



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

6:00 PM – Work Session on Storm Water Enterprise Fund

A Work Session is being held to discuss the benefits of managing storm water through an enterprise fund to mitigate flooding, address infrastructure and protect the environment.

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. **PROCLAMATION – Browns Canyon National Monument Week July 16-23, 2016**
- IV. **PLEDGE OF ALLEGIANCE**
- V. **AGENDA ADOPTION**
The Board approves the agenda at the start of the meeting including modifications.
- VI. **CONSENT AGENDA**
Approval of matters that are routine in nature that require review and/or approval, i.e. minute and reports.
 - A. **Minutes**
 - 1. Regular Meeting – June 28, 2016
 - 2. Trails – June 7, 2016
 - B. **Police Chief Report**
 - C. **Fire Chief Report**
- VII. **PUBLIC COMMENT**
Citizen participation where the public can speak up to 3 minutes for items not on the agenda and for agenda items that are not scheduled Public Hearing. A response to public comment follows.
- VIII. **RESPONSE TO PUBLIC COMMENT**
- IX. **BUSINESS ITEMS**
 - A. Town Treasurer Audit Presentation.
The Board of Trustees will see a presentation from staff on the completed 2015 audit report.
 - 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 IN THE PUBLIC RIGHT OF WAY.”?**

This Agenda may be Amended

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

The Board of Trustees will consider amendments to Chapter 16 and 18 of the 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 an amendment to Chapter 7 of the code regarding nuisances and abatement procedures.

- D. Should the Board approve adoption of Ordinance #14 "**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO ESTABLISHING A HISTORIC PRESERVATION COMMISSION.**"?

The Board of Trustees will review an ordinance establishing a historic preservation commission to assist with historic preservation.

- E. Should the Board of Trustees approve adoption of Resolution #65 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO DESIGNATING INITIAL PROPERTIES LICENSED TO SELL ALCOHOL FOR INCLUSION IN THE TOWN OF BUENA VISTA EAST MAIN STREET DOWNTOWN ENTERTAINMENT DISTRICT.**"?

The Board of Trustees will designate properties included in the Entertainment District.

- F. Should the Board of Trustees approve adoption of Resolution #66 "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH THE FRONTERA GROUP FOR DESIGN SERVICES FOR FOUR COMMUNITY PARKS.**"?

The Board of Trustees will review a contract for park design services.

- G. Should the Board of Trustees approve adoption of Resolution #67 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO TEMPORARILY CHANGING THE DATE OF THE BUENA VISTA BOARD OF TRUSTEE MONTHLY MEETINGS.**"?

The Board of Trustees will consider temporarily changing meetings through the end of the year.

- H. Madison House Presents License Agreement.

The Board of Trustees will consider an agreement addressing the use of Town resources during the Vertex Music Festival.

- I. CDOT Memorandum of Agreement for Permanent Easement Offer.

The Board of Trustees will consider a permanent easement from CDOT for the construction of Highway 24.

- J. Letter of Support Request from Valley-Wide Health Systems, Inc. for New Access Point Application

The Board of Trustees will consider a letter of support request from Valley-Wide Health Systems, Inc.

X. STAFF REPORTS

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

XI. TRUSTEE/STAFF

The Board discusses items with staff and staff can bring up matters not on the agenda.

XII. ADJOURNMENT

This Agenda may be Amended

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

PROCLAMATION

WHEREAS, Browns Canyon National Monument was designated by President Barack Obama on February 19, 2015; and

WHEREAS, members of the United States Department of the Interior Bureau of Land Management, the United States Department of Agriculture United States Forest Service, Colorado Department of Parks and Wildlife and Friends of Browns Canyon conducted an official dedication ceremony for Browns Canyon National Monument in Buena Vista on July 18, 2015; and

WHEREAS, those in attendance included Secretary of Interior Sally Jewell, BLM Director Neil Kornze, USFS Chief Tom Tidwell, Governor John Hickenlooper, Senator Michael Bennet, other federal, state, and local elected officials, and hundreds of citizens; and

WHEREAS, the citizens of Buena Vista in Chaffee County, Colorado take pride in the natural heritage, beauty and recreational adventure being protected by said designation; and

WHEREAS, the Buena Vista Town Council consistently supported this designation over many years of grassroots efforts by local citizens; and

WHEREAS, the analogous week of 2016 is July 16 - July 23;

NOW, THEREFORE, I, Joel Benson, Mayor of the Town of Buena Vista, do hereby proclaim the week of July 16 - July 23, 2016, as

BROWNS CANYON NATIONAL MONUMENT WEEK

in the Town of Buena Vista for the purpose of fun, activity, and rejoicing at the protection of our home.

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

(Seal)

Joel Benson, Mayor



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

June 28, 2016

WORK SESSION With Colorado Department of Liquor Enforcement Regarding Entertainment District Rules & Regulations 6:00 PM

Present for the work session: Mayor Joel Benson, Town Trustees Phillip Puckett, Mark Jenkins, Duff Lacy, and Eric Gibb. Also present were Town Administrator Brandy Reitter, Town Clerk Janell Sciacca, Fire Chief Dixon Villers, and Assistant to the Town Administrator Emily Katsimpalis.

David Reed, Supervisor/Criminal Investigator II, introduced himself and Marcus Woodward, Criminal Investigator. Sciacca gave a brief overview stating the presentation is timely due to the fact the Entertainment District approved by the Board on May 24 would become effective July 2. Reed reviewed the necessary steps for creation of an Entertainment District stating the Town had taken the first step with passage of an ordinance. He reported there are only five districts in the State of Colorado - Glendale, Greeley, Cripple Creek, Salida, and Blackhawk. Reed informed the Board that if the District is to be functional by the August Vertex Festival there is a lot of footwork to be done including formation and approval of the Promotional Association. He suggested that the Town may want to amend its ordinance to say that events will never go past 2 AM, but otherwise he felt the ordinance looked good. Reed shared that Entertainment Districts were developed so Special Events Permits did not have to be obtained for each separate event. He added that a Special Event Permit can take place in a common consumption area, but the requirement is that the applicant must work with the Promotional Association to be part of the Common Consumption area (CCA). Reed stated that in a CCA any establishment can opt out and they would not be allowed to introduce alcohol into the area. Additionally, there have to be barricades to block off the CCA and no vehicles can enter, short of emergencies. Gibb inquired about an establishment selling on a table on the street. Reed replied an establishment can modify the premises temporarily to allow for that use of the sidewalk/street. There was additional discussion about CCAs and the Board's authority as the local licensing authority for setting the consumption area. Reed recommended going to see the Greeley Go Cup District stating it is a well-functioning Entertainment District. He also informed the Board that the establishments must have preprinted cups and alcohol from one establishment cannot be taken into another establishment. The association can be held responsible for everything that takes place in a CCA as can every attached establishment. Benson inquired about added liability for Town. Reed did not feel he could answer the question, but clarified the Liquor Enforcement Division would not be pursuing the Town for violations. Reed stated that all servers and security in the CCA have to be certified TIPS Responsible Vendors and that Town Clerk Sciacca is submitting an application for approval to provide this training for the local establishments with the Liquor Enforcement Division performing the actual training. The Work Session ended at 6:47 PM.

CALL TO ORDER :00

A Regular meeting of the Board of Trustees was called to order at 6:59 PM on Tuesday, June 28, 2016, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Benson. Present were Mayor Joel Benson, Trustees Eric Gibb, Duff Lacy, Mark Jenkins, Phillip Puckett and David Volpe. Town Staff present were Town Administrator Brandy Reitter, Town Attorney Jeff Parker, Principal Planner Mark Doering, Treasurer Michelle Stoke, Public Works Director Greg Maggard, Assistant to the Town Administrator Emily Katsimpalis, Airport Manager Jill Van Deel and Town Clerk Janell Sciacca.

ROLL CALL :18

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

PLEDGE OF ALLEGIANCE :38

Mayor Benson led the Pledge of Allegiance.

PROCLAMATION – JULY 2016 GENERAL AVIATION APPRECIATION MONTH 01:07

Mayor Benson read the proclamation into the record and signed the document proclaiming July 2016 General Aviation Appreciation Month in the Town of Buena Vista.

Trustee Best arrived and took her seat at the dais.

AGENDA ADOPTION 03:56

Mayor Benson noted one amendment to the agenda being to strike Item H – Godonis Ground Lease.

Motion #1 by Trustee Puckett and seconded by Trustee Lacy to approve the agenda as amended.
Motion carried, 6-0.

CONSENT AGENDA 04:34

A. Minutes

1. Regular Meeting – June 14, 2016
2. Planning & Zoning – June 1, 2016

Motion #2 by Trustee Volpe and seconded by Trustee Lacy to approve the Consent Agenda as presented. **Motion carried, 6-0.**

POLICY DISCUSSION – Policy Discussion Process Analysis 05:40

Mayor Benson introduced stating this evening the Trustees and Staff would be talking about how the discussion process is going. He reviewed the overall purpose and process and then inquired of the Trustees' opinions. Gibb felt the process was great and the sessions were informative. He suggested the 30 minutes be used for real policy discussions and that the Trustees speak in broad brushstrokes instead of making specific decisions. Lacy felt that following a discussion that Staff should be given specific direction to put a particular topic on an agenda. Puckett agreed and wanted to know how the loop would be closed when a decision was made and felt it could be part of the annual policy review process. Jenkins felt there should be a little more information and thought given about the topic being discussed. Doering felt the process helped Staff and that it added transparency to proposed policy changes. Reitter added that this is a great thing and she is tasking Staff to be a policy driven organization so the discussions are very helpful. Benson reminded that the Trustees can decide what gets on the list and what is discussed at a particular meeting by requesting a particular topic be added.

PUBLIC COMMENT 20:02

Brett Mitchell, 115 N Hwy 24, thanked the Trustees and the Planning & Zoning commission for moving forward in a positive direction. He questioned if the issue of parking trailers in the right-of-way was a broad problem or the result of a few violations. Mitchell felt there were other ways to address the issues. He felt the housing limitations in Town were contributing to the issue of people living in trailers.

Lyle Haws, 30668 CR 383, voiced opposition to Ordinance 7 and felt it was not appropriate of Town to tell property owners where they can park their RVs on their property.

Mary Beth Urbine, 222 N Pleasant Avenue, distributed a letter that addressed the number of chickens allowed in Town and agreed the code needed to be updated to allow the Code Enforcement Officer to handle violations.

Dennis Hutton, 729 Marquette Avenue, doesn't have a problem regulating trailers on public property, but disagreed with telling a property owner what he can do with his own trailer on his own property.

Cindie Swisher, 100 Baylor Drive, admired the Board for the amount of time they have spent discussing this. She felt Town right-of-way should be marked and that what is done on private property is private.

Elizabeth Sutphin, 112 River Run Drive, owns property adjacent to the park in South Main where there is always a lot of tent camping. She felt camping was fine during special events, but was a nuisance other times.

Richard Fisher, 208 Yale Place, was opposed to Ordinance 7.

Chris Fisher, 208 Yale Place, stated she was all for Town improvements as long as they don't take away the rights of residents.

Dan Hamme, 29383 CR 358, addressed Ordinance 7 and airborne nuisances. He felt 5 complaints was too subjective and the policy should be a more quantitative.

Dan Jensen, 108 Cornell, did not feel it was right to take away the ability to use his RV/Trailer or park it at his house.

Helen Young, 108 Cornell, agreed with all the other comments. She felt having the government tell them what they could do with their property and vehicles was wrong and she agreed camping on someone else's property needed to be dealt with.

Franci Crowder, 702 S Gunnison, agreed with previous RV comments and objected to the way the Ordinance reads now.

Glenn Jacoves, 29 Park Lane, questioned if Ordinance 7 applies to all trailers and stated if necessary he would move his trailer into his driveway and park his vehicles on the street.

Martin Astry, 322 N Railroad Avenue, stated he was already in violation since he is currently living in his camper while remodeling his property. Astry felt the policy should not be so constrictive.

Kathy Cusick, 426 Arizona Street, felt the Ordinance was too constrictive and that the Town does not have the right to tell her what she can do on her property. She also felt the Town was causing problems that don't exist.

RESPONSE TO PUBLIC COMMENT 58:05

Mayor Benson thanked everyone for coming out and expressing themselves. He stated this is the 1st of 4 meetings where there has been such a large public turnout. Benson stated that the code change is a public process and the Board relies on the community to provide input.

BUSINESS ITEMS

Should the Board of Trustees approve adoption of Resolution #61 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO SUPPORTING THE EFFORTS OF SALIDA RESIDENT AND AUTHOR WAYNE IVERSON TO RENAME CHIPETA MOUNTAIN.**"? 1:00:05

Mayor Benson stated this was a request that came to the Board. Both Chaffee County and Salida have submitted resolutions in support of the effort.

Motion #3 by Trustee Puckett and seconded by Trustee Gibb to approve Resolution #61 as presented. **Motion carried, 6-0.**

PUBLIC HEARING – Should the Board of Trustees approve adoption of Resolution #62 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO APPROVING A MINOR DEVELOPMENT FOR PROPERTY LOCATED AT 226 S SAN JUAN AVENUE.**"? 01:01:28

Jenkins recused himself stating the property neighbors his and he has participated in many conversations regarding the matter. He left the dais. Merrill Mann, 226 S San Juan, current President of Woodland Brook Cabins provided a brief history on the property. The goal is to separate out the Lodge on Lot #1 because right now no building permit can be obtained as the plat currently exists. Doering reviewed a PowerPoint presentation providing an overview and a project analysis. He noted one letter had been received since the packet was distributed requesting the building be completed or torn down prior to the

plat. Doering stated that Staff and Planning & Zoning Commission both recommended approval with conditions.

Mayor Benson opened the Public Hearing. Roger Hughes, 226 S. San Juan #1, purchased Cabin 1 that is immediately south of the lodge. He thanked the Staff and Trustees and asked that the current issues be addressed. There being no further comments Mayor Benson closed the floor to public comment and closed the Public Hearing.

Benson asked for clarification on what authority the Town has to resolve this issue. Parker replied the Town has a nuisance code in effect right now for blighted structures and dangerous buildings that allows for abatement action. Gibb asked if the Board has the right to consider particular actions that would be good for the Town as criteria. Parker stated the Board needed to look at the criteria in the code and apply that criteria that currently exists and the Board has to weed out what is and what is not relevant to the criteria. Gibb felt a majority of Town is concerned about this particular lodge structure and he questioned that the Board could not hold the subdivision process hostage in order to address other issues. Parker agreed they could not. Doering added that the current structure is taller than the code allows and he clarified that to correct that they need a building permit and to get a building permit they need a legally platted lot. He stated that this has to happen first to clear the title issues and then the structure can be fixed.

Motion #4 by Trustee Best and seconded by Trustee Lacy to approve Resolution #62 as presented with conditions. **Motion carried, 5-0.**

Trustee Jenkins returned to the dais.

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."**? 01:26:08

Doering reviewed a PowerPoint presentation providing an overview of the request. He showed multiple slides of some of the current issues around Town noting there were at least 60 different potential violations. Doering also reviewed slides detailing the current code provisions compared to the proposed code provisions. The Board discussed the need for permitting to address actual issues versus normal everyday circumstances. Lacy reported that he looked at multiple other codes across Colorado and did not find these types of regulations. He did find that RVs were required to be on improved surfaces and were not allowed to be parked in the right-of-way. Lacy felt the issue somehow got stretched out from people living in them and parking in the right-of-way. He agreed citizens should be able to plug in their RVs in their back yards and use them for temporary living arrangements on their private property. Gibb generally agreed with Lacy's comments, but questioned the possibility of someone starting an RV park in Town given the current housing issues. He felt allowing someone to plug in from of the house for 72 hours was good and leaned toward not restricting what people can do on their private property with the exception of not going to an extreme. Gibb stated he was not ok with storage or living in RVs in the right-of-way. The Board generally agreed with no use of right-of-way for storage or living.

The Board took a break at 9:20 PM and returned to session at 9:25 PM. 02:23:15

Volpe stated his belief that due to the private property and numbers of trailer issues that the Board settle on the right-of-way regulations this evening and postpone the other matters. Gibb felt the Board should instruct Staff to isolate the parts that control use in the right-of-way and put the remainder off for consideration at a later date. Benson stated that the Trustees need to talk to citizens and bring back comments and ideas. Gibb felt the Board should carve out the right-of-way issue and move forward on that matter while continuing to work on the remainder of the issues. Puckett agreed stating he hadn't seen a problem or the answer to the private property matter. Parker clarified he would have to draft an Ordinance for the next meeting. Gibb thanked Staff for their patience with the democratic process.

Motion #5 by Trustee Lacy and seconded by Trustee Puckett to table the matter for two weeks and have Staff bring back an ordinance on parking in the public right-of-way. **Motion carried, 6-0**

Motion #6 by Trustee Lacy and seconded by Trustee Best to table the remainder of the Ordinance to August 9, 2016. **Motion carried, 6-0.**

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.**"? **02:37:15**

Doering reviewed a PowerPoint presentation providing an overview of the request. He also reviewed slides detailing the current code provisions compared to the proposed code provisions. Puckett questioned intent of the ordinance and what problem the Town is trying to fix. Specifically, he wondered why Staff is looking at a maximum number of fowl stating he was not aware of any issue. Reitter replied the welfare of the animals is an issue but also nuisance complaints received by the Town. Lacy agreed with Puckett and questioned why some of this was necessary and felt 20 chickens was an acceptable number. The Board generally agreed with 20 fowl as an acceptable limit. Benson requested Doering add back language to ensure that chickens and livestock would not be allowed to run at large. Lacy felt 7-16(b)(2) should be dropped as it was too subjective. Benson felt the odor was related to dogs and livestock. After a brief discussion about quantifying odors, Reitter stated the Town would buy necessary equipment to quantify these nuisances. Doering stated the regulation is not just for animals and it also relates to businesses. Parker clarified that in 7-16(a) there has to be an unreasonable situation and the measuring device is one technique to measure the nuisance, but testimony in Court is another and the Town has discretion on handling of complaints. After further discussion, the Board agreed to amend section (b) to state these are the factors to be considered when determining a nuisance odor. Lacy then questioned requiring a frame for stacking of firewood in section 7-18(a). Benson requested to remove "protected from bare sole or ground on a well supported, non-rotting base." Doering agreed that was acceptable. Lacy also requested to see acres and feet in the animal pen size descriptions instead of one or the other for consistency.

Motion #7 by Trustee Jenkins and seconded by Trustee Lacy to table Ordinance #9 to July 12, 2016. **Motion carried, 6-0.**

Should the Board of Trustees approve adoption of Resolution #63 "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AMENDING THE TOWN OF BUENA VISTA FEE SCHEDULE.**"? **03:05:38**

Reitter presented the Staff report and proposed changes reminding the Trustees that this is done throughout the year as necessary when fees are in need of updating. The Board agreed to increase the bulk water station sale fee to \$5.00 and remove the camping permit fee.

Motion #8 by Trustee Lacy and seconded by Trustee Puckett to approve Resolution #63 as amended. **Motion carried, 6-0.**

Should the Board of Trustees approve adoption of Resolution #64 "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AMENDING THE TOWN OF BUENA VISTA EMPLOYEE HANDBOOK.**"? **03:19:08**

Benson thanked Staff for putting this together. Reitter presented noting some key areas and Parker highlighted some of the main changes.

Motion #9 by Trustee Lacy and seconded by Trustee Gibb to approve Resolution #64 with a corrected Table of Contents. **Motion carried, 6-0.**

Town Treasurer Sales Tax Presentation. 03:31:50

Stoke presented reviewing the Staff Report. She noted the sales tax issue goes back to the 1980's when the Airport Fuel Sales account was established, but Colorado Revised Statutes only allow the Department of Revenue to go back three years to collect deficiencies unless there is fraud. The Town Auditor wants

this booked into 2015 which will reduce the revenue. Parker suggested approving paying the amount and then making any budget adjustment(s) as necessary at a later date.

Motion #10 by Trustee Lacy and seconded by Trustee Best to approve the expenditure of \$40,000+ not to exceed \$50,000 with approval of the a budget amendment at a later date. **Motion carried, 6-0.** Best, aye; Gibb, aye; Jenkins, aye; Lacy, aye; Puckett, aye; and Volpe, aye.

Godonis Ground Lease – Item was struck from agenda.

STAFF REPORTS

Town Administrator **03:40:22**

- Town is in budget process and Staff is working on requests for Capital Improvements
- Staff met with Upper Arkansas Water Conservancy District on Forest Service permit renewal today that will allow for increased capacity on Cottonwood Lake
- Lacy asked if the RFP included the Ballfield and what point the school gets involved and Reitter replied it did and the school gets involved after the vendor and consultant are approved

Town Treasurer **03:43:40**

- Clarified the Fund Balance question from the June 14 meeting
- Detailed Town expenditures since June 14, 2016

Town Clerk **03:53:05**

- Issuing routine Special Events Permits and other Liquor license related changes
- Performing quite a few notarizations as there are now 3 notaries in Town Hall

Principal Planner **03:53:49**

- Held UDC Steering Committee for Module II and needs all comments back by July 15

Code Enforcement **03:55:00**

- Report will be done on a quarterly basis
- Moving forward getting issues addressed and Junker is doing a good job getting matters resolved without need to take to Court
- Lacy requested the Town promote Code Enforcement efforts so citizens know Junker is out there

Airport Manager **03:58:07**

- Three recent incidents at the airport - one local pilot crash, a microburst flipped the totaled plane several days later and super extend the nose of another plane; and a plane that took off for Creed crashed outside the Creede airport killing all passengers
- Arranging for Staff to receive fuel management and fire safety training
- HAATS will be holding a BBQ on July 13 at the Airport
- Has had inquiries for hangars for larger aircraft and will have to look at increasing the size of the current hangar doors.

Motion #11 by Trustee Lacy and seconded by Trustee Puckett to approve the Fee Waiver requests for the Boys & Girls Club, USFS and Chaffee County Council on the Arts. **Motion carried, 6-0.**

TRUSTEE/STAFF INTERACTION 04:07:10

Benson noted an invitation from the Buena Vista Chamber of Commerce for the Trustees to ride in the 4th of July parade. He also noted the car show on Saturday and thanked the Police, Fire and Public Works and other Departments in advance for all their efforts.

Puckett announced that he talked to most of the Board members about Mayor Benson's fall schedule which conflicts Tuesday night meetings. The Board is looking at temporarily moving its meetings to Wednesday nights for the fall.

Motion #12: Puckett motioned and Lacy seconded to ask Staff to draw up an Ordinance to temporarily move the Trustee meetings to the 2nd and 4th Wednesday nights of each month starting in August. **Motion carried, 6-0.**

Lacy presented a paper to Reitter on a fee schedule from the City of Loveland regarding parking lot fees which he thought might apply to Main Street.

Gibb inquired about asphalt on Beldan. Puckett asked him to look at that street as a complete streets example. He has been looking at the alignment and talked to Miles Construction so hopefully it will be done in the next 30 days. He requested the Board give him an idea of what they want to see and then stated he would put it on the next agenda.

Volpe invited everyone to help build 1.8 miles of trail starting at the Gentleman's Loop over the weekend.

Benson asked Maggard to talk with the owner of the VRBO at East Main and Beldan about temporary tenants parking on the Town sidewalks. Maggard will reach out to them.

Doering stated that the Town is hoping to authorize Certificate of Occupancy for The Jailhouse Craft Beer Bar tomorrow.

ADJOURNMENT 04:15:38

Motion #13 by Trustee Lacy and seconded by Trustee Puckett, noting that there being no further business to come before the Board, declared that the meeting be adjourned at 11:18PM. **Motion carried, 6-0.**

Respectfully submitted:



Janell Sciacca, CMC
Town Clerk

Joel Benson, Mayor



Buena Vista Trails Advisory Board Minutes

Public Works Building

June 7, 2016

Present: Lois Walton, Nancy Anderson, Kathy Hoerlein, Ed Eberle, Greg Maggard, Emily Osborn, Dick Scar, Fran Rulon Miller, Pat McCarthy, Emily Katsimpalis

I. **Meeting called to order: 8:06am**

II. **Public Comments - No requests**

III. **Agenda:** approved

IV. **Minutes:** approved

V. **OLD BUSINESS**

Public Works Director's report (Greg):

a) The bid for the Rodeo Road Project has been sent to the BV Town Trustees for approval

b) The target date for the Railroad trail extension is July 11th. Greg needs someone to coordinate volunteers.

c) August is the target date for the CR317 paving.

d) *Greg is meeting 6/10/16 with Bob Gray, NC3, and Chaffee County regarding a trail along CR 313.*

e) CDOT has a bid on the Hwy 24 project and work is projected to start in August.

f) Lois brought up the Vertex Concert and the traffic plans scheduled for August. Dave Volpe attended a meeting and discussed some tentative plans.

g) Greg stated there has been no progress in dealing with Colorado Parks and Wildlife in regards to the Airport Trail.

h) Greg has acquired a new street lining machine and is developing a plan for use.

i) There are no new developments with regard to the Colorado Center.

j) Sunset Vista IV has a request for proposal for design work for a pocket park.

k) Public works has hired a new seasonal employee.

l) There was a discussion of several trails that needed maintenance: Peaks view trail - washed out, White Water Trail - social trails.

