommon for banks or restaurants to be located next to tire shops. She does not believe there is anything incongruous locating 3-D Auto at 102 Brookdale.

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

In response to comments made during the Public Hearing, Larimer stated that although the land use code is currently being re-written, it is the current guidelines. He also noted that Public Notice is not required for a Special Use Permit, and addressed Ms. Linke's frustrations. Larimer remarked to Mr. Daniel Wartman that if his application is approved by the Board of Trustees, that 3-D Auto's approach will be to be good neighbors. He noted the importance of that approach when residential zones interface with commercial zones.

Bliss and Doering clarified a couple of the procedural issues that Ms. Linke mentioned in her statements regarding the Special Use Permit process.

Ms. Linke asked for further clarification.

Larimer stated that there is no Public Notice for a Special Use Permit before the Planning and Zoning Commission meeting. Doering remarked that there are agendas posted at Town Hall, the library, and the post office, which are posted per Colorado State Law. Doering further clarified that the agendas are posted again before the Board of Trustees meeting, and that there is a Public Notice in the form of mailing and sign posting before a Board of Trustees meeting for a Special Use Permit.

Doering and Larimer noted that the code is being re-written, and there is a draft currently available for the Public to review and comment.

Davis asked Mr. Daniel Wartman how many big trucks or buses do he works on in the average year. Mr. Daniel Wartman replied that from October through May they rarely do any, but May through September he estimated that they work on 2-3 buses or bigger trucks a month. He further stated that almost all of the work could be done in a day, as they and the customers prefer quick turnaround, and that the work would probably be performed in the back. He went on to state that he does not agree with past actions of previous tenants, and that many things occurred which he would never allow as a good manager and a good neighbor. He remarked that he wanted to have a good reputation to have a livelihood for his family and his future.

Bliss asked Doering to define consideration of ambient noise. Doering stated that it is difficult to judge a 65 dB noise event if you're right next door to an event that's 80 dB. Doering noted that the background noise at the time and what is going on around it influences ambient noise. He stated that the 35 dB in the video is the background noise level.

The Commissioners discussed Ms. Linke's letter.

Mr. Wartman rose to respond to some of the Commissioners' concerns. Mr. Wartman stated that he is seeking approval based upon the code and recommendation of Mr. Doering. He went on to state that he would like to try to work with Ms. Linke to address her concerns, but would like to further discuss a few of her recommended conditions, such as keeping the doors closed, business hours, and no work on vehicles after hours or on weekends. Mr. Wartman questioned if the Town wanted to regulate hours of operation. He noted that in terms of the noise ordinance in the code, the acceptable hours of operation are 7:00 a.m. to 7:00 p.m. He stated that he would like the ability to come and go after hours, and that if something like that occurred, the doors would remain shut, and that this was not a code violation. He noted that he would rarely work on vehicles outside, and only if they would not fit in the garage. He followed up by saying that he would still strive to be a good neighbor and encouraged Ms. Linke to call him if she saw something that shouldn't be happening. Mr. Wartman reiterated his request for the SUP to be approved with conditions as provided with the recommendations of the Town Planner.

Larimer agreed with several of his statements, and stated to Ms. Linke that they do have to work by the code.

The Commissioners further discussed Ms. Linke's letter, and concluded that they did not wish to add any conditions based upon her recommendations.

Davis asked Mr. Wartman what was done with old tires. Mr. Wartman replied that tires are kept in enclosed storage in the back and that they are picked up once a month. He noted that the State requires that old tires be kept enclosed, that they usually don't have more than 100 at any given time, and that the storage of old tires does not go above fence level.

Bliss commented that if this business had never left it would still be there if not for the lapse. He remarked that there are criteria, and the criteria have been met. Larimer noted that the Wartmans now own the building and that makes a difference. He remarked that it was more significant than just being tenants.

Davis motioned that the Commission recommend to the Board of Trustees approval with the conditions as outlined by the Staff for the Special Use Permit at 102 Brookdale Drive. Bliss seconded the motion. **Motion #4** passed unanimously.

Larimer dismissed the Commission for a five minute break. The meeting reconvened at 8:41 p.m.

Grove-Minor Subdivision

Doering presented the Staff review for the Grove-Minor Subdivision. The property is located at 116 N. Court Street, on the corner of Chestnut and Court. Applicants are requesting a minor subdivision to create three commercial/residential lots in the B-1 OT Zone District, which allows for mixed use. One of the lots has a house, and the other two are currently vacant. Doering noted that the lots currently run north to south, and applicants are requesting that the lots be re-oriented to run east-west. This would allow access to the alley, and change the feel of the neighborhood in a positive manner. Doering went through the criteria for subdivision approval, and recommended to the Commission approval with the following condition:

- 1) Ensure vehicular access to all three lots is only from the alley. No new driveways accessing Chestnut or Court Street shall be allowed. The easement for the access and utilities shall be required across lots two and three.

Larimer asked if the easement included parking. Doering clarified that the easement is for access and utilities only; not for parking. Doering remarked that parking would have to meet the requirements of whatever is developed on those lots. He further clarified that the lots are 100 feet deep and the easement is 20 feet.

Bliss asked if the lot lines in other directions were vacated. Doering responded that they were not, but platting will remove the property lines and turn them to align east-west.

Larimer suggested moving on to the applicant's presentation.

John Grove of 116 N. Court St. rose to address the Commission. Mr. Grove wanted to add that there is also a sewer line on Court Street so there are different access points for sanitation. Mr. Grove remarked that the idea for access and parking is for future owners to build garages for off-street parking. He noted that that would be up to whoever buys it. He concluded that reorienting the lot lines would provide a better view for future development.

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

The Commission had no further questions or discussion. Davis made a motion to recommend to the Board of Trustees approval of the final plat with the condition as outlined by Staff to create three new residential or commercial lots.

Grove asked for clarification about usage. Doering stated that it would be possible to have one building on a lot that was commercial downstairs and residential upstairs. Grove followed up that question asking if he can still drive through the gate off of Chestnut where he presently has vehicular access. Doering responded that he can still access through the gate but cannot build a driveway.

With no further discussion, Bliss seconded the motion. **Motion #5** passed unanimously.

STAFF / COMMISSION INTERACTION

Doering reminded the Commission about the Planning Commission training in Golden on Saturday.

Doering discussed the reasoning behind requiring alley access. He displayed some photos showing alley access and street access and explained that alley access allows for a downtown feeling and pedestrian interaction.

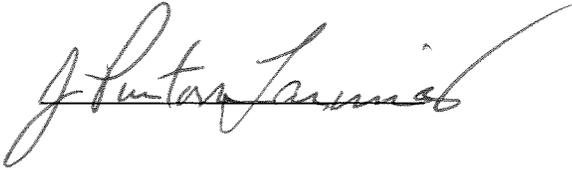
Doering informed the Commission that FEMA is closing appeal period on June 7 or 8 for the map. He noted that any appeals received will be submitted to FEMA. He remarked that FEMA is trying to be flexible, however, they have their own process.

Doering also informed the Commission that Staff now has the second part of the Unified Development Code. He stated that it was being reviewed by staff now, and that improvements need to be made before it goes to the Steering Committee. He encouraged public comment once the UDC is made public.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Davis motioned to adjourn the meeting at 9:00 p.m. Commissioner Banks seconded. **Motion #6** was unanimously approved.

Respectfully submitted:

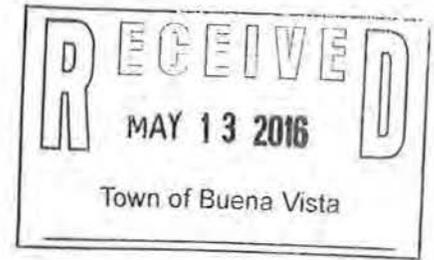
A handwritten signature in cursive script, appearing to read "Preston Larimer", written over a horizontal line.

Preston Larimer, Vice Chair

A handwritten signature in cursive script, appearing to read "Jill Abrell", written over a horizontal line.

Jill Abrell, Planning Technician

Buena Vista Dental Care
Dr. Ryan A. Mueller D.M.D.
115 Brookdale Ave
Buena Vista, CO 81211



May 6th, 2016

To Whom It May Concern;

This letter is to express that, as a neighbor and business owner on Brookdale Avenue, I have no issues with 3-D Auto Glas resuming business in the location across from my office.

Thank You

A handwritten signature in black ink, appearing to read "Ryan A. Mueller". The signature is fluid and cursive.

Ryan A Mueller DMD

Buena Vista Dental Care

3-D Auto SUP recommendation for approval with the following conditions:

1. Finish Subdivision Plat. (as written on 3-10-16 on page 2 of 10)

Section IV. Analysis – Special Use Permit Criteria

(as written on page 3 & 4 of 10, 3-10-16)

1. Ingress and egress.... (fine as written)

2. The need and /or adequacy of off-street parking and loading.....

ADD: No more than 1(one) motorized vehicles private or commercial over 25' at a time on the South side of the property, or 1(one) private or commercial trailer, camper, toy hauler, flatbed, or like, with tow vehicle over 35' on South side of property at any one time. If need for more parking and repair there is the (North) side of the building. No Minor Auto repair outside garage bays such as oil changes, only tire and windshield repair on the South side. Exception the 1 (one) vehicle as listed above.

ADD: No vehicles /trailers over 15' to be parked overnight on the South side of building.

ADD: No more than 3 privately owned vehicles parked on property overnight.

(This is so that there are not rafting buses or heavy equipment, semi's, or a car lot of inoperable vehicles parked constantly - the property has parking and space limits and is set up now using only three stall lengths not allowing for much more parking on the South side of building).

3. Refuse and service areas.

ADD: the dumpster can not be visible, must be enclosed on 4 sides with gate for removal. Add a time limit on this project, 120 days.

ADD: Used oil, and other waste products must be contained in locked EPA sealed containers.

ADD: Nothing should exceed the height of the Fenced in area in back of building. Example: used tires stacked over 6' high or visible to the public.

4. Utilities, with reference..... (fine as written)

5. Screening and Buffering, with reference to type

ADD: Impact wrenches and all mechanized equipment such as compressors are to use inside the garage bays only. Except for the one vehicle listed above that will not fit inside garage bays.

ADD: Garage bay doors must be closed at all times except for exiting and entering bays.

Occasionally, during hot summer months garage doors may be opened no more that 2 feet in order to ventilate hot air, fumes, etc...

ADD: Ventilation fans, Air conditioners, must be vented towards the north of the building and kept quiet and in good working condition.

6. Signs, if any, and proposed exterior lighting..... (fine as written)

7. Required yards and other open spaces..... (fine as written)

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

Correction:

1. The R-2 subdivision across the street was approved in 1978. Clearing, and fill of land at first then a residence started going in around 1984.

2. The property at 102 Brookdale Ave. was non compliant with the zoning code from the day it was build around 1986. Until September of 2010 when the zoning was changed (without public comment or concern) to allow for minor auto repair, tire store, and glass, etc... with approval of a special use permit. A president had already been set to the detriment of the neighbor's to the South.

3. Historically there has been huge problems, that have been ignored by the Town Boards, to include the following. *(Pictures, Subdivision approved plat, code enforcement and police reports, BOT*

meeting recordings are available for reference).

Problems in past have included the following:

- a. Parking on South side of street, blocking driveways and mail boxes.
- b. Large Semi Rigs using private drive (over private water and sewer lines) to back into garage area, so large they blocked off half the street while being worked on.
- c. **Monitory Losses: loss of Prospective tenants, loss of Existing tenants. Loss of property Value, Loss of income.**
- d. More than a dozen noise complaints – disruption of the right quiet enjoyment of ones property.
- e. By 3-D Auto: A door bell that could be heard from more than a block away.
- f. By 3-D Auto: Body work, sanding, and painting outside by an unsupervised employee.
- g. Building of a race car after hours - revving of engines.
- h. Profanity, one employee in the late 80's or early 90's would yell profanities at one of the residences he did not like. The owner fired him for that reason, but it took listening to profanity for weeks.

ADD: No door bells that can be heard outside of building.

ADD: Business hours from 8am to 5pm. No employees, or anyone else with access to the building is to work on personal vehicles after hours or on weekends.

(We will not complain if there is the occasional emergency of a stranded motorist, or if the after hours work is not noticeable, meaning doors closed, no loud music, audible impact wrenches, etc...).

ADD: Parts vehicles to drive the speed limit and adhere to safety concerns of the area.

ADD: Property should be free of oil spills, broken glass, any such spills etc... should be cleaned up immediately.

With the above Additions; and Corrections to the recommendations from the P & Z for the Board of Trustee. I believe that 3-D Auto Glass' neighbors will be able to have a little more of the right to quiet enjoyment of their property, and will help alleviate some of the negative impact that this type of business has caused it's neighbors to the South in the past. Even with giving the conditions set forth above, 3-D Auto with proper supervision of employees and good management can operate a profitable business. And be of benefit to the Town of Buena Vista as a whole.

Respectfully,

Carle A. Linke
(121, 127, 133,and 139 Brookdale Ave.



April 22, 2016

Town of Buena Vista
Board of Trustees

To Whom It May Concern:

Being a facilitator of small business and economic development, I have been monitoring the Special Use Permit request submitted to you by Mr. Steve Wartman and recommended by The Planning & Zoning Commission. Due to your denial of said application, and knowing that Mr. Wartman intends on appealing your decision made on April 12, 2016, I submit this letter of support for issuance of the Special Use Permit.

Several times in Resolution No. 31, adverse impact to adjacent properties, property owners and businesses is mentioned. Our bank facility has been doing business at this location since January, 2005. There was a period of time when Mr. Wartman operated a similar business indicated in the present Special Use Permit request at 102 Brookdale Avenue. Mr. Wartman was a good business neighbor and property owner. As an adjacent business, we never had any issues with Mr. Wartman's business operation, nor did we ever receive complaints or derogatory comments from any of our customers. Therefore, I fully support Mr. Wartman's business decision to relocate to his previous location of 102 Brookdale Avenue.

For the record, Steve Wartman maintains no account relationships with High Country Bank which would influence my remarks. As I stated in my introduction, our mission at High Country Bank is to support small businesses and economic stability and growth in Buena Vista. Mr. Wartman's request of the Town of Buena Vista is deserving of our support.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Erchul", is written over a faint, circular watermark or stamp.

Scott Erchul
Branch President
Buena Vista Branch
scott.erschul@highcountrybank.net

www.highcountrybank.net

Home Office
7360 W. Hwy 50
Salida, CO 81201
(719) 539-2516

Salida Branch
130 West 2nd Street
Salida, CO 81201
(719) 539-2516

Buena Vista Branch
516 Hwy 24 North
Buena Vista, CO 81211
(719) 395-2113

Canon City Branch
150 N. Reynolds Avenue
Canon City, CO 81212
(719) 276-2007

April 22, 2016

To: The Buena Vista Board of Trustees and Whom It May Concern

Noting that there was a "no" vote on a resolution approving a special use permit for vehicle and windshield repairs along with tire replacement at 102 Brookdale Avenue. We wish to convey to you that we **do not have any objections to or do not oppose** this use of the property located at 102 Brookdale, in Buena Vista, CO.

We have owned our location at 435 N. Pleasant Avenue since 1982 and being full time residence since 1993. At that time, (1982) only Coronado Motel and the Evergreen Restaurant existed on Brookdale, all other structures have been approved and added since that date.

Sure all are aware that Pleasant Avenue is the only north/south street (in town) going from CR 306 to Crossman other than Hwy 24 and next would be two miles west on CR 361. Therefore, we see more problems with the traffic situation going north and southbound to and from the Post Office and beyond to Crossman or CR 306 at a speed of 45-50 mph, or east and west traffic on Brookdale not adhering to the stop signs at Pleasant; and the clanking of weights at 5-6:00 AM (in the summer) at the BV CrossFit. The Vista Tire was never working at that hour of the day, or having vehicles on the move in a continuous fashion like going to and from the Post Office daily:

Wanted to let you know that there are more serious problems in this area that need to be addressed rather than a denial of a working family trying to make a living at 102 Brookdale.

Respectfully submitted,

Norman L. Wheelock
Colleen Wheelock

Norman and Colleen Wheelock

TOWN OF BUENA VISTA

**RESOLUTION NO. 56
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 206 E. Main Street, 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 a previous application for 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) and that application was denied by the Board of Trustees on April 12, 2016;

WHEREAS, the Applicant submitted a revised 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 May 18, 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 June 14, 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 auto glass and tire replacement shop is a use requiring special use permit in the B-1 Zone District.

2. There is appropriate ingress and egress to the Property and the existing structure from Brookdale Avenue.

3. The current off-street parking along the south side of the building on the Property is adequate. There is also sufficient loading and unloading within or in front of the bays in the building and also within the screened storage area behind the building. To address noise and odor, the Applicant shall adhere to the applicable Code sections. The majority of work will be done in the garage and no new lighting is proposed.

4. A dumpster will be located within the nonconforming screened area. If the current fencing is damaged, screening compliant with Sec. 18-225(b)(2) will be required.

5. The existing building is currently served by sewer, water, electric and gas. Sangre De Cristo, Atmos, Buena Vista Water and Sanitation District and the Town's Water Department did not express any concerns with providing the necessary utilities.

6. No new exterior lights are proposed and the existing lighting is not proposed to change.

7. The Property currently has unimproved open space on the north side of the building. Landscaping is not required to be installed because this will be a change of use based exempted from landscaping requirements pursuant to Code Sec. 16-255(c)(3). If the footprint of the building is enlarged, landscaping compliant with the Code will be required.

8. The current single story commercial building is compatible with the scale of the buildings and land uses of the commercial properties to the west, north, east, and southeast. The properties to the south and southwest across Brookdale Avenue are residential uses. The current building was built as a garage back in the late 1980s but the use moved in 2010 to its current location on Highway 24. The reintroduction of the use will slightly increase the intensity in the area during normal business hours. The proposed use will not increase the noise over the current limits (60 decibels) at the property line as demonstrated by the information provided by the applicant. The proposed exterior changes to the building will also make the architecture more compatible with the surrounding commercial buildings.

9. Based upon the additional information supplied by the Applicant, including the changes to the building on the Property and the video documentation of noise levels of the proposed use, the proposed special use, as revised from the previous application, will not adversely impact the neighborhood or the public safety and welfare.

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. Automotive services other than tire and windshield repair and replacement shall not be permitted. Examples include but are not limited to, body work, engine repair, transmission work, or other work 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 storage screening that conforms with the Code must be installed. The fence shall be considered damaged if it is ten (10) degrees out of plumb or the opacity is greater than five square feet as a result of damage to slats.

6. The building exterior elevations shall be modified as shown in Attachment D to the Application and attached to this Resolution as Exhibit A within one year of the date of approval to make the building more compatible with the surrounding properties. Failure to do so may be grounds for revocation by the Board of Trustees of the Special Use Permit granted in this Resolution.

7. 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 14th day of June, 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: June 10, 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. At the original Public Hearing on April 12, 2016, the applicant withdrew his application following the denial of the 3D Autoglass and Tire Special Use Permit application. On April 27 2016 the applicant re-submitted his original application seeking again to move his store to 401 US Highway 24 N, Unit B.

Analysis

The applicant submitted a complete application with all required supporting documents including the original petition containing the signatures of 249 residents, managers and/or business owners in support of the application. The proposed new location was re-posted with a Public Notice sign on May 19, 2016 and a Notice of Public Hearing on the application appeared in the May 26, 2016 edition of the Chaffee County Times.

The applicant received approval from the Planning & Zoning Commission for a Sign Permit and he was also granted a Change of Use by the Chaffee County Building & Planning Department. If the application for change of location is approved, the applicant will also be seeking to complete a minor interior remodel. State law provides for a sixty (60) day window of time from approval to change the location and cease sale of alcoholic beverages at the existing location. Therefore the Town Clerk's Office would hold the Liquor Licenses for the new location until all necessary approvals for a remodel are received.

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 or deny the application from The Little Daisy Company to Change Location of The Little Daisy Company Retail Liquor Store from 302 US Highway 24 North to 401 US Highway 24 N, Unit B, Buena Vista, CO.

Attachments

Permit Application and Report of Changes
Diagram of Premises
Needs & Desires Petition
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 <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership..... <input type="checkbox"/> Limited Liability Company	PRESENT LICENSE NUMBER <u>05212470000</u>
--	---

2. Name of Licensee <u>Little Daisy Company</u>	3. Trade Name <u>The Little Daisy Company</u>
--	--

4. Location Address <u>302 US HWY 24 N</u>		
City <u>Buena Vista CO</u>	County <u>Chaffee</u>	ZIP <u>81211</u>

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
-750 (999)	-100 (999)	TOTAL AMOUNT DUE \$ _____ .00

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.

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> <p style="margin-left: 20px;">1. Certificate of Amendment filed with the Secretary of State, or</p> <p style="margin-left: 20px;">2. Statement of Change filed with the Secretary of State, <u>and</u></p> <p style="margin-left: 20px;">3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Old Trade Name</td> <td style="width: 50%;">New Trade Name</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td>Old Corporate Name</td> <td>New Corporate Name</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>		Old Trade Name	New Trade Name			Old Corporate Name	New Corporate Name		
	Old Trade Name	New Trade Name								
Old Corporate Name	New Corporate Name									
<p>7. Change of Location</p> <p>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.</p> <p>Date filed with Local Authority <u>4/27/10</u> ✓ Date of Hearing <u>06/14/2010</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 TRADE NAME OR CORPORATE NAME

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. [Signature]</i>	Title <i>President</i>	Date <i>4-27-10</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>04/27/2010</i>
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Signature	Title	Date
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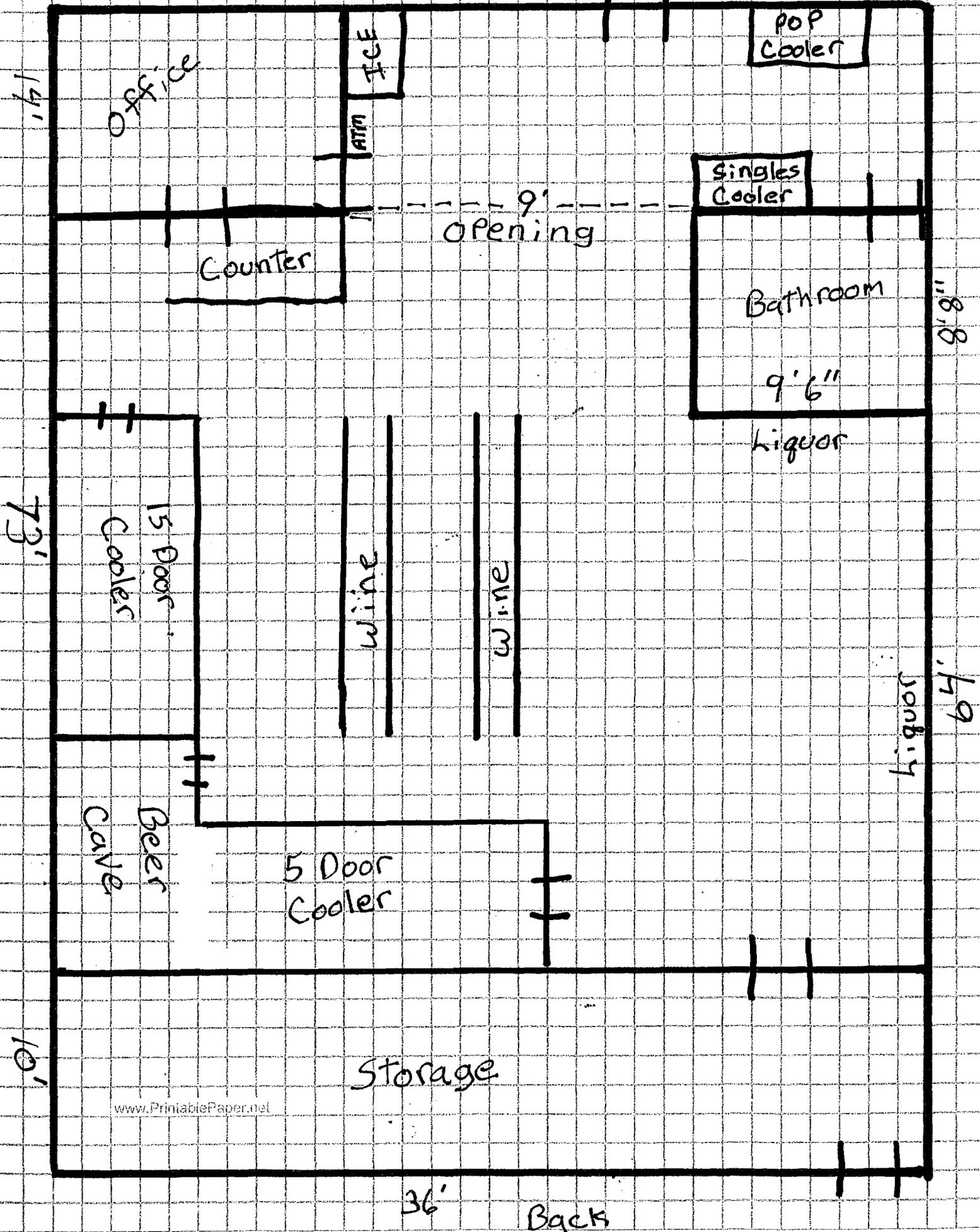
REPORT OF STATE LICENSING AUTHORITY

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



PETITION TO THE BUENA VISTA BOARD OF TRUSTEES

I, the undersigned, am aware that an application for a **CHANGE OF LOCATION FOR A RETAIL Liquor License** has been filed with the Town of Buena Vista by **LITTLE DAISY COMPANY** and doing business as **LITTLE DAISY COMPANY RETAIL LIQUOR STORE** and proposed to be located at **401 US HIGHWAY 24 N, UNIT B, BUENA VISTA CO 81211**. I am at least 21 years of age and a resident or owner or manager of a business located with 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	BUSINESS OWNER OR MANAGER, RESIDENT	DATE SIGNED	YES	NO
	MONTE TRUMBULL	18291 WAGON ROAD	RESIDENT	4/13/16	✓	
	Tarmy Toliver	30070 HWY 24 N	RESIDENT	4/13/16	✓	
	Zaren Selsing	29057 CR 357	RESIDENT	4/13/16	✓	
	Kevin Thompson	PO BOX 69 BV	RESIDENT	4/13/16	✓	
	Brandon Cates	17010 CR 162 NATHROP	RES	4/13/16	✓	
	Michael Abbott	623 CEDAR	RES	4/13/16	✓	
	Larkin Wiegert	15700 CR 352	BUS OWNER	4/13/16	✓	
	DAVE RITZMAN	30540 TIMBERLINE	RES	4/13/16	✓	
	STEPHANO LEWIS	515 S. SAN JUAN	RES	4/13/16	✓	
	Shane Coker	17577 CR 386	RES	4-13-16	✓	
	Pearl Delora	903 SO. MAIN ST	RES.	4-13-16	✓	
	Diana Waeker	125 N. Pleasant	RES	4-13-16	✓	
	Karen Steldt	30860 CR 356-3	RESIDENT	4-13-16	✓	
	JEFF ZARING	106 BAYLOR	RESIDENT	4-13-16	✓	
	Patti Sellers	30444 Habitat	RESIDENT	4/13/16	✓	
	Jesse Orke	Mt. Princeton	RESIDENT	4/13/16	✓	
	Tom Ewas	107 JANE ST BV	RESIDENT	4/13/16	✓	
	CHUCK MITCHELL	27975 CT. RD 340	RESIDENT	4/13/16	✓	
	MICHAEL LETOUR	301 ADINA ST #103	RESIDENT	4-13-16	✓	
	Damien Turnbull	277 N HWY 24	RESIDENT	4-13-16	✓	
	Richard Duran	304 East Main St.	RESIDENT	4-13-16	✓	
	Robb Anderson	134 Robert Dr	RES	4-13-16	✓	
	John Denkowski	PO Box 4356	RES	4-13-16	✓	
	DAVE LUKENS	POB 4332 BV	RES/BIZ OWN	4/13/16	✓	
	Adrian Walker	30350 CR 162 BV	RES	4/13/16	✓	
	Laura Talbot	15345 LEN LN	RESIDENT	4-13-16	✓	
	Peter Perick	109 Raven Way	RES	4/13/16	✓	
	Thomas Schneider	123 Trento Street	RES	4/13/16	✓	
	Amy Eckstein	119 Meadow Lane	BUS OWNER	4/13/16	✓	
	MIKE WIKEN	13250 CR 353	RES		✓	

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SIGNATURE	PRINTED NAME	ADDRESS	BUSINESS OWNER OR MANAGER, RESIDENT	DATE SIGNED	YES	NO
	Mason Miller	19023 CR 306	✓	4/13	✓	
	David Delt	412 N. Colorado	✓	4/13	✓	
	Todd Cummins	219 N Colorado	✓	4/13	✓	
	Jacqueline Accaia	30666 CR 383	✓	4/13	✓	
	Noah Accaia	30666 CR 383	✓	4/13	✓	
	Matthew Taylor		✓	4/13	✓	
	Colin Macchab	28362 CR 317	✓	04/13	✓	
	Alex Diamond	104 Dartmouth, 81211	Res	4/13	✓	
	Jon Bernhard	510 E ARKANSAS	✓	4/13	✓	
	DAVID TROW	P.O. Box 30	✓	4/13	✓	
	JAMES FERGUSON	PO Box 1886	✓	4/13	✓	
	Sazmie Holcomb	18105 Alta Vista Drive	✓	4/13	✓	
	Amy Lynch	15302 CR 306	✓	4/13	✓	
	MICHAEL NORRIS	239 BROOKDALE AVE	✓	4/13	✓	
	James Martinez	201 Larkin Ln	✓	4/13	✓	
	ARIAN	POB 231	✓	4-13	✓	
	Joel	PO Box 1491	✓	4-13	✓	
	John	Po Box 213	✓	4.13	✓	
	Kim	Box 1211	✓	4/13	✓	
	Jeff New	726 W. MAIN	✓	4/13	✓	
	bdd Labcky	29936 CR 371	✓	4/13	✓	
	Mark Walters	5 Tankers Lane	✓	4/13	✓	
	SANCHEZ	81 Kathy Dr	✓	4-13	✓	
	PORTER WALL	118 W. STERLING	✓	04-13-16	✓	
	Harry Hardy	102 Red Tail	✓	4/13/16	✓	
	Jim Brophy	3115 San Juan St	Res	4/13	✓	
	Corina Walker	5734 Cedar	✓	4-13	✓	
	Hannah Albertson	106 Shanna Way	✓	4-13	✓	
	Donna Clark	27975 CR 340 BV	✓	4/13	✓	

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SIGNATURE	PRINTED NAME	ADDRESS	BUSINESS OWNER OR MANAGER, RESIDENT	DATE SIGNED	YES	NO
	Dana McDowell	134 Oak St, BV, 81211	resident	4/13	X	
	Chace Jensen	632 1/2 W. Main St.	resident	4/13	X	
	Robert James	13964 Chemical Cu	resident	4/13	X	
	Galena Gallors	212 Yale Place	Resident	4/13	✓	
	Margie Verkoite	308 West Ark St.	resident	4/13	X	
	Festrict	147 James Dr.	Both	4/13	✓	
	Alfonso	537 South Ray Rd	Res	4/13	✓	
	Scott Tichul	516 Hwy 24 N.	MANAGER	4/13/16	X	
	Richin Jono	602 Main St.	Resident	4/13/16	X	
	Wes Thomas	203 Cedar St	resident	4/13/16	X	
	Euan Moffitt	30595 Cr. 383 #1	manager	4/13/16	X	
	Duane Smith	30210 Hwy 24	owner	4/13/16	X	
	Jerry Sandmeier	93 Conne Dr.	Resident	4/13/16	X	
	Curtis Yarasak	130 S Sangre De Cristo	Manager	4/13/16	X	
	Dawn Zelen	" "	manager	4/13/16	X	
	Chris Hersman	6025 Congress St	MANAGER	4/13/16	X	
	Alexis Norton	329 Purvis Place #10	resident	4/13/16	X	
	Bob Brown	15773 Cr 352	resident	4/13/16	X	
	Paul Lehmann	118w Sterling Ave #14	Resident	4/13/16	X	
	Dave Smith	1410 Crossman Ave	Resident	4/13/16	X	
	Julian Barbier	549 Park Lane	Resident	4/13/16	X	
	Will Ceving	" "	" "	" "	X	
	Alex Bidranghi	15670 Birdie Lane BV	Resident	4-13-16	X	
	Randy Lbeck	29865 CR 371	Business Owner	4-13-16	X	
	Weston Frazier	606 Marquette Ave.	Resident	4-13-16	X	
	Steve Cable	2316 James St.	Resident	4-14-16	X	
	Alex Oberlin	37950 Mt Valde	Resident	4-14-16	X	
	Phil Moffitt	33693 CR 373A BV	Resident	4/14/16	X	
	Lloyd Turnbull	636 James Place	Resident	4/14/16	X	
	Inza Taylor	1828 Bay Lor Dr.	Resident	4/14/16	X	