Assistant to Town Administrator - Emily Katsimpalis:

Presented BV Town Advisory Board and Commissions Manual

a) As a result of the increased Board size current alternates can become full time members.

b) *New Quorum requirement is 4 members*

c) Budget Process (PG. 13) Outline and General Guideline

d) Conflict of Interest (Pg. 17)

- e) Last Page - Appeals
- f) Biannual Presentations to the Board Pg. 6 - Update of Board Progress.
- g) The staff liason for the BV Trails Board is Emily Osborn
- h) Add Public Comment Section to the agenda under Call to order.

BROCHURES - Ed Eberle

- a) New Brochure locations - Splash Park, McPhelemy, East Main, Railroad parking area
- b) Changes and updates to the Brochures were suggested
- c) Ed is looking into new kiosks and a new map for the Boathouse.

Recreation Board Updates (Emily Osborn):

- a) CMA and BLM Trails Update - No new info
- b) Dave Volpe suggested Brandy contact BLM (Linda) to get more info and additional info on the Christof area.

VI. NEW BUSINESS

- a) Town branding is ongoing. The new Logo is being designed
- b) Greg will develop an expenditure item under Capital Improvement for new logos for the Trails.
- c) Kathy and Fran will develop an inventory of all BV trail signs. New signs will be applied on the old locations.
- d) A Trail Bd. Budget meeting was set for 6/14/16 @ 8:00AM.
- e) A new position was discussed - Trail-Rec.-Park designer and grantwriter
- f) Dave Volpe - June 21st @9:00AM Boneshakers is working on some trails in the Whipple area. They are asking for CWP assistance in this work.
- g) As is required by the new BV Board manual a new Vice chair was appointed - Kathy Hoerlein.
- h) 8:00AM is the new meeting time.

V. Adjournment: 10:21am

Next Meeting: July 5, 2016 *Please Note*** Meeting time is 8:00am**

Minutes submitted by Pat McCarthy

Minutes approved as written (Date)

7/5/16 by 



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

June 2016

If you love hot weather and crowds of people, June was the month to be here in Buena Vista!

We solved so many burglary & theft cases that we had to use pickup trucks to haul the stolen goods. Our evidence room was so full that we had to use our new bicycle storage Conex container. There were two storage units that were burglarized along with many citizens having items stolen from residences & vehicles. We had several very happy citizens that we returned stolen items to.

We had a really good Team Meeting on June 1st. Our topic was Hostage Situations. Our guest speaker was Phil Graham, our E.O.M. We had Team photos as well as individual photos taken at no cost to us by Sgt. Morgan's wife, Andrea, who is a professional photographer here in town.

We attended another Strat Ops training at the airport on June 9th. We were 20 minutes into the training when there was a plane crash at the airport. At least fire and police had a great response time! The pilot was ok! We also had our first budget kick off meeting at the airport on June 13th.

On Tuesday June 14th, we had another meeting with the Madison House Group in reference to the music festival. The number attending has decreased from 20,000 to 8,000 people. It's basically a "wait & see" period until August 5th, 6th & 7th.

Every day is a new ADVENTURE this tourist season and it's only just begun!

Please see attached calls for service and stats

THERE IS NO "I" IN THE WORD TEAM!

Buena Vista Police Department

Statistics from: 6/1/2016 12:00:00AM to 6/30/2016 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 (10-211 OPEN CONTAINERS PROHIBITED): 1
Total Mandatory Appearances: 0

Total Citations of (18-6-803.5 CRIME OF VIOLATION OF A PROTECTION ORDER): 1
Total Mandatory Appearances: 0

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

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

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

Total Citations of (42-4-1211 LIMITATIONS ON BACKING): 1
Total Mandatory Appearances: 0

Total Citations of (42-4-1301(1)(B) DROVE VEHICLE WHILE ABILITY IMPAIRED BY ALCOHOL OR DRUGS OR BOTH): 1
Total Mandatory Appearances: 0

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

Total Citations of (42-4-703 ENTERING THROUGH HIGHWAY - STOP OR YEILD INTERSECTION): 1
Total Mandatory Appearances: 0

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

Total Citations of (VOID): 1
Total Mandatory Appearances: 0

Grand Total

Total Number of Citations Reported: **23**
Total Fine Amounts Reported: **\$0.00**
Total Money Collected: **\$0.00**
Total Money Still Due: **\$0.00**
Total Mandatory Appearances: **3**



BVPD CALLS FOR SERVICE FOR THE MONTH OF JUNE 2016

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

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



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 June 1 to 30, 2016

Total Month Calls: 29

Current Year to Date Calls: 162

2015 Year to Date Calls: 106

June 1- 30 Calls: 29

Fire Calls: 3

Fire Alarms: 2

Medical Calls: 14

Accident Calls: 3 (2 Airplane Crashes)

Hazardous calls: 1

Good Intent/Information Item: 4

River Rescue: 1

Stand down: 1

Volunteer Firefighters: 15

Total Training hour for June: 77

June Highlights:

Firefighter Shoop will be testing for Hazardous Materials and Assistant Chief Rodriguez will be testing for Fire Officer 1 in the upcoming month.

Assistant Chief Rodriguez has been working on incident preplans for the local business.

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

We had a training with Sol-Vista Health. They came to the station to inform our members of their services and the capacity they help on incident calls.

Chief Villers has met with Madison House/Vertex and we have a traffic control plan established. Next Month they will meet again to establish an IAP (Incident Action Plan) for the August Event.



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

DATE: July 12, 2016
TO: Mayor and Board of Trustees
FROM: Michelle Stoke, Town Treasurer
AGENDA ITEM: 2015 Audit Report

Request

The 2015 Audit has been completed and is attached for the Board to Review. It is requested that the Board accept the report and direct staff to file it with the State Auditor.

Overview

We have retained the services of Hamblin & Associates to perform the 2015 Audit. In April, they performed their field work in testing the books and records of the Town of Buena Vista. There are two potential audit opinions which can be expressed in the opinion letter from the Auditor. The first is an "Un-modified Opinion" which states that based on their testing and procedures they believe the financial statements present fairly in all material respects. The second is a "Modified Opinion" which can arise from a large variety of sources but generally means there is an issue with the financial reporting of the entity.

Colorado Revised Statutes require a Management's Discussion and Analysis section where the Finance Management makes several contrasts and comparisons between the current Audit and the previous one.

The Notes to the Financial Statements section is also useful when evaluating the information presented in the Audit as government financial statements are presented differently so as to meet multiple objectives of the users of this information.

Analysis

The Town of Buena Vista has received an Un-modified Opinion regarding the 2015 financial statements.

Policy Alignment

The policy applicable to the conducting of an annual audit is the Compliance Policy. Colorado Revised Statutes require an annual audit of the books and records of statutory municipal governments.

BOT Action

A Trustee should make a motion "To accept the 2015 Financial Statements and Audit Report". Followed by a second and a roll call vote.

Attachment—Town of Buena Vista, Colorado Financial Statements and Audit Opinion Letter as of December 31, 2015

TOWN OF BUENA VISTA, COLORADO

FINANCIAL STATEMENTS

DECEMBER 31, 2015

**TOWN OF BUENA VISTA, COLORADO
DIRECTORY OF OFFICIALS
December 31, 2015**

Joel Benson, Mayor
Duff Lacy, Mayor Pro Tem

Keith Baker, Trustee
Carrie Carey, Trustee
Eric Gibb, Trustee
Phillip Puckett, Trustee
David Volpe, Trustee

Key Employees

Brandy Reitter, Town Administrator
Mary Jo Bennetts, Town Clerk
Michael J. Hickman, Town Treasurer/Finance Director
Jeff Parker, Town Attorney

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FINANCIAL SECTION

MANAGEMENT'S DISCUSSION AND ANALYSIS

Management's discussion and analysis (MD&A) provides highlights of the financial activities of the Town of Buena Vista (the Town) and an overview of the financial statements included in this report. We encourage readers to consider this information in conjunction with the basic financial statements and information contained in the notes to the financial statements.

Financial Highlights

- The Town's net position increased by \$1,461,533 during 2015 compared to 2014 due to a factors such as an increase in capital assets a large portion funded through Grant income, a steady rise in sales tax revenue and reduced outflows due to position vacancies and delays in planned capital projects.
- Total assets on the Statement of Net Position for 2015 were \$21,855,491 a \$1,477,976 (10.32%) increase largely due to the purchase of the Carpenter land and a hanger in the Airport Enterprise fund in 2015. Other factors include an increase in receivables netted with a decrease in cash. Total assets exceeded liabilities and deferred inflows of resources by \$18,010,912.
- Unrestricted net position of \$4,437,357 as of December 31, 2015 was available to meet the Town's future obligations to citizens, employees and creditors:
 - For governmental activities unrestricted net position was \$2,546,660, a decrease of \$373,311 (-12.78%)
 - For business-type activities unrestricted net position was \$1,890,697, a decrease of \$5,021 (-.26%)
- As of December 31, 2015, total fund equity for governmental activities was \$3,472,298, of which \$58,769 was cash held in the Conservation Trust Fund. The total decrease in the governmental fund balance during 2015 was \$267,970 (-7.16%). The governmental fund balance sheet excludes the value of capital assets and the related depreciation, resulting in a different financial result when compared to the Statement of Net Position (as discussed above).
- The total cash and investments balance on December 31, 2015 was \$4,806,757 of which \$4,195,767 was unrestricted. Of the unrestricted amount, \$2,449,366 was available for general governmental activities, and \$1,746,401 was held in funds for business-type activities. Funds designated by the trustees for specific uses are included in unrestricted cash and investments.
- Cash and investments decreased \$375,755 primarily due to increased costs such as electricity, telephone, personnel (including healthcare), increased support to community based organizations, and an increase in transfers to the Airport Fund. During 2015, debt service required \$271,326 of which \$167,240 was repayment of principal. The Town's business-type activities generated an increase of \$60,378 in cash.
- Within the business-type activities of the Town, unrestricted funds available for water operations were increased in 2015 by \$65,425 which can be used for future water obligations, and unrestricted funds for the airport operations decreased in 2015 by -\$70,446 due mainly to an increase in uncollected accounts receivable as well as the sales tax compliance liability discovered in 2016 but required to be posted to 2015 as a subsequent event.

Overview of the Financial Statements

The MD&A serves as an introduction to the Town's basic financial statements, which are comprised of three components:

- 1) Government-wide financial statements
- 2) Fund financial statements
 - a. Governmental Funds
 - b. Proprietary Funds
- 3) Notes to the financial statements
- 4) Supplementary information

Analysis and commentary on both types of financial statement views is included in the MD&A for more information and perspective than the numbers alone provide readers. In addition, the report contains supplementary information to the basic financial statements for more detailed information on some areas of expenditures.

Government-wide financial statements. The government-wide financial statements are designed to provide readers with a broad overview of the Town's finances in a manner similar to a private-sector business. Government-wide financial statements combine information for all of the Town's funds in order to reflect the entire financial picture. The government-wide financial statements consist of the *Statement of Net Position* and the *Statement of Activities*.

The *Statement of Net Position* presents all of the Town's assets, liabilities and deferred inflows of resources, with the difference between assets and the liabilities plus deferred inflows of resources being reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of whether the Town's financial position is improving or deteriorating.

The *Statement of Activities* presents information showing how the Town's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the changes occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will result in cash flows in future periods (e.g. tax revenues earned but not collected and unused vacation leave).

Both of the government-wide financial statements distinguish functions of the Town that are principally supported by taxes and intergovernmental revenues (*governmental activities*) from functions that are intended to recover all or a significant portion of their costs through user fees and charges (*business-type activities*). The Town's governmental activities include general government; public safety; public works; and culture, parks and recreation. Business-type activities include the operations of water and airport.

The government-wide financial statements can be found on pages 3-4 of this report.

Fund financial statements. A fund is a grouping of related accounts used to maintain control over resources that have been segregated for specific activities or objectives. The Town of Buena Vista, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the Town's funds can be divided into two categories: governmental funds and proprietary funds. The fund financial statements consist of the *Balance Sheet* and the *Statement of Revenues, Expenditures and Changes in Fund Balances* for each type of fund.

- **Governmental funds** are used to account for the same functions reported as *governmental activities* in the government-wide financial statements. However, governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. This information may be useful in evaluating a government's near-term financing requirements.

The focus of governmental funds is narrower than that of the government-wide financial statements; therefore, it is useful to compare the information presented for government funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the *Balance Sheet* and the *Statement of Revenues, Expenditures, and Changes in Fund Balances* provide a reconciliation to facilitate this comparison between governmental funds and governmental activities as presented in the government-wide financial statements.

The Town maintains three governmental funds, the General Fund, Capital Improvement Fund and the Conservation Trust Fund, for which information is presented separately.

The basic governmental fund financial statements can be found on pages 5-7.

- **Proprietary funds** can be *enterprise funds*, to report the same functions presented as *business-type activities* in the government-wide financial statements, or *internal service funds*, used as an accounting device to accumulate and allocate costs internally among the Town's various functions. The Town maintains one enterprise fund to account for the water enterprise and one for the airport.

Proprietary funds provide the same type of information as the government-wide financial statements in more detail. The proprietary fund financial statements provide separate information for the water and airport operations, which are considered to be major funds of the Town of Buena Vista.

The basic proprietary fund financial statements can be found on pages 8-10 of the report.

Notes to the financial statements. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

The notes to the financial statements can be found on pages 11-47 of this report.

Supplementary information. In addition to the basic financial statements and accompanying notes, this report presents certain required supplementary information. Included in this report is a budgetary comparison statement for all funds to demonstrate compliance with the budget. Buena Vista's Town council adopts an annual appropriated budget for all its funds.

The budgetary comparison schedules are on pages 48-50 for the governmental activities and pages 57-59 for the business-type activities.

The new element of the Supplemental information required by GASB 68 is the inclusion of financial statements showing the Town's proportionate share of FPPA net pension liability/(asset). Those schedules appear on pages 51-56.

The Local Highway Finance Report required by the state is included on page 60.

Financial Analysis – Government-wide Financial Statements

This discussion of government-wide financial statements focuses primarily on the key indicator of net position and the activity that generated increases or decreases in this measurement. The Town's assets exceeded liabilities and deferred outflows of resources by \$18,010,912 as of December 31, 2015 which is an increase of \$1,461,533 over the prior year close.

Statement of Net Position. As of December 31, 2015, 45.59% of the Town's total net position is held in the governmental activities and 54.41% is held in the business-type activities, which includes the Water Enterprise and the Airport Enterprise funds. The largest portion of the Town's net position (86.858%) reflects the investment of \$15,680,747 in capital assets (for example, land, buildings, transportation infrastructure, water infrastructure, and machinery and equipment), net of any related outstanding debt used to acquire those assets. The Town uses these assets to provide services to the public; consequently, these assets are not available for future spending. Although the Town's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to service this debt must be provided from current sources, since the capital assets themselves cannot be used to liquidate these liabilities.

	CONDENSED STATEMENT OF NET POSITION					
	Governmental	Business-type	Total	Governmental	Business-type	Total
	Activities	Activities		Activities	Activities	
	2015	2015	2015	2014	2014	2014
ASSETS						
Current Assets	\$ 3,491,261	\$ 2,683,483	\$ 6,174,744	\$ 3,810,353	\$ 2,573,988	\$ 6,384,341
Capital Assets	8,124,107	7,556,640	15,680,747	8,168,665	5,894,594	14,063,259
Total Assets	11,615,368	10,240,123	21,855,491	11,979,018	8,468,582	20,447,600
LIABILITIES						
Current Liabilities	3,082,744	269,081	3,351,825	3,127,613	162,566	3,290,179
Noncurrent Liabilities	-	172,185	172,185	-	248,273	248,273
Total Liabilities	3,082,744	441,266	3,524,010	3,127,613	410,839	3,538,452
DEFERRED INFLOWS OF RESOURCES						
	371,691	-	371,691	359,769	-	359,769
NET POSITION						
Net Investment in Capital Assets	5,394,107	7,307,215	12,701,322	5,348,665	5,569,081	10,917,746
Restricted	271,288	600,945	872,233	223,000	592,944	815,944
Unrestricted	2,546,660	1,890,697	4,437,357	2,919,971	1,895,718	4,815,689
Total Net Position	\$ 8,212,055	\$ 9,798,857	\$ 18,010,912	\$ 8,491,636	\$ 8,057,743	\$ 16,549,379

An additional 4.84% portion (\$872,233) of the Town's net position is restricted with \$93,100 restricted for emergencies (TABOR Reserve), and \$779,133 restricted for debt service. The remaining \$4,437,357 (24.64%) is unrestricted net position available to meet the Town's on-going obligations to the public and creditors. Of the unrestricted net position, \$2,546,660 (57.39%) is held for Governmental Activities and \$1,890,697 (43.61%) is held for Business-Type Activities.

Statement of Activities. As the following table illustrates, the Town's total net position increased \$1,461,533 during 2015. By fund type, governmental activities increased net position by \$70,419 and business-type activities generated a \$1,391,114 increase in net position without regard to the inter-fund transfers.

	CONDENSED STATEMENT OF ACTIVITIES					
	Governmental		Business-type		Total	
	Activities		Activities			
	2015	2014	2015	2014	2015	2014
Revenues						
Program revenues:						
Charges for services	\$ 200,451	\$ 176,318	\$ 1,315,218	\$ 1,109,267	\$ 1,515,669	\$ 1,285,585
Operating grants & contributions	109,538	54,851	1,472,130	278,207	1,581,668	333,058
Capital grants & contributions	23,105	17,000	-	-	23,105	17,000
General revenues:						
Property taxes	347,377	347,324	-	-	347,377	347,324
Sales taxes	2,840,356	2,446,856	-	-	2,840,356	2,446,856
Other taxes	290,372	273,961	1,868	2,111	292,240	276,072
Investment and other revenue	76,622	14,853	2,294	2,514	78,916	17,367
Total Revenue	3,887,821	3,331,163	2,791,510	1,392,099	6,679,331	4,723,262
Expenses						
General government	1,049,740	551,906	-	-	1,049,740	551,906
Public safety	986,234	732,054	-	-	986,234	732,054
Community services	396,034	152,011	-	-	396,034	152,011
Public works	769,910	1,656,018	-	-	769,910	1,656,018
Culture and recreation	615,484	275,440	-	-	615,484	275,440
Water	-	-	636,536	671,280	636,536	671,280
Airport	-	-	721,464	603,784	721,464	603,784
Total Expenses	3,817,402	3,367,429	1,358,000	1,275,064	5,175,402	4,642,493
Changes in net position-						
normal operations	70,419	(36,266)	1,433,510	117,035	1,503,929	80,769
Non-operational changes:						
Transfers from General Fund	(350,000)	(110,000)	350,000	110,000	-	-
Change in Net Position	(279,581)	(146,266)	1,783,510	227,035	1,503,929	80,769
Net Position, Beginning	8,491,636	8,567,817	8,057,743	7,830,708	16,549,379	16,398,525
Prior period adjustment-pensions	-	70,085	-	-	-	70,085
Net Position, Ending	\$ 8,212,055	\$ 8,491,636	\$ 9,841,253	\$ 8,057,743	\$ 18,053,308	\$ 16,549,379

Governmental activities. Financing for governmental activities was primarily from Town and county sales tax revenues, which provided 73.06% of general fund revenue in 2015. No other income sources provided 10% or more of total government revenue.

Key elements of the \$70,419 increase in net position for governmental activities during 2015 and a comparison to 2014 follows:

- Total sales tax receipts increased \$288,218 (10.54%) over the prior year. However, Town sales tax totaled \$1,816,632 and the Town's allocation of the Chaffee County tax totaled \$918,441.71, which represented increases of 12% and 10%, respectively, compared to 2014. Sales taxes are an indicator of the level of general economic activity in the community which is

dependent upon the influx of visitors throughout the year, but especially during the summer months.

- Charges for services (licenses, fees, permits and leases) increased \$24,133 (12.039%) over to 2014.
- Operating Grants and contributions increased \$54,687 (99.7%) over 2014.
- Investment and other revenue increased \$61,769 (516%) over 2014 due to an increase of building permit fees, traffic fines, liquor licenses, ground leases and recreation activity fees.

Business-Type Activities. The money to pay for business-type activities is generated primarily from fees charged for services. Revenue derived from operations is supplemented by grants and capital contributions (including water and system development fees and cash-in-lieu of water rights), which provided 2.34% of all funding in 2015 compared to 7.41% in 2014.

Key elements of the \$1,391,114 increase in net position for business-type activities during 2015 compared to 2014 follows:

- Charges for Water services increased \$ 120,628 (13.2%) over 2014.
- Charges for services at the Airport increased \$85,323 (21.26%) due to fuel and related sales.
- Capital revenue decreased \$16,132 (12.14%) due to an increase in the capital contributions of water infrastructure from developers.
- Excluding transfers between funds, total expenses of \$1,400,396 increased by \$125,332 (8.62%) primarily due to higher costs to operate the water system and airport in addition to higher costs associated with fuel sales.

Financial Analysis – Fund Financial Statements

As noted earlier, the Town of Buena Vista uses fund accounting to demonstrate and ensure compliance with finance-related legal requirements. This section of the report provides a narrative of the fund financial statements.

Governmental funds. The focus of the Balance Sheet and Statement of Revenues, Expenditures and Changes in Fund Balances – Governmental Funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the Town of Buena Vista's financial requirements.

The Town of Buena Vista Governmental Funds consists of the General Fund, the Conservation Trust Fund, and the Capital Improvement Fund.

As of December 31, 2015, the Town of Buena Vista's governmental funds reported combined ending fund equity of \$2,842,319, a decrease of \$322,607 compared to December 31, 2014. The unassigned fund equity, which is available for spending at the Town's discretion, represented 91.55% or \$1,515,821 of the combined fund equity. The balance sheet reflects the categorization of fund balance in accordance with GASB 54.

The General Fund is the Town's primary operating fund. All activities that are not required to be accounted for in separate funds either by state or local ordinance or by a desire to maintain a matching of revenues and expenses are accounted for in this fund. The Statement of Revenues, Expenditures and Changes in Fund Balances shows General Fund revenues exceeded expenses by \$369,189 in 2015. This was the result of increased sales taxes during the year.

The Conservation Trust Fund (CTF) increased fund balance by \$31,104. The CTF receives money from lottery proceeds that are distributed by the state to local governments based on population. In 2014, the Town's Conservation Trust Fund covered 25% of the park supervisor's wages. The Fund Balance as of December 31, 2015 was \$73,615.

Proprietary funds. The Statement of Net Positions and Statement of Revenues, Expenditures and Changes in Net Fund Position – Proprietary Funds provides the same type of information found in the government-wide financial statements but in more detail.

Total unrestricted net position as of December 31, 2015 was \$1,890,697, a decrease of -\$5,021 (-.26%) over December 31, 2014.

The investment in capital assets net of debt increased by \$1,738,134 (23.79%) in 2015 primarily due to substantial additions in the Water and Airport funds. The capital investments help to ensure service for residents and will generate future revenues for the water and airport funds.

Budgetary Highlights

The final budget and actual expenditures for governmental funds are shown on pages 48 through 50 and for the proprietary funds on pages 57 through 60. These sections of the report primarily focus on areas that were different from expectations set in the budget and changes from the prior year.

General Fund. Actual financial results differed from the original budget primarily due to greater sales tax revenue than was expected for the year. Compared to 2014, sales tax collections were positive for eleven of twelve months during 2015. Revenue from sales tax was originally budgeted to be 2% more than 2014 revenue as of the date the budget was prepared. The collections of the town sales tax grew by 11% in 2015.

Buena Vista's share of the county-wide sales tax was \$829,900 in 2014 and the 2015 revenue grew by 9.6%.

Capital Improvement Fund. Total expenditures for vehicles, equipment, street improvements, buildings, land, infrastructure and park improvements totaled \$785,207 which underspent the budget of \$938,583.

Water Enterprise Fund. During 2015 revenue was realized in the amount of \$1,064,408 which was \$642,672 less than budgeted due mostly to increased water sales and system development fees.

Airport Enterprise Fund. In 2015 the airport had capital outlay of \$1,637,475 which has been placed in service to be capitalized and depreciated over the individual useful lives.

Removing the grant revenue that largely paid for the capital expenditures and the transfers from the general fund the operating deficit for 2015 would have been (\$63,690) and the operating deficit for 2014 was (\$131,519).

Capital Assets. On page 5, the Town's investment in governmental activities capital assets as of December 31, 2015 amounted to \$8,212,055 net of accumulated depreciation.

Long-term Debt

In the business-type activities, the long-term debt was \$171,033 as of December 31, 2015 payable to the Colorado Water Resources and Power Development Authority (CWRPDA). Also in 2012 a bond was obtained at a premium in the amount of \$3,029,955. In the governmental activities the long-term Debt was \$2,635,000 at December 31, 2015 payable to Wells Fargo.

Economic Factors and Financial Outlook

2017 Budget. The economic outlook continues to improve compared to the last several years and the economy appears to be picking up steam as the Town begins to prepare its 2017 budget. The outlook is one of cautious optimism.

Some of the key budget assumptions are outlined below:

- Staffing – A slight increase in headcount compared to 2016 and a 2% budgeted COLA increase and a 2% merit increase;
- Employee health insurance – 8% increase from 2016 plan year or 3% budget effect;
- Sales tax revenue – 2% growth in taxable sales as of mid-year 2016;
- Water rates – A possible increase in service / usage fees.

Total fund equity is projected to increase during 2017 by generating more operating revenue.

The Town has debt in the general fund obligations will be \$95,000 in 2017.

2017 budget appropriations will likely exceed that of 2016 as meeting requests for services continues to grow.

Fiscal Sustainability Issues. The economy of Buena Vista has three major components; new construction, the state prison and summer tourism. Each of these components plays a role in the generation of sales tax which is the Town's main revenue source.

The effects of the 2008 credit meltdown has recently begun to recede with regard to credit available for housing and business loans in 2014 and 2015. Several new businesses have opened throughout 2015 with even more poised to open in 2016 with the expectation that retirees and young professionals will continue to relocate to Buena Vista to enjoy the recreational amenities and temperate weather. The summer tourism season continues to generate a significant portion of the Town's sales Tax and profits for local businesses. The level of Tourism depends upon weather, gas prices, consumer confidence and the level of snow runoff from the Continental Divide which is the source of water for the Arkansas River. Tourism levels were high for the summer of 2015 as people in the suburbs of the Colorado Front Range and surrounding communities continued to discover the affordable recreational options, temperate climate and friendly atmosphere available in Buena Vista for those who love the outdoors.

Beyond the next calendar year, major fiscal sustainability concerns are expected to impact the continued increase cost of employee healthcare, fuel, asphalt, natural gas and electricity. Town leaders are focused on defining the role of local government in our community and balancing limited resources with requests for additional services. In addition, risks to government funding have a deeper impact on the local economy and retail sales due to the fact that three-quarters of the Town's general fund revenue is derived from sales tax. The Town plans to continue increasing the level of capital spending for roads and public infrastructure as compared to historic levels.

Requests for information

This financial report is designed to provide a general overview of the Town of Buena Vista's financial position for all those with an interest in the government's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Town of Buena Vista, Colorado, P.O. Box 2002, Buena Vista, CO 81211.

HAMBLIN AND ASSOCIATES, LLC

Certified Public Accountants

Member of the American Institute of Certified Public Accountants

3082 Evergreen Parkway, Suite 2
Evergreen, CO 80439
(303) 694-2727

Independent Auditors' Report

Town Council
Town of Buena Vista
Buena Vista, Colorado

We have audited the accompanying financial statements of the governmental activities, the business-type activities, and each major fund of the Town of Buena Vista, Colorado as of and for the year ended December 31, 2015, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, and each major fund of the Town of Buena Vista, Colorado, as of December 31, 2015, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

As discussed in Note 11 to the financial statements, in the year ended December 31, 2015, the Town of Buena Vista adopted new accounting guidance as required by Governmental Accounting Standards Board Statement No. 68, *Accounting and Financial Reporting for Pensions—an amendment of GASB Statement No. 27*, and Governmental Accounting Standards Board Statement No. 71, *Pension Transition for Contributions Made Subsequent to the Measurement Date—an amendment of GASB Statement No. 68*. Our opinion is not modified with respect to these matters.

Other-Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages I-VIII, budgetary comparison information of the General Fund and Conservation Trust Fund, and Pension schedules be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town of Buena Vista, Colorado's financial statements as a whole. The Capital Improvement Fund, Water Fund and Airport fund budgetary comparison schedules and the Local Highway Finance Report are supplementary information for purposes of additional analysis and are not a required part of the financial statements.

The Capital Improvement Fund, Water Fund and Airport fund budgetary comparison schedules and the Local Highway Finance Report are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.

Hamblin and Associates

Evergreen, Colorado
June 5, 2016

BASIC FINANCIAL STATEMENTS

TOWN OF BUENA VISTA, COLORADO

STATEMENT OF NET POSITION

December 31, 2015

	<u>Governmental Activities</u>	<u>Business - Type Activities</u>	<u>Total</u>
ASSETS			
Cash and cash equivalents	\$ 1,472,822	\$ 1,734,310	\$ 3,207,132
Cash and cash equivalents - restricted	-	600,945	600,945
Investments - restricted	986,589	12,091	998,680
Accounts receivable	39,297	250,561	289,858
Intergovernmental receivable	563,163	-	563,163
Property taxes receivable	371,691	-	371,691
Prepaid expenses	38,736	175	38,911
Net pension asset	18,963	-	18,963
Inventories, net	-	85,401	85,401
Capital assets, net	8,124,107	7,556,640	15,680,747
Total Assets	<u>11,615,368</u>	<u>10,240,123</u>	<u>21,855,491</u>
DEFERRED OUTFLOWS OF RESOURCES			
Deferred outflows due to pensions	51,122	-	51,122
LIABILITIES			
Accounts payable	96,079	166,122	262,201
Accrued interest payable	-	4,611	4,611
Accrued compensated absences	68,098	14,031	82,129
Deposits/escrow accounts	162,209	-	162,209
Unearned revenue	-	7,077	7,077
Premium on bond payable	26,358	-	26,358
Notes payable - due within one year	178,188	77,240	255,428
Notes payable - due in more than one year	2,551,812	172,185	2,723,997
Total Liabilities	<u>3,082,744</u>	<u>441,266</u>	<u>3,524,010</u>
DEFERRED INFLOWS OF RESOURCES			
Unavailable revenue - property taxes	371,691	-	371,691
NET POSITION			
Net investment in capital assets	5,394,107	7,307,215	12,701,322
Restricted for emergencies (TABOR)	93,100	-	93,100
Restricted for debt service	178,188	600,945	779,133
Unrestricted	2,546,660	1,890,697	4,437,357
Total Net Position	<u>\$ 8,212,055</u>	<u>\$ 9,798,857</u>	<u>\$ 18,010,912</u>

The accompanying notes are an integral part of the financial statements.

TOWN OF BUENA VISTA, COLORADO

STATEMENT OF ACTIVITIES

For the Year Ended December 31, 2015

FUNCTIONS/PROGRAMS	EXPENSES	PROGRAM REVENUES			NET (EXPENSE) REVENUE AND CHANGES IN NET POSITION		
		CHARGES FOR SERVICES	OPERATING GRANTS AND CONTRIBUTIONS	CAPITAL GRANTS AND CONTRIBUTIONS	GOVERNMENTAL ACTIVITIES	BUSINESS - TYPE ACTIVITIES	TOTAL
Governmental Activities							
Current:							
General government	\$ 1,049,740	\$ 26,971	\$ 41,397	\$ -	\$ (981,372)	\$ -	\$ (981,372)
Public safety	986,234	60,760	-	-	(925,474)	-	(925,474)
Community services	396,034	-	-	-	(396,034)	-	(396,034)
Public works	769,910	64,754	-	23,105	(682,051)	-	(682,051)
Culture and recreation	615,484	47,966	68,141	-	(499,377)	-	(499,377)
TOTAL GOVERNMENTAL ACTIVITIES	<u>3,817,402</u>	<u>200,451</u>	<u>109,538</u>	<u>23,105</u>	<u>(3,484,308)</u>	<u>-</u>	<u>(3,484,308)</u>
Business-Type Activities							
Current:							
Water operations	636,536	913,944	149,013	-	-	426,421	426,421
Airport operations	763,860	401,274	1,323,117	-	-	960,531	960,531
TOTAL BUSINESS - TYPE ACTIVITIES	<u>1,400,396</u>	<u>1,315,218</u>	<u>1,472,130</u>	<u>-</u>	<u>-</u>	<u>1,386,952</u>	<u>1,386,952</u>
TOTAL GOVERNMENT	<u>\$ 5,217,798</u>	<u>\$ 1,515,669</u>	<u>\$ 1,581,668</u>	<u>\$ 23,105</u>	<u>(3,484,308)</u>	<u>1,386,952</u>	<u>(2,097,356)</u>
		GENERAL REVENUES					
		Taxes					
					347,377	-	347,377
					38,737	-	38,737
					2,840,356	-	2,840,356
					61,355	-	61,355
					190,280	1,868	192,148
					4,388	2,294	6,682
					(350,000)	350,000	-
					72,234	-	72,234
					<u>3,204,727</u>	<u>354,162</u>	<u>3,558,889</u>
		TOTAL GENERAL REVENUES AND TRANSFERS					
					(279,581)	1,741,114	1,461,533
		CHANGE IN NET POSITION					
					8,421,551	8,057,743	16,479,294
		NET POSITION - Beginning of Year					
					70,085	-	70,085
		PRIOR PERIOD ADJUSTMENT (Note 11)					
					8,491,636	8,057,743	16,549,379
		NET POSITION - Beginning of Year (As Restated)					
					<u>\$ 8,212,055</u>	<u>\$ 9,798,857</u>	<u>\$ 18,010,912</u>
		NET POSITION - End of Year					

The accompanying notes are an integral part of the financial statements.

TOWN OF BUENA VISTA, COLORADO

BALANCE SHEET - GOVERNMENTAL FUNDS

December 31, 2015

	GENERAL	CONSERVATION TRUST	CAPITAL IMPROVEMENT	TOTAL
ASSETS				
Cash and cash equivalents	\$ 1,472,822	\$ -	\$ -	\$ 1,472,822
Investments	223,423	58,769	704,397	986,589
Accounts receivable	24,451	14,846	-	39,297
Taxes receivable	317,245	-	245,918	563,163
Property taxes receivable	371,691	-	-	371,691
Prepaid expenses	2,637	-	36,099	38,736
TOTAL ASSETS	\$ 2,412,269	\$ 73,615	\$ 986,414	\$ 3,472,298
LIABILITIES				
Accounts payable	\$ 82,718	\$ -	\$ 13,361	\$ 96,079
Developer deposits	162,209	-	-	162,209
TOTAL LIABILITIES	244,927	-	13,361	258,288
DEFERRED INFLOWS OF RESOURCES				
Unavailable revenue - property taxes	371,691	-	-	371,691
FUND BALANCES				
Restricted	93,100	-	178,188	271,288
Committed	-	-	794,865	794,865
Assigned	186,730	73,615	-	260,345
Unassigned	1,515,821	-	-	1,515,821
TOTAL FUND BALANCE	1,795,651	73,615	973,053	2,842,319
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCE	\$ 2,412,269	\$ 73,615	\$ 986,414	\$ 3,472,298
TOTAL FUND BALANCE - GOVERNMENTAL FUNDS				\$ 2,842,319
Capital assets used in governmental activities are not resources and are not reported in the funds:				
Capital Assets				12,842,325
Accumulated Depreciation				(4,718,218)
Pension assets and deferred outflows are not current, therefore are not reported in the funds:				
Net Pension Asset				18,963
Deferred Outflows Because of Pensions				51,122
Earned but unpaid accumulated leave balances are not reported in the funds:				
Compensated Absences				(68,098)
Long-term liabilities are not due and payable in the current period				
Bonds Payable				(2,730,000)
Premium on Bond Payable				(26,358)
TOTAL NET POSITION - GOVERNMENTAL ACTIVITIES				\$ 8,212,055

The accompanying notes are an integral part of the financial statements.

TOWN OF BUENA VISTA, COLORADO

**STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES -
GOVERNMENTAL FUNDS**

For the Year Ended December 31, 2015

	<u>GENERAL</u>	<u>CONSERVATION TRUST</u>	<u>CAPITAL IMPROVEMENT</u>	<u>TOTAL</u>
REVENUES				
Taxes	\$ 2,975,577	\$ -	\$ 378,340	\$ 3,353,917
Licenses and permits	132,921	-	-	132,921
Fines	53,706	-	-	53,706
Rental income	6,770	-	-	6,770
Intergovernmental	172,639	40,902	23,105	236,646
Contributions	17,688	-	9,551	27,239
Interest income	2,861	216	1,311	4,388
Other	65,634	6,600	-	72,234
	<u>3,427,796</u>	<u>47,718</u>	<u>412,307</u>	<u>3,887,821</u>
TOTAL REVENUES				
EXPENDITURES				
General government	948,037	-	16,960	964,997
Public safety	1,010,964	-	70,714	1,081,678
Community services	382,724	-	78,385	461,109
Public works	385,102	-	398,532	783,634
Culture and recreation	331,780	16,614	220,616	569,010
	<u>3,058,607</u>	<u>16,614</u>	<u>785,207</u>	<u>3,860,428</u>
TOTAL EXPENDITURES				
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	369,189	31,104	(372,900)	27,393
OTHER FINANCING SOURCES (USES)				
Transfers in (out)	(570,000)	-	220,000	(350,000)
	<u>(570,000)</u>	<u>-</u>	<u>220,000</u>	<u>(350,000)</u>
TOTAL OTHER FINANCING SOURCES (USES)				
EXCESS OF REVENUES AND OTHER SOURCES OVER (UNDER) EXPENDITURES AND OTHER USES	(200,811)	31,104	(152,900)	(322,607)
FUND BALANCES - Beginning	1,996,462	42,511	1,125,953	3,164,926
FUND BALANCES - Ending	<u>\$ 1,795,651</u>	<u>\$ 73,615</u>	<u>\$ 973,053</u>	<u>\$ 2,842,319</u>

The accompanying notes are an integral part of the financial statements.

TOWN OF BUENA VISTA, COLORADO

STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES -
GOVERNMENTAL FUNDS (Continued)
For the Year Ended December 31, 2015

NET CHANGE IN FUND BALANCES - ALL GOVERNMENTAL FUNDS	\$ (322,607)
Principal payments on debt are reported as expenditures in the funds and debt proceeds are shown as revenues:	
Principal Payments on Bonds Payable	90,000
Amortization of Bond Premium	1,200
Earned but unpaid accumulated leave balances are not reported in the funds:	
Change in Accrued Compensated Absences	(3,617)
Purchases of capital assets are expensed in governmental funds and depreciated on the statement of activities:	
Net Change Capitalized Assets	545,668
Depreciation Expense	<u>(590,225)</u>
CHANGE IN NET POSITION - GOVERNMENTAL ACTIVITIES	<u>\$ (279,581)</u>

The accompanying notes are an integral part of the financial statements.

TOWN OF BUENA VISTA, COLORADO

STATEMENT OF NET POSITION-
PROPRIETARY FUNDS

December 31, 2015

	WATER	AIRPORT	TOTAL
ASSETS			
Current Assets			
Cash and cash equivalents	\$ 1,926,246	\$ (191,936)	\$ 1,734,310
Cash and cash equivalents - restricted	600,945	-	600,945
Investments	12,091	-	12,091
Accounts receivable	73,707	176,854	250,561
Prepays	175	-	175
Inventory, net of allowance for obsolescence	50,134	35,267	85,401
Total Current Assets	2,663,298	20,185	2,683,483
Non-current Assets			
Capital assets			
Property, plant and equipment	8,089,281	9,396,686	17,485,967
Accumulated depreciation	(3,688,553)	(6,240,774)	(9,929,327)
Total Non-current Assets	4,400,728	3,155,912	7,556,640
TOTAL ASSETS	7,064,026	3,176,097	10,240,123
LIABILITIES			
Current Liabilities			
Accounts payable	72,088	94,034	166,122
Accrued interest	4,611	-	4,611
Unearned revenue	7,077	-	7,077
Current portion of long-term debt	77,240	-	77,240
Total Current Liabilities	161,016	94,034	255,050
Long-Term Liabilities			
Notes and loans payable	172,185	-	172,185
Accrued compensated absences	11,403	2,628	14,031
Total Long-Term Liabilities	183,588	2,628	186,216
TOTAL LIABILITIES	344,604	96,662	441,266
NET POSITION			
Net investment in capital assets	4,151,303	3,155,912	7,307,215
Restricted, special purposes	600,945	-	600,945
Unrestricted	1,967,174	(76,477)	1,890,697
TOTAL NET POSITION	\$ 6,719,422	\$ 3,079,435	\$ 9,798,857

The accompanying notes are an integral part of the financial statements.

TOWN OF BUENA VISTA, COLORADO

**STATEMENT OF REVENUES, EXPENSES
AND CHANGES IN FUND NET POSITION -
PROPRIETARY FUNDS**

For the Year Ended December 31, 2015

	WATER	AIRPORT	<u>TOTAL</u>
OPERATING REVENUES			
Water sales	\$ 803,469	\$ -	\$ 803,469
Water meter sales	5,041	-	5,041
Finance charges	8,820	-	8,820
Fuel sales	-	358,100	358,100
Rental revenue	-	12,859	12,859
Other revenues	95,914	-	95,914
Other fees	700	30,315	31,015
	<u>913,944</u>	<u>401,274</u>	<u>1,315,218</u>
TOTAL OPERATING REVENUES			
	913,944	401,274	1,315,218
OPERATING EXPENSES			
Salaries and benefits	259,919	146,812	406,731
Fuel for resale	-	270,524	270,524
Professional services	85,379	14,707	100,086
Meters, materials, and freight	9,682	-	9,682
Insurance	9,133	15,870	25,003
Other general and administrative	32,686	22,803	55,489
Utilities	14,547	25,193	39,740
Repairs and maintenance	11,170	13,294	24,464
Plant and building operations	30,533	868	31,401
Capital outlay	(587)	22,640	22,053
Depreciation	169,436	231,149	400,585
	<u>621,898</u>	<u>763,860</u>	<u>1,385,758</u>
TOTAL OPERATING EXPENSES			
	621,898	763,860	1,385,758
OPERATING INCOME (LOSS)	<u>292,046</u>	<u>(362,586)</u>	<u>(70,540)</u>
	292,046	(362,586)	(70,540)
NON-OPERATING REVENUE (EXPENSE)			
Investment income	1,451	843	2,294
Operating grants and contributions	-	1,323,117	1,323,117
Other taxes	-	1,868	1,868
Interest and fiscal charges	(14,638)	-	(14,638)
Transfers in (out)	-	350,000	350,000
Cash capital contributions	149,013	-	149,013
	<u>135,826</u>	<u>1,675,828</u>	<u>1,811,654</u>
TOTAL NON-OPERATING REVENUE			
	135,826	1,675,828	1,811,654
CHANGE IN NET POSITION	427,872	1,313,242	1,741,114
NET POSITION - Beginning	<u>6,291,550</u>	<u>1,766,193</u>	<u>8,057,743</u>
	6,291,550	1,766,193	8,057,743
NET POSITION - Ending	<u>\$ 6,719,422</u>	<u>\$ 3,079,435</u>	<u>\$ 9,798,857</u>
	\$ 6,719,422	\$ 3,079,435	\$ 9,798,857

The accompanying notes are an integral part of the financial statements.

TOWN OF BUENA VISTA, COLORADO

**STATEMENT OF CASH FLOWS -
PROPRIETARY FUNDS**

For the Year Ended December 31, 2015

	WATER	AIRPORT	TOTAL
Cash Flows From Operating Activities:			
Cash received from customers	\$ 919,452	\$ 387,750	\$ 1,307,202
Cash paid to suppliers and employees	(416,536)	(468,586)	(885,122)
Net Cash Provided (Used) by Operating Activities	502,916	(80,836)	422,080
Cash Flows From Non-capital Financing Activities:			
Transfers (to) from other funds	-	350,000	350,000
Operating grants and contributions received	-	1,323,117	1,323,117
Net Cash Provided by Non-capital Financing Activities	-	1,673,117	1,673,117
Cash Flows From Capital and Related Financing Activities:			
System development/resources fees	149,013	-	149,013
Additions to fixed assets	(441,151)	(1,614,835)	(2,055,986)
Loan Principal Payments	(76,088)	-	(76,088)
Loan and bond interest payments and fiscal charges	(14,638)	-	(14,638)
Net Cash (Used) by Capital and Related Financing Activities	(382,864)	(1,614,835)	(1,997,699)
Cash Flows From Investing Activities:			
Interest received	1,451	843	2,294
Net Increase in Cash	121,503	(21,711)	99,792
Cash - Beginning	2,417,779	(170,225)	2,247,554
Cash - Ending	\$ 2,539,282	\$ (191,936)	\$ 2,347,346
Cash and investments	\$ 1,926,246	\$ (191,936)	\$ 1,734,310
Restricted cash and investments	613,036	-	613,036
Total Cash - Ending	\$ 2,539,282	\$ (191,936)	\$ 2,347,346
Reconciliation of Operating Income (Loss) to Net Cash Provided by Operating Activities:			
Operating Income (Loss)	\$ 292,046	\$ (362,586)	\$ (70,540)
Adjustments to Reconcile Operating Income (Loss) to Net Cash Provided by Operating Activities:			
Depreciation	169,436	231,149	400,585
(Increase) Decrease in:			
Accounts receivable	2,271	(24,372)	(22,101)
Inventory	3,951	10,848	14,799
Increase (decrease) in:			
Accounts payable	44,710	66,726	111,436
Deposits/escrows	(2,092)	-	(2,092)
Prepaid water charges	(4,106)	-	(4,106)
Unearned revenue	1,378	-	1,378
Accrued salaries and benefits	(6,422)	(4,042)	(10,464)
Accrued compensated absences	1,744	1,441	3,185
Total Adjustments	210,870	281,750	492,620
Net Cash Provided by Operating Activities	\$ 502,916	\$ (80,836)	\$ 422,080

The accompanying notes are an integral part of the financial statements.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The Town of Buena Vista (the Town) was incorporated under Colorado statutes in 1879 and provides services related to public safety, highways and streets, airport, water, recreation, planning and zoning, and general administration. The Town is the lowest level of government having oversight responsibility and control over all activities within the geographical area organized as the Town of Buena Vista, Colorado. The Town is located in Chaffee County, Colorado and is governed by an elected Mayor and Board of Trustees (the Town Board), which are responsible for setting policy, appointing administrative personnel and adopting an annual budget.

The Town's financial statements are prepared in conformity with generally accepted accounting principles (GAAP) as applied to government units. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The more significant of the town's accounting policies are described below.

A. Reporting Entity

The financial statements of the reporting entity include those of the Town (the primary government) and its component units. The criteria used in determining the scope of the reporting entity are based on the provisions of GASB Statement No. 14, *The Financial Reporting Entity* (GASB 14), as amended by GASB Statement No. 39, *Determining Whether Certain Organizations are Component Units - an amendment of GASB 14*. The requirements for inclusion as a component unit are based primarily upon whether the Town is considered financially accountable for the potential component unit. The Town is financially accountable if it appoints a voting majority of a potential component unit's governing body and is able to impose its will on that potential component unit, or because the potential component unit will provide specific a financial benefit to or impose a specific financial burden on the Town. The Town does not have any component units.

Basis of Presentation

The Town's basic financial statements include both government-wide (reporting the Town as a whole) and fund financial statements (reporting the Town's major funds).

Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all the activities of the primary government, excluding fiduciary activities. The effect of interfund activity has been removed from these statements, with the exception of interfund services provided and used.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

The statement of activities demonstrates the degree to which the direct expenses of the given function or segments are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *Program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes, unrestricted interest earnings and other items not properly included among program revenues are reported instead as *general revenues*.

Fund Financial Statements

Following the government-wide financial statements are separate financial statements for governmental funds. Major individual governmental funds are reported as separate columns in the fund financial statements. The total fund balances for all governmental funds is reconciled to total net position for governmental activities as shown on the statement of net position. The net change in fund balance for all governmental funds is reconciled to the total change in net position as shown on the statement of activities in the government-wide financial statements.

Fund Accounting

The Town uses funds to maintain its financial records during the year. A fund is defined as a fiscal and accounting entity with self-balancing accounts. Governmental resources are allocated to and accounted for in individual funds based upon the purposes for which they are to be spent and the means by which spending activities are controlled. The Town has all three categories of funds: governmental, proprietary, and fiduciary.