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SIGNATURE	PRINTED NAME	ADDRESS	BUSINESS OWNER OR MANAGER, RESIDENT	DATE SIGNED	YES	NO
	Austin Andersen	323 Chestnut St	Resident	4/15/16	X	
	Pete Colver	306 Crossmen	Resident	4-15-16	X	
	David Mueller	103537	"	4-15-16	X	
	J.J. MICKELSON	338 JAMES ST BV	RESIDENT	4-15-16	X	
	Heather Worley	412 Hwy 24 north	Resident	4/15/16	X	
	Logan Myers	28915 CR 331	Resident	4/15/16	X	
	Mirayla Smith	136 Oak Street	Residence	04/15/16	X	
	Luis C. Frias	136 Oak Street	Resident	04/15/16	X	
	DEBBIE MORALES	142 Windwalker Rd	Resident	4/15/16	X	
	HERB DAUGHERTY	27665 CR 313 #30	Resident	4/15/16	X	
	JASON PAEZ	16790 CR 306	AFIL	4/15/16	X	
	JEFF HOFFMAN	1000 RIVER PARK	RESIDENT	4/15/16	X	
	Melanie Scott	16240 Mt. Princeton	Resident	4-15-16	X	
	Demis Felt	12850 CR 314	OWNER	4-15-16	X	
	Pat Felt	117 James	Both	4-15-16	X	
	Penny Willisthormin	26303 CR 20	Resident	4-15-16	X	
	CHAD COWAN	16920 CR. 338	RESIDENT	4-15-16	X	
	Pam Corer	15378 Bu Palo Meadow	Resid.	4-15-16	X	
	Brett Boren	306 S. Garrison Ave	Res	4-15-16	X	
	MARIANNE MAES	118 HARVARD LANE	RESIDENT	4-15-16	X	
	William Dorke	632.5 West main	Resident	4-15-16	X	
	Beth Juppe	28827 Castle Rock cur	Resident	4-15-16	X	
	Patti Moffitt	P.O. Box 45	Resident	4-15-16	X	
	Lisa Howles	113 Trenton St	Resident	4-15-16	X	
	Daniel Wayne Johansen	307 Essex St	Resident	4-15-16	X	
	Kacey Ebergle	27200 Cr 313 #26	Resident	4-15-16	X	
	Beth Macnab	28362 CR 317 manager	Resident	4-15-16	X	
	Beth Mason	102 Meadow Ln	resident	4/15/16	X	
	Justin Miles	2736 CR 340	RESIDENT	4/15/16	X	
	Seth Branell	20045 Aspen Ridge	resident	4/16/16	X	

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SIGNATURE	PRINTED NAME	ADDRESS	BUSINESS OWNER OR MANAGER, RESIDENT	DATE SIGNED	YES	NO
	James Rowson	516 Cold Street	Manager	4/14/16	X	
	Daniel Guthrie	278 Cedar St	customer	4/15/16	X	
	Amber Dahlberg	117 Royal Dr	Res	4/15/16	X	
	James Connell	149 Connie Dr.	resident	4/14/16	X	
	Jeffrey Friedman	420 E. Meach St	owner	4/14/16	X	
	CAROLYN SLATER	517 Park Ln		4/19/16		✓
	SARAH KAROL-CLARK	102 DREAM CATCHER	RESIDENT	4/14/16		✓
	Danielle Chambers	PO Box 978	resident	4/14/16	X	
	Danielle Andersen	323 Chestnut St	Resident	4/16/16	✓	
	Katherine Perry	18960 Vista Dr.	Manager	4/16/16	X	
	Bryan Carr	110 Baylor Dr.	Resident	4-14-16	X	
	Mark Kauffman	146 Windwalker Rd.	Resident	4-14-16	X	
	Chris Nozza	89,600 CR 353	Res. Manager	4-14-16	X	
	Erik Svoti Johnson	1111 RIVERPARK RD BV CO	BUSINESS OWNER	4/14/16	X	
	DAVID M SCHULTE	19835 March Trich Park Rd	MOTHER OF PEOPLE	4/14/16	X	
	Devin Rowe	222 B S Gunnison Ave	Resident	4/14/16	X	
	ED BARVASKI	420 CALIFORNIA ST	RES	4-14	X	
	Inez de Tovar	3075 CR 356-6	RES	4/14/16	X	
	Margaret Hankins	P.O. Box 5182	RES	4/14/16	✓	
	Lenny Eckstein	119 Meadow Lane PO Box 4060	Business Owner	4/14/16	X	
	Maria A. Thomas	PO Box 5124	Res	4/14/16	X	
	Taylor Woodmington	29865 CR 357	Res	4/14/16	X	
	Sam Fruze	P.O. Box 1740	Res	4/14/16	X	
	Ivan Ozuna	18325 Vista Dr	Res	4/14/16	X	
	Whitney Palma	18325 Vista Dr	RES	4-14-16	X	
	Jim Nutter	406 US 24N	BIZ	4-14-16	X	
	KATHY NUTTER	406 US 24N	BIZ	4-14-16	X	
	Dennis Adamick	33833 Cty Rd 361	Res	4-15-16	X	
	JIM BERGERET	31715 US Hwy 24	RV	4-15-16		✓
	Carolyn Miller	13975 Maxwell Vista	RV	4-15-16		✓

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SIGNATURE	PRINTED NAME	ADDRESS	BUSINESS OWNER OR MANAGER, RESIDENT	DATE SIGNED	YES	NO
<i>[Signature]</i>	Dee Dee Brunell	27745 Aspen Ridge Circle	resident	4/16/16	X	
<i>[Signature]</i>	Deanna Macnab	29789 CR 353	resident	4/16/16	X	
<i>[Signature]</i>	Thomas Fisher	26652 CR 350A	RESIDENT	4/16/16	X	
<i>[Signature]</i>	Jay Dawn Brown	31260 Rio Vista Rd	Resident	4/16/16	X	
<i>[Signature]</i>	Nick Arnold	118W. Sterling	Resident	4/16/16	X	
<i>[Signature]</i>	<i>[Signature]</i>	33515 Mt. Hermon Rd	resident	4/16/16	X	
<i>[Signature]</i>	Row Reikam	29315 County Rd 558	Resident	4/16/16	X	
<i>[Signature]</i>	DEBRA K LONGUS	29145 CR 330	RESIDENT	4/16/16	X	
<i>[Signature]</i>	Bonnie Linza	32290 CR 361	Resident	4/16/16	X	
<i>[Signature]</i>	Jane Cole	720 Arizona, BV	Resident	4/16/16	X	
<i>[Signature]</i>	Ryan Cole	730 Arizona	Resident	4/16/16	X	
<i>[Signature]</i>	Cristie Kennedy	165 W Windwalker Rd	Resident	4/16/16	X	
<i>[Signature]</i>	Catharine Lombach	502 S San Juan	Resident	4/16	X	
<i>[Signature]</i>	Jevan Hamilton	215 Yale Pl	Resident	4/16	X	
<i>[Signature]</i>	Cindy Kratt	33505 Wapiti Cir	Resident	4/16	X	
<i>[Signature]</i>	Julie Tucker	173 Susan Dr	Resident	4/16	X	
<i>[Signature]</i>	Grant Byrnes	1155 Guzman	Res	4/16	X	
<i>[Signature]</i>	Ted Van Houtum	29913 Wood Oak Way	resident	4-16-16	X	
<i>[Signature]</i>	CHARLES CROSS	29240 Piner Circle	Resident	4-16-16	X	
<i>[Signature]</i>	WM. M'QUEEN	301 E. MAIN #10	OWNER	4-16-16	X	
<i>[Signature]</i>	Todd Snyder	301 Cedar St	Res	4-16-16	X	
<i>[Signature]</i>	CHARLES ISAY	120A ROBERT DR	RES	4-16-16	X	
<i>[Signature]</i>	Leo Johnson	1580 Tee Rd	Res	4/17/16	X	
<i>[Signature]</i>	Klay Kirby	33299 CR 376	Res	4/17/16	X	
<i>[Signature]</i>	Lita Cimigno	12935 CR 314B	Res	4/17/16	X	
<i>[Signature]</i>	ARRON DUFFAL	17157 CR 306	RES	4-17-16	X	
<i>[Signature]</i>	Rhianna Appel	114 S. San Juan	res.	4/17/16	X	
<i>[Signature]</i>	Melissa Boyett	328 cedar st.	resident	4/17/16	X	
<i>[Signature]</i>	Daniel Gunther	328 cedar st.	resident	4/17/16	X	

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SIGNATURE	PRINTED NAME	ADDRESS	BUSINESS OWNER OR MANAGER, RESIDENT	DATE SIGNED	YES	NO
	Jeff Berry	Po Box 72 BV	Resident	4-13-16	✓	
	Jennifer Garcia		Resident	4-13-16	✓	
	Ron Koch	P.O. Box 128	Res	4-13-16	✓	
	Dianne Wolf	P.O. Box 787	Res	4-13-16	✓	
	Andy Amato	136x 1614	RES	4-13-16	✓	
	Matt Proctor	3509 Vista	Res	4-13-16	✓	
	JACK NELSON	PO BOX 5191	RES	4-14-16	✓	
	DAN SCHWITER	PO BOX 1758	Res	4/14	✓	
	Robert McCormack	PO BOX 4407	Res	4/14	✓	
	Ken Raynor	PO 5198	NO	4/14	✓	
	Keith Boyd	PO Box 400	Yes	4/14/16	✓	
	Wes Fox	PO BOX 227	yes	4/14/16	✓	
	Randy Dorey	P.O. Box 4831	yes	4/14/16	✓	
	CHRIS FOREMAN	PO Box 4768	Owner	4/14/16	✓	
	Matt Fox	PO Box	yes	4-15-16	✓	
	Eric Kasek	PO Box 970	✓	4-15-16	✓	
	Mike Cline	1236 Lundy Mt Ln	Res	4-16-16	✓	
	CARL PENDO	406 S. CALIFORNIA	yes	4-16-16	✓	
	CARLE DAVIS	18350 VISTA DR	yes	4-16-16	✓	
	Matt Williams	BOX 4125	yes	4-15-16	✓	
	MARYANN WILLIAMS	29620 CR 3726	yes	4/15-16	✓	
	David Garcia	PO Box 1072	yes	4-15-16	✓	
	John Brown	P.O. Box 943	yes	4/15/16	✓	
	R. GIOSCIA	BOX 1499	owner	4/16/16	✓	
	Lane M. Keating	Box 2020	Resident	4/16/16	✓	
	Joanna Sullivan	POB 4422	resident	4/17/16	✓	
	Chris A Kroczyk	POB 1631	Res	4-17-16	✓	
	JRHoffman	33897 CR 373a BV Co	resident	4-17-16	✗	
	K.E. Carroll	PO Box 5269 BV Co	RES. Dent	4-17-18	✓	
	Leiloni Spurbach	PO Box 1394 BV CO	Resident	4-18-16	✓	

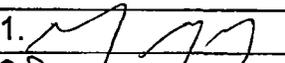
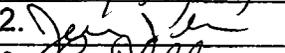
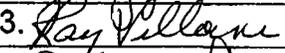
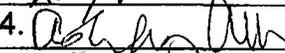
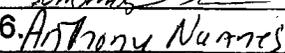
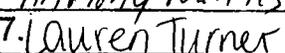
PETITION TO THE BUENA VISTA BOARD OF TRUSTEES

I, the undersigned, am aware that an application for a **CHANGE OF LOCATION FOR A RETAIL** Liquor License has been filed with the Town of Buena Vista by **LITTLE DAISY COMPANY** and do business as **LITTLE DAISY COMPANY RETAIL LIQUOR STORE** and proposed to be located at **401 HIGHWAY 24 N, UNIT B, 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 above-mentioned liquor license to be desirable and necessary for the reasonable requirements of the neighborhood:

SIGNATURE	PRINTED NAME	ADDRESS	BUSINESS OWNER OR MANAGER, RESIDENT	DATE SIGNED	YES
1. <i>Charles Slavin</i>	Charles Slavin	1025 City Rd 356A Bu. Co 81211		4/13/16	X
2. <i>Jennifer Haggard</i>	Jennifer Haggard	2720 City Rd 313 #2 Bu. Co 81211		4/13/16	X
3. <i>MARIN</i>	MARIN	322 N. Railroad		4/13/16	X
4. <i>ZACH ALEXANDER</i>	ZACH ALEXANDER	3000 CR 353		4-18-16	X
5. <i>Brian Casan</i>	Brian Casan	24899 Hwy 285 BV		4/18/16	X
6. <i>Emily Stannett</i>	Emily Stannett	16225 Cr 356A BV		4/18/16	X
7. <i>Sarah Koch</i>	Sarah Koch	26541 CR 319 BV		4/18/16	X
8. <i>Chuck Mitchell</i>	Chuck Mitchell	2795 CR 440		4/19/16	X
9. <i>Matt Jones</i>	Matt Jones	PO Box 1393		4/27	X
10. <i>Lynn Hodgson</i>	Lynn Hodgson	PO Box 5209		4/19	X
11. <i>Ashley Mitchell</i>	Ashley Mitchell	11255 CR 198 Nathrop		4/19	X
12. <i>Gyff D Lacy</i>	Gyff D Lacy	545 1/2 Hwy 24 N BV	Bus	4/19	X
13. <i>John Ewe</i>	John Ewe	127 James S	Resid	4/20	X
14. <i>Sarah Craver</i>	SARAH CRAVER	PO Box 913 172 Robert Dr		4/20/16	X
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PETITION TO THE BUENA VISTA BOARD OF TRUSTEES

I, the undersigned, am aware that an application for a **CHANGE OF LOCATION FOR A RETAIL Liquor License** has been filed with the Town of Buena Vista by **LITTLE DAISY COMPANY** and doing business as **LITTLE DAISY COMPANY RETAIL LIQUOR STORE** and proposed to be located at **401 US HIGHWAY 24 N, UNIT B, BUENA VISTA CO 81211**. I am at least 21 years of age and a resident owner or manager of a business located with 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	BUSINESS OWNER OR MANAGER, RESIDENT	DATE SIGNED	YES	NO
	Gerald M. Mansfield	19256 Ck 343	Married/Resident	4/18/16	X	
	Jeremy Glass	Po Box 1458	resident	4/18/16	X	
	RAY VILLANI	PO Box 1257	resident	4/18/16	X	
	Ashley Ahlert	PO Box 4523	resident	4/18/16	X	
	Thomas Gram	PO BOX 4523	Business Resident	4/18/16	X	
	Anthony Nunn	PO Box 1697	Resident	4/19/16	X	
	Lauren Turner	224 N San Juan Ave	Resident	4/20/16	X	
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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, June 14, 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: April 27, 2016
DATE & TIME OF HEARING: June 14, 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 Thursday, May 19, 2016, and published in *The Chaffee County Times* on Thursday, May 26, 2016.



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

DATE: June 7, 2016
TO: Mayor and Board of Trustees
FROM: Mark Doering, Principal Planner, Planning Department
AGENDA ITEM: Grove Minor Subdivision Plat

Request:

John Grove and Shawn Wayne submitted a Minor Subdivision application to create three lots from four existing lots. If the subdivision plat is approved, the new lots would be reconfigured to run lengthwise east to west instead of their current configuration, north to south. The proposed lots will now front onto Court Street. Two of the proposed lots being created are currently vacant and would allow for future residential or business uses subject to the zoning requirements in place at the time of a building permit for each lot.