Governmental Funds

Governmental funds are those through which most governmental functions of the Town are financed. The acquisition, use, and balances of the Town's expendable financial resources and the related liabilities (except those accounted for in the proprietary fund) are accounted for through governmental funds. The measurement focus is on determination of and changes in financial position, rather than on net income. The following are the Town's governmental major funds:

The **General Fund** is used to account for all financial resources except those required to be accounted for in another fund and is the general operating fund of the Town.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

The **Conservation Trust Fund** accounts for receipts and expenditures with respect to State allocations of lottery proceeds.

The **Capital Improvement Fund** accounts for receipts and expenditures with respect to capital projects. Revenues derived by this fund include a half-cent street improvement sales tax, cash-in-lieu fees from developers for parks, open space and trails, and capital grants.

Proprietary Funds

Proprietary funds are used to account for activities that are similar to those found in the private sector. The measurement focus is on the determination of net income and capital maintenance. Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the Town's enterprise funds are charges to customers for sales and services. Operating expenses for the enterprise funds include the cost of sales and services, administrative expenses, and depreciation of capital assets. All revenues and expenses not meeting these definitions are reported as non-operating revenues and expenses.

Of the types of proprietary funds (enterprise and internal service funds), the Town has the following proprietary funds:

Enterprise Funds - the enterprise fund is used to account for operations that are financed and operated in a manner similar to private business enterprises where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis is to be financed or recovered primarily through user charges. The Town has the following enterprise funds:

The **Water Fund** accounts for all the activities necessary for the provision of water services to Town residents.

The **Airport Fund** accounts for all the activities necessary for the operation of the Town's general aviation airport.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

B. Measurement Focus And Basis Of Accounting

Measurement focus refers to whether financial statements measure changes in current resources only (current financial focus) or changes in both current and long-term resources (long-term economic focus). Basis of accounting refers to the point at which revenues, expenditures, or expenses are recognized in the accounts and reported in the financial statements.

Long-Term Economic Focus And Accrual Basis

Governmental and business-type activities in the government-wide financial statements, the proprietary fund financial statements, and the fiduciary fund financial statements use the long-term economic focus and are presented on the accrual basis of accounting. Revenues are recognized when earned and expenses are recognized when incurred, regardless of timing of the related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Current Financial Focus And Modified Accrual Basis

The governmental fund financial statements use the current financial focus and are presented on the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recorded when both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the fiscal period. The primary revenue sources, which have been treated as susceptible to accrual by the Town, are property tax, sales tax, intergovernmental revenues and other taxes. All other revenue items are considered to be measurable and available only when cash is received by the Town.

Expenditures are generally recorded when a liability is incurred. However, debt service expenditures, as well as expenditures related to compensated absences, claims and judgments, are recorded only when payment is due (i.e. matured).

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

C. Cash, Cash Equivalents And Investments

The Town considers all highly liquid debt instruments purchased with a maturity of three months or less to be cash equivalents. State statutes and Town policy authorize the Town to invest in obligations of the United States or any agency thereof, time deposit certificates, and repurchase agreements. The Pension Trust Funds are also authorized to invest in corporate common or preferred stocks, bonds and mortgages, real or personal property, and other evidence of indebtedness or ownership (excluding any debt of the Town itself), and individual insurance policies.

D. Restricted Assets

Certain resources set aside for emergencies, specified voter approved projects and Water Fund operations and maintenance reserves are classified as restricted assets on the balance sheet because their use is limited by Colorado State Statutes, enabling legislation and debt covenants.

E. Receivables

The Town uses the allowance method for recognizing the uncollectable delinquent accounts receivable. At December 31, 2015, no allowance has been established, as all amounts are considered collectible. Each October, any utility bills more than 60 days old are certified to the County Treasurer for collection with the property taxes to be collected the following year.

F. Property Taxes

Property taxes are assessed in one year as a lien on the property, but not collected by governmental units until the subsequent year. In accordance with GAAP, the assessed, but uncollected, property taxes for calendar year 2015 have been recorded as a receivable and as deferred revenue. Property taxes are billed and collected by Chaffee County, Colorado and distributed to the municipalities and special districts within the county the month after collection.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

G. Inventories

Water parts are valued at market values based on current pricing. Airport fuel inventories are valued at average cost. The allowance for obsolete inventory at December 31, 2015 was \$2,703 for the Water Fund. The allowance for fuel loss was \$2,482 at year end for the Airport Fund.

H. Interfund Receivables and Payables

Transfers of resources from a fund receiving revenue to the fund through which the resources are to be expended are recorded as transfers. Such transfers are reported as other financing sources (uses) in the governmental funds and transfers in (out) in the proprietary funds.

Transactions between the Town's various funds are accounted for as revenues and expenditures or expenses in the funds involved if they are similar to transactions with organizations external to Town government.

Activity between funds that is representative of borrowing/lending arrangements outstanding at the end of the fiscal year is referred to as either "due to/due from other funds." Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as "internal balances."

In the process of aggregating data for the statement of net position and the statement of activities some amounts reported on interfund activity and balances in the funds have been eliminated or reclassified. Interfund receivables and payables were eliminated to minimize the "grossing up" effect on assets and liabilities within the governmental activities column.

I. Deferred Outflows and Inflows of Resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to future periods and so will not be recognized as an outflow of resources (expense/expenditure) until then. The Town has one item qualifying for this category: the collective deferred outflows related to the Town's net pension obligation. Pension contributions made after the measurement date, and the net difference between projected and actual earnings will be recognized as a change of the net pension liability or asset in future periods.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

I. Deferred Outflows and Inflows of Resources (Continued)

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to future periods and so will not be recognized as an inflow of resources (revenue) until that time. The Town has two types of items that qualify for reporting in this category. Unavailable revenue from property taxes, reported in the governmental balance sheet are deferred and recognized as an inflow from resources in the period that the amounts become available. Collective deferred inflows related to the Town's net pension obligation are reported on the Statement of Net Position and are amortized over the average service lives of participants.

J. Capital Assets

Capital assets, which include property, equipment, and infrastructure (e.g., roads, bridges, sidewalks and similar items), are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the Town as assets with an initial cost of more than \$5,000 and an estimated useful life in excess of one year. Purchased or constructed assets are recorded at historical cost where historical records are available or estimated historical costs where no historical records exist. Donated capital assets are recorded at estimated fair value at the date of donation.

The cost of normal maintenance and repairs that does not add to the value of the asset or materially extend the asset's life is not capitalized. Improvements are capitalized and depreciated over the remaining useful lives of the related fixed assets, as applicable.

Capital assets (excluding land, water rights, construction in progress and capital assets held for other government) are depreciated using the straight-line method over the following estimated useful lives:

Land improvements	7 - 20 years
Buildings and improvements	10 - 50 years
Equipment and vehicles	5 - 20 years
Infrastructure	7 - 40 years

Capital assets held for other government represents a sewer line constructed in 2004 and 2005 from several funding sources, including Federal grants. This sewer line will ultimately be conveyed to the Buena Vista Sanitation District, the government responsible for providing sanitation services within Town boundaries. No depreciation is reported by the Town for the sewer line as a separate government is the operator of this system and the Town does not recognize any associated revenue.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

K. Compensated Absences

Vacation, sick leave, and compensatory time are accrued as earned. Accumulated unpaid vacation, compensatory time, and vested sick leave amounts are recorded in the government-wide financial statements by fund. The Town's personnel policy imposes limits on the maximum accrual of accumulated vacation time and sick leave. Upon termination, accrued unpaid vacation and compensatory time will be paid to the employee. Accrued sick leave has a cash value upon termination only if the employee has at least five years of full-time service with the Town at termination. Accrued compensated absences are liquidated by the fund that incurred the liability during the employee's employment.

A liability for vested, accrued leave time is reported in the governmental funds only if the amounts due at year end have matured.

L. Pensions

For purposes of measuring the net pension liability or asset, deferred outflows of resources and deferred inflows of resources related to pensions, pension expense, information about the fiduciary net position of the Town's defined benefit pension plan and additions to/deductions from the fiduciary net position of the Town's defined benefit pension plans have been determined using the economic resources measurement focus and the accrual basis of accounting. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

M. Long-Term Debt

In the government-wide financial statements, and proprietary fund types in the fund financial statements, long-term debt is reported as a liability in the applicable governmental activities, business-type activities, or proprietary fund type statement of net position. Bond premiums and discounts, as well as issuance costs, are deferred and amortized over the life of the bonds using the straight-line method. Bonds payable are reported net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

N. Net Position

In the government-wide and proprietary fund financial statements, net position is displayed in three components as follows:

Net Investment in Capital Assets - This consists of capital assets, net of accumulated depreciation, less the outstanding balances of any bonds, notes, or other borrowings that are attributable to the acquisition, construction, or improvements of those assets.

Restricted - This consists of net position legally restricted by outside parties or by law through constitutional provisions or enabling legislation.

Unrestricted - This consists of net position not meeting the definition of "restricted" or "invested in capital assets, net of related debt."

When an expense is incurred for purposes for which restricted and unrestricted net position is available, the Town's policy is to apply restricted net position first.

O. Fund Balance- Governmental Funds

The following fund balance classifications describe the relative strength of the spending constraints placed on a government's fund balance and purposes for which resources can be used:

- Nonspendable fund balance - amounts that are not in a spendable form (such as inventory) or are required to be maintained intact;
- Restricted fund balance - amounts constrained to specific purposes by their providers (such as grantor, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation;
- Committed fund balance - amounts constrained to specific purposes by a government itself, using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the government takes the same highest level action to remove or change the constraint;

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

O. Fund Balance- Governmental Funds (Continued)

- Assigned fund balance - amounts a government intends to use for a specific purpose; intent can be expressed by the governing body or by an official or body to which the governing board delegates the authority;
- Unassigned fund balance - amounts that are available for any purpose; positive amounts are reported only in the general fund.

The Town Board of Trustees establishes (and modifies or rescinds) fund balance commitments by passage of a resolution or ordinance. Each December the budget is adopted by resolution for the coming year. A fund balance commitment is indicated in the budget by the use of reserves. The budget document will also identify the budgeted use of any restricted funds planned in the budget.

When an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available, the Town considers restricted funds to have been spent first. When an expenditure is incurred for which committed, assigned, or unassigned fund balances are available, the Town considers amounts to have been spent first out of committed funds, then assigned funds, and finally unassigned funds, as needed, unless Town Council has provided otherwise in its commitment or assignment actions.

P. Use Of Estimates

The preparation of basic financial statements in conformity with U.S. generally accepted accounting principles requires management to make estimates and assumptions that affect the amounts reported in the basic financial statements and the accompanying notes. Actual results could differ from those estimates.

NOTE 2: DEPOSITS AND INVESTMENTS

The Town's investment policy conforms to the investment policy guidelines set forth by the State of Colorado. The Town's investment policy sets the primary objectives of investments activities to be safety, liquidity, and yield, in that order. The policy sets a conservative, "prudent person" approach to investment purchases and management of the overall portfolio. The Town's Volunteer Firefighters Pension Trust is managed by the Fire and Police Pension Association of Colorado in accordance with State statute.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 2: DEPOSITS AND INVESTMENTS (Continued)

At year end, the Town had the following deposits and investments as reported in the financial statements:

Cash and investments at December 31, 2015 consisted of the following:

<u>Type</u>	<u>Rating</u>	<u>Carrying Value</u>
Deposits:		
Demand deposits		\$ 3,002,204
Cash on hand		718
		<u>3,002,921</u>
Investments:		
Certificates of Deposit		684,191
Colotrust	AAAm by S & P	1,119,644
		<u>1,803,835</u>
Total deposits and investments		<u><u>\$ 4,806,757</u></u>
Reconciliation to Statement of Net Assets		
Current:		
Cash and cash equivalents - unrestricted		\$ 4,195,767
Cash and cash equivalents - restricted		610,990
		<u><u>\$ 4,806,757</u></u>

At December 31, 2015, Town Funds had the following restricted cash and investments:

Water Fund:		
Water system development		\$ 412,827
CWRPDA loan - operations and maintenance reserve		<u>198,163</u>
Total Cash and cash equivalents - restricted		<u><u>\$ 610,990</u></u>

A. Deposits

The Colorado Public Deposit Protection Act (PDPA) requires that all units of local government deposit cash in eligible depositories. The statutes specify eligible depositories for public cash deposits, which must be Colorado institutions and must maintain federal insurance (FDIC) on deposits held. Each eligible depository with deposits in excess of the insured levels must pledge a collateral pool of defined eligible assets maintained by another institution or held in trust for all of its local government depositors as a group with a market value of at least 102% of the uninsured deposits. The State Regulatory Commission for banks and savings and loan associations are required by statute to monitor the naming of eligible depositories and reporting of the uninsured deposits and assets maintained in the collateral pools.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 2: DEPOSITS AND INVESTMENTS (Continued)

As of December 31, 2015, the Town had bank deposits of \$5,184,228. Depositor's insurance (FDIC) covers \$500,000 of this amount (two different banks at \$250,000 each); the balance is collateralized with securities held by the pledging financial institution's trust department or agent in a pledged collateral pool.

B. Investments

The Town's investment policy lists the authorized investment types as defined by Colorado statutes. Authorized investments include: direct obligations of the United States, obligations of U.S. government agencies, general or revenue obligations of any state of the United States, any territory, or political subdivision of any state, qualified bankers' acceptances, commercial paper, certificates of participation, repurchase agreements, qualified local government investment pool, money market funds, qualified corporate or bank debt, and certain guaranteed investment contracts. The Town held no such investments at December 31, 2015.

Local Government Investment Pool - At December 31, 2015, the Town had \$1,103,524 invested in COLOTRUST, an investment vehicle established by State statute for local government entities in Colorado to pool surplus funds. The State Securities Commissioner administers and enforces the requirements of creating and operating COLOTRUST. COLOTRUST operates similar to money market funds and each share is equal in value to \$1.00. COLOTRUST is rated AAAM by Standard and Poor's. Investments are limited to those allowed by State statutes. A designated custodial bank provides safekeeping and depository services in connection with the direct investment and withdrawal functions. The custodian's internal records identify the investments owned by the participating governments.

Credit Risk - Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. To minimize credit risk the Town requires that U.S. Agency Securities have the highest possible rating. Colorado statutes establish standards for local government investment pools and the Town requires the investment pool to maintain the highest possible rating.

Interest Rate Risk - Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. Investments held for longer periods are subject to increased risk of adverse interest rate changes. State statute limits investments in U.S. Agency Securities to a maximum five-year maturity. The Town seeks to minimize interest rate risk by:

- Structuring investments to meet ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity, and
- Structuring investments to have staggered maturities of less than five years.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 2: DEPOSITS AND INVESTMENTS (Continued)

B. Investments (Continued)

Custodial Credit Risk - For investments, custodial credit risk is the risk that in the event of the failure of the counterparty to a transaction, the Town will not be able to recover the value of the investments or collateral securities that are in the possession of an outside party. In accordance with Town policy, custodial risk is minimized by pre-qualifying custodial institutions, diversifying the investment portfolio, and maintaining quality standards for investments. At December 31, the Town held no investments with custodial institutions other than COLOTRUST.

Concentration of Credit Risk - State statutes generally do not limit the amount the Town may invest in one issuer, However, the Town's investment policy require diversification of investments, including limiting the concentration of investments in one issuer. At December 31, 2015, the Town's investments account for 42.3% of total deposits and investments.

NOTE 3: CAPITAL ASSETS

Capital asset activity for the year ended December 31, 2015 was as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Adjustments/ Decreases</u>	<u>Ending Balance</u>
Governmental Activities:				
Capital assets not being depreciated:				
Land	\$ 1,043,709	\$ -	\$ -	\$ 1,043,709
Assets held for other government	535,718	-	-	535,718
Total capital assets not being depreciated	<u>1,579,427</u>	<u>-</u>	<u>-</u>	<u>1,579,427</u>
Capital assets being depreciated:				
Land improvements	963,008	412,120	-	1,375,128
Buildings	1,490,227	11,460	-	1,501,687
Vehicles and heavy equipment	1,174,782	49,430	-	1,224,212
Equipment and furniture	1,055,265	41,253	-	1,096,518
Infrastructure	6,033,765	31,588	-	6,065,353
Total capital assets being depreciated	<u>10,717,047</u>	<u>545,851</u>	<u>-</u>	<u>11,262,898</u>
Less accumulated depreciation for:				
Land improvements	(201,831)	(81,338)	-	(283,169)
Buildings	(865,092)	(37,860)	-	(902,952)
Vehicles and heavy equipment	(914,970)	(50,426)	-	(965,396)
Equipment and furniture	(887,275)	(32,876)	-	(920,151)
Infrastructure	(1,258,642)	(387,725)	184	(1,646,551)
Total accumulated depreciation	<u>(4,127,809)</u>	<u>(590,225)</u>	<u>184</u>	<u>(4,718,218)</u>
Total capital assets being depreciated, net	<u>6,589,238</u>	<u>(44,374)</u>	<u>184</u>	<u>6,544,680</u>
Governmental Activities Capital Assets, Net	<u><u>\$ 8,168,665</u></u>	<u><u>\$ (44,374)</u></u>	<u><u>\$ 184</u></u>	<u><u>\$ 8,124,107</u></u>

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 3: CAPITAL ASSETS (Continued)

Depreciation expense was charged to functions of the Town as follows:

General Government	\$ 220,652
Public Safety	54,642
Public Works	188,032
Culture and Recreation	126,899
Total	<u>\$ 590,225</u>

Business-Type capital asset activity for the year ended December 31, 2015 was as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Business-Type Activities:				
Capital assets not being depreciated:				
Land and water rights	\$ 697,079	\$ 351,500	\$ -	\$ 1,048,579
Total capital assets not being depreciated	<u>697,079</u>	<u>351,500</u>	<u>-</u>	<u>1,048,579</u>
Capital assets being depreciated:				
Buildings and treatment plant	1,736,265	774,605	-	2,510,870
Distribution systems	4,419,100	422,796	-	4,841,896
Storage tanks	1,579,146	-	-	1,579,146
Vehicles and equipment	1,230,625	37,000	-	1,267,625
Airport infrastructure	1,624,124	476,730	-	2,100,854
Land improvements	4,075,554	-	-	4,075,554
Office furniture and fixtures	61,443	-	-	61,443
Total capital assets being depreciated	<u>14,726,257</u>	<u>1,711,131</u>	<u>-</u>	<u>16,437,388</u>
Less accumulated depreciation for:				
Buildings and treatment plant	(903,290)	(96,702)	-	(999,992)
Distribution systems	(1,849,550)	(103,968)	-	(1,953,518)
Storage tanks	(660,344)	(33,908)	-	(694,252)
Vehicles and equipment	(1,012,093)	(48,389)	-	(1,060,482)
Airport infrastructure	(1,570,201)	(64,084)	-	(1,634,285)
Land improvements	(3,495,444)	(47,628)	-	(3,543,072)
Office furniture and fixtures	(37,820)	(5,906)	-	(43,726)
Total accumulated depreciation	<u>(9,528,742)</u>	<u>(400,585)</u>	<u>-</u>	<u>(9,929,327)</u>
Total capital assets being depreciated, net	<u>5,197,515</u>	<u>1,310,546</u>	<u>-</u>	<u>6,508,061</u>
Business-Type Activities Capital Assets, Net	<u>\$ 5,894,594</u>	<u>\$ 1,662,046</u>	<u>\$ -</u>	<u>\$ 7,556,640</u>

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 4: INTERFUND RECEIVABLES, PAYABLES AND TRANSFERS

Transfers for 2015 were as follows:

	<u>Transfers Out</u>	<u>Transfers In</u>
General	\$ 570,000	\$ -
Airport	-	350,000
Conservation Trust	-	-
Capital Improvement	-	220,000
	<u>\$ 570,000</u>	<u>\$ 570,000</u>

Transfers are used to move unrestricted General Fund revenues to finance various programs that the government must account for in other funds in accordance with budgetary authorizations, including amounts provided as subsidies or matching funds for various grant programs.

NOTE 5: LONG-TERM DEBT

Governmental Activities - The following summarizes the changes in the Town's governmental long-term debt activities for the year ended December 31, 2015:

	<u>Balance</u> <u>January 1,</u> <u>2015</u>	<u>Issued</u>	<u>Retired</u>	<u>Balance</u> <u>December 31,</u> <u>2015</u>	<u>Due Within</u> <u>One Year</u>
Governmental Activities					
2012 Sales tax revenue bonds	\$ 2,820,000	\$ -	\$ 90,000	\$ 2,730,000	\$ 95,000
Compensated absences	64,483	66,481	62,866	68,098	-
Total Governmental Activities	<u>\$ 2,884,483</u>	<u>\$ 66,481</u>	<u>\$ 152,866</u>	<u>\$ 2,798,098</u>	<u>\$ 95,000</u>

Issue: 2012 Sales Tax Revenue Bonds - Capital Improvements Fund

Original Amount: \$3,000,000

Interest: 2.0%

Purpose: to design, construct and install street improvements within the Town.

<u>Payment</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>	<u>Balance</u> <u>December 31</u>
2016	\$ 95,000	\$ 82,775	\$ 177,775	\$ 2,635,000
2017	95,000	80,875	175,875	2,540,000
2018	100,000	78,975	178,975	2,440,000
2019	100,000	76,975	176,975	2,340,000
2020	100,000	74,975	174,975	2,240,000
2021-2025	545,000	335,200	880,200	1,695,000
2026-2030	630,000	251,100	881,100	1,065,000
2031-2035	730,000	143,813	873,813	335,000
2036-2037	335,000	18,937	353,937	-
	<u>\$ 2,730,000</u>	<u>\$ 1,143,625</u>	<u>\$ 3,873,625</u>	

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 5: LONG-TERM DEBT (Continued)

Business-type Activities - The following summarizes the changes in the Town's business-type long-term debt activities for the year ended December 31, 2015:

	Balance January 1, 2015	Issued	Retired	Balance December 31, 2015	Due Within One Year
Business-Type Activities					
1998 CWRPDA Loan	\$ 248,273	\$ -	\$ 77,240	\$ 171,033	\$ 77,240
Compensated absences	10,846	10,901	7,716	14,031	-
Total Business-Type Activities	<u>\$ 259,119</u>	<u>\$ 10,901</u>	<u>\$ 84,956</u>	<u>\$ 185,064</u>	<u>\$ 77,240</u>

Issue: Colorado Water Resources And Power Development Authority (CWRPDA) Loan

On June 1, 1998, the Town entered a \$1,324,120 loan agreement with CWRPDA, the proceeds of which were utilized to construct a 600,000 gallon water storage tank, a transmission pipeline, and an extension of the infiltration system, a new well, and related equipment for the Water Enterprise Fund. Principal, interest, and administrative fee payment (which are reported as interest expense on the financial statements) are due annually on February 1 and August 1 through 2018.

The loan agreement contains various restrictive covenants and requirements, including maintenance of a three month operating and maintenance reserve. In addition, the loan agreement requires the Town to establish water rates at a level sufficient to cover operating expenses, as defined in the agreement, 110% of the current year debt service costs on this loan, any amount required to be paid into a debt service reserve account for that year, debt service for the current year on any subordinated debt, and any other amounts to be paid out of current year operations.

<u>Payment</u>	<u>Principal</u>	<u>Interest</u>	<u>Administrative Fee</u>	<u>Total</u>	<u>Balance December 31</u>
2016	\$ 77,240	\$ 6,802	\$ 9,269	\$ 93,311	\$ 171,033
2017	82,757	4,685	6,621	94,063	88,276
2018	88,276	2,418	3,972	94,666	-
	<u>\$ 248,273</u>	<u>\$ 13,905</u>	<u>\$ 19,862</u>	<u>\$ 282,040</u>	

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 5: LONG-TERM DEBT (Continued)

Operating Leases

The Town is committed under various leases for office equipment. For accounting purposes, these leases are considered to be operating leases, and therefore, the liability and the related assets have not been recorded in these financial statements.

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS

A. General Employees Retirement Plan - Section 401(a) Plan

For all regular full-time employees, other than police officers, the Town contributes to a cost-sharing multiple-employer defined contribution pension plan (the Retirement Plan). The Retirement Plan, which is administered by Colorado County Officials and Employees Retirement Association (CCOERA), offers employees who have been with the Town for six months and that work at least 32 hours per week every month of the year, the opportunity to build retirement savings by pre-tax contributions of 3% of salary, which are matched with Town contributions. Employee contributions to the Pension Plan become immediately vested. Town contributions are vested at an annual rate of 25%. Town contributions become fully vested after four years. The contribution requirements of Retirement Plan participants and the Town are established, and may be amended, by the Board of Trustees. Unvested employer contributions are returned to the Town when an employee terminates employment and cashes out of the Retirement Plan. The amounts returned are recognized on the financial statements as revenue in the year received.

For the year ended December 31, 2015, the Town contributed \$64,182 to the Retirement Plan on behalf of participating employees. Participants of the Retirement Plan made equal matching contributions in 2015. No unvested contributions were returned to the Town in 2015.

CCOERA is also the Trustee of the Retirement Plan and, accordingly, the Town has no liability for losses under the plan. Consequently, the Retirement Plan is not part of the Town's financial statements.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

B. Deferred Compensation Plan

All employees are eligible to participate in a deferred compensation plan that was created in accordance with the Internal Revenue Code section 457 (the Deferred Compensation Plan). The Deferred Compensation Plan, which is administered by CCOERA, permits participants to defer a portion of their salary until future years. All compensation deferred under the Deferred Compensation Plan, all property and rights purchased with those amounts, and all income attributable to those amounts, property, or rights are to be held in trust for the exclusive benefit of the participants and their beneficiaries. Compensation deferred under the Deferred Compensation Plan is not available to employees until termination, retirement, death, or unforeseeable emergency.

Participants may elect to defer any percentage of their annual compensation, provided that the total annual contribution does not exceed limitations established by the Internal Revenue Service. The Town does not contribute to the Deferred Compensation Plan.

The individual participants determine investment decisions within the Deferred Compensation Plan and, therefore, the Deferred Compensation Plan's investment concentration varies between participants.

CCOERA is also the Trustee of the Deferred Compensation Plan and, accordingly, the Town has no liability for losses under the plan. Consequently, the Deferred Compensation Plan is not part of the Town's financial statements.

C. FPPA Statewide Defined Benefit Plan

Plan Description The Statewide Defined Benefit Plan (SWDB) is a cost-sharing multiple-employer defined benefit pension plan. The plan is administered by the Fire & Police Pension Association of Colorado (FPPA). FPPA issues a publicly available comprehensive annual financial report that can be obtained on FPPA's website at <http://www.fppaco.org>.

Description of Benefits A member is eligible for a normal retirement pension once the member has completed twenty-five years of credited service and has attained the age of 55.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

The annual normal retirement benefit is 2 percent of the average of the member's highest three years' base salary for each year of credited service up to ten years, plus 2.5 percent for each year of service thereafter. The benefit earned prior to January 1, 2007 for members of affiliated Social Security employers will be reduced by the amount of Social Security income payable to the member annually. Effective January 1, 2007, members currently covered under Social Security will receive half the benefit when compared to the Statewide Defined Benefit Plan. Benefits paid to retired members are evaluated and may be re-determined every October 1. The amount of any increase is based on the Board's discretion and can range from 0 to the higher of 3 percent or the Consumer Price Index.

A member is eligible for an early retirement at age 50 or after 30 years of service. The early retirement benefit equals the normal retirement benefit reduced on an actuarially equivalent basis. Upon termination, an employee may elect to have member contributions, along with 5 percent as interest, returned as a lump sum distribution. Alternatively, a member with at least five years of accredited service may leave contributions with the Plan and remain eligible for a retirement pension at age 55 equal to 2 percent of the member's average highest three years' base salary for each year of credited service up to ten years, plus 2.5 percent for each year of service thereafter.

Contributions. The Plan sets contribution rates at a level that enables all benefits to be fully funded at the retirement date of all members. Contribution rates for the SWDB plan are set by state statute. Employer contribution rates can only be amended by state statute. Member contribution rates can be amended by state statute or election of the membership.

Members of the SWDB plan and their employers are contributing at the rate of 8 percent of base salary for a total contribution rate of 16 percent through 2014. In 2014, the members elected to increase the member contribution rate to the SWDB plan beginning in 2015. Member contribution rates will increase 0.5 percent annually through 2022 to a total of 12 percent of base salary. Employer contributions will remain at 8 percent resulting in a combined contribution rate of 20 percent in 2022.

Contributions from members and employers of departments re-entering the system are established by resolution and approved by the FPPA Board of Directors. The re-entry group has a combined contribution rate of 20 percent of base salary through 2014. It is a local decision as to whether the member or employer pays the additional 4 percent contribution. Per the 2014 member election, the re-entry group will also have their required member contribution rate increase 0.5 percent annually beginning in 2015 through 2022 for a total combined member and employer contribution rate of 24 percent in 2022.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

The contribution rate for members and employers of affiliated social security employers is 4 percent of base salary for a total contribution rate of 8 percent through 2014. Per the 2014 member election, members of the affiliate social security group will have their required contribution rate increase 0.25 percent annually beginning in 2015 through 2022 to a total of 6 percent of base salary. Employer contributions will remain at 4 percent resulting in a combined contribution rate of 10 percent in 2022.

Net Pension Asset. At December 31, 2015 the Town reported an asset of \$52,053 for its proportionate share of the net pension liability. (The Town reported an asset rather than a liability because the Plan's fiduciary net position currently exceeds the total pension liability.) The net pension liability was measured as of December 31, 2014, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of January 1, 2015. The Town proportion of the net pension liability was based on Town contributions to the Plan for the calendar year 2014 relative to the total contributions of participating employers to the Plan.

At December 31, 2014, the Town proportion was 0.046123%, as compared to 0.042529% at December 31, 2013.

For the year ended December 31, 2014, the Town recognized pension expense of \$2,740, consisting of the following elements:

**Town's Proportionate Share of Collective Pension Expense for the Plan Year Ended
December 31, 2014**

Service Cost	\$ 31,334
Interest on the Total Pension Liability	53,370
Current-Period Benefit Changes	(5,654)
IRC 414(h)(2) Employer-paid Member Contributions	(21,914)
Projected Earnings on Plan Investments	(56,680)
Pension Plan Administrative Expense	1,375
Other Changes in Plan Fiduciary Net Position	(5)
Recognition of Inflow of Resources due to Liabilities	(112)
Recognition of Outflow of Resources due to Assets	1,026
Total Pension Plan Expense	\$ 2,740

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

At December 31, 2014, the Town reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ -	\$ 1,072
Changes of assumptions	-	-
Net difference between projected and actual earnings on pension plan investments	4,104	
Changes in proportion and differences between Town contributions and proportionate share of contributions	(2,899)	-
Town contributions subsequent to the measurement date	27,640	-
Total	\$ 28,845	\$ 1,072

Town contributions subsequent to the measurement date of December 31, 2014 of \$27,640 which are reported as deferred outflows of resources related to pensions, will be recognized as a reduction of the net pension liability in the year ended December 31, 2015. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year ending December 31,	
2015	\$ 914
2016	914
2017	914
2018	914
2019	(112)
Thereafter	(511)
	\$ 3,033

**TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015**

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

Actuarial Assumptions. The January 1, 2014 actuarial valuation was used to determine the Actuarially Determined Contribution for the fiscal year ending December 31, 2014. The valuation used the following actuarial assumption and other inputs:

Actuarial Method	Entry Age Normal
Amortization Method	Level % of Payroll, Open
Amortization Period	30 Years
Asset Valuation Method	5-Year Smoothed Fair Value
Long-term Investment Rate of Return*	7.5%
Projected Salary Increases	4.0% - 14.0%
Cost of Living Adjustments (COLA)	0.0%
*Includes Inflation at	3.0%

The RP-2000 Combined Mortality Table with Blue Collar Adjustment, projected with Scale AA, 40 percent multiplier for off-duty mortality is used in the valuation for off-duty mortality of active members. On-duty related mortality is assumed to be 0.00020 per year for all members. The RP-2000 Combined Mortality Table with Blue Collar Adjustment, projected with Scale AA is used in the projection of post-retirement benefits.

At least every five years the Fire & Police Pension Association's Board of Directors, in accordance with best practices, reviews its economic and demographic actuarial assumptions. At its July 2011 meeting, the Board of Directors reviewed and approved recommended changes to the actuarial assumptions. The recommendations were made by the Fire & Police Pension Association's actuaries, Gabriel, Roeder, Smith & Co., based upon their analysis of past experience and expectations of the future.

The assumption changes were effective for actuarial valuations beginning January 1, 2012. The actuarial assumptions impacted actuarial factors for benefit purposes such as purchases of service credit and other benefits where actuarial factors are used. The date the new actuarial assumptions were effective for benefit purposes was October 1, 2012.

Effective with the January 1, 2013 valuations, the Board adopted a five-year smoothing methodology in the determination of the actuarial value of assets. Beginning in the January 1, 2014 valuations, the married assumption for active members was increased from 80% to 85% to reflect the passage of the Colorado Civil Union Act.

**TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015**

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighing the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic real rates of return for each major asset class included in the Fund's target asset allocation as of December 31, 2014 are summarized in the following table:

Asset Class	Target Allocation	Long-Term Expected Rate of Return
Global Equity	40.0%	8.9%
Equity Long/Short	10.0%	7.5%
Illiquid Alternatives	18.0%	10.5%
Fixed Income	15.0%	4.6%
Absolute Return	12.0%	6.5%
Managed Futures	4.0%	5.5%
Cash	1.0%	2.5%
Total	100.0%	

The discount rate used to measure the total pension liability was 7.50 percent. The projection of cash flows used to determine the discount rate assumed that contributions from participating employers will be made based on the actuarially determined rates based on the Board's funding policy, which establishes the contractually required rates under Colorado statutes. Based on those assumptions, the SWDB plan fiduciary net position was projected to be available to make all the projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Discount Rate. Projected benefit payments are required to be discounted to their actuarial present values using a Single Discount Rate that reflects (1) a long-term expected rate of return on pension plan investments (to the extent that the plan's fiduciary net position is projected to be sufficient to pay benefits) and (2) tax-exempt municipal bond rate based on an index of 20-year general obligation bonds with an average AA credit rating as of the measurement date (to the extent that the plan's projected fiduciary net position is not sufficient to pay benefits).

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

For the purpose of this valuation, the expected rate of return on pension plan investments is 7.50%; the municipal bond rate is 3.65% (based on the weekly rate closest to but not later than the measurement date of the "state & local bonds" rate from Federal Reserve statistical release (H.15)); and the resulting Single Discount Rate is 7.50%.

Regarding the sensitivity of the net pension liability to changes in the Single Discount Rate, the following presents the plan's net pension liability, calculated using a Single Discount Rate of 7.50%, as well as what the plan's net pension liability would be if it were calculated using a Single Discount Rate that is one percent lower or one percent higher:

	1% Decrease 6.50%	Single Discount Rate Assumption 7.50%	1% Increase 8.50%
Town's Proportionate Share	\$ 49,076	\$ (52,053)	\$ (136,409)

Pension plan fiduciary net position. Detailed information about the Plan's fiduciary net position is available in FPPA's comprehensive annual financial report which can be obtained at <http://www.fppaco.org>.

D. FPPA Statewide Hybrid Plan - Defined Benefit Component

Plan Description. The Statewide Hybrid Plan (SWH) is a cost-sharing multiple-employer defined benefit pension plan. The SWH is comprised of two components: Defined Benefit and Money Purchase. The plan is administered by the Fire & Police Pension Association of Colorado (FPPA). FPPA issues a publicly available comprehensive annual financial report can be obtained on FPPA's website at <http://www.fppaco.org>.

Description of Benefits. The Plan document states that any member may retire from further service and become eligible for a normal retirement pension at any time after age 55, if the member has at least 25 years of service.

The annual normal pension of the Defined Benefit Component is 1.5 percent of the average of the member's highest three years' base salary for each year of credited service. Benefits paid to retired members of the Defined Benefit Component are evaluated and may be re-determined annually on October 1. The amount of any increase is based on the Board's discretion and can range from 0 to 3 percent.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

D. FPPA Statewide Hybrid Plan - Defined Benefit Component (Continued)

A member is eligible for early retirement at age 50 or after of 30 years of service. The early retirement benefit equals the normal retirement benefit reduced on an actuarially equivalent basis. Upon termination, a member may elect to have all contributions, along with 5 percent as interest, returned as a lump sum distribution from the Defined Benefit Component. Alternatively, a member with at least five years of accredited service may leave contributions with the Defined Benefit Component of the Plan and remain eligible for a retirement pension at age 55 equal to 1.5 percent of the average of the member's highest three years' base salary for each year of credited service.

Contributions. The Plan sets contribution rates at a level that enables all benefits to be fully funded at the retirement date of all members. The members of the SWH plan and their employers are currently each contributing at the rate determined by the individual employer, however, the rate for both employer and members must be at least 8 percent of the member's base salary. The amount allocated to the Defined Benefit Component is set annually by the Fire & Police Pension Association Board of Directors. Excess contributions fund the Money Purchase Component of the Plan. The Defined Benefit Component contribution rate from July 1, 2014 through June 30, 2015 is 12.5 percent. The Defined Benefit Component contribution rate from July 1, 2013 through June 30, 2014 was 12.6 percent.

Within the Money Purchase Component, members are always fully vested in their own contributions, as well as the earnings on those contributions. Vesting in the employer's contributions within the Money Purchase Component, and earnings on those contributions occurs according to the vesting schedule set by the plan document at 20 percent per year after the first year of service to be 100 percent vested after 5 years of service. Employer and member contributions are invested in funds at the discretion of members.

Net Pension Asset. At December 31, 2015 the Town reported an asset of \$100,882 for its proportionate share of the net pension liability. (The Town reported an asset rather than a liability because the Plan's fiduciary net position currently exceeds the total pension liability.) The net pension liability was measured as of December 31, 2014, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of January 1, 2015. The Town proportion of the net pension liability was based on Town contributions to the plan for the calendar year 2014 relative to the total contributions of participating employers to the Plan.

At December 31, 2014, the Town proportion was 0.850631%, as compared to 0.752145% at December 31, 2013.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

D. FPPA Statewide Hybrid Plan - Defined Benefit Component (Continued)

For the year ended December 31, 2014, the Town recognized pension expense of \$(8,785), consisting of the following elements:

**Town's Proportionate Share of Collective Pension Expense for the Plan Year Ended
December 31, 2014**

Service Cost	\$ 10,233
Interest on the Total Pension Liability	16,796
Current-Period Benefit Changes	1,665
IRC 414(h)(2) Employer-paid Member Contributions	(15,015)
Projected Earnings on Plan Investments	(23,856)
Pension Plan Administrative Expense	578
Other Changes in Plan Fiduciary Net Position	-
Recognition of Inflow of Resources due to Liabilities	423
Recognition of Outflow of Resources due to Assets	391
Total Pension Plan Expense	\$ (8,785)

At December 31, 2014, the Town reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 3,634	\$ -
Changes of assumptions	-	-
Net difference between projected and actual earnings on pension plan investments	1,626	
Changes in proportion and differences between Town contributions and proportionate share of contributions	(8,998)	-
Town contributions subsequent to the measurement date	12,463	-
Total	\$ 8,725	\$ -

**TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015**

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

D. FPPA Statewide Hybrid Plan - Defined Benefit Component (Continued)

Town contributions subsequent to the measurement date of December 31, 2014 of \$12,463 which are reported as deferred outflows of resources related to pensions, will be recognized as a reduction of the net pension liability in the year ended December 31, 2015. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year ending December 31,		
2015	\$	815
2016		815
2017		815
2018		815
2019		423
Thereafter		1,518
	\$	<u>5,201</u>

Actuarial Assumptions. The January 1, 2014 actuarial valuation was used to determine the Actuarially Determined Contribution for the fiscal year ending December 31, 2014. The valuation used the following actuarial assumption and other inputs:

Actuarial Method	Entry Age Normal
Amortization Method	Level % of Payroll, Open
Amortization Period	30 Years
Asset Valuation Method	5-Year Smoothed Fair Value
Long-term Investment Rate of Return*	7.5%
Projected Salary Increases	4.0% - 16.0%
Cost of Living Adjustments (COLA)	0.0%
*Includes Inflation at	3.0%

The RP-2000 Combined Mortality Table with Blue Collar Adjustment, projected with Scale AA, 40 percent multiplier for off-duty mortality is used in the valuation for off-duty mortality of active members. On-duty related mortality is assumed to be 0.00020 per year for all members. The RP-2000 Combined Mortality Table with Blue Collar Adjustment, projected with Scale AA is used in the projection of post-retirement benefits.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

D. FPPA Statewide Hybrid Plan - Defined Benefit Component (Continued)

At least every five years the Fire & Police Pension Association's Board of Directors, in accordance with best practices, reviews its economic and demographic actuarial assumptions. At its July 2011 meeting, the Board of Directors reviewed and approved recommended changes to the actuarial assumptions. The recommendations were made by the Fire & Police Pension Association's actuaries, Gabriel, Roeder, Smith & Co., based upon their analysis of past experience and expectations of the future.

The assumption changes were effective for actuarial valuations beginning January 1, 2012. The actuarial assumptions impacted actuarial factors for benefit purposes such as purchases of service credit and other benefits where actuarial factors are used. The date the new actuarial assumptions were effective for benefit purposes was October 1, 2012.

Effective with the January 1, 2013 valuations, the Board adopted a five-year smoothing methodology in the determination of the actuarial value of assets. Beginning in the January 1, 2014 valuations, the married assumption for active members was increased from 80% to 85% to reflect the passage of the Colorado Civil Union Act.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighing the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic real rates of return for each major asset class included in the Fund's target asset allocation as of December 31, 2014 are summarized in the following table:

Asset Class	Target Allocation	Long-Term Expected Rate of Return
Global Equity	40.0%	8.9%
Equity Long/Short	10.0%	7.5%
Illiquid Alternatives	18.0%	10.5%
Fixed Income	15.0%	4.6%
Absolute Return	12.0%	6.5%
Managed Futures	4.0%	5.5%
Cash	1.0%	2.5%
Total	100.0%	

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

D. FPPA Statewide Hybrid Plan - Defined Benefit Component (Continued)

The discount rate used to measure the total pension liability was 7.50 percent. The projection of cash flows used to determine the discount rate assumed that contributions from participating employers will be made based on the actuarially determined rates based on the Board's funding policy, which establishes the contractually required rates under Colorado statutes. Based on those assumptions, the SWH-Defined Benefit Component fiduciary net position was projected to be available to make all the projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Discount Rate. Projected benefit payments are required to be discounted to their actuarial present values using a Single Discount Rate that reflects (1) a long-term expected rate of return on pension plan investments (to the extent that the plan's fiduciary net position is projected to be sufficient to pay benefits) and (2) tax-exempt municipal bond rate based on an index of 20-year general obligation bonds with an average AA credit rating as of the measurement date (to the extent that the plan's projected fiduciary net position is not sufficient to pay benefits).

For the purpose of this valuation, the expected rate of return on pension plan investments is 7.50%; the municipal bond rate is 3.65% (based on the weekly rate closest to but not later than the measurement date of the "state & local bonds" rate from Federal Reserve statistical release (H.15)); and the resulting Single Discount Rate is 7.50%.

Regarding the sensitivity of the net pension liability to changes in the Single Discount Rate, the following presents the plan's net pension liability, calculated using a Single Discount Rate of 7.50%, as well as what the plan's net pension liability would be if it were calculated using a Single Discount Rate that is one percent lower or one percent higher:

	1% Decrease 6.50%	Single Discount Rate Assumption 7.50%	1% Increase 8.50%
Town's Proportionate Share	\$ (71,238)	\$ (100,882)	\$ (127,228)

Pension Plan Fiduciary Net Position. Detailed information about the Plan's fiduciary net position is available in FPPA's comprehensive annual financial report which can be obtained at <http://www.fppaco.org>.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

E. FPPA Buena Vista Volunteer Fire Pension Plan - Defined Benefit Component

Plan Description. The Buena Vista Volunteer Fire Pension Plan is an agent multiple-employer Public Employee Retirement System (PERS). The PERS represents the assets of numerous separate plans that have been pooled for investment purposes. The pension plans have elected to affiliate with FPPA for plan administration and investment only. FPPA issues a publicly available comprehensive annual financial report can be obtained on FPPA's website at <http://www.fppaco.org>.

Description of Benefits. The Plan, as established and amended by the Plan's Board of Trustees through the Bylaws, provides for a monthly pension of \$250 for volunteers who have satisfied the normal age and service requirements and pro rata pensions for volunteers who have satisfied the normal age but only a portion of the service requirement. It further provides death benefits and a partial pension (50% of the amount the volunteer has earned) for surviving spouses. The normal age and service requirement is the date a volunteer reaches 50 years of age and completes 20 years of service. Pro-rata pensions would apply to volunteers who reached 50 years of age and had between 10 and 20 years of service. A one-time \$100 funeral benefit lump sum is also provided.

Membership. The number and classes of employees covered are shown below:

	Actuarial Valuation as of January 1, 2015
Number of:	
Active members	11
Retired members	10
Disabled members	0
Beneficiaries	2
Terminated vested members	6
Terminated members active in another fund	0
	29

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

E. FPPA Buena Vista Volunteer Fire Pension Plan - Defined Benefit Component
(Continued)

Changes in the Net Pension Liability/(Asset). Sources of the changes in the net pension liability/(asset) for the measurement period ended December 31, 2014 is shown below:

	Measurement Period Ended <u>December 31, 2014</u>
Service cost	\$ 4,453
Interest on the total pension liability	35,425
Benefit changes	-
Difference between expected and actual experience of the Total Pension Liability	12,571
Changes of assumptions	-
Benefit payments	<u>(34,589)</u>
Net change in total pension liability	17,860
Total pension liability - beginning	<u>487,132</u>
Total pension liability - ending	<u><u>\$ 504,992</u></u>

Actuarial Assumptions. The January 1, 2015 actuarial valuation was used to determine the net pension liability/(asset) for the fiscal year ending December 31, 2014. The valuation used the following actuarial assumption and other inputs:

Actuarial Method	Entry Age
Amortization Method	Level dollar - open
Remaining Amortization Period	20 years
Asset Valuation Method	5-Year Smoothed Fair Value
Long-term Investment Rate of Return*	7.5%
Projected Salary Increases	N/A
Cost of Living Adjustments (COLA)	None
*Includes Inflation at	3.0%

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

E. FPPA Buena Vista Volunteer Fire Pension Plan - Defined Benefit Component
(Continued)

Inputs to the Single Discount Rate. Projected benefit payments are required to be discounted to their actuarial present values using a Single Discount Rate that reflects (1) a long-term expected rate of return on pension plan investments (to the extent that the plan's fiduciary net position is projected to be sufficient to pay benefits) and (2) tax-exempt municipal bond rate based on an index of 20-year general obligation bonds with an average AA credit rating as of the measurement date (to the extent that the plan's projected fiduciary net position is not sufficient to pay benefits).

For the purpose of this valuation, the long-term expected rate of return on pension plan investments is 7.50%; the municipal bond rate is 3.65% {based on the weekly rate closest to but not later than the measurement date of the "state & local bonds" rate from Federal Reserve statistical release (H.15)); and the resulting Single Discount Rate is 7.50%.

Projected cash flows used in determining the Single Discount Rate are available upon request.

Other Assumptions and Changes for the January 1, 2015 Actuarial Valuation. The 2015 RP-2000 Combined Mortality Table with Blue Collar Adjustment, projected with Scale AA, 40 percent multiplier for off-duty mortality is used in the valuation for pre-retirement mortality. The 2015 RP-2000 Combined Mortality Table with Blue Collar Adjustment, projected with Scale AA is used in the projection of post-retirement mortality.

Marital status is assumed to be 90% male and female with males assumed to be three years older than females. There were no changes in actuarial assumptions nor changes in actuarial methods from the January 1, 2013 actuarial valuation.