The properties are located in the B-1 OT (General Business Old Town) zone district. Residential and commercial land uses are allowed in the B-1 OT zone district. No development plans have been submitted for the future lots at this time.

Overview:

The proposed subdivision will create three new legal lots from four lots in the B-1 OT zone district. With the subdivision, Lots 1 and 2 will be provided access to the alley to the south through an easement across Lots 2 and 3 to allow utilities and vehicles to use the alley as required by the Zoning Ordinance. No new vehicular accesses to Court Street or Chestnut Street are allowed.

Analysis:

The application meets all of the criteria listed in Sections 17-28 of the Municipal Code, with the one condition listed in the approval resolution before the Board.

Policy Alignment:

The proposed use meets the Economic Vitality, Community and Infrastructure policies. The proposed lots will allow for new residences and businesses in town using existing infrastructure.

BOT Action:

Staff and the Planning and Zoning Commission recommend approval of minor subdivision subject to the following remaining condition:

1. Vehicular access to all of the new lots shall be from the alley only. No new driveways from Chestnut Street or Court Street are allowed. The easement for access and utilities for Lot 1 and Lot 2 shall be required across Lot 2 and Lot 3 to the alley as shown on the proposed plat.

Attachments:

Planning and Zoning Commission Staff Report



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: May 12, 2016

CASE ADDRESS: 116 N Court Street

HEARING DATE: May 18, 2016

APPLICANTS: John Grove and Shawn Wayne, Property Owners

REQUESTS: The applicants are requesting approval of a Minor Subdivision to create three residential lots from four existing old town lots. No public improvements are required with this final plat. One of the lots (Lot 1) has an existing single-family residence and the other two proposed lots (Lots 2 and 3) are currently vacant. The properties are all zoned B-1 OT (General Business Old Town).

TOWN STAFF: Mark N. Doering, Principal Planner

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission recommend approval with conditions to the Board of Trustees for the Grove Minor Subdivision Plat. Staff is recommending the following condition:

- 1) Vehicular access to all of the new lots shall be from the alley only. No new driveways from Chestnut Street or Court Street are allowed. The easement for access and utilities for Lot 1 and Lot 2 shall be required across Lot 2 and Lot 3 to the alley as shown on the proposed plat.

ATTACHMENTS TO THE REPORT:

Attachment A – Vicinity Map

Attachment B – Zoning Map

Attachment C – The proposed Grove Minor Subdivision Plat

I. SUMMARY OF REQUEST

The applicants submitted a Minor Subdivision application to create three lots from four existing lots. If the subdivision plat is approved, the new lots would be reconfigured to run lengthwise east to west instead of their current configuration, north to south. The proposed lots will front onto Court Street. Two of the proposed lots being created are currently vacant and would allow for future residential or business uses subject to the zoning requirements in place at the time of a building permit for each lot.

The properties are located in the B-1 OT (General Business Old Town) zone district. Residential and commercial land uses are allowed in the B-1 OT zone district. No development plans have been submitted for the future lots at this time.

II. PROCESS – REQUIRED APPROVALS

The applicant has submitted a Final Plat application as specified in Section 17-28 of the Town of Buena Vista Subdivision Ordinance. Staff reviewed the application and is forwarding the requests to the Planning and Zoning Commission for a recommendation and then to the Board of Trustees for a final decision on the application.

III. ANALYSIS – MINOR SUBDIVISION FINAL PLAT

Section 17-28 of the Buena Vista Subdivision Ordinance provides specific review criteria for a minor subdivision plat. Each criterion is listed in **bold** text, followed by staff's analysis for each in standard text.

1. The development conforms in all respects to the requirements of the Subdivision Ordinance; and

The Final Plat complies with the requirements as listed in the ordinance, with the additional requirement listed in the condition of approval.

2. New lots to be created by the Minor Development meet the lot size requirements of the Town's zoning ordinance;

The plat will comply with the B-1 OT zone district requirements. All of the lots will exceed the minimum and maximum lot width requirements. Additionally, all of the lots have access to a public road and access to existing utilities. Lot 2 and Lot 3 must dedicate an access and utility easement to Lot 1 to allow utilities and access to the alley for both Lot 1 and Lot 2.

3. Adequate utility service is or will be available to serve all new lots, and proper easements for the installation of such utility service exist or will be created; and

Adequate utility service to Lots 1 and 2 must be provided with an access and utility easement across Lot 2 and 3 to connect to the utilities with the alley between Chestnut Street and Main Street. Utilities are available to the new proposed lots from either the alley (electric and sewer) or to Court Street (water). Notes as a condition of approval are recommended from staff.

4. The applicant has dedicated or will dedicate to the Town those easements and rights-of-way lawfully required by the Town for current and future streets, utilities and bicycle/pedestrian trails; and

No new rights-of-way are required for the subdivision. Any new development on Lots 1, 2, or 3 will require sidewalks to be installed across the frontage of each lot, including along the south side of Chestnut Street to connect to the existing sidewalks to the west of the

subdivision. If Lot 1 remains as it currently exists, the sidewalks will not be required to be installed. New development on that lot will require installation of the sidewalk along both street frontages for the corner lot.

5. Proper drainage control has been demonstrated.

New drainage controls are not required for the existing home. If future owners develop their properties, including the owners of the vacant lots (Lot 2 or Lot 3), drainage controls meeting the Town's standards will be required at that time.

IV. CONCLUSION AND RECOMMENDATION

Based upon the information and materials provided by the applicant and included in the staff report, staff supports the requested Minor Subdivision with the conditions listed below. Therefore, staff recommends that the Planning and Zoning Commission recommend approval, with conditions, to the Board of Trustees:

1. John Grove and Shawn Wayne have applied for a Minor Subdivision Final Plat to create three new residential or commercial lots; and
2. Notice of the public hearing for the Final Plat was posted on site, as required by the Subdivision Ordinance; and
3. The request was reviewed by the appropriate referral agencies; and
4. The proposed Final Plat is consistent with the applicable standards set forth in Section 17-28 of the Town of Buena Vista Subdivision Ordinance; and

THEREFORE

The Planning and Zoning Commission recommends that the Board of Trustees **APPROVE WITH CONDITIONS** the Final Plat to create three new residential or commercial lots.

The condition of approval for the Final Plat is:

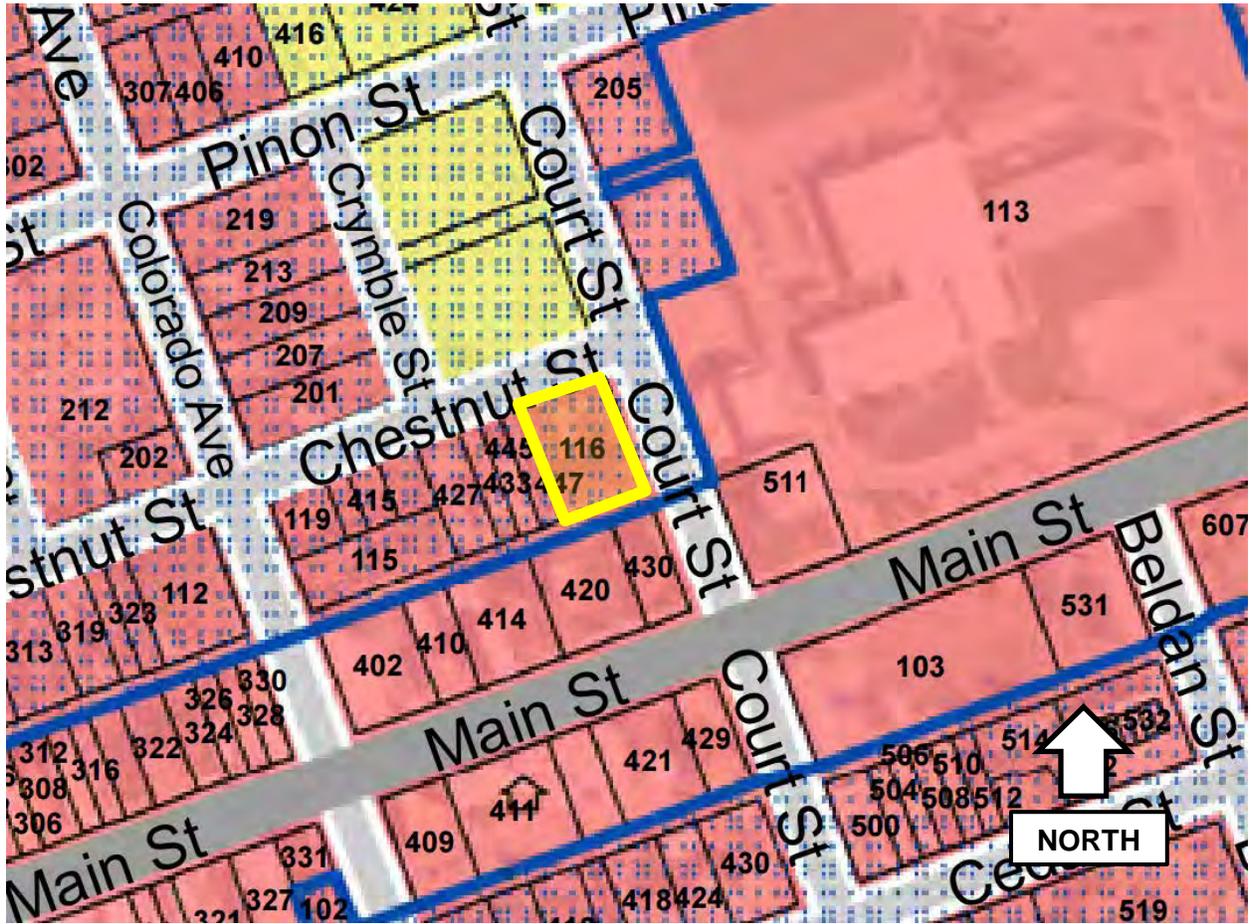
1. Vehicular access to all of the new lots shall be from the alley only. No new driveways from Chestnut Street or Court Street are allowed. The easement for access and utilities for Lot 1 and Lot 2 shall be required across Lot 2 and Lot 3 to the alley as shown on the proposed plat.

Cc: John Grove and Shawn Wayne, Applicants

Attachment A – Vicinity Map



Attachment B – Zoning Map



TOWN OF BUENA VISTA

**RESOLUTION NO. 57
SERIES 2016**

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING A MINOR DEVELOPMENT FOR THE PROPERTY LOCATED AT 116 N. COURT STREET, BUENA VISTA, COLORADO.

WHEREAS, John Grove and Shawn Wayne (the “Owners”) own property located at 116 N. Court Street in Buena Vista, Colorado (collectively the “Property”);

WHEREAS, the Property is located in the B-1 OT Zone District;

WHEREAS, the Owners filed application for a minor development for the purpose of creating the three parcels of property from four currently existing lots and to bring the Property into compliance to Buena Vista Municipal Code (“Code”);

WHEREAS, on May 18, 2016, the Planning and Zoning Commission recommended conditional approval of the minor development;

WHEREAS, notice of the public hearing before the Board of Trustees was properly posted, mailed and published pursuant to Section 17-28(c) of the Code;

WHEREAS, the Board of Trustees opened the public hearing on June 14, 2016, and took public comment; and

WHEREAS, after reviewing all materials provided to it and hearing staff and public comment, the Board of Trustees desires to conditionally approve the minor development.

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 and the criteria for minor development as detailed in Section 17-28 of the Code, finds that:

1. The development and the Final Plat conform with the requirements of the Subdivision Regulations so long as there is compliance with the condition imposed in this Resolution.

2. The lots comply with the B-1 OT Zone District requirements and exceed the lot width requirements. Provided the condition below is satisfied, there will be proper easements for installation and providing of utility service.

3. There are no new rights of way required for the subdivision. Any new development of Lots 1, 2, or 3 will require sidewalks to be installed across the frontage of each

lot, including along the south side of Chestnut Street to connect to the existing sidewalks to the west of the subdivision.

4. New drainage controls are not required for the existing home on Lot 1. If future owners develop their properties, including the owner of the vacant lots (Lot 2 or Lot 3), drainage controls meeting the Town's standards will be required at that time.

Section 2. The Board approves the Grove-Wayne Minor Development, subject to the following condition:

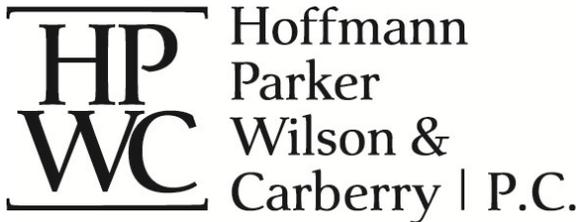
1. Vehicular access to all of the new lots shall be from the alley only. No new driveways from Chestnut Street or Court Street shall be permitted. The easement for access and utilities for Lots 1 and 2 shall be required across Lots 2 and 3 to the alley as shown on the plat. The Final Plat shall be revised to the satisfaction of the Principal Planner to show the full width of the access and utilities easements.

ADOPTED this 14th day of June, 2016.

Joel Benson, Mayor

ATTEST:

Janell Sciacca, Town Clerk



Hoffmann
Parker
Wilson &
Carberry | P.C.

Corey Y. Hoffmann
Kendra L. Carberry
Jefferson H. Parker
M. Patrick Wilson

Of Counsel
J. Matthew Mire
Hilary M. Graham

Denver Office
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Denver, CO 80202
(303) 825-6444

Vail Office
P.O. Box 2616
Vail, CO 81658
(970) 390-4941

Ryan S. Malarky
Kathryn M. Sellars
Ashley N. Pollock
M. Keith Martin

TOWN OF BUENA VISTA
MEMORANDUM

**TO: MAYOR AND BOARD OF TRUSTEES
BRANDY J. REITTER, TOWN ADMINISTRATOR
MARK DOERING, PRINCIPAL PLANNER**

**FROM: JEFFERSON H. PARKER, TOWN ATTORNEY ^{QHP}
KATHRYN M. SELLARS, ESQ.**

DATE: JUNE 10, 2016

RE: REVOCABLE ENCROACHMENT LICENSE AGREEMENT

This memorandum briefly outlines the purpose of the revocable encroachment license agreement with the Town Company, LLC (the "Town Company").

Several years ago, the Town Company installed the outdoor furniture sculptures in the Riverwalk Park, which is Town owned property, just east of Front Loop. It is our understanding that the Town gave verbal approval for the placement of these sculptures. The Town Company has approached the Town to install additional outdoor furniture sculptures in South Main Square, also Town owned property, as shown in the exhibit to the proposed agreement.

Generally, any placement of personal property or improvements on Town owned property, when the Town is not taking ownership that property or improvement, should be governed by a revocable encroachment license agreement. The Code currently addresses certain types of encroachments (i.e. outdoor dining) in the public rights of way but it does not address encroachment on Town owned property when it is not a right of way. To clarify the parties' roles and responsibilities associated with encroachments, we advise that the Town enter into agreements to govern the parties' relationship related to any type of encroachment. These agreements clearly provide for the terms and conditions of the encroachment, including maintenance, insurance, indemnification and removal of the encroachments. It is important the

6/10/2016

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June 10, 2016

Page 2

Town formally approve any use of public property to ensure that the Town's property is protected and the Town is not exposing itself to increased liability.

We are happy to discuss this matter further at the Board's meeting on June 14th.

TOWN OF BUENA VISTA, COLORADO

**RESOLUTION NO. 58
(Series 2016)**

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING A REVOCABLE ENCROACHMENT LICENSE AGREEMENT WITH THE TOWN COMPANY, LLC.

WHEREAS, the Town Company, LLC (the “Town Company”) has previously installed outdoor furniture sculptures on Town owned property;

WHEREAS, the Town Company desires to install additional outdoor furniture sculptures on additional Town owned property; and

WHEREAS, the Town and the Town Company desire to enter into the Revocable Encroachment License Agreement to provide the terms and conditions for the installation and maintenance of the outdoor furniture sculptures on Town owned properties.

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

Section 1. The Revocable Encroachment License Agreement between the Town and the Town Company, a copy of which is attached hereto and incorporated herein as **Exhibit A**, is hereby approved and adopted, and the Mayor is authorized to execute the same on behalf of the Town of Buena Vista.

RESOLVED, APPROVED AND ADOPTED this 14^h day of June, 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 14th day of June, 2016, by and between the Town of Buena Vista, Colorado (the "Town") and the Town Company, LLC ("Licensee").

WHEREAS, the Licensee has requested approval of the Town to place certain outdoor sculptures on Town property;

WHEREAS, the Licensee has previously install outdoor sculptures on Town property without a written agreement;

WHEREAS, the Town desires approve the installation of the outdoor sculptures on the Town property and ratify its verbal approval of the previously installed outdoor sculptures;

WHEREAS, the Town desires to subject all of the outdoor sculptures owned by Licensee to the terms and conditions of this Agreement; and

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

SECTION 1. THE LICENSES

1. The Town grants the Licensee a revocable license allowing certain existing structures to encroach on Town-owned property located to the east of Front Loop and known as Outlot D on the South Main PUD, Phase 1, recorded in the records of the Chaffee County Clerk and Recorder, at reception number 351776 (the "First Property"). The license is granted subject to the terms and conditions of this Agreement.

2. The Town grants the Licensee a revocable license allowing certain new outdoor sculptures to be installed on Town property, known South Main Square (the "Second Property"), as depicted on the attached **Exhibit A**, and also known as Outlot H on the South Main PUD, Phase 1, recorded in the records of the Chaffee County Clerk and Recorder, at reception number 351776. The license is granted subject to the terms and conditions of this Agreement.

3. The licenses granted in this Agreement shall be independent licenses which may be revoked together or separately, as provided for in this Agreement.

SECTION 2. USE OF PROPERTY

1. The First Property may be used by the Licensee for the sole and exclusive purpose of maintaining and repairing the current existing sculpture (the "First Encroachment"). Currently, that First Encroachment consists of a couch, table, chair, ottoman, lamp, and rug, generally constructed from tile and metal. Any changes to the First Encroachment shall require prior written approval by the Town. All work on the First Encroachment shall be completed in compliance with all codes, ordinances, rules, and regulations of the Town. Except for the

improvements specifically authorized by the Town, Licensee shall not place, build, expand, or add to any structures or other items on the First Property.

2. The Second Property may be used by the Licensee for the sole and exclusive purpose of constructing, installing, operating, maintaining and repairing the outdoor sculptures consisting of a sofa, two tables, two stools, an ottoman, a lamp, and a rug (the “Second Encroachment”), as depicted on Exhibit A and generally constructed from tile and metal. Licensee may also construct the concrete slab as depicted on Exhibit A. Any changes to the Second Encroachment shall require prior written 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, the Licensee shall not place, build, expand, or add to any structures or other items on the Second Property.

3. The Licensee shall strictly comply with the following:

a. All work on the Encroachments, including installation, shall be supervised by Town personnel. The Licensee shall contact the Town at least seven (7) days in advance of any planned work and coordinate with the Town any required supervision.

b. The Licensee shall not place or permit any signs or banners on the Properties.

c. No utility connections shall be installed on the Properties, without approval of the Town.

d. Licensee shall not place or permit any hazardous materials in or about the Properties.

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

SECTION 3. TERMINATION

Either party may terminate this Agreement, or a portion thereof, 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. The Licensee’s obligations under Sections 4, 5, and 6 of this Agreement survive its termination until the Town excuses such obligations by written notice. The Licensee, at its sole expense, shall be required to remove the Encroachments, at the direction of the Town upon termination of this Agreement. Termination of one license shall not constitute termination of the other license and in the event one license is terminate, the terms and conditions of this Agreement shall still be applicable to the non-terminated license. Nothing in this Agreement shall prevent either party from terminating both licenses.

SECTION 4. MAINTENANCE

1. The Licensee agrees to take such actions, at their sole expense, as are necessary to maintain the Encroachments in good and safe condition at all times. The Licensee further agrees to comply at all times with the ordinances, resolutions, rules, and regulations of the Town in Licensee's use and occupancy of the Properties. The Town shall be responsible for removing any trash in and around the Encroachments.

2. Notwithstanding any other provisions of this Agreement to the contrary, the Town shall at all times have the right to enter the Properties to inspect, improve, maintain, alter or utilize the Properties in any manner authorized to the Town. If such entry requires disturbance of any Encroachments 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, the Licensee shall avoid any damage or interference with any Town installations, structures, utilities, or improvements on, under, or adjacent to the Properties.

SECTION 5. DAMAGE TO PROPERTY

The Licensee shall be responsible for all damage to the Properties arising out of or resulting from the Encroachments. The Licensee shall make all repairs in accordance with the direction of the Town's Director of Public Works.

SECTION 6. INDEMNIFICATION

The 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 Properties. The 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. The 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

The Licensee agree to procure an insurance policy which includes and covers the Properties and the Encroachments that are 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
 PO Box 2002
 Buena Vista, CO 81211

To Licensee: The Town Company, LLC
 P.O. Box 5246
 Buena Vista, Colorado 81211

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. 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:

The Town Company, LLC

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me this ____ day of _____, 2016, by _____,
as _____ of The Town Company, LLC.

My commission expires: _____

(S E A L)

Notary Public

SOUTH MAIN SQUARE

PROPOSED
OUTDOOR
LIVING ROOM 2

BOULDERING
FEATURE

EDDYLINE
RESTAURANT

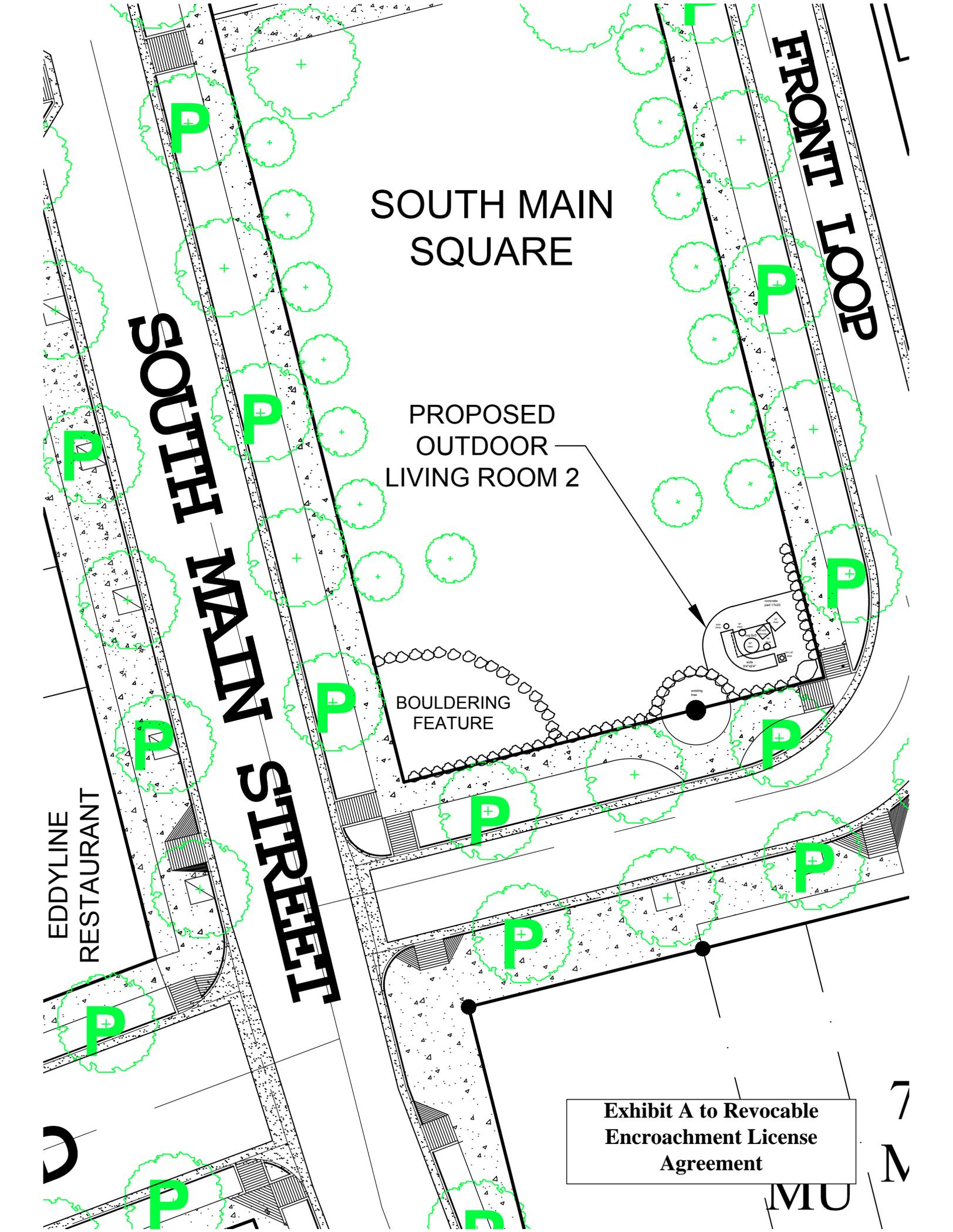
SOUTH MAIN STREET

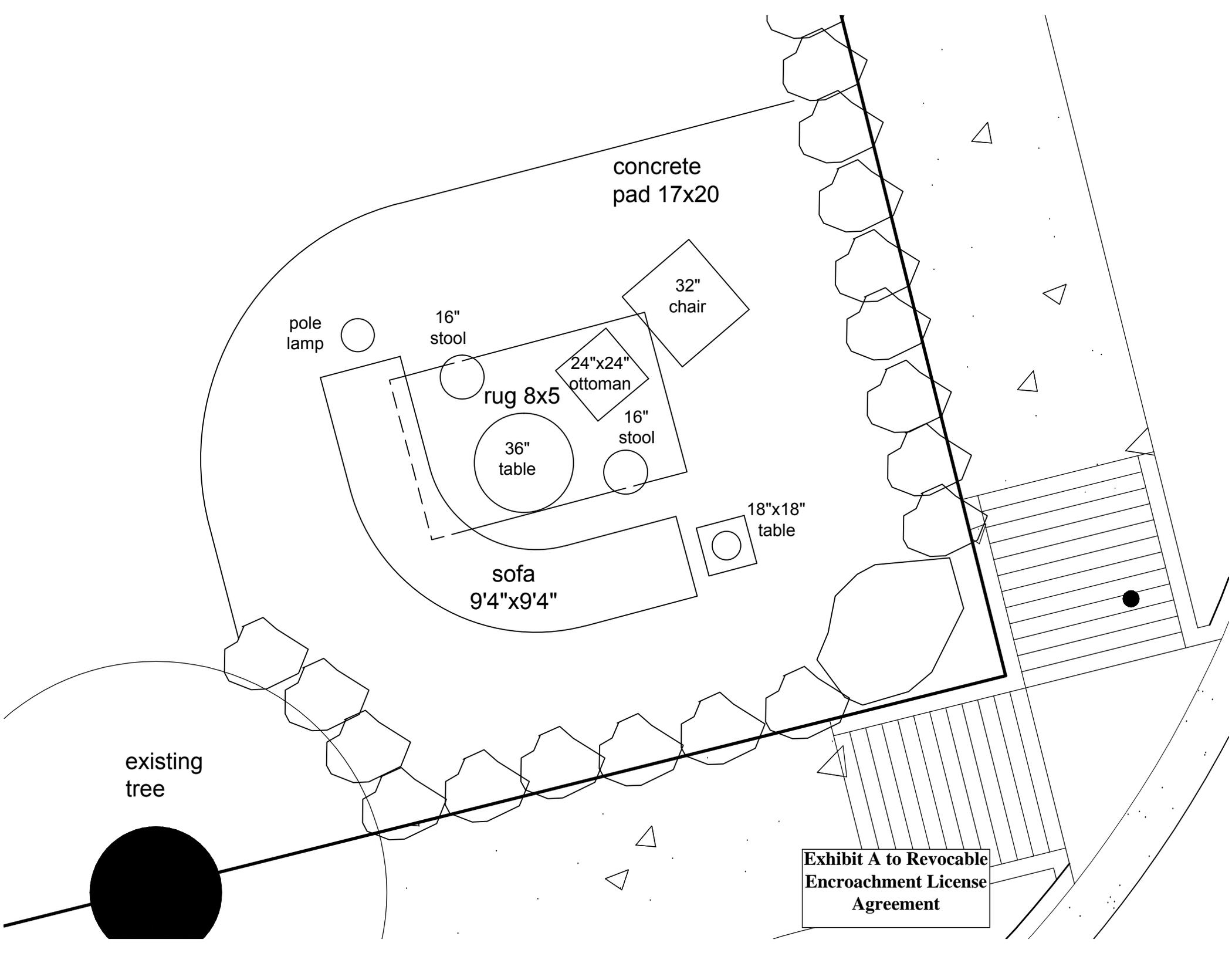
FRONT LOOP

Exhibit A to Revocable
Encroachment License
Agreement

7
N

MU





concrete pad 17x20

32" chair

pole lamp

16" stool

24"x24" ottoman

rug 8x5

16" stool

36" table

18"x18" table

sofa 9'4"x9'4"

existing tree

Exhibit A to Revocable Encroachment License Agreement



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

DATE: June 14, 2016
TO: Mayor and Board of Trustees
FROM: Brandy Reitter, Town Administrator

AGENDA ITEM: Resolution #59 A RESOLUTION APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH CO CREATIVE FOR THE TOWN OF BUENA VISTA, COLORADO FOR DESIGN SERVICES

Request

A request to approve an agreement for professional services between the Town of Buena Vista and CO Creative for on call design services.

Overview

The wayfinding, branding, and marketing committee selected CO Creative to design the logo and the Board of Trustees approved the logo in April. The board also liked various ideas and concepts as part of CO Creative's presentation. Since CO Creative developed the logo the consultant would like to provide additional design services to use our logo to help implement small projects like the banners on East Main Street and to help with trail sign replacements. In 2016, we have funds to for these projects.

Analysis

The major elements in the contract are below:

- The town will own the logo and the consultant will retain proprietary rights over products produced for the town.
- The consultant will be paid \$60 per hour.
- The town will make a good faith effort to acknowledge that CO Creative developed the logo.
- Exhibit A contains a project based scope of work that is subject to annual appropriations and priorities.

Policy Alignment

This contract and approach supports the policies of the community because in the 2013 DCI assessment the plan recommended that the town establish an identity and promote the attributes we cherish as a community. This will help in the execution of various master plans.

This project also aligns with economic vitality because town's that have good marketing attract tourists and people to the area improving the community's economic profile.

BOT Action

Motion to **Approve** or **Deny** adoption of Resolution #59 A RESOLUTION APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH CO CREATIVE FOR THE TOWN OF BUENVA, COLORADO FOR DESIGN SERVICES.

TOWN OF BUENA VISTA, COLORADO

**RESOLUTION NO. 59
(Series 2016)**

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISA, COLORADO APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH CO CREATIVE FOR DESIGN SERVICES.

WHEREAS, the Board of Trustees of the Town of Buena Vista has reviewed the recommendation of the Town Administrator, and finds and determines that it would be in the best interests of the Town and its residents to enter into a contract with Co Creative for design services for the Town;

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

The Agreement for Professional Services attached hereto as **Exhibit A** is hereby approved and the Mayor is authorized to execute the same.

RESOLVED, APPROVED AND ADOPTED this 14th day of June, 2016.

TOWN OF BUENA VISTA, COLORADO

BY: _____
Mayor, Joel Benson

ATTEST:

Town Clerk, Janell Sciacca

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is made and entered into this 14th day of June, 2016, by and between the Town of Buena Vista, a Colorado statutory municipality (the "Town") and CO Creative, an independent contractor ("Consultant").

WHEREAS, the Town requires professional services; and

WHEREAS, Consultant has held itself out to the Town as having the requisite expertise and experience to perform the required services.

NOW, THEREFORE, for the consideration hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

I. SCOPE OF SERVICES

A. Consultant shall furnish all labor and materials required for the complete and prompt execution and performance of all duties, obligations, and responsibilities which are described or reasonably implied from **Exhibit A**, attached hereto and incorporated herein by this reference.