Contributions and Funding. Participating volunteer firefighters do not contribute to the pension plan. Contributions to the Plan are made by the Town and through a 90% matching grant from the State of Colorado. The contribution requirements of the Plan are established under Title 31, Article 30 of the Colorado Revised Statutes, as amended. The Town contributed \$22,800 to the Plan for the year ended December 31, 2014.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

E. FPPA Buena Vista Volunteer Fire Pension Plan - Defined Benefit Component
(Continued)

Summary of Plan Information: Additional information related to the Plan is summarized below:

	Measurement Period Ended <u>December 31, 2014</u>
Total Pension Liability	\$ 504,992
Plan Fiduciary Net Position	<u>428,561</u>
Net Pension Liability (Asset)	<u>\$ 76,431</u>
Plan fiduciary net position as a Total Pension Expense/(Income)	84.86% (4,541)

**Deferred Outflows and Deferred Inflows of Resources by Source to be recognized in
Future Pension Expense/(Income)**

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 7,183	\$ -
Changes of assumptions	-	-
Town contributions subsequent to the measurement date		-
Total	<u>\$ 9,186</u>	<u>\$ -</u>

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 6: EMPLOYEE RETIREMENT COMMITMENTS (Continued)

E. FPPA Buena Vista Volunteer Fire Pension Plan - Defined Benefit Component
(Continued)

Regarding the sensitivity of the net pension liability/(asset) to changes in the Single Discount Rate, the following presents the plan's net pension liability, calculated using a Single Discount Rate of 7.50%, as well as what the plan's net pension liability would be if it were calculated using a Single Discount Rate that is one percent lower or one percent higher:

1% Decrease 6.50%	Single Discount Rate Assumption 7.50%	1% Increase 8.50%
\$ 130,493	\$ 76,431	\$ 30,986

F. Death And Disability Benefits

Death and disability coverage is provided to full-time police officers through the Statewide Death and Disability Plan, which is administered by the FPPA. During the past year, the Town's required contribution rate was 2.6% of base salary for members. Town contributions to this plan totaled \$8,269 during 2015. Employees are not required to contribute to this plan.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 7: STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY

TABOR Amendment

In November 1992, Colorado voters amended Article X of the Colorado Constitution by adding Section 20; commonly known as the Taxpayer's Bill of Rights (TABOR). TABOR contains revenue, spending, tax and debt limitations that apply to the State of Colorado and local governments. TABOR requires, with certain exceptions, advance voter approval for any new tax, tax rate increase, mill levy above that for the prior year, extension of any expiring tax, or tax policy change directly causing a net tax revenue gain to any local government. Any revenues earned in excess of the fiscal year spending limit must be refunded in the next fiscal year, unless voters approve retention of such excess revenue.

Except for refinancing bonded debt at a lower interest rate or adding new employees to existing pension plans, TABOR requires advance voter approval for the creation of any multiple-fiscal year debt or other financial obligation unless adequate present cash reserves are pledged irrevocably and held for payments in all future fiscal years.

TABOR also requires local governments to establish an emergency reserve to be used to declare emergencies only. Emergencies, as defined by TABOR, exclude economic conditions, revenue shortfalls, or salary or fringe benefit increases. The reserve is calculated at 3% of fiscal year spending. Fiscal year spending excludes bonded debt service and enterprise spending. The Town has reserved \$93,100, which is the approximate required reserve at December 31, 2015.

The Town's voters approved the following ballot issue on November 6, 2001:

Excluding ad valorem property taxes and rates, and without creating any new taxes, increasing any tax rate, or adding any new taxes of any kind, shall the Town of Buena Vista, Colorado, be permitted to collect, retain, and spend, for the fiscal year of 2001 and for each and every year thereafter, the full proceeds of the Town's taxes, grants and other revenues for expenditure on lawful municipal purposes, notwithstanding any State of Colorado restrictions on spending including the restrictions of Article X, Section 20 of the Constitution of the State of Colorado, and that these shall each constitute a voter approval revenue change?

The Town's management believes it is in compliance with the financial provisions of TABOR. However, TABOR is complex and subject to interpretation. Many of its provisions, including the interpretation of how to calculate fiscal year spending limits, will require judicial interpretation.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 8: RISK MANAGEMENT

The Town is exposed to various risks of loss related to workers compensation and general liability. The Town has acquired commercial coverage for these risks and any settled claims are not expected to exceed the commercial insurance coverage.

The Town is also exposed to the risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions. To address such risks, the Town is a participant in the public entity risk pool administered by Colorado Intergovernmental Risk Sharing Agency (CIRSA).

CIRSA's operations are funded by contributions from member governments. Coverage is provided in the amount of \$500,000 per claim or occurrence for property damage, \$600,000 per claim or occurrence for liability, and \$150,000 per claim or occurrence for crime. CIRSA has also acquired additional excess coverage from outside sources. While the Town may be liable for any losses in excess of this coverage, the Town does not anticipate losses at December 31, 2015. No settlements of claims against the Town in the last three years have exceeded the Town's coverage.

Surpluses or deficits realized by CIRSA for any given year are subject to change for such reasons as interest earnings on invested amounts for those years and funds, re-estimation of losses for those years and funds, and credits or distributions from surplus for those years and funds. All income and assets of CIRSA shall be at all times dedicated to the exclusive benefit of its members. The board of directors may credit member municipalities' future contributions in the event of a surplus. Although it has never occurred, CIRSA member municipalities are subject to a supplemental assessment in the event of a deficiency.

For 2015, the Town's deductible for property and liability claims per occurrence is \$1,000 for each. The auto liability deductible and the auto physical damage deductible are both \$1,000 per occurrence.

The Town carries no deductible for workers Compensation coverage. CIRSA's coverage for workers' compensation claims are the Colorado statutory limits of \$500,000 per occurrence and \$1,000,000 for employer liability.

The Town also carries accident medical insurance coverage for volunteers through CIRSA. This provides a medical coverage for a minor injury a volunteer receives when serving the Town in a volunteer capacity such as a community service worker, volunteer trail work, or volunteer coaching for recreation. Coverage is \$15,000 per occurrence with a \$25 deductible.

TOWN OF BUENA VISTA, COLORADO
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2015

NOTE 9: COMMITMENTS AND CONTINGENCIES

A. Legal Claims

The Town is a defendant in a number of lawsuits pertaining to matters which are incidental to performing routine governmental and other functions. Based on the current status of these legal proceedings, it is the opinion of management that they will not have a material effect on the Town's financial position.

B. Federal And State Grants And Financial Sources

Amounts received or receivable from grantor agencies are subject to audit and adjustment by grantor agencies, principally the federal government. Such audits could lead to reimbursements to the grantor agencies. It is the opinion of management that such reimbursements, if any, will not have a material effect on the Town's financial position.

NOTE 10: SUBSEQUENT EVENTS

In June 2016, prior to issuance of these financial statements, management discovered that aircraft fuel sales tax had not been collected or remitted. Subsequent event standards require the sales tax, penalties, and interest to be recorded in 2015 as follows: sales tax liability and aircraft fuel expenses of \$42,396.

NOTE 11: PRIOR PERIOD RESTATEMENT

For the year ended December 31, 2015, the Town adopted the provisions of GASB Statement No. 68, *Accounting and Financial Reporting for Pensions* (GASB no.68), and the related GASB No. 71, *Pension Transition for Contributions Made Subsequent to the Measurement Date, an amendment of GASB Statement No. 68*, which is effective for financial statements for periods beginning after June 15, 2014. GASB No. 68 revises and establishes new financial reporting requirements for most governments that provide their employees with pension benefits. GASB 68 requires employers participating in the FPPA programs to record the plans' net pension liability, as defined in GASB No. 68.

For the Town, the effect of implementing this standard was to change how it accounts and reports the net pension liability. Implementation of the standard resulted in a restatement of the prior period Net Position as follows:

Net Position, December 31, 2014 as previously stated	\$ 16,479,294
Net Pension Asset (Liability)	18,963
Deferred Outflow of Resources due to Pensions	51,122
Net Position, December 31, 2014 as restated	<u>\$ 16,549,379</u>

REQUIRED SUPPLEMENTARY INFORMATION

TOWN OF BUENA VISTA, COLORADO

BUDGETARY COMPARISON SCHEDULE
FOR THE GENERAL FUND

For the Year Ended December 31, 2015
With Comparative Totals for the Year Ended December 31, 2014

	2015		VARIANCE POSITIVE (NEGATIVE)	2014 ACTUAL
	ORIGINAL & FINAL BUDGET	ACTUAL		
REVENUES				
Taxes:				
General property	\$ 331,200	\$ 347,377	\$ 16,177	\$ 347,324
Specific ownership	42,700	38,737	(3,963)	40,639
Franchise fees	67,300	61,355	(5,945)	74,888
General sales	2,096,400	2,462,016	365,616	2,119,734
Mineral severance	22,800	57,667	34,867	27,354
Cigarette	9,600	8,425	(1,175)	8,465
Total Taxes	<u>2,570,000</u>	<u>2,975,577</u>	<u>405,577</u>	<u>2,618,404</u>
Charges for Services:				
Business licenses	17,900	20,991	3,091	18,492
Building and development fees	96,060	45,660	(50,400)	22,789
Other permits and fees	23,300	19,094	(4,206)	22,716
Recreation fees and permits	32,200	41,196	8,996	36,805
Fines	48,477	53,706	5,229	47,064
Cemetery fees	5,400	5,980	580	7,200
Lease income	7,879	6,770	(1,109)	7,889
Total Charges for Services	<u>231,216</u>	<u>193,397</u>	<u>(37,819)</u>	<u>162,955</u>
Intergovernmental:				
Highway users tax	116,389	120,341	3,952	118,034
County road and bridge tax	3,900	3,847	(53)	4,581
Grants	10,800	41,397	30,597	14,073
Motor vehicle registration	14,700	7,054	(7,646)	13,363
Total Intergovernmental	<u>145,789</u>	<u>172,639</u>	<u>26,850</u>	<u>150,051</u>
Other Revenues				
Contributions	4,130	17,688	13,558	180
Earnings on investments	3,305	2,861	(444)	2,955
Other revenue	6,382	65,634	59,252	6,244
Total Other Revenues	<u>13,817</u>	<u>86,183</u>	<u>72,366</u>	<u>9,379</u>
TOTAL REVENUES	<u>2,960,822</u>	<u>3,427,796</u>	<u>466,974</u>	<u>2,940,789</u>

(Continued)

See the accompanying Independent Auditors' Report.

TOWN OF BUENA VISTA, COLORADO

BUDGETARY COMPARISON SCHEDULE
FOR THE GENERAL FUND

For the Year Ended December 31, 2015

With Comparative Totals for the Year Ended December 31, 2014

	2015		VARIANCE POSITIVE (NEGATIVE)	2014 ACTUAL
	ORIGINAL & FINAL BUDGET	ACTUAL		
EXPENDITURES				
General Government:				
Mayor and Board of Trustees	42,544	39,872	2,672	26,268
Town Clerk	87,708	77,624	10,084	78,565
Municipal Court	68,726	78,110	(9,384)	70,357
Town Administrator	385,365	436,516	(51,151)	388,367
Financial Administration	187,241	180,273	6,968	162,705
Town Hall Operations	17,102	23,123	(6,021)	16,401
Public Support	117,472	112,519	4,953	36,629
Elections	1,779	-	1,779	2,329
Total General Government	<u>907,937</u>	<u>948,037</u>	<u>(40,100)</u>	<u>781,621</u>
Public Safety:				
Police	816,695	814,169	2,526	857,602
Fire	147,631	180,729	(33,098)	91,073
Public Safety Complex	32,399	16,066	16,333	17,327
Total Public Safety	<u>996,725</u>	<u>1,010,964</u>	<u>(14,239)</u>	<u>966,002</u>
Community Services				
Development	439,080	354,271	84,809	184,122
Community Center	33,509	23,322	10,187	20,485
Public Television	12,757	5,131	7,626	13,447
Total Community Services	<u>485,346</u>	<u>382,724</u>	<u>102,622</u>	<u>218,054</u>
Public Works:				
Streets and Properties - Maintenance and Improvements	339,138	385,102	(45,964)	341,268
Culture and Recreation:				
Parks	224,330	167,799	56,531	162,810
Cemetery	13,022	2,741	10,281	3,080
Recreation Programs	165,751	161,240	4,511	147,361
Total Culture and Recreation	<u>403,103</u>	<u>331,780</u>	<u>71,323</u>	<u>313,251</u>
TOTAL EXPENDITURES	<u>3,132,249</u>	<u>3,058,607</u>	<u>73,642</u>	<u>2,620,196</u>
Other Financing Sources (Uses)				
Transfers In (Out)	<u>(570,000)</u>	<u>(570,000)</u>	-	<u>(360,000)</u>
Total Other Financing Sources	<u>(570,000)</u>	<u>(570,000)</u>	-	<u>(360,000)</u>
Net Change in Fund Balance	(741,427)	(200,811)	393,332	(39,407)
Fund Balances - Beginning of Year	<u>1,996,462</u>	<u>1,996,462</u>	-	<u>2,035,869</u>
Fund Balances - End of Year	<u>\$ 1,255,035</u>	<u>\$ 1,795,651</u>	<u>\$ 393,332</u>	<u>\$ 1,996,462</u>

See the accompanying Independent Auditors' Report.

TOWN OF BUENA VISTA, COLORADO

BUDGETARY COMPARISON SCHEDULE
FOR THE CONSERVATION TRUST FUND

For the Year Ended December 31, 2015

With Comparative Totals for the Year Ended December 31, 2014

	2015			<u>2014</u> <u>ACTUAL</u>
	<u>ORIGINAL & FINAL BUDGET</u>	<u>ACTUAL</u>	<u>VARIANCE POSITIVE (NEGATIVE)</u>	
REVENUES				
Lottery proceeds	\$ 32,330	\$ 40,902	\$ 8,572	\$ 25,598
Interest income	93	216	123	111
Other revenue	-	6,600	6,600	-
TOTAL REVENUES	<u>32,423</u>	<u>47,718</u>	<u>15,295</u>	<u>25,709</u>
EXPENDITURES				
Park maintenance	<u>14,980</u>	<u>16,614</u>	<u>(1,634)</u>	<u>19,366</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	17,443	31,104	48,547	6,343
Other Financing Sources (Uses) Transfers in (out)	<u>-</u>	<u>-</u>	<u>-</u>	<u>(15,000)</u>
Net Change in Fund Balance	17,443	31,104	48,547	(8,657)
FUND BALANCE - Beginning of Year	<u>42,511</u>	<u>42,511</u>	<u>-</u>	<u>51,168</u>
FUND BALANCE - End of Year	<u>\$ 59,954</u>	<u>\$ 73,615</u>	<u>\$ 48,547</u>	<u>\$ 42,511</u>

See the accompanying Independent Auditors' Report.

TOWN OF BUENA VISTA, COLORADO

**SCHEDULE OF THE TOWN'S PROPORTIONATE SHARE OF NET PENSION LIABILITY/(ASSET)
FIRE AND POLICE PENSION ASSOCIATION OF COLORADO - STATEWIDE DEFINED BENEFIT PLAN
LAST TEN FISCAL YEARS***

<u>Measurement period ending December 31,</u>	<u>2014</u>	<u>2013</u>
Town's portion of the net pension asset	0.046123%	0.042529%
Town's proportionate share of the net pension liability (asset)	(52,053)	(38,029)
Town's covered-employee payroll	207,419	188,097
Town's proportionate share of the net pension liability (asset) as a percentage of its covered-employee payroll	-25%	-20%
Plan fiduciary net position as a percentage of the total pension asset	106.8%	105.8%

*The amounts presented for each fiscal year were determined as of the calendar year-end that occurred one year prior. Information is only available beginning in fiscal year 2014.

Notes to the Schedule of the Town's Proportionate Share of the Net Pension Liability (Asset) for the year ended December 31, 2015:

Note 1. Changes of assumptions.

No changes during the years presented above.

Note 2. Changes of benefit terms.

No changes during the years presented above.

See the accompanying Independent Auditors' Report.

TOWN OF BUENA VISTA, COLORADO

SCHEDULE OF TOWN CONTRIBUTIONS
FIRE AND POLICE PENSION ASSOCIATION OF COLORADO - STATEWIDE DEFINED BENEFIT PLAN
LAST TEN FISCAL YEARS*

Measurement period ending December 31,	2014	2013
Contractually required contribution	16,593	14,778
Contributions in relation to the contractually required contribution	(16,593)	(14,778)
Contribution deficiency (excess)	\$ -	\$ -
Town's covered-employee payroll	207,419	188,097
Contributions as a percentage of covered-employee payroll	8.0%	8.0%

*The amounts presented for each fiscal year were determined as of the calendar year-end that occurred one year prior. Information is only available beginning in fiscal year 2014.

Notes to the Schedule of Town Contributions for the Year Ended December 31, 2015

Note 1. Changes of assumptions.

No changes during the years presented above.

Note 2. Changes of benefit terms.

No changes during the years presented above.

See the accompanying Independent Auditors' Report.

TOWN OF BUENA VISTA, COLORADO

**SCHEDULE OF THE TOWN'S PROPORTIONATE SHARE OF NET PENSION LIABILITY/(ASSET)
FIRE AND POLICE PENSION ASSOCIATION OF COLORADO - STATEWIDE HYBRID PLAN
LAST TEN FISCAL YEARS***

<u>Measurement period ending December 31,</u>	<u>2014</u>	<u>2013</u>
Town's portion of the net pension asset	0.850630%	0.752145%
Town's proportionate share of the net pension liability (asset)	(100,882)	(76,720)
Town's covered-employee payroll	131,618	121,632
Town's proportionate share of the net pension liability (asset) as a percentage of its covered-employee payroll	-77%	-63%
Plan fiduciary net position as a percentage of the total pension asset	140.6%	139.0%

*The amounts presented for each fiscal year were determined as of the calendar year-end that occurred one year prior. Information is only available beginning in fiscal year 2014.

Notes to the Schedule of the Town's Proportionate Share of the Net Pension Liability (Asset) for the year ended December 31, 2015:

Note 1. Changes of assumptions.

No changes during the years presented above.

Note 2. Changes of benefit terms.

No changes during the years presented above.

See the accompanying Independent Auditors' Report.

TOWN OF BUENA VISTA, COLORADO

SCHEDULE OF TOWN CONTRIBUTIONS
FIRE AND POLICE PENSION ASSOCIATION OF COLORADO - STATEWIDE DEFINED BENEFIT PLAN
LAST TEN FISCAL YEARS*

<u>Measurement period ending December 31,</u>	<u>2014</u>	<u>2013</u>
Contractually required contribution	10,529	9,730
Contributions in relation to the contractually required contribution	(10,529)	(9,730)
Contribution deficiency (excess)	<u>\$ -</u>	<u>\$ -</u>
Town's covered-employee payroll	131,618 #	121,632
Contributions as a percentage of covered-employee payroll	8.0%	8.0%

*The amounts presented for each fiscal year were determined as of the calendar year-end that occurred one year prior. Information is only available beginning in fiscal year 2014.

Notes to the Schedule of Town Contributions for the Year Ended December 31, 2015

Note 1. Changes of assumptions.

No changes during the years presented above.

Note 2. Changes of benefit terms.

No changes during the years presented above.

See the accompanying Independent Auditors' Report.

TOWN OF BUENA VISTA, COLORADO

SCHEDULE OF CHANGES IN NET PENSION LIABILITY/(ASSET) AND RELATED RATIOS
FIRE AND POLICE PENSION ASSOCIATION OF COLORADO - BUENA VISTA VOLUNTEER
FIRE DEPARTMENT PENSION FUND
LAST TEN FISCAL YEARS*

Measurement period ending December 31,	2014
Total Pension Liability	
Service Cost	\$ 4,453
Interest on the Total Pension Liability	35,425
Benefit Changes	-
Difference between Expected and Actual Experience	12,571
Assumption Changes	-
Benefit Payments	(34,589)
Net Change in Total Pension Liability	17,860
Total Pension Liability - Beginning	487,132
Total Pension Liability - Ending (a)	\$ 504,992
 Plan Fiduciary Net Position	
Employer Contributions	\$ 24,000
Pension Plan Net Investment Income	27,215
Benefit Payments	(34,589)
Pension Plan Administrative Expense	(1,011)
State of Colorado supplemental discretionary payment	21,600
Net Change in Plan Fiduciary Net Position	37,215
Plan Fiduciary Net Position - Beginning	391,346
Plan Fiduciary Net Position - Ending (b)	\$ 428,561
 Net Pension Liability/(Asset) - Ending (a)-(b)	\$ 76,431
 Plan Fiduciary Net Position as a Percentage of Total Pension Liability	84.86%
 Covered Employee Payroll	N/A
 Net Pension Liability as a Percentage of Covered Employee Payroll	N/A

*The amounts presented for each fiscal year were determined as of the calendar year-end that occurred one year prior. Information is only available beginning in fiscal year 2014.

Notes to the Schedule of Changes in Net Pension Liability (Asset) and Related Ratios for the year ended December 31, 2015:

Note 1. Changes of assumptions.

No changes during the years presented above.

Note 2. Changes of benefit terms.

No changes during the years presented above.

See the accompanying Independent Auditors' Report.

TOWN OF BUENA VISTA, COLORADO

SCHEDULE OF CHANGES IN NET PENSION LIABILITY/(ASSET) AND RELATED RATIOS
FIRE AND POLICE PENSION ASSOCIATION OF COLORADO - BUENA VISTA VOLUNTEER
FIRE DEPARTMENT PENSION FUND
LAST TEN FISCAL YEARS*

FY Ending December 31,	Actuarially Determined Contribution	Actual Contribution**	Contribution Deficiency (Excess)	Covered Payroll	Actual Contribution as a % of Covered Payroll
2014	\$ 13,043	\$ 45,600	\$ (32,557)	N/A	N/A

**Notes to the Schedule of Contributions
for the year ended December 31, 2015:**

Valuation Date:

Notes Actuarially determined contribution rates are calculated as of January 1 of odd numbered years. The contribution rates have a one-year lag, so the actuarial valuation as of January 1, 2013 determines the contribution amounts for 2014 and 2015.

Methods and Assumptions Used to Determine Contribution Rates:

Actuarial Cost Method	Entry Age Normal
Amortization Method	Level Dollar, Open***
Remaining Amortization Period	20 years***
Asset Valuation Method	5-Year smoothed market
Inflation	3.00%
Salary Increases	N/A
Investment Rate of Return	7.50%
Retirement Age	50% per year of eligibility until 100% at age 65.
Mortality	Pre-retirement: RP-2000 Combined Mortality Table with Blue Collar Adjustment, 40% multiplier for off-duty mortality. Post-retirement: RP-2000 Combined Mortality Table, with Blue Collar Adjustment Disabled: RP-2000 Disabled Mortality Table All tables projected with Scale AA.

*The amounts presented for each fiscal year were determined as of the calendar year-end that occurred one year prior. Information is only available beginning in fiscal year 2014.

** Includes both employer and State of Colorado Supplemental Discretionary Payment.

***Plans that are heavily weighted with retiree liabilities use an amortization period based on the expected remaining lifetime of the participants.

See the accompanying Independent Auditors' Report.

OTHER SUPPLEMENTARY INFORMATION

TOWN OF BUENA VISTA, COLORADO

BUDGETARY COMPARISON SCHEDULE
FOR THE CAPITAL IMPROVEMENTS FUND

For the Year Ended December 31, 2015
With Comparative Totals for the Year Ended December 31, 2014

	2015			2014 ACTUAL
	ORIGINAL & FINAL BUDGET	ACTUAL	VARIANCE POSITIVE (NEGATIVE)	
REVENUES				
Sales taxes	\$ 323,400	\$ 378,340	\$ 54,940	\$ 327,122
Contributions	20,500	9,551	(10,949)	15,000
Grants	611,720	23,105	(588,615)	17,000
Interest income	1,570	1,311	(259)	5,543
TOTAL REVENUES	<u>957,190</u>	<u>412,307</u>	<u>(544,883)</u>	<u>364,665</u>
EXPENDITURES				
General Government				
Office equipment/furniture	-	16,960	(16,960)	10,530
Public Safety				
Police vehicles	45,100	44,892	208	35,757
Fire fighting equipment	29,000	25,822	3,178	36,022
Office equipment/furniture	-	-	-	12,936
Total Public Safety	<u>74,100</u>	<u>70,714</u>	<u>3,386</u>	<u>84,715</u>
Community Services				
Capital outlay	156,000	78,385	77,615	127
Public Works				
Vehicles and equipment	155,000	12,173	142,827	4,941
General	40,000	12,659	27,341	8,790
Street improvements	526,390	373,700	152,690	2,152,784
Total Public Works	<u>721,390</u>	<u>398,532</u>	<u>322,858</u>	<u>2,166,515</u>
Culture and Recreation				
Park improvements	772,300	220,616	551,684	62,722
TOTAL EXPENDITURES	<u>1,723,790</u>	<u>785,207</u>	<u>938,583</u>	<u>2,324,609</u>
Excess (Deficiency) of Revenues Over Expenditures	(766,600)	(372,900)	(1,483,466)	(1,959,944)
Other Financing Sources				
Transfers in	235,000	220,000	15,000	265,000
Net Change in Fund Balance	(531,600)	(152,900)	(1,468,466)	(1,694,944)
FUND BALANCE - Beginning of Year	1,125,953	1,125,953	-	2,820,897
FUND BALANCE - End of Year	<u>\$ 594,353</u>	<u>\$ 973,053</u>	<u>\$ (1,468,466)</u>	<u>\$ 1,125,953</u>

See the accompanying Independent Auditors' Report.

TOWN OF BUENA VISTA, COLORADO

**WATER FUND
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND NET POSITION -
BUDGET AND ACTUAL**

**For the Year Ended December 31, 2015
With Comparative Totals for the Year Ended December 31, 2014**

	2015		VARIANCE	2014
	ORIGINAL & FINAL BUDGET	ACTUAL	POSITIVE (NEGATIVE)	ACTUAL
REVENUES				
Water sales	\$ 797,560	\$ 803,469	\$ 5,909	\$ 766,255
Water meter sales	10,000	5,041	(4,959)	10,646
Finance charges	11,540	8,820	(2,720)	10,715
Investment income	2,100	1,451	(649)	1,903
System development fees	884,400	149,013	(735,387)	132,881
Other fees	800	700	(100)	600
Other revenues	680	95,914	95,234	5,100
TOTAL REVENUES	1,707,080	1,064,408	(642,672)	928,100
EXPENDITURES				
Salaries and benefits	300,871	259,919	40,952	276,287
Professional services	38,708	85,379	(46,671)	91,430
Meters, materials and freight	3,000	9,682	(6,682)	4,945
Insurance	10,600	9,133	1,467	8,446
Other general and administrative	32,840	32,686	154	33,001
Utilities	17,300	14,547	2,753	17,072
Repairs and maintenance	46,613	11,170	35,443	21,479
Plant and building operations	84,039	30,533	53,506	42,836
Capital outlay	1,160,000	(587)	1,160,587	-
Debt principal payments	71,723	76,088	(4,365)	71,723
Debt interest and fiscal charges	16,835	14,638	2,197	12,517
TOTAL EXPENDITURES	1,782,529	543,188	1,239,341	579,736
CHANGE IN NET POSITION- BUDGET BASIS	(75,449)	521,220	596,669	348,364
RECONCILIATION TO GAAP BASIS:				
Depreciation		(169,436)		(163,267)
Debt principal payments		76,088		71,723
Total GAAP basis adjustments		(93,348)		(91,544)
CHANGE IN NET POSITION- GAAP BASIS		\$ 427,872		\$ 256,820

See the accompanying Independent Auditors' Report.

TOWN OF BUENA VISTA, COLORADO

AIRPORT ENTERPRISE FUND
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND NET POSITION -
BUDGET AND ACTUAL

For the Year Ended December 31, 2015
With Comparative Totals for the Year Ended December 31, 2014

	2015			
	ORIGINAL & FINAL BUDGET	ACTUAL	VARIANCE POSITIVE (NEGATIVE)	2014 ACTUAL
REVENUES				
Charges for services:				
Fuel sales	\$ 341,600	\$ 358,100	\$ 16,500	\$ 261,810
Rental revenue	4,700	12,859	8,159	14,346
Other fees and sales	58,140	30,315	(27,825)	39,795
Grant revenue	1,269,886	1,323,117	53,231	145,326
Transfers	350,000	350,000	-	110,000
Other taxes	3,000	1,868	(1,132)	2,111
Interest income	420	843	423	611
TOTAL REVENUES	2,027,746	2,077,102	49,356	573,999
EXPENDITURES				
Fuel cost	271,647	270,524	1,123	219,969
Salaries and benefits	124,596	146,812	(22,216)	141,686
Professional services	9,700	14,707	(5,007)	4,150
Insurance	15,500	15,870	(370)	14,548
Other general and administrative	23,865	22,803	1,062	32,186
Utilities	18,630	25,193	(6,563)	22,011
Repairs and maintenance	13,100	13,294	(194)	8,601
Airport and weather station operations	13,868	868	13,000	7,041
Capital outlay	1,607,361	1,637,475	(30,114)	153,589
TOTAL EXPENDITURES	2,098,267	2,147,546	(49,279)	603,781
CHANGE IN NET POSITION- BUDGET BASIS	\$ (70,521)	(70,444)	\$ 98,635	(29,782)
RECONCILIATION TO GAAP BASIS:				
Depreciation		(231,149)		(143,051)
Capitalized assets		1,614,835		143,048
Total GAAP basis adjustments		1,383,686		(3)
CHANGE IN NET POSITION - GAAP BASIS		\$ 1,313,242		\$ (29,785)

See the accompanying Independent Auditors' Report.

STATE REQUIRED REPORT SECTION

The public report burden for this information collection is estimated to average 380 hours annually.

LOCAL HIGHWAY FINANCE REPORT

City or County:
Town of Buena Vista
YEAR ENDING :
December 2015

This Information From The Records Of The Town of Buena Vist

Prepared By: Michelle A Stoke
Phone: 719-395-8643 Ext 17

I. DISPOSITION OF HIGHWAY-USER REVENUES AVAILABLE FOR LOCAL GOVERNMENT EXPENDITURE

ITEM	A. Local Motor-Fuel Taxes	B. Local Motor-Vehicle Taxes	C. Receipts from State Highway-User Taxes	D. Receipts from Federal Highway Administration
1. Total receipts available				
2. Minus amount used for collection expenses				
3. Minus amount used for nonhighway purposes				
4. Minus amount used for mass transit				
5. Remainder used for highway purposes				

II. RECEIPTS FOR ROAD AND STREET PURPOSES

III. DISBURSEMENTS FOR ROAD AND STREET PURPOSES

ITEM	AMOUNT	ITEM	AMOUNT
A. Receipts from local sources:		A. Local highway disbursements:	
1. Local highway-user taxes		1. Capital outlay (from page 2)	387,039
a. Motor Fuel (from Item I.A.5.)		2. Maintenance:	10,077
b. Motor Vehicle (from Item I.B.5.)		3. Road and street services:	
c. Total (a.+b.)		a. Traffic control operations	6,493
2. General fund appropriations	220,000	b. Snow and ice removal	1,754
3. Other local imposts (from page 2)	417,077	c. Other	56,688
4. Miscellaneous local receipts (from page 2)	35,462	d. Total (a. through c.)	64,935
5. Transfers from toll facilities		4. General administration & miscellaneous	41,749
6. Proceeds of sale of bonds and notes:		5. Highway law enforcement and safety	64,186
a. Bonds - Original Issues		6. Total (1 through 5)	567,986
b. Bonds - Refunding Issues		B. Debt service on local obligations:	
c. Notes		1. Bonds:	
d. Total (a. + b. + c.)	0	a. Interest	84,574
7. Total (1 through 6)	672,539	b. Redemption	90,000
B. Private Contributions		c. Total (a. + b.)	174,574
C. Receipts from State government (from page 2)	136,024	2. Notes:	
D. Receipts from Federal Government (from page 2)	0	a. Interest	
E. Total receipts (A.7 + B + C + D)	808,563	b. Redemption	
		c. Total (a. + b.)	0
		3. Total (1.c + 2.c)	174,574
		C. Payments to State for highways	
		D. Payments to toll facilities	
		E. Total disbursements (A.6 + B.3 + C + D)	742,560

IV. LOCAL HIGHWAY DEBT STATUS

(Show all entries at par)

	Opening Debt	Amount Issued	Redemptions	Closing Debt
A. Bonds (Total)	2,916,397		90,000	2,826,397
1. Bonds (Refunding Portion)				
B. Notes (Total)				0

V. LOCAL ROAD AND STREET FUND BALANCE

	A. Beginning Balance	B. Total Receipts	C. Total Disbursements	D. Ending Balance	E. Reconciliation
	2,413,896	808,563	742,560	2,479,899	0

Notes and Comments:

LOCAL HIGHWAY FINANCE REPORT

STATE:
Colorado
YEAR ENDING (mm/yy):
December 2015

II. RECEIPTS FOR ROAD AND STREET PURPOSES - DETAIL

ITEM	AMOUNT	ITEM	AMOUNT
A.3. Other local imposts:		A.4. Miscellaneous local receipts:	
a. Property Taxes and Assessments		a. Interest on investments	
b. Other local imposts:		b. Traffic Fines & Penalties	28,742
1. Sales Taxes	378,340	c. Parking Garage Fees	
2. Infrastructure & Impact Fees		d. Parking Meter Fees	
3. Liens		e. Sale of Surplus Property	
4. Licenses		f. Charges for Services	
5. Specific Ownership &/or Other	38,737	g. Other Misc. Receipts	
6. Total (1. through 5.)	417,077	h. Other	6,720
c. Total (a. + b.)	417,077	i. Total (a. through h.)	35,462
	(Carry forward to page 1)		(Carry forward to page 1)

ITEM	AMOUNT	ITEM	AMOUNT
C. Receipts from State Government		D. Receipts from Federal Government	
1. Highway-user taxes	120,341	1. FHWA (from Item I.D.5.)	
2. State general funds		2. Other Federal agencies:	
3. Other State funds:		a. Forest Service	
a. State bond proceeds		b. FEMA	
b. Project Match		c. HUD	
c. Motor Vehicle Registrations	7,053	d. Federal Transit Admin	
d. Other (Specify) - DOLA Grant	4,783	e. U.S. Corps of Engineers	
e. Other (Specify) Road and Bridge	3,847	f. Other Federal	
f. Total (a. through e.)	15,683	g. Total (a. through f.)	0
4. Total (1. + 2. + 3.f)	136,024	3. Total (1. + 2.g)	
			(Carry forward to page 1)

III. DISBURSEMENTS FOR ROAD AND STREET PURPOSES - DETAIL

	ON NATIONAL HIGHWAY SYSTEM (a)	OFF NATIONAL HIGHWAY SYSTEM (b)	TOTAL (c)
A.1. Capital outlay:			
a. Right-Of-Way Costs			0
b. Engineering Costs			0
c. Construction:			
(1). New Facilities		179,031	179,031
(2). Capacity Improvements			0
(3). System Preservation		194,963	194,963
(4). System Enhancement & Operation		13,045	13,045
(5). Total Construction (1) + (2) + (3) + (4)	0	387,039	387,039
d. Total Capital Outlay (Lines 1.a. + 1.b. + 1.c.5)	0	387,039	387,039
			(Carry forward to page 1)

Notes and Comments:

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

DATE: July 8, 2016

TO: Mayor and Board of Trustees

FROM: Mark N. Doering, Principal Planner

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

Requests:

Staff is requesting amendments to the Municipal Code regulating nuisances, including sanitation and animals, recreational vehicles, and trailers.

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 nuisances, animals, and recreational vehicles and trailers on public property within town limits. The two 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. The new regulations clarify how many and which animals are allowed in Town. They also explain nuisances in town, including storage of materials, trailers and recreational vehicles on public property, 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 and trailers on public property within Town limits.

Attachments: Proposed ordinance relating to nuisances and nuisance abatement
Proposed ordinance relating to recreational vehicles and trailers on public property

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 AND
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 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) For purposes of this Section, the term “parcel” shall mean a single subdivided tract of real property (such as a lot), or a single tract of property that has not been subdivided.
- (b) In any zone district, an RV, which is unoccupied, may be parked and stored on public property or on the public right-of-way 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 in any one week period, regardless of whether the owner of the RV is also the owner or occupant of the abutting parcel. 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) 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.

- (6) The parked RV must be operable and maintained as not to create a nuisance.
- (c) Except as provided for herein, RVs shall not be used for dwelling or residential purposes.
 - 1. An RV may be occupied in residential zone districts (which shall include mixed used zone districts allowing for residential uses such as the B-1 OT Zone District) in the public right-of-way for a period not to exceed 72 hours in any one week period, provided that the owner or occupant of the immediately abutting parcel provides permission. 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 time fewer than 24 hours, shall be ignored in determining whether or not an RV has remained parked for 72 hours or more.
 - 2. An RV may be occupied in residential zone districts (which shall include mixed used zone districts allowing for residential uses such as the B-1 OT Zone District) on a private parcel for no more than two weeks in any sixty day period, provided that the owner or occupant of the subject parcel provides permission.

Section 5. A new Section 16-249.1 of the Buena Vista Municipal Code is hereby added to read as follows:

Section 16-249.1 - Trailers

- (a) For purposes of this Section, the term “parcel” shall mean a single subdivided tract of real property (such as a lot), or a single tract of property that has not been subdivided.
- (b) 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 seven (7) days. The fact that the trailer is moved along the same right of way or is moved away for any period of time fewer than 24 hours, shall be ignored in determining whether or not a trailer has remained parked for more than seven (7) days. No trailer may be parked in the public right-of-way unless permission has been obtained from the owner or occupant of the immediately adjacent parcel.
- (c) A trailer may not be parked or stored in any manner that constitutes a public safety issue. All trailers in the public right of way or on public property shall be legally registered and licensed.
- (d) Notwithstanding any other provision of this Section, a trailer 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.
- (e) Any trailer left in the public right of way for more than seven (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.

- (f) 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 designated public parking lot for a longer period if permitted by the Town pursuant to Sec. 7-13 of this Code.

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	4 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-four~~ (42) 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)(4) 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
Fax: (719)395-8644

DATE: July 12, 2016
TO: Mayor and Board of Trustees
FROM: Emily Katsimpalis, Assistant to the Town Administrator
AGENDA ITEM: Historic Preservation Ordinance

Request

Following the historic preservation policy discussion on May 10, staff was directed to finalize the historic preservation ordinance. Please find included in your packet the historic preservation ordinance that will establish historic preservation policy and a historic preservation commission for the Town of Buena Vista.

Background

A historic preservation ordinance will protect the historic structures in town from demolition or neglect. The recommendations called for the creation of a historic preservation commission. The commission will be similar in function to the Planning and Zoning Commission.

By passing a historic preservation ordinance, the Town of Buena Vista can apply to become a Certified Local Government (CLG).

There are many benefits to becoming a CLG. One of the more notable reasons is the access to no-match grants. The grants can be used for surveys of historic properties, planning, trainings and educational activities.

CLG status is also a requirement to move up in the Main Street program. Currently Buena Vista Main Street is at the "Candidate" level. If we move up to "Designated" and eventually "Graduate" we will unlock more grant money and technical support at each level.

Other tangible benefits of preserving historic properties include preserving our physical history into perpetuity. Preserving physical history means preserving the community's connection to place. People who love their place are: more likely to vote, more likely to volunteer, more likely to give charitably, and more likely to pay taxes (*Knight Foundation 'Soul of the Community' report*).

Additionally, there are generally smaller, locally owned businesses in neighborhoods with smaller, older buildings. More small businesses equals more jobs, more sales tax revenue, and the list goes on.

Overview

Highlights of the historic preservation ordinance:

- Local landmarks require property owner consent.
- Historic Preservation Commission will draw from Chaffee County residents.
- Historic district—should one be established--will require 75% of property owners in the district boundaries to consent to their property being included in the historic district.

Policy Alignment

The CLG status is consistent with several policies of the Town. Historic preservation was identified as a priority in the 2015 Comprehensive Plan and the CLG helps the Town to accomplish the goals of that plan. The CLG also aligns with the DCI Assessment that identified this as a tool to help the community achieve the preservation of our heritage and protection of historic structures. The CLG was also identified under economic vitality in the 2016-2017 strategic outcomes as a short-term goal.

BOT Action

Staff recommends adoption of the Historic Preservation Ordinance.

The next steps are to apply for CLG status mid-August when the ordinance becomes law.

TOWN OF BUENA VISTA, COLORADO

**ORDINANCE NO. 14
(SERIES OF 2016)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,
AMENDING THE BUENA VISTA MUNICIPAL CODE BY THE
ADDITION OF A NEW CHAPTER 19, HISTORIC PRESERVATION.**

WHEREAS, the Town desires to protect its historic resources and develop a process that allows for the protection and proper management of those resources;

WHEREAS, to accomplish this goal, the Town desires to adopt regulations for the establishment and preservation of historic structures, sites and districts; and

WHEREAS, the Board of Trustees finds this Ordinance to be in the best interests of the Town and its citizens to preserve the heritage of the Town.

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

Section 1. The Buena Vista Municipal Code is amended by the addition of a new Chapter 19:

CHAPTER 19 – HISTORIC PRESERVATION

ARTICLE 1 – General Provisions

Sec. 19-1. - Purpose and intent.

- (a) In order to foster civic pride in the beauty and accomplishments of the past, and in order to create eligibility for state or federal grant funds for the restoration, stabilization, and preservation of landmarks within the Town of Buena Vista that reflect outstanding elements of the Town's cultural, artistic, social, economic, political, architectural, historic or other heritage, a procedure for designating historic local landmarks within the Town is needed.
- (b) The intent of this Chapter is to create a reasonable balance between private property rights and the public interest in preserving the Town's unique historic character and culture. The intent is to provide incentives to preserve historic and architecturally significant sites, buildings, structures, neighborhoods and districts by providing guidelines for the appropriate use of land and the moving, demolition, reconstruction, restoration, or alteration of such buildings, sites, and structures that comply with state and federal historic preservation laws, thereby making certain tax credits available to private property owners and making other benefits and incentives available for preservation projects.

Sec. 19-2. – Definitions.

Unless specifically defined below, words and phrases in this Chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Chapter its most reasonable application.

- (a) *Alteration* means any act or process that changes either one or more of the exterior architectural features of a structure; or one or more of the physical features of a site or district, except color or paint.
- (b) *Certificate of historic appropriateness* means a certificate issued by the Town showing approval of plans for construction, demolition, moving, reconstruction, restoration, or alteration of any historic structure, site or any structure in a historic district.
- (c) *Commission* means the Town of Buena Vista Historic Preservation Commission.
- (d) *Compatible* shall mean consistent with, harmonious with and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.
- (e) *Construction* means the act or process of adding an addition to an existing structure, the remodeling of an existing structure, or the erection of a new structure.
- (f) *Contributing structures* means those structures or physical features within a site or district that help to define the historic significance of that site or district.
- (g) *Cultural landscape* means a geographic area (including both cultural and natural resources and the wildlife or domestic animals therein) associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.
- (h) *Demolition* means any act or process which destroys, in part or in whole, any historic structure.
- (i) *Designated structure, site or district* means a structure, site or district designated pursuant to this Chapter.
- (j) *Exterior architectural feature* means the architectural style and general arrangement of the exterior of the structure including type and texture of the building materials and including all windows, doors, siding, roofs, lights, signs, and other fixtures appurtenant thereto, if such physical component is visible from a public way or adjoining properties.
- (k) *Historic designation* means the formal recognition of a historic structure, site, or district by the Town pursuant to this Chapter.
- (l) *Historic district* means a geographically definable area including a concentration, linkage, or continuity of subsurface sites, cultural landscapes, buildings, structures, or objects. A district is related by a pattern of either physical elements or social activities. The term district may include, but is not limited to, neighborhoods, agricultural, or

commercial districts.

- (m) *Historic significance* means having a special historic or aesthetic interest or value as part of the development, heritage, cultural, or historic character of the town, region, state, or nation.
- (n) *Maintenance and repair* means any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of, decay of, or damage to a structure or any architecturally significant part thereof, and to restore or replace, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay, or damage, and which work does not effect a significant change in the external appearance of the structure.
- (o) *Overwhelming historical significance* means either possessing such unusual or uncommon significance that any structure's potential demolition or major alteration would diminish the character and sense of place in town; or possessing superior or outstanding examples of the architectural, social, or geographic historic significance criteria outlined in the standards and criteria set forth in this Chapter. The term superior shall mean excellence of its kind, and the term outstanding shall mean marked by eminence and distinction.
- (p) *Preservation* means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a designated structure or site.
- (q) *Reconstruction* means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.
- (r) *Rehabilitation* means the act or process of making a compatible use for a property through repair, alterations, and additions, while preserving those portions or features that convey its historic, cultural, or architectural values.
- (s) *Restoration* means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and/or reconstruction of missing features from other periods in its history.
- (t) *Significant change* means an alteration or modification in the external appearance that has or is likely to have influence or effect on the historic or architectural merit of a structure or site, including but not limited to all activities for which a building permit is required.
- (u) *Site* means a location of a significant event, historic occupation or activity where the location itself maintains historical or architectural value and significance to the community regardless of the value of any existing building or structure.

- (v) *Structure* means anything constructed or erected, the use of which requires permanent or near permanent location on or in the ground, or attachment to something having permanent location on the ground.

19.03. - Historic Preservation Commission

- (a) There is hereby created a Historic Preservation Commission, which shall have the principal responsibility for matters involving historic structures, sites and districts as set forth in this Chapter.
- (b) The Commission shall consist of five regular members and one alternate appointed by the Board of Trustees. To stagger the initial terms of membership, the original Commission shall consist of: three (3) members to serve four (4) year terms and two (2) members and the alternate to serve two (2) year terms. The Commission shall be composed of both professional and lay members, and at least 40% (two of the five) shall be professionals in preservation-related disciplines, such as architecture, landscape architecture, architectural history, archaeology, history, planning, or related disciplines such as building trades, real estate, law, cultural geography, or cultural anthropology. If the required number of professional members cannot be found to serve on the Commission, this requirement may be waived until the next vacancy occurs, at which time the Town shall again diligently seek professional representation. In the case of a lack of professional appointees, the Commission may, with Board approval, be allowed to retain professional consultants to advise the Commission as necessary to fulfill its duties. Commission members shall be residents of Chaffee County.
- (c) At its first meeting of each calendar year, the Commission shall elect one (1) Commissioner to serve as chair to preside over the meetings, and one (1) Commissioner to serve as vice-chair. The Commissioners so designated shall serve in these capacities for terms of one (1) year, and may serve successive terms.

19.04. – Meetings of the Commission.

- (a) The Commission shall meet at least quarterly, unless applications or other requests for action are pending, in which case the Commission shall meet at least monthly.
- (b) A majority of the number of currently appointed regular board members shall constitute a quorum. An alternate may substitute for a regular board member to create a quorum. If a quorum is not present, then the chair of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date.
- (c) The Commission shall act only at properly noticed meetings.
- (d) No Commissioner shall vote on any matter that may materially or apparently affect the property, income, or business interest of that Commissioner.

- (e) The chair, and in his absence the vice-chair, may administer oaths and compel the attendance of witnesses.
- (f) All meetings of the Commission shall be open to the public. Minutes shall be kept of all Commission proceedings, and sent to the State Historic Preservation Office upon approval.
- (g) The Commission may adopt bylaws and other administrative guidelines to govern the conduct of its meetings, which shall be made available to the public.
- (h) At least one Commission member must attend a History Colorado approved educational or training event each year.

19.05. - Powers of Historic Preservation Commission.

- (a) To propose for adoption criteria for review of historic resources and for review of proposals to alter, demolish, or move designated resources, that are in addition to and consistent with the criteria set forth in this Chapter.
- (b) To review structures, sites and districts nominated for designation and make recommendations to the Board of Trustees regarding historic designation.
- (c) To advise and assist owners of designated structures or sites on physical and financial aspects of preservation, renovation, rehabilitation, and restoration, including nomination to the National Register of Historic Places and State Register of Historic Properties.
- (d) To develop and assist in public education programs, including but not limited to school programs, walking tours, brochures, a marker program for historic properties, interpretive sites and programs, lectures, and conferences about the history of the local and regional community, the value of preserving historic properties, and the materials and methods of preservation.
- (e) To determine applications for certificates of historic appropriateness pursuant to this Chapter.
- (f) To conduct surveys of historic structures, sites and district in order to define those of historic significance, for the purpose of creating a preservation plan of historic properties and districts.
- (g) To pursue financial assistance for preservation and history-related programs.
- (h) To maintain records and files on all board actions and provide documentation as necessary to History Colorado, Colorado's State Historic Preservation Office (SHPO).
- (i) To identify and implement other incentives for owners of historic properties.
- (j) To authorize and implement such steps as it deems desirable to recognize the merit of and to encourage the protection, enhancement, perpetuation, and use of any historic structure,

site or historic district by, without limitation, issuing certificates of recognition and authorizing plaques to be affixed to the exteriors of such structures.

- (k) To fulfill any other duties required by state and federal law in order to qualify the Town as a Certified Local Government (CLG).

19.06. - Procedures for designation of historic structures, sites and historic districts.

- (a) Nominations for designations shall be made to the Town on forms provided by the Town and may be submitted by the Commission or a citizen. Nominations for historic structures or sites must contain the written approval of all current owners of record. Nominations for historic districts shall have written approval of at least seventy-five (75%) of property owners within the proposed boundaries of the district.
- (b) Once the nomination is deemed completed by Town staff, the Commission shall hold a public hearing on the proposal no more than sixty (60) days after the determination of completeness.
- (c) Notice of the public hearing before the Commission shall be published and posted on the property subject to the nomination fifteen (15) days prior to the public hearing. Posting for a historic district nomination shall be at street intersections within the boundaries of the proposed district. Further, for district nominations, written notice shall be sent by first class mail at least fifteen (15) days prior to the hearing to all property owners whose property is contained within the proposed district.
- (d) The Commission may continue the hearing from time to time as necessary to gather all relevant evidence to make its recommendation. The Commission shall consider the subject property's conformance with the purposes, standards, and criteria of this Chapter.
- (e) Within thirty (30) days after the conclusion of the public hearing, the Commission shall either recommend approval, modification and approval, or denial of the nomination to the Board of Trustees.
- (f) Within sixty (60) days after the date of the recommendation from the Commission, the Board of Trustees shall hold a public hearing on the nomination. Notice of the public hearing shall be provided as set forth in Sec. 19.06(c).
- (g) The Board of Trustees shall, by resolution, approve, modify and approve, or deny the proposed designation, and shall issue written findings in accordance with and after considering the criteria as set forth in this Chapter. Such resolution shall include a description of the characteristics of the site, structure, or district that justify its designation and a description of the features that should be preserved or enhanced, and shall include a legal description of the location and boundaries of the property where the structure is located, site or district. The resolution may also indicate alterations that would have a significant impact upon, or be potentially detrimental to, the historic structure, site or district. The owner or owners of the property nominated or included in the district shall be notified of the Board of Trustees' decision.