B. A change in the Scope of Services shall constitute a material change or amendment of services or work which is different from or additional to the Scope of Services. No such change, including any additional compensation, shall be effective or paid unless authorized by written amendment executed by the Town. If Consultant proceeds without such written authorization, then Consultant shall be deemed to have waived any claim for additional compensation, including a claim based on the theory of unjust enrichment, quantum meruit or implied contract.

II. REPORTS, DATA AND WORK PRODUCT

A. The Town shall provide Consultant with reports and such other data as may be available to the Town and reasonably required by Consultant to perform the Scope of Services. All documents provided by the Town to Consultant shall be returned to the Town. Consultant is authorized by the Town to retain copies of such data and materials at Consultant's expense.

B. Other than sharing information with designated third parties as previously directed by the Town, no project information shall be disclosed by Consultant to third parties without prior written consent of the Town or pursuant to a lawful court order directing such disclosure.

C. The Town acknowledges that the Consultant's work product is an instrument of professional service. Nevertheless, all work product prepared under this Agreement shall become the property of the Town upon completion of the work. Consultant shall retain its rights in its standard drawing details, designs, specifications, databases, computer software and any other proprietary property. Rights to intellectual property developed, utilized, or modified in the performance of the Scope Services shall remain the property of Consultant.

and reimburse the Town for construction costs caused by errors and omissions which fall below the standard of professional practice.

D. Approval by the Town of drawings, designs, specifications, reports, and incidental work or materials furnished hereunder shall not in any way relieve Consultant of responsibility for technical adequacy of the work. Neither the Town's review, approval or acceptance of, nor payment for, any of the services shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

E. Because the Town has hired Consultant for its professional expertise, Consultant agrees not to employ subcontractors to perform more than ten percent (10%) of the work required under the Scope of Services. Upon execution of this Agreement, Consultant shall furnish to the Town a list of proposed subcontractors, and Consultant shall not employ a subcontractor to whose employment the Town reasonably objects. All contracts between Consultant and subcontractors shall conform to this Agreement.

VI. INSURANCE

A. Consultant agrees to procure and maintain, at its own cost, a policy or policies of insurance sufficient to insure against all liability, claims, demands, and other obligations assumed by Consultant pursuant to this Agreement. Such insurance shall be in addition to any other insurance requirements imposed by law.

B. Consultant shall procure and maintain, and shall cause any subcontractor of Consultant to procure and maintain, the minimum insurance coverages listed below. Such coverages shall be procured and maintained with forms and insurers acceptable to the Town. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage.

1. Worker's compensation insurance to cover obligations imposed by applicable law for any employee engaged in the performance of work under this Agreement, and Employer's Liability insurance with minimum limits of five hundred thousand dollars (\$500,000) each accident, two million dollars (\$2,000,000) disease – policy limit, and two million dollars (\$2,000,000) disease – each employee. Evidence of qualified self-insured status may be substituted for the worker's compensation requirements of this paragraph.

2. Commercial general liability insurance with minimum combined single limits of six hundred thousand (\$600,000) each occurrence and two million dollars (\$2,000,000) general aggregate. The policy shall be applicable to all premises and operations. The policy shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts), blanket contractual, products, and completed operations. The policy shall contain a severability of interests provision, and shall be endorsed to include the Town and the Town's officers, employees, and consultants as additional insureds. No additional insured endorsement shall contain any exclusion for bodily injury or property damage arising from completed operations.

is terminated for any reason other than cause prior to completion of the Scope of Services, any use of documents by the Town thereafter shall be at the Town's sole risk, unless otherwise consented to by Consultant.

IX. CONFLICT OF INTEREST

Consultant shall disclose any personal or private interest related to property or business within the Town. Upon disclosure of any such interest, the Town shall determine if the interest constitutes a conflict of interest. If the Town determines that a conflict of interest exists, the Town may treat such conflict of interest as a default and terminate this Agreement.

X. INDEPENDENT CONTRACTOR

Consultant is an independent contractor. Notwithstanding any other provision of this Agreement, all personnel assigned by Consultant to perform work under the terms of this Agreement shall be, and remain at all times, employees or agents of Consultant for all purposes. Consultant shall make no representation that it is a Town employee for any purposes.

XI. ILLEGAL ALIENS

A. Certification. Consultant hereby certifies that, at the time of this certification, it does not knowingly employ or contract with an illegal alien who will perform work under the Agreement and that the Consultant will participate in either the E-Verify Program administered by the United States Department of Homeland Security and Social Security Administration or the Department Program administered by the Colorado Department of Labor and Employment in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the Agreement.

B. Prohibited Acts. Consultant shall not:

(1) Knowingly employ or contract with an illegal alien to perform work under this Agreement; or

(2) Enter into a contract with a subcontractor that fails to certify to Consultant that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.

C. Verification.

(1) If Consultant has employees, Consultant has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement through participation in either the E-Verify Program or the Department Program.

(2) Consultant shall not use the E-Verify Program or the Department Program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.

EXHIBIT A

Scope of Work

Depending on the priorities and funding allocated each year for projects, CO Creative might be asked to provide design services for the following projects:

1. Banners on East Main Street
2. Trail system decals and trail signage
3. Implementation of various aspects of the town's marketing master plan
4. Work with town advisory boards on projects that might require design
5. Work on implementing wayfinding and signage master plan

CO Creative will work with the Town on an annual work plan that addresses the deliverables under each of the stated projects.



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

DATE: June 14, 2016
TO: Mayor and Board of Trustees
FROM: Greg Maggard, Public Works Director

AGENDA ITEM: Resolution #60 - Authorizing a contract with Miles Construction Company, Inc.
for the 2016 Rodeo Road Trail Paving Project in Buena Vista

Request

To approve the contract with Miles Construction Company, Inc., for completion of the trail paving along Rodeo Road from CR306 to Gregg Drive.

Overview

On May 2, 2016 staff published the 2016 Rodeo Road Trail Paving Project request for proposal (RFP) with a budget of \$150,000. The RFP was published in the Chaffee County Times and Rocky Mountain E-Purchasing. Below are the results of the RFP:

- | | | |
|---------------------------------------|-------------|---|
| • Miles Construction Company, Inc. | \$90,436.55 | √ |
| • Pavement Maintenance Services, Inc. | \$92,709.75 | |

Policy Alignment

This project aligns with the key outcome area of environment, as this project aids in creating an environment which is safe and makes for a friendly place where people want to live, work, and play.

BOT Action

Motion to Approve or Deny Resolution #60, authorizing a contract with Miles Construction Company, Inc. for the 2016 Rodeo Road Trail Paving Project in Buena Vista.

TOWN OF BUENA VISTA, COLORADO

RESOLUTION NO. 60

Series of 2016

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING THE EXECUTION OF A CONTRACT WITH MILES CONSTRUCTION COMPANY, INC. FOR THE 2016 RODEO ROAD TRAIL PAVING PROJECT IN BUENA VISTA.

WHEREAS, The Town of Buena Vista advertised by means of public bid process for a 8' wide paved trail along Rodeo Road in Buena Vista followed by a bid opening on May 20, 2016; and

WHEREAS, two (2) formal bids were received and reviewed by the Public Works Department; and

WHEREAS, the Public Works Department recommends accepting the bid and contracting with Miles Construction Company, Inc. for a not to exceed amount of \$90,436.55; and

WHEREAS, the Board of Trustees of the Town of Buena Vista has reviewed the recommendation of the Public Works Department, and finds and determines that it would be in the best interests of the Town and its residents to enter into a contract.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, that the contract for the 2016 Rodeo Road Trail Paving between the Town of Buena Vista and Miles Construction Company, Inc., a copy of which is attached hereto and incorporated herein as Exhibit "A", is approved and the Mayor and/or the Town Administrator are authorized and directed to execute same on behalf of the Town.

RESOLVED, APPROVED, and ADOPTED this 14th day of June, 2016.

TOWN OF BUENA VISTA, COLORADO

By: _____
Mayor, Joel Benson

ATTEST:

Janell Sciacca, Town Clerk

(Seal)

CONSTRUCTION CONTRACT

THIS CONSTRUCTION CONTRACT is made and entered into this 14th day of June, 2016, by and between the TOWN OF BUENA VISTA, 210 East Main Street, Buena Vista, Colorado 81211, a Colorado municipal corporation (the "Town"), and Miles Construction Company Inc., 28105 CR 317, Buena Vista, Colorado 81211 ("Contractor") (collectively the "Parties").

For the consideration described herein, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. Scope of Work. Contractor shall perform the following described work (the "Work"), in accordance with this Contract and the Contract Documents, attached hereto and incorporated herein by this reference:

Completion of all earthwork and trail paving as outlined in Section 2 (Scope of Work) of the 2016 Rodeo Road Trail Paving Project, Request for Proposals document.

2. Bonds. Within ten (10) days of the date of this Contract, Contractor shall provide certificate of insurance required by the Contract Documents. There shall be no payment and performance bond required for this contract.
3. Commencement and Completion of Work. Contractor shall commence the Work within ten (10) days of date of the Notice to Proceed. Substantial Completion of the Work shall be accomplished by the 15th Day of July, 2016, unless the period for completion is extended otherwise in accordance with the Contract Documents. Final Completion of the Work shall be accomplished within fifteen (15) days of the date of Substantial Completion.
4. Compensation/Contract Price. The Town agrees to pay Contractor, subject to all of the terms and conditions of the Contract Documents, for the Work, an amount not to exceed ninety thousand four hundred thirty-six dollars and fifty-five cents (\$ 90,436.55). The Town shall pay Contractor in the manner and at such times as set forth in the General Provisions such amounts as required by the Contract Documents.
5. Illegal Aliens.
 - A. Certification. By entering into this Contract, Contractor hereby certifies that, at the time of this certification, it does not knowingly employ or contract with an illegal alien who will perform work under the Contract and that Contractor will participate in either the E-Verify Program administered by the United States Department of Homeland Security and Social Security Administration or the Department Program administered by the Colorado Department of Labor and Employment in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the Contract.

B. Prohibited Acts. Contractor shall not:

(1) Knowingly employ or contract with an illegal alien to perform work under this Contract; or

(2) Enter into a contract with a subcontractor that fails to certify to Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Contract.

C. Verification.

(1) If Contractor has employees, Contractor has confirmed or attempted to confirm the employment eligibility of all employees who are newly hired for employment to perform work under this Contract through participation in either the E-Verify Program or the Department Program.

(2) Contractor shall not use the E-Verify or Department Program procedures to undertake pre-employment screening of job applicants while this Contract is being performed.

(3) If Contractor obtains actual knowledge that a subcontractor performing work under this Contract knowingly employs or contracts with an illegal alien who is performing work under the Contract, Contractor shall:

1. Notify the subcontractor and the Town within three (3) days that Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien who is performing work under the Contract; and

2. Terminate the subcontract with the subcontractor if within three (3) days of receiving the notice required pursuant to subsection (1) hereof, the subcontractor does not stop employing or contracting with the illegal alien who is performing work under the contract; except that Contractor shall not terminate the contract with the subcontractor if during such three (3) days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien who is performing work under the Contract.

D. Duty to Comply with Investigations. Contractor shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation conducted pursuant to C.R.S. § 8-17.5-102(5)(a) to ensure that Contractor is complying with the terms of this Contract.

E. If Contractor does not have employees, Contractor shall sign the attached "No Employee Affidavit."

F. If Contractor wishes to verify the lawful presence of newly hired employees who perform work under the Contract via the Department Program, Contractor shall sign the "Department Program Affidavit" attached hereto.

6. Governing Law and Venue. This Contract shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in Chaffee County, Colorado.
7. No Waiver. Delays in enforcement or the waiver of any one or more defaults or breaches of this Contract by the Town shall not constitute a waiver of any of the other terms or obligation of this Contract.
8. Integration. This Contract and any attached exhibits constitute the entire Contract between Contractor and the Town, superseding all prior oral or written communications.
9. Third Parties. There are no intended third-party beneficiaries to this Contract.
10. Notice. Any notice under this Contract shall be in writing, and shall be deemed sufficient when directly presented or sent pre-paid, first class United States Mail, addressed to:

The Town: Greg Maggard
Town of Buena Vista
PO Box 2002
Buena Vista, Colorado 81211

Contractor: Miles Construction Company, Inc.
28105 CR 317
Buena Vista, Co
81211

11. Severability. If any provision of this Contract is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

12. Modification. This Contract may only be modified upon written agreement of the Parties.

13. Assignment. Neither this Contract nor any of the rights or obligations of the Parties hereto, shall be assigned by either party without the written consent of the other.

14. Governmental Immunity. The Town, its officers, and its employees, are relying on, and do not waive or intend to waive by any provision of this Contract, the monetary limitations (presently one hundred fifty thousand dollars (\$150,000) per person and six hundred thousand dollars (\$600,000) per occurrence) or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to the Town and its officers or employees.

15. Rights and Remedies. The rights and remedies of the Town under this Contract are in addition to any other rights and remedies provided by law. The expiration of this Contract shall in no way limit the Town's legal or equitable remedies, or the period in which such remedies may be asserted, for work negligently or defectively performed.

IN WITNESS WHEREOF, this Construction Contract has been executed by the Parties as of the date first above written, whether or not the date of signing is some other date.

TOWN OF BUENA VISTA, COLORADO

Joel Benson, Mayor

ATTEST:

Janell Sciacca, Town Clerk

APPROVED AS TO FORM:

Jeff Parker, Town Attorney

CONTRACTOR

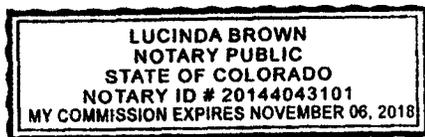
By: Brenda J. Miles

STATE OF COLORADO)
) ss.
COUNTY OF Chaffee)

The foregoing instrument was subscribed, sworn to and acknowledged before me this 27th day of May, 2016, by Brenda J. Miles, as Sec. Treasurer of Miles Construction Co., Inc.

My commission expires:

(SEAL)



Lucinda Brown
Notary Public

DEPARTMENT PROGRAM AFFIDAVIT

[To be completed if Contractor participates in the Department of Labor's Lawful Presence Verification Program]

I, Miles Construction Co., Inc. as a public contractor under contract with the Town of Buena Vista (the "Town"), hereby affirm that:

1. I have examined or will examine the legal work status of all employees who are newly hired for employment to perform work under this public contract for services ("Contract") with the Town within twenty (20) days after such hiring date;

2. I have retained or will retain file copies of all documents required by 8 U.S.C. § 1324a, which verify the employment eligibility and identity of newly hired employees who perform work under this Contract; and

3. I have not and will not alter or falsify the identification documents for my newly hired employees who perform work under this Contract.

Brenda Miles
Contractor Signature

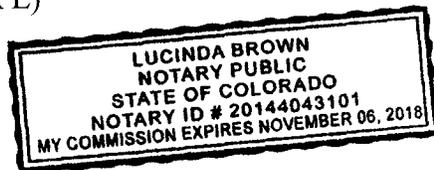
5-27-16
Date

STATE OF COLORADO)
) ss.
COUNTY OF Chaffee)

The foregoing instrument was subscribed, sworn to and acknowledged before me this 27th day of May, 2016, by Brenda J. Miles as Sec. Treasurer of Miles Construction Co., Inc.

My commission expires:

(SEAL)



Lucinda Brown
Notary Public

CERTIFICATE OF INSURANCE

STATE OF Colorado)
) ss.
COUNTY OF Pueblo)

I, Serena Torres, being first duly sworn, state and affirm, under penalty of law, that I am familiar with the insurance coverages maintained by the Insured, Miles Construction Company Inc., and the coverage requirements set forth in the foregoing Certificate of Insurance, that I have completed or caused to be completed and subsequently reviewed the foregoing Certificate of Insurance and that the information provided contained therein is true and correct to the best of my knowledge. I further understand that the Town of Buena Vista shall rely on the information provided.

This information is provided for the Town of Buena Vista, Work No. 2016 Rodeo Road Trail Paving Project

By: Serena Torres
Serena Torres

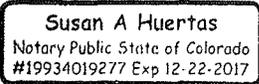
Title: Account Manager

Agency: HUB International Insurance Services

STATE OF COLORADO)
) ss.
COUNTY OF Pueblo)

The foregoing instrument was subscribed, sworn to and acknowledged before me this 1st day of June, 2016, by Serena Torres, as Account Manager of HUB International Insurance Services.

My commission expires: 12-22-17



(SEAL)

Susan A Huertas
Notary Public

**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

5/31/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 0757776
HUB International Insurance Services (COL)
1414 W 4th
Pueblo, CO 81004

CONTACT NAME:
PHONE (A/C, No, Ext): (719) 544-2533
E-MAIL
ADDRESS:

FAX (A/C, No): (866) 908-2103

INSURED

Miles Construction Company Inc.
P O Box 248
Buena Vista, CO 81211

INSURER(S) AFFORDING COVERAGE NAIC #
INSURER A : BITCO National Insurance Company 20109
INSURER B : Pinnacol Assurance Company 41190
INSURER C :
INSURER D :
INSURER E :
INSURER F :

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		CLP3628763	10/01/2015	10/01/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC OTHER:						
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS HIRED AUTOS SCHEDULED AUTOS NON-OWNED AUTOS		CAP3628764B	10/01/2015	10/01/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB CLAIMS-MADE		CUP2808896	10/01/2015	10/01/2016	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 DED <input checked="" type="checkbox"/> RETENTION \$ 10,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N <input type="checkbox"/> N / A	3060009	10/01/2015	10/01/2016	<input checked="" type="checkbox"/> PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Re: 2016 Rodeo Road Trail Paving Project

CERTIFICATE HOLDER

Town of Buena Vista, CO
PO Box 2002
Buena Vista, CO 81211

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



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

DATE: June 14, 2016
TO: Mayor and Board of Trustees
FROM: Greg Maggard, Public Works Director

AGENDA ITEM: **Ivy League Waterline Conversion-Change Order**

Request

To approve the change order from Miles Construction Company, Inc., of \$12,710.00 for additional paving.

Overview

Due to the unforeseen depth of the installed waterline and the adjusted alignment at the tie-in location, the pre-approved roadway cut of 5' had to be extended to 12'. This additional width allowed for appropriate "benching" of the excavation. Additionally, the original tie-in location was shifted approximately 6' West of the planned location. These two alterations from the plans increased the asphalt cut by approximately 7'.

Policy Alignment

No policy alignment, as this is a change order from a previously approved project.

BOT Action

Motion to Approve or Deny change order #2, authorizing an additional payment of \$12,710.00 to Miles Construction Company, Inc. for additional paving on the Ivy League Waterline Conversion Project in Buena Vista.



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

DATE: June 14, 2016
TO: Mayor and Board of Trustees
FROM: Brandy Reitter, Town Administrator
SUBJECT: TOWN ADMINISTRATOR REPORT

Administration

Reminders:

- June 20 at 6 PM: BVSD and TOBV joint work session.
- June 21 at 5:30 PM: BOT and P&Z joint work session.
- June 21- 24, CML annual conference in Vail, CO.

Staff held our quarterly strategic planning StradOps session. The updated plan is attached to this report.

Over the month of June and July staff is conducting training for all boards and commissions on the new Boards and Commission's Manual. So far we have received a positive response.

The RFPs for park design services has closed and town received 3 proposals for review. The next steps are to conduct interviews and make a selection. The board will see a contract on July 12.

Staff is working with Madison House on a contract for use of local roads and other services that might be required of town during the Vertex Music Festival. We will bring a contract to the BOT on July 12.

Staff will bring back the draft IGA to the BOT on July 12 to review. Once the board is okay with the IGA it will be sent to the county for review. The goals are:

- Execute an IGA by November so that the board and staff can discuss the annexation of high priority areas of town including the rest of the airport and newly acquired properties.
- Manage development in the 3 mile planning area more effectively.
- Improve process coordination between both entities.

Recreation, Events & Trails

Staff is currently working on the dog park that will result in a new shade structure and signage placement this summer.

Events:

- Concerts at McPhelemy Park started June 2 and will run every Thursday at 7 PM until July 28.

Trails

- June 25 – 26 is the Bacon Bits Trail building bonanza event; 1.8 miles of single track trail will be built and will include camping under the stars.

Programming:

- Update to the board on June 24.

Upper Arkansas Water Conservancy District, Augmentation Plan, and Water Planning

The Upper Arkansas Water Conservancy District was recently awarded a grant to provide water education and outreach in the Upper Arkansas River Basin. As part of this grant, they are planning a Water Festival on August 13 in Salida at Riverside Park. Music and refreshments will be provided.

Main Street & Creative District, Community/Economic Development Initiatives

Town applied for Governor Hickenlooper's Blueprint 2.0 initiative. This program provides free technical assistance to rural communities to help with economic development strategies. The areas staff applied for were the Call Yourself Creative and Branding Your Business. If successful the state will provide consultants to conduct training with stakeholders in these areas.

Staff is applying for the DCI Downtown Award and a DOLA Starburst award for the BV Optimist Square Splash Park

Buena Vista Main Street:

- Colorado had 40 attendees at the National Main Street conference in Milwaukee May 23-25. The Main Street board will see a presentation on best practices from the conference to apply in BV.
- Main Street People's Stage is scheduled to have performances through September 3. Performances are free to the public.
- Main Street railroad parking lot activation and beautification project will commence June 14-15. Public Works will be doing grading work and in-fill of the parking lot with road base. **Next step** will be cleaning up of the lot and adding decorative rock, seating and wheel stops using old RR ties.

Historic Preservation:

- Barbara Darden of Scheuber + Darden Architects will be working on the Historic Structure Assessment of the McGinnis Gym June 27-28.
- A draft of the historic preservation ordinance is scheduled for July so that town can apply for grants and the Certified Local Government (CLG) status by November 1.

This concludes my report. If you have any questions please let me know.

Sincerely,

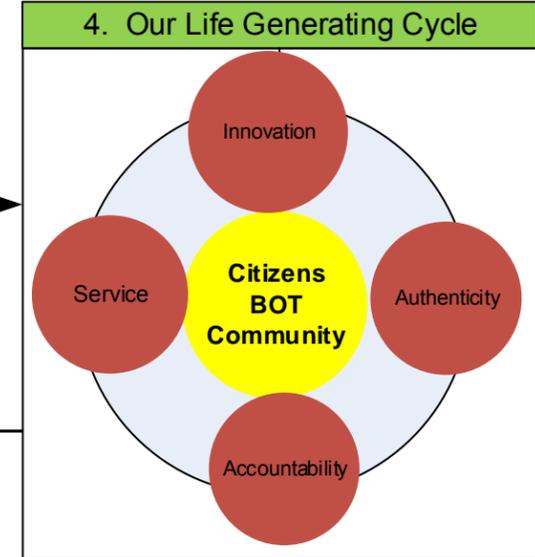


Brandy Reitter, Town Administrator
Town of Buena Vista, CO

1. Our Mission
To serve and respect the vision of the citizens of Buena Vista and create a work life balance environment and strive for professional excellence.

2. Core Assumptions	
Strategic	Communication and Education
Operational	Build the bridge between services, staff, projects, priorities and funding, advisory boards.
Financial	Growth requires an investment. Need education, communication, and benefits.

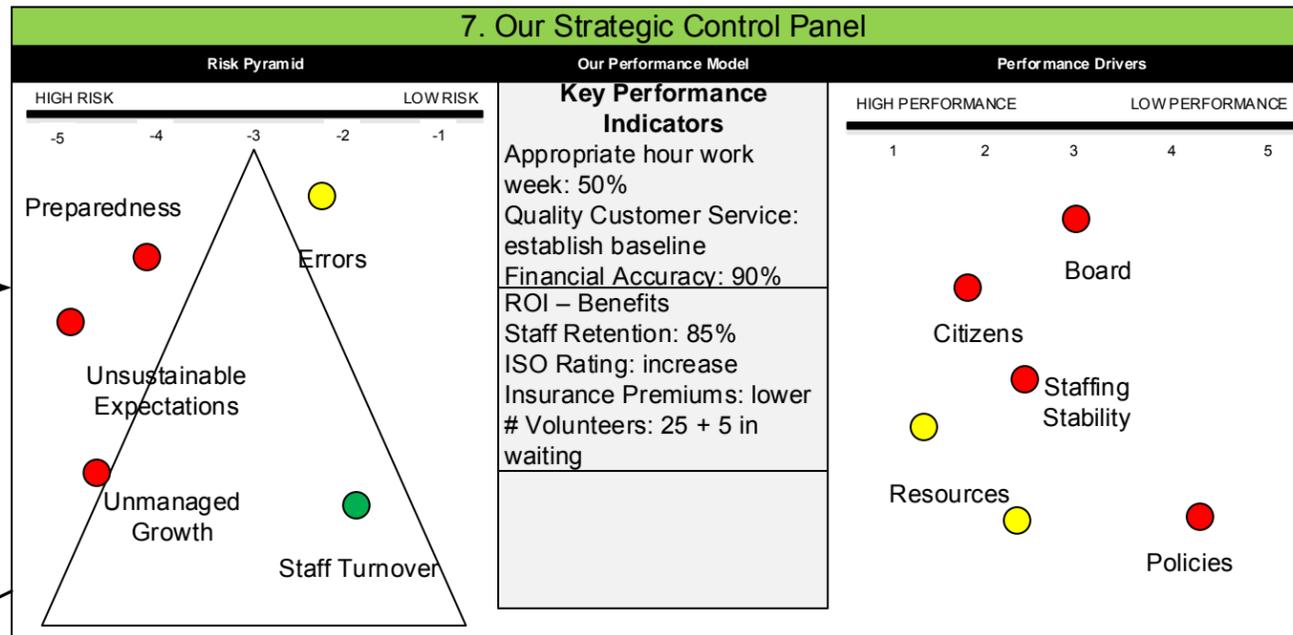
3. Our Vision		
Where We Stand	Where We re Headed	How We ll Get There
Better process, less stressed Growing organization Progressive Consistent Professional Creative Public support Excellent customer service Proactive Helpful and resourceful	R + success Setting expectations Proactive Modernization (equipment, technology) Quality customer service EE life balance Professional organization	Training Education Communication Investment Commitment Planning Teamwork Systems Policy



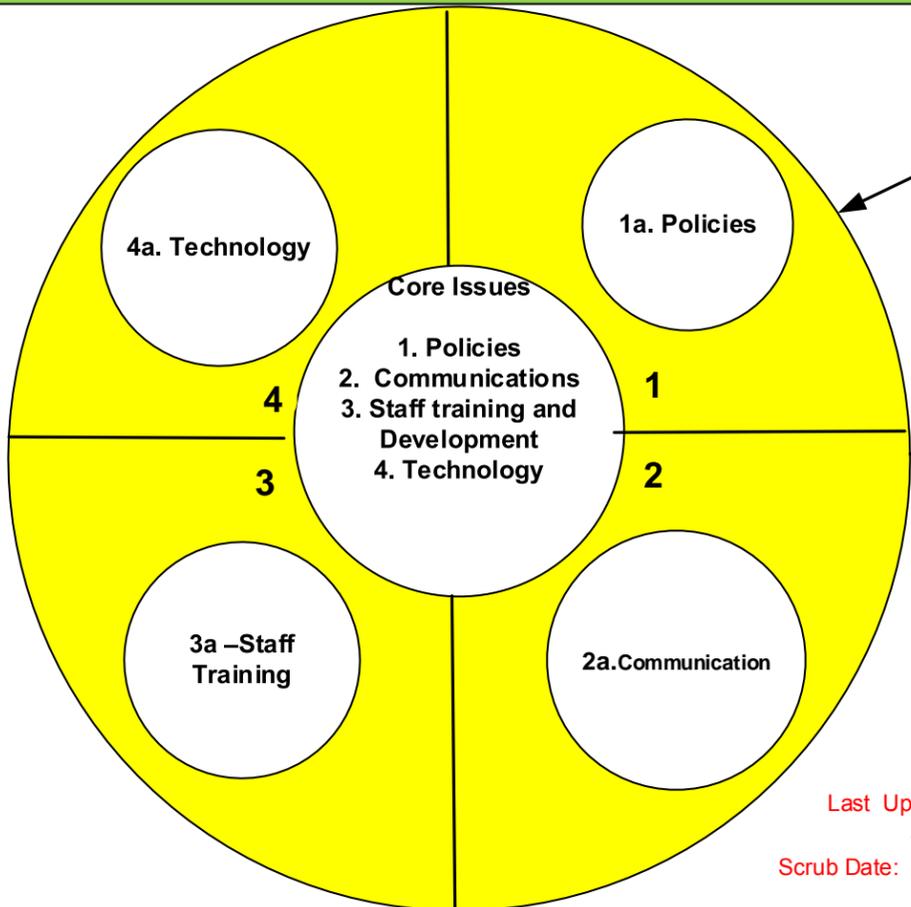
5. Core Values

- Trust
- Respect
- Listen
- Reliability
- Accountability

6. Our Big Idea Core Strategies	
Factual based Information	Document roles and responsibilities - policies & procedures
Managed expectations (identify costs/eliminate low priorities)	Communicate what we do & what we accomplish
Use Analysis to Update Expectations	Represent Town and Promote Everyday



8. Our W.I.N. Wheel



Last Updated: Jan 6, 2015
 Scrub Date: Jun 8, 2016

9. Action Initiative Profiles

#	Problem Statement	Objective	Deliverable	Date	Leader	Members	Status
1a	We want efficient leadership and decision making	Develop and update policies so that we are consistent, eliminate emotional decision making and eliminate risk	Written evaluation, policy organization and recommended next steps for existing policies	9/29/16	Brandy	Leadership Team	●
1b	Policy Ritual	Create a ritual for policy review.	Establish review process.	9/29/16	Brandy	Janell	●
2a	Can t justify FTE requests with data	Be prepared to manage future changes.	Develop format quantitative/ qualitative, service levels	9/29/16	Greg	Larry and Mark	●
3a	Skills for success are evolving rapidly	Gain efficiency, work smarter, empowerment, engagement, create purpose and understanding, 5W s.	On boarding outline and process for employees	9/26/16	Emily K.	Mark and Janell	●
4a	Improve technology	Improve people, process, outcomes, is a tool, provide a higher level of service, increase capacity	Conduct IT skills inventory and assessment	9/29/16	Emily O.	Janell	●

10. Queue

11. Tasks

Expectations are not defined for boards and commissions. Implement key performance indicators. Continue to update policy quarterly. Organizational items on staff meeting agenda. Follow up on BOT agenda items.



To: Board of Trustees, Town of Buena Vista, Colorado
From: Michelle Stoke, Treasurer
Date: June 10, 2016
Subject: Report Transmittal for the June 14, 2016 Meeting

Sales Tax Update

-April 2016 Sales Tax is up 9.51% over April of 2015 and 8.98% over 2015 year to date. This translates in a YTD increase of \$54,795.50 over 2015 for the same time period and a YTD increase of \$90,449.53 over what was budgeted for 2016 for January through April.

This trend supports observations that the summer season is off to an early and strong start.

Airport Update

-January and February have been reconciled and you are seeing the revenue numbers start to populate in the Income statement.

Checking Accounts

-Town carries checking accounts for the following:

- General Fund (Pooled Cash account)
- Airport Fund
- Water Fund
- System Development Fee Account.

-This causes a complex system of transfers both in the accounting system as well as in the physical checking accounts at the bank making record keeping more complicated than it needs to be. For example:

-We have various relationships with CDOT mostly through the airport. CDOT directly debits the airport bank account for excise tax refunds, etc. However, the Safe Routes to School Grant is through CDOT and they debited a reimbursement for that (a General Fund revenue) to the Airport checking account. To make the books reconcile to the bank, I had to enter the income into the Airport account in the books (because that is where it physically resided at the bank) then I had to transfer the money from the Airport account to the Pooled account and make a corresponding journal entry in the books to make everything match.

-There are other monthly transactions that require transfers and journal entries to keep the books and accounts accurate resulting in somewhat of a "shell game" to journal transactions from here to there and transfer money at the bank into the 'correct' account. This creates messy books and can give the impression of something inappropriate going on. Additionally, all AP checks are written out of the Pooled account.

-I respectfully request permission to consolidate into the Pooled checking account (General Fund account is somewhat of a misnomer) the Airport account, the Water fund account and the System Development Fee account. Also the rename the General Fund account to the Pooled Cash account to keep confusion to a minimum.

Town Expenditures

Since the May 24, 2016 report, the Town has issued:

- 117 Accounts Payable checks for Town expenditures for a total of \$118,335.44.

- ACH withdrawals to the IRS, FPPA, and Colorado Department of Revenue for \$20,113.90 for the pay period ending 5/21/2016.
- Net payroll of \$54,079.61 for the same pay period.

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.)*

• General Fund -	\$ 93,016.91
• Water Fund -	\$ 29,676.57
• Capital Improvement Fund	\$ 4,196.14
• Airport Enterprise Fund -	<u>\$ 11,559.72</u>
• Total all Funds -	<u>\$ 138,449.34</u>

Large expenditures this period:

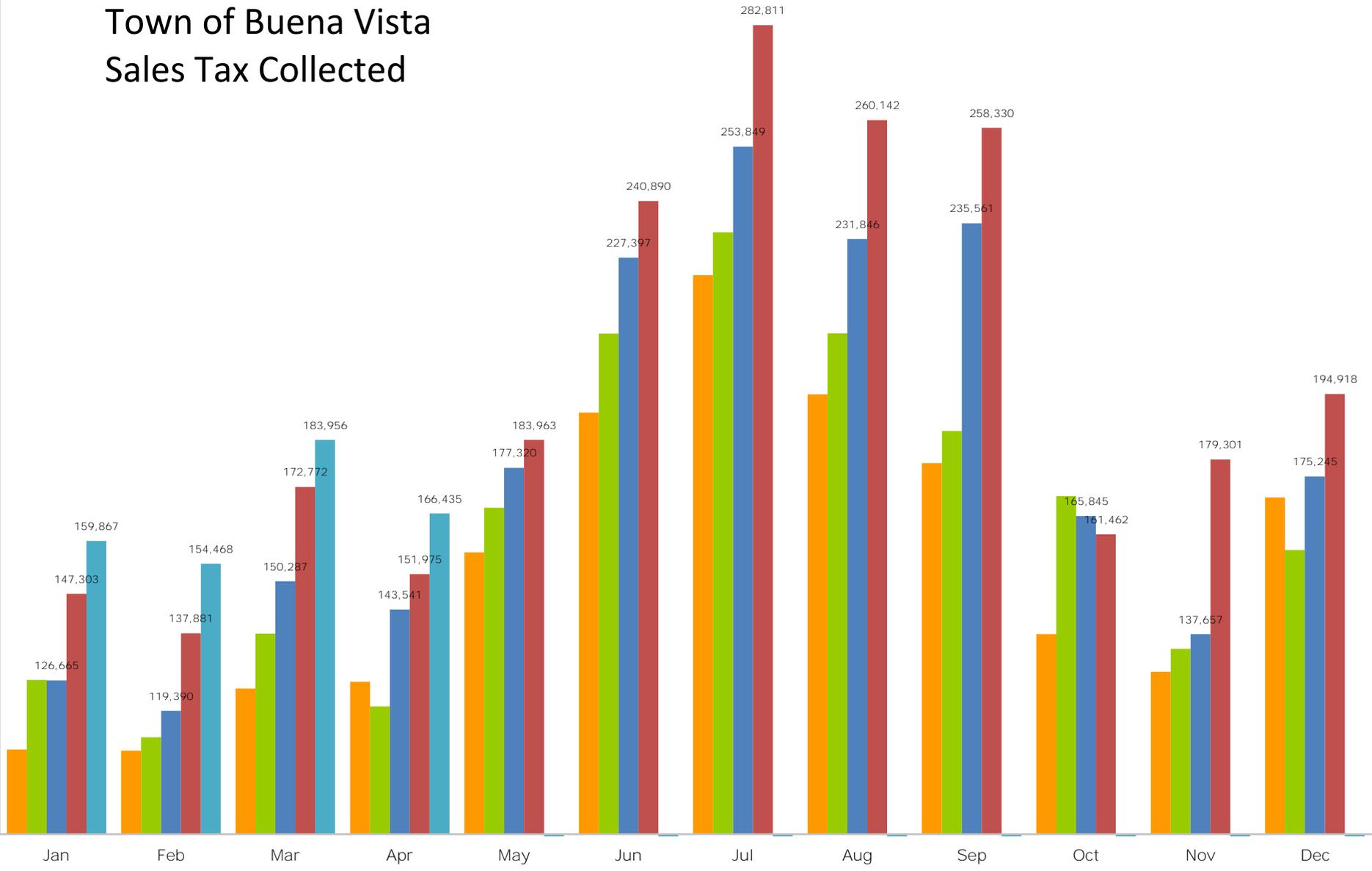
- CEBT for \$38,251.21 for Employee Health Insurance for June.
- MTH Family LLC for \$4,761.90 for the Adopt-A-Tree and Tree Board expenses.
- Chaffee County Commissioners for \$3,189.20 for the housing needs assessment
- Jviation for \$8,797.50 for ground lease buy-out
- RG and Associates for \$4,710.26 for engineering for various projects, largely the Ivy League conversion
- SouthEastern Colorado Water Activity Enterprise for \$4,965.33 for Environmental Stewardship
- Tyler Technologies for \$13,660.33 for software yearly maintenance fee.

This concludes my report at this time.

Michelle Stoke, CPA
Treasurer

Town of Buena Vista Sales Tax Collected

\$290,000
\$240,000
\$190,000
\$140,000
\$90,000



Axis Title
■ 2012 ■ 2013 ■ 2014 ■ 2015 ■ 2016



Town of Buena Vista

Fund Balance Report

As Of 05/31/2016

Fund	Beginning Balance	Total Revenues	Total Expenses	Ending Balance
01 - General Fund	1,793,268.84	1,359,187.02	1,326,015.56	1,826,440.30
02 - Water Enterprise Fund	6,618,597.69	331,591.53	465,662.48	6,484,526.74
03 - Capital Improvement Fund	978,124.30	132,095.26	172,073.26	938,146.30
04 - Conservation Trust Fund	73,615.73	6,662.50	0.00	80,278.23
07 - Airport Enterprise Fund	3,150,622.76	33,302.49	165,741.00	3,018,184.25
Report Total:	12,614,229.32	1,862,838.80	2,129,492.30	12,347,575.82



Town of Buena Vista

General Fund Income Statement

Group Summary

For Fiscal: 2016 Period Ending: 05/31/2016

Obj Category	Original YTD Budget	Current YTD Budget	MTD Activity	YTD Activity	Budget Remaining
Revenue					
22 - Developer Deposits / Receivables	0.00	0.00	240.00	3,824.00	-3,824.00
31 - Taxes	1,208,976.65	1,208,976.65	289,393.56	1,211,198.49	-2,221.84
32 - Licenses & Permits	11,071.30	11,071.30	580.00	9,197.00	1,874.30
33 - Charges for Services	244.90	244.90	95.00	317.25	-72.35
34 - Development Fees	47,606.15	47,606.15	2,426.86	42,316.90	5,289.25
35 - Municipal Court Fines / Fees	16,363.60	16,363.60	3,591.07	15,810.84	552.76
36 - Park & Facility Fees	12,571.80	12,571.80	2,646.50	8,488.00	4,083.80
37 - Grants / Donations / Refunds / Misc	8,985.15	8,985.15	822.86	22,248.04	-13,262.89
39 - Recreation Fees	16,607.90	16,607.90	6,980.50	45,786.50	-29,178.60
Revenue Total:	1,322,427.45	1,322,427.45	306,776.35	1,359,187.02	-36,759.57
Expense					
41 - Personnel	908,115.20	908,115.20	174,651.02	900,968.96	7,146.24
42 - Supplies	76,768.85	76,768.85	10,932.17	48,568.65	28,200.20
43 - Utilities / Insurance	101,371.80	101,371.80	13,315.66	89,343.93	12,027.87
44 - Services	170,029.65	170,029.65	55,740.86	185,017.34	-14,987.69
45 - Capital Outlay	51,175.15	51,175.15	10,528.35	60,766.22	-9,591.07
47 - Recreation	9,933.50	9,933.50	1,788.41	9,287.45	646.05
49 - Public Support / Transfers	264,022.60	264,022.60	5,014.39	32,063.01	231,959.59
Expense Total:	1,581,416.75	1,581,416.75	271,970.86	1,326,015.56	255,401.19
Total Surplus (Deficit):	-258,989.30	-258,989.30	34,805.49	33,171.46	-292,160.76



Town of Buena Vista

Airport Enterprise Fund Income Statement

Group Summary

For Fiscal: 2016 Period Ending: 05/31/2016

Obj Category	Original YTD Budget	Current YTD Budget	MTD Activity	YTD Activity	Budget Remaining
Revenue					
33 - Charges for Services	178,319.20	178,319.20	175.00	21,009.95	157,309.25
37 - Grants / Donations / Refunds / Misc	303,342.35	303,342.35	589.80	12,292.54	291,049.81
38 - Transfers to / From Funds	133,696.50	133,696.50	0.00	0.00	133,696.50
Revenue Total:	615,358.05	615,358.05	764.80	33,302.49	582,055.56
Expense					
41 - Personnel	75,613.45	75,613.45	10,620.04	70,569.01	5,044.44
42 - Supplies	9,575.75	9,575.75	509.57	11,144.05	-1,568.30
43 - Utilities / Insurance	18,766.65	18,766.65	2,146.38	14,314.51	4,452.14
44 - Services	137,503.75	137,503.75	7,861.20	43,997.34	93,506.41
45 - Capital Outlay	450.55	450.55	0.00	653.89	-203.34
48 - Capital Improvements	364,234.60	364,234.60	3,478.00	25,062.20	339,172.40
Expense Total:	606,144.75	606,144.75	24,615.19	165,741.00	440,403.75
Total Surplus (Deficit):	9,213.30	9,213.30	-23,850.39	-132,438.51	141,651.81



Town of Buena Vista

Water Enterprise Fund Income Statement

Group Summary

For Fiscal: 2016 Period Ending: 05/31/2016

Obj Category	Original YTD Budget	Current YTD Budget	MTD Activity	YTD Activity	Budget Remaining
Revenue					
32 - Licenses & Permits	291.55	291.55	100.00	300.00	-8.45
33 - Charges for Services	334,252.45	334,252.45	66,240.44	300,109.97	34,142.48
36 - Park & Facility Fees	41,932.35	41,932.35	0.00	29,700.00	12,232.35
37 - Grants / Donations / Refunds / Misc	336,707.50	336,707.50	81.75	1,481.56	335,225.94
Revenue Total:	713,183.85	713,183.85	66,422.19	331,591.53	381,592.32
Expense					
41 - Personnel	113,698.60	113,698.60	21,593.94	118,739.81	-5,041.21
42 - Supplies	22,615.85	22,615.85	2,915.30	16,994.47	5,621.38
43 - Utilities / Insurance	11,370.45	11,370.45	1,122.46	10,154.83	1,215.62
44 - Services	39,787.75	39,787.75	32,030.08	38,229.02	1,558.73
45 - Capital Outlay	6,705.65	6,705.65	51,939.12	56,846.33	-50,140.68
46 - Debt Service	35,969.30	35,969.30	0.00	41,334.57	-5,365.27
48 - Capital Improvements	493,344.25	493,344.25	8,326.00	183,363.45	309,980.80
Expense Total:	723,491.85	723,491.85	117,926.90	465,662.48	257,829.37
Total Surplus (Deficit):	-10,308.00	-10,308.00	-51,504.71	-134,070.95	123,762.95

Town of Buena Vista
Public Works Operations Report
For
May 2016

Water Department

1. Average Consumption	Average Production
2014=282gpm	2014= 425gpm
2015=189gpm	2015= 303gpm
2016=242gpm	2016= 329gpm

Monthly Calculated Loss

2014= 34%
2015= 38%
2016= 26%

2. Began runoff monitoring of vital infrastructure
3. Continue analyzing meter reading based water loss analysis
4. Began Surface Treatment Plant start-up analysis (RG Waterworks)
5. Performed 15-meter change-outs
6. Continue hydrant flushing program
7. Continue backflow certifications
8. Continue water loss analysis and investigation
9. Installed 1 new taps

Total New Taps

- 2013-9
- 2014-26
- 2015-15
- 2016-4

10. Monthly required sampling conducted. No issues detected

Street Department

1. Began ROW mowing as necessary
2. Began pavement patching calculations for contracted patching
3. Street sweeping as necessary
4. Began shoulder grading
5. Street grading as necessary
6. Routine maintenance as necessary

Parks Department

1. Currently advertising for 2 seasonal parks workers
2. Routine maintenance and daily trash removal
3. Installed new sprinkler system at McPhelamy Park (Parks, Streets, Water Department, and DOC crews helped)
4. Mowing as necessary
5. Continue ADA required renovations of Columbine Park

Building Maintenance

1. Routine janitorial services
2. Completed Community Center bathroom ventilation install
3. Continue gathering estimates for blinds and flooring

Capital Improvement Projects

- **Public Works Water Fill Station**-Bulk water sales have begun. Awaiting fee schedule approval for credit card transactions.
- **Tee Road Tie-In**-Water main install complete. Change order of additional \$12,710.00 to be discussed by the Board.
- **Beldan Road Waterline Project**-Waterline has been installed and tested. Paving will commence in Spring. Looking at revised alignment to allow for on-street parking and sidewalks.
- **Gregg Drive Paving**-Awaiting completion of IGA with CDOT. Work to commence Spring 2017.
- **Rodeo Road Paving**-Project awarded to Miles Construction. Paving will commence mid-June.
- **Well #3**-Project complete. All South and East Main irrigation on well.

Miscellaneous

- HWY 24 construction slated to begin early August.
- Will be attending a CDOT meeting to discuss resurrection of Arizona Trail Project. Potentially reverting back to original design.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Greg Maggard', with a long horizontal flourish extending to the right.

Greg Maggard, Public Works Director



The Mountain Pact

July 23, 2016

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

The Honorable Neil Kornze
Director
Bureau of Land Management
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Jewell,

As representatives of mountain communities throughout the American West, we commend the Department of Interior and Bureau of Land Management's leadership to initiate the Programmatic Environmental Impact Statement for the federal coal program. It is time to modernize the federal coal program, account for the climate change, environmental and public health impacts of federal coal production, ensure American taxpayers are earning a fair return for the use of their public resources, and transition our nation to cleaner energy sources.

As western mountain communities, we represent nearly [insert once finalized] permanent residents and roughly [insert once finalized] million annual visitors. Coal extraction and use as a fuel source poses a number of costs currently unaccounted for in federal coal program. Onsite, these costs include air pollution from exploration, development, and transportation to and from the mine site; fugitive methane emissions; habitat disruption; noise pollution; and water contamination. From the perspective of our mountain communities, the coal's contribution to climate changes poses the greatest cost. Economic, public health, and environmental damages from catastrophic wildfire, floods and reduced snowpack are some of the threats we face.

Failing to account for coal's contribution to these costs in federal coal leases shifts them onto taxpayers -- and in our case, at a time when our towns are shouldering the financial burden of climate impacts and proactive adaptation. In the face of climate change, it is time to modernize the federal coal program to accurately account for its costs to communities, taxpayers and the environment while supporting a transition to a more sustainable and resilient economy.

We thank you for your attention to this important issue and we look forward to working with you on this and other much needed reforms to the federal coal program.

Sincerely,

[list of town signatories]

May 23, 2016

Board of Trustees

P.O. Box 2002

Buena Vista , Colorado 81211

Board of Trustees:

We are a not for profit Christian Ministry of local friends who serve a free lunch in the park every Thursday from 1100 to 1300 from June thru August.

All are welcome for a truly free lunch and fellowship during the summer. We provide Hamburgers and Hot Dogs with free games, Frisbees, books, etc.

We were wondering if the town could waive the park rental fee to partner with us to promote the Buena Vista Town.

Should this be something available please let us know.

Bill Redmon 719 293 4373

Rob Potter 719 207 3236

Attached : permit application

Forest Square Park