- (h) The resolution shall be recorded with the Chaffee County Clerk and Recorder no sooner than thirty (30) days from the effective date of the resolution. As soon as possible, the staff shall send a copy of the recorded resolution to all property owners in a designated district or the owner of the designated structure or site.
- (i) A structure or site designated as historic or a structure located within a historic district shall retain that designation in perpetuity, unless the structure or site has lost its historic character or the designation has been otherwise revoked pursuant this Chapter.

19.07. - Criteria for Designation – Structures and Sites.

- (a) The Commission and Board of Trustees will consider the following criteria in reviewing nominations of structures and sites for historic designation:
 - (1) Properties receiving historic designations shall be at least fifty (50) years old, except as otherwise provided herein, and possess architectural, social, or geographical/environmental importance by meeting at least one or more of the following:
 - a. Exemplifies specific elements of an architectural style or period;
 - b. Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally;
 - c. Demonstrates superior craftsmanship or high artistic value;
 - d. Represents an innovation in construction, materials, or design;
 - e. Represents a style particularly associated with the Buena Vista/Chaffee County area;
 - f. Represents a built environment of a group of people in an era of history;
 - g. Represents a pattern or grouping of elements representing at least one of the above criteria;
 - h. Is the site of a historic event that had an effect upon society;
 - i. Exemplifies cultural, political, economic, or social heritage of the community;
 - j. Represents an association with a notable person or the work of a notable person;
 - k. Represents a typical example/association with a particular ethnic group;
 - l. Represents a unique example of an event in Buena Vista's history;

- m. Enhances sense of identity of the community;
 - n. Is an established and familiar natural setting or visual feature of the community;
 - o. Properties that have yielded or may be likely to yield, information important in history or prehistory; or
 - p. If the property is less than fifty years old, must demonstrate overwhelming historic significance.
- (b) Any site listed on the state or national register of historic places shall be deemed to qualify for local designation under this Chapter, but shall not be locally designated until an application for nomination is filed and processed pursuant to this Chapter.

19.08. – Criteria for Designation - Districts

- (a) Historic districts must comply with the criteria in Sec. 19.07 and be related by a pattern of either physical elements or social activities. Significance is determined by applying criteria in this Chapter to the patterns and unifying elements.
- (b) Properties that do not contribute to the significance of the historic district may be included within the boundaries, as long as the noncontributing elements do not noticeably detract from the district's sense of time, place, and historic development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location, or information potential.

19.09. - Revocation of designation.

- (a) If a designated structure or physical feature on a designated site is destroyed or demolished through no fault of the owner or in compliance with this Chapter, the owner may apply to the Town for revocation of designation. The Commission shall recommend revocation of a historic designation if it determines that, without the demolished structure or physical feature, the structure or site as a whole no longer meets the purposes and criteria of this Chapter and if the public benefits of alteration, removal, or demolition of the structure or physical feature outweigh the public benefits of maintaining the designation.
- (b) Upon the Commission’s recommendation, the application scheduled for consideration by the Board of Trustees. The Board of Trustees shall, by resolution, approve, modify and approve, or deny the application. The resolution, if it approves or modifies and approves the revocation, it shall be recorded with the Chaffee County Clerk and Recorder no sooner than thirty (30) days after the decision.

19.10. - Duties and obligations of owners of historic properties.

- (a) It shall be unlawful for the owners of designated structures, site or contributing structures in a historic district to allow the deterioration of the property, its character defining

features, or its surrounding environment. Landscaping must be maintained and the property kept free from any hazardous or unsafe conditions.

- (b) Before an owner is cited for failure to maintain the historic site or structure, or contributing structure in a historic district, the commission shall notify the property owner, lessee, or occupant of the need to repair or maintain, shall assist the owner, lessee, or occupant in determining how to preserve the property, and shall give the owner a reasonable time to perform such work, which time shall not exceed 120 days. The Commission may grant extensions of the time period for good cause.

19.11. - Certificate of historic appropriateness

- (a) A certificate of historic appropriateness shall be required for any exterior work other than maintenance and repair on a structure or site subject to a historic designation that involves more than ordinary maintenance and repair. It shall be unlawful for any person to perform any work, other than maintenance and repair, without having first obtained a certificate of historic appropriateness.
- (b) The Commission shall review any application for a certificate of historic appropriateness to determine whether the application meets the criteria in this Chapter.
- (c) All proposals for certificates of historic appropriateness shall be reviewed in accordance with the U.S. Secretary of the Interior's Guidelines for Rehabilitation and any design guidelines approved by the Town Board of Trustees.
- (d) The following criteria shall apply to all alterations or changes:
 - (1) All proposed alterations must be consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties.
 - (2) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - (3) The removal or alteration of any historical material or distinctive features shall be avoided when possible.
 - (4) Deteriorated historic features shall be repaired rather than replaced when possible. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - (5) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

- (6) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - (7) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property and shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic landmark and its environment would be unimpaired. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - (8) All historic or contributing buildings, structures, and sites shall be recognized as products of their own time and place. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, site, or environment. These changes may have acquired significance in their own right, and every consideration should be made for their retention and preservation. If they are not to be retained, the applicant must present a reasonable argument for their removal that restores the structure to a significant historical period in the structure's history. Alterations that have no historical basis and which seek to create an earlier or nonlocal appearance shall be discouraged.
- (e) The Commission shall approve, modify and approve or deny the application. Any decision of the Commission approving or disapproving an application for a certificate of historic appropriateness. The Town shall issue a certificate of historic appropriateness for any proposed work on a designated historical structure or site only if the Commission can determine that the proposed work would not detrimentally alter, destroy, or adversely affect any feature that was found by the Board of Trustees in the original designation to contribute to the designation of the structure or site.

19-12. - Hardship exemption.

- (a) The Commission may exempt a property from the requirement of obtaining a certificate of historic appropriateness if the Commission finds that the property owner has shown that the historic designation creates or would create an undue hardship.
- (b) An exemption based on noneconomic hardship may be found by the Commission when designation creates a situation substantially inadequate to meet the applicant's needs because of specific health or safety issues.
- (c) An exemption based on economic hardship may be found by the Commission applying the following standards:
 - (1) The applicant's knowledge of the designation at the time of acquisition, or whether the property was designated subsequent to acquisition;
 - (2) The current level of economic return on the property as considered in relation to

the following:

- a. The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and price asked and offers received, if any, within the previous two years.
 - b. The infeasibility or feasibility of alternative uses that can earn a reasonable economic return for the property.
 - c. Economic incentives or funding available to the applicant through federal, state, town, or private programs.
- (3) Economic hardship does not include self-created hardships, willful or negligent acts by the owner, purchase of the property for substantially more than the market value, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements.
- (d) The Commission shall hold a public hearing as soon as practical, after the notice prescribed in Sec. 19.06(c), to take final action on the application.
- (1) If after reviewing all of the evidence, the Commission finds that the application of the standards set forth in subsection (c) of this section results in economic hardship, then the commission shall issue a certificate of economic hardship, allowing the proposed alteration, or a certificate of demolition.
 - (2) If the Board of Trustees finds that the application of the standards set forth in subsection (c) of this section does not result in economic hardship, then the certificate of demolition shall be denied.

19.13. – Certificate of demolition.

- (a) It shall be unlawful for any historic structure, site or property in a historic district to be demolished without having first obtained a certificate for demolition. If a certificate for demolition is requested on any basis other than that of an imminent hazard or economic hardship, a certificate of demolition will not be issued until all criteria in subsection (b) of this Section are met.
- (b) Applicants requesting a certificate of demolition must provide data to clearly demonstrate that the situation meets all of the following criteria:
 - (1) The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure. An architect or engineer with extensive historic building experience will be required to submit a report with sufficient evidence related to the building's structural integrity.
 - (2) The structure cannot be rehabilitated or reused on-site to provide for any reasonable beneficial use of the property.

- (3) The structure cannot be practically moved to another site.
- (4) The applicant demonstrates that the proposal mitigates to the greatest extent practical the following:
 - a. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur;
 - b. Any impact on the historic importance of the remaining structures located on the property and adjacent properties; and
 - c. Any impact to the architectural integrity of the remaining structures located on the property and adjacent properties.
- (c) In the case of archaeological sites, consideration will be given to whether information can be recovered as part of the demolition process.
- (d) Review criteria for partial demolition:
 - (1) The partial demolition is required for the renovation, restoration, or rehabilitation of the structure; and
 - (2) The applicant must mitigate, to the greatest extent possible:
 - a. Impacts on the historic importance or character defining features of the structures located on the property.
 - b. Impacts on the architectural integrity of the structures located on the property.

19.14. - Demolition or relocation of non-designated buildings.

- (a) No person shall demolish, move, or remove any building which is over 50 years old without first applying to the Planning Department for a permit for demolition or relocation under this Chapter and receiving a permit. Any person receiving such a permit may conduct the demolition or relocation of the building as authorized under such permit only in compliance with the terms of the permit and only before the permit expires.
- (b) Any owner of a building which is over 50 years and who intends to pursue any building or development activity that may require a permit under this Section may request a pre-filing conference with the Commission to discuss the historic nature, status and features of the property. Public comment shall be allowed as part of such conference. No action shall be taken by the Commission as part of this conference, nor shall the Commission, owner or any interested party be bound by any discussion or comments during the conference. The conference shall not be a part of or in lieu of any demolition review required by this Chapter.
- (c) Upon receipt of an application under this Section, Town staff will determine if demolition

or relocation review is required by examining application. In addition, review under this Section will be initiated upon referral from the Planning Department when a building over 50 years old is located on property that is contained within a pending application for a historic district, a Special Use Permit (SUP) or Planned Unit Development (PUD) request, which application has not been withdrawn and has had development referrals issued by the Planning Department.

- (d) This initial review, to determine eligibility for designation, shall be completed no later than 30 days after submission of complete demolition permit application. Failure to meet this review deadline will result in immediate issuance of demolition or relocation permit if all other permitting requirements have been met. If Town staff fails to submit their recommendation to the Commission within 30 days after receipt of a completed permit application, the Town shall issue the permit if all other requirements of the permit process have been met.
- (e) If during the initial review, the property is determined potentially eligible for designation, any permit will be stayed for 60 days. If determined not eligible, then a permit will be immediately issued if all other permitting requirements have been met. A copy of the determination will be sent to the owner with determination findings within 14 days of said determination.
- (f) The Commission shall conduct a public hearing on the application or the referral subject to the notice requirements prescribed in Sec. 19.06(c).
- (g) The Commission shall hold a public hearing on the permit application or referral for review within sixty (60) days after the date of Town acceptance of a completed application or issuance of Planning Department referral. For permit applications, if the Commission fails to hold a public hearing within such 60-day period, the Town shall issue the permit if all other requirements of the permit process have been met.
- (h) If the Commission determines that the non-designated building would qualify for designation under the criteria in this Chapter, the application for a permit to demolish or relocate shall be suspended for a period of 180 days. During the period of suspension, the Commission may take any action authorized to it that it deems necessary and consistent with the purposes and intent of this Chapter to preserve the structure, including, without limitation, consulting with civic groups, public agencies, and interested citizens; recommending acquisition of the property by private or public bodies or agencies; exploring the possibility of moving buildings that would otherwise be demolished; and salvaging building materials, and looking for alternatives to the proposed action which will not have any adverse impact on the historic significance of the structure. The Commission shall work with the owner regarding any action to preserve the historic nature of the structure under this Section. After the 180-day period, the Town shall issue a permit if all other requirements of the permit process have been met.
- (i) Prior to the issuance of a permit for demolition or relocation, the Town or the Commission may require the applicant to provide information about the building,

including, without limitation, the date of original construction, significant events and occupants, architectural features, and a description of the building through photographs, plans, and maps. As a part of this process, the Commission may require the applicant to allow Town staff or its agent on the subject property to provide historic photo-documentation of the structure. The Town will determine where the documentation is to be deposited.

- (j) Any demolition or relocation permit that is issued pursuant to an application that is subject to this Section shall expire no later than 180 days after the permit is issued if the work authorized by such permit has not commenced.
- (k) The Town may require the preservation or salvage of specific architectural elements of the structure and the opportunity to document the building photographically prior to demolition of the site.

19.15. - Unsafe or dangerous conditions exempted.

Nothing in this Chapter shall be construed to prevent any measures of construction, alteration, removal, or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or parts thereof, where such condition is declared unsafe or dangerous by the Town and where the proposed measures have been declared necessary by the chief building official to correct the condition, as long as only such work that is necessary to correct the condition is performed. Any temporary measures may be taken without first obtaining a certificate of historic appropriateness under this Chapter, but a certificate is required for permanent alteration, removal, or demolition.

19.16. - Appeals.

- (a) Any person aggrieved by a Historic Preservation Commission decision may appeal the decision to the Board of Trustees by following the procedures set forth in this Section.
- (b) A formal notice of appeal shall be filed with the Town no later than fifteen (15) working days from the date of decision. The notice shall conform with the requirements of this Section, along with the applicable filing fee.
- (c) Upon receipt of the appeal, the Town Clerk shall schedule the appeal for the next regularly scheduled meeting of the Board of Trustees that allows for publication and posting required per Sec. 19.06(c).
- (d) Appeals shall be reviewed on the basis of the record before the Commission to determine the following:
 - (1) If the Design Guidelines were adhered to, if guidelines have been adopted by the Town; and
 - (2) If the Code was interpreted or applied erroneously.
- (e) A perfected appeal shall operate as a stay of the decision unless determined otherwise by

the Board of Trustees.

- (f) Once scheduled, an appeal may only be postponed by the aggrieved party upon a showing of good cause.
- (g) The Board of Trustees shall have the power to affirm, reverse, modify or remand for additional review the action under appeal. The hearing shall be limited to matters raised on appeal. No new evidence shall be admitted at a public hearing.
- (h) The failure to appeal within the fifteen (15) day period shall be deemed to be a waiver of the right to appeal for failure to exhaust administrative remedies.
- (i) The appeal filing fee shall be per the published fee schedule as determined by the Board of Trustees. Failure to pay the fee according to the published fee schedule shall be deemed to be a waiver of the right to appeal.

19.17. - Enforcement and penalties.

- (a) It shall be unlawful for any person to violate a provision of this chapter or the terms of a certificate of historic appropriateness. Any person, either as owner, lessee, occupant, or otherwise, who violates any of the provisions of this Chapter or any amendment thereof, or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon him by the provisions of this Chapter, shall be subject to penalties in Sec. 1-72 of the Municipal Code.
- (b) In addition to the remedies in Sec. 19.17(a) above, if a designated structure is altered or demolished in violation of this Chapter, the violation shall be grounds for the Town to deny any permit required under the Municipal Code related to the use of the property or building on the property for a period of five (5) years from the Town's discovery of the violation or the Town may seek order from the Municipal Court or other court of competent jurisdiction an order from the court requiring the owner to cease the alteration or demolition or requiring the owner to return the structure to its condition prior to the unlawful alteration or demolition, including reconstruction of the structure in a manner that replicates as closely as possible the original structure. An owner subject to the remedies in this subsection may file for an appropriate permit under this Chapter seeking approval from the Town for the alteration or demolition. Such permit application shall be accompanied by the payment of an amount that is equal to double the current application fee. If the Town approves the application, then the five (5) year moratorium on permits shall be lifted and the owner may seek vacation of any court order.
- (c) The remedies in this Section shall be deemed cumulative.

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: _____
Joel Benson, Mayor

ATTEST:

Janell Sciacca, Town Clerk

(SEAL)



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

DATE: June 28, 2016
TO: Mayor and Board of Trustees
FROM: Janell Sciacca, Town Clerk

AGENDA ITEM: Should the Board of Trustees approve adoption of Resolution #65 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO DESIGNATING INITIAL PROPERTIES LICENSED TO SELL ALCOHOL FOR INCLUSION IN THE TOWN OF BUENA VISTA EAST MAIN STREET DOWNTOWN ENTERTAINMENT DISTRICT.**"?

Request

A request is being made for the Board to consider a Resolution to designate the properties for inclusion in the Town of Buena Vista East Main Street Downtown Entertainment District.

Overview

Ordinance No. 11, Series 2016 adopted on May 24, 2016 became effective July 2, 2016 following publication in the Chaffee County Times on June 2, 2016. That Ordinance amended the Town code establishing the Town of Buena Vista East Main Street Downtown Entertainment District and set forth associated rules and regulations. Per section 6-114(b), the Board of Trustees is authorized to include or exclude properties in the District by Resolution.

Analysis

In order to comply with section 6-114(b), Staff is recommending the Board of Trustees designate the currently existing liquor licensed establishment properties as those that are initially included in the Town of Buena Vista East Main Street Downtown Entertainment District. Subsequent designations for any future properties will require a separate resolution.

Policy Alignment

The proposed Resolution aligns with the Collective Vision Policy key outcome areas for Economic Vitality and Community in that the purpose of creating the Town of Buena Vista East Main Street Downtown Entertainment District is to provide opportunities for residents and visitors to engage in more activities, uses, events and socializing in the historic downtown area, as well as to enhance the economic vitality of downtown retail shops, taverns, hotels and restaurants, beer and wine bars, distilleries and other businesses.

BOT Action

Motion to **Approve** or **Deny** adoption of Resolution #65 entitled "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO DESIGNATING INITIAL PROPERTIES LICENSED TO SELL ALCOHOL FOR INCLUSION IN THE TOWN OF BUENA VISTA EAST MAIN STREET DOWNTOWN ENTERTAINMENT DISTRICT."

Attached

- Resolution #65

TOWN OF BUENA VISTA, COLORADO

**RESOLUTION NO. 65
(Series 2016)**

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, DESIGNATING THE LIQUOR LICENSED PROPERTIES INITIALLY INCLUDED IN THE TOWN OF BUENA VISTA DOWNTOWN EAST MAIN ENTERTAINMENT DISTRICT.

WHEREAS, the Board of Trustees of the Town of Buena Vista, Colorado adopted Ordinance No. 11, Series 2016 on May 24, 2016 amending the Municipal Code creating the “Town of Buena Vista East Main Downtown Entertainment District” and adopting rules and regulations for the operation of the Entertainment District; and

WHEREAS, Ordinances No. 11, Series 2016 became effective on July 2, 2016; and

WHEREAS, Section 6-114(b) authorizes the Board of Trustees to include properties in the Entertainment District by Resolution;

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

1. The following liquor licensed properties are the initial properties included in the Town of Buena Vista East Main Downtown Entertainment District:

The Jailhouse Craft Beer Bar – 412 East Main Street, Buena Vista, CO
House Rock Kitchen – 421 East Main Street, Buena Vista, CO
Spoon-It-Up – 402 East Main Street, Buena Vista, CO
Asian Palate – 328 East Main Street, Buena Vista, CO
Deerhammer Distilling Company – 321 East Main Street, Buena Vista, CO
The Green Parrot Bar – 302 East Main Street, Buena Vista, CO
Lariat Bar – 206 East Main Street, Buena Vista, CO

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

TOWN OF BUENA VISTA, COLORADO

BY: _____
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: July 12, 2016
TO: Mayor and Board of Trustees
FROM: Brandy Reitter, Town Administrator

AGENDA ITEM: Should the Board of Trustees approve adoption of Resolution No. 66 "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH THE FRONTERRA GROUP FOR DESIGN SERVICES FOR FOUR COMMUNITY PARKS.

Request

A request is being made to consider a contract for professional services between the Town and the FronTerra Group.

Overview

The Town has prioritized a few parks for design and construction as a short-term goal. The parks that the community would like the Town to construct are located by the community center, a new baseball field for the Buena Vista School District in the River Park, and in the Sunset Vista 4 subdivision. Staff included the community garden as a result of a donation of \$10,000 from Madison House Presents.

In the past, staff has worked with the community to design parks, however because of the amount of work that is required to design 4 parks we are contracting the design out to a consultant. This is the most efficient use of staff time. Public input and outreach is required of the consultant and they will work with stakeholders in the design of all parks.

Analysis

The bidding process for this project began in spring of this year. The bid opened May 2 and closed May 25. We received three responses. The firms that responded are listed below:

- The FronTerra Group – bid price \$30,897
- OxBow Design Collaborative – bid price \$31,000
- Three Sixty Design - \$30,000

The design/engineering budget for each park is listed below:

- Community Center Park - \$10,000
- Baseball field - \$10,000
- Community Garden - \$1,000
- Sunset Vista 4 - \$10,000

An internal staff committee reviewed proposals and selected the FronTerra Group.

Policy Alignment

This project aligns with the 2015 Comprehensive Plan because park development supports the vision statement for recreation and community services in Buena Vista. This also accomplishes the environment outcome area that the trustees developed in the 2016-2017 strategic plans. The construction of new parks encourages a healthy environment.

BOT Action

Motion to **Approve** or **Deny** adoption of Resolution No. 66 "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH THE FRONTERRA GROUP FOR DESIGN SERVICES FOR FOUR COMMUNITY PARKS.

Attached

- Resolution
- Professional Services Contract

TOWN OF BUENA VISTA, COLORADO

**RESOLUTION NO. 66
(SERIES 2016)**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH THE FRONTERRA GROUP FOR DESIGN SERVICES FOR FOUR COMMUNITY PARKS.

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 Professional Services Contract for design of four community parks;

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

1. 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 12th day of July, 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 12th day of July 2016, by and between the TOWN OF BUENA VISTA, 210 East Main Street, Buena Vista, Colorado 81211, a Colorado municipal corporation (the "Town"), and David Kasprzak an independent contractor with a principal place of business at The Fronterra Group, Colorado ("Consultant") (each individually a "Party" and collectively the "Parties").

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 professional services.

NOW, THEREFORE, for the consideration hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the Parties 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 the Scope of Services set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

B. A change in the Scope of Services shall not be effective unless authorized as an amendment to this Agreement. If Consultant proceeds without such written authorization, Consultant shall be deemed to have waived any claim for additional compensation, including a claim based on the theory of unjust enrichment, quantum merit or implied contract. Except as expressly provided herein, no agent, employee, or representative of the Town is authorized to modify any term of this Agreement, either directly or implied by a course of action.

II. TERM AND TERMINATION

A. This Agreement shall commence on the date first written above, and shall continue until Consultant completes the Scope of Services to the satisfaction of the Town, or until terminated as provided herein.

B. Either Party may terminate this Agreement upon 30 days advance written notice. The Town shall pay Consultant for all work previously authorized and completed prior to the date of termination. If, however, Consultant has substantially or materially breached this Agreement, the Town shall have any remedy or right of set-off available at law and equity.

III. COMPENSATION

In consideration for the completion of the Scope of Services by Consultant, the Town shall pay Consultant an amount not to exceed thirty thousand eight hundred ninety seven dollars (\$30,897.00), except in the case where the Consultant is specifically requested and pre-authorized by the Town to provide unscheduled or emergency service as contemplated in **Exhibit A**. This amount shall include all fees, costs and expenses incurred by Consultant, and no

additional amounts shall be paid by the Town for such fees, costs and expenses. Payment shall be made within thirty (30) days of receipt by the Town of a detailed invoice from Consultant upon Consultant's completion of each scheduled or pre-authorized unscheduled service pursuant to the Scope of Services.

B. Notwithstanding the maximum amount specified in subsection A hereof, Consultant shall only be paid for work performed. If Consultant completes the Scope of Services for a lesser amount than the maximum amount, Consultant shall be paid the lesser amount, not the maximum amount

IV. PROFESSIONAL RESPONSIBILITY

A. Consultant hereby warrants that it is qualified to assume the responsibilities and render the services described herein and has all requisite corporate authority and professional licenses in good standing, required by law. The work performed by Consultant shall be in accordance with generally accepted professional practices and the level of competency presently maintained by other practicing professional firms in the same or similar type of work in the applicable community. The work and services to be performed by Consultant hereunder shall be done in compliance with applicable laws, ordinances, rules and regulations.

B. The Town's review, approval or acceptance of, or payment for any services shall not 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.

V. OWNERSHIP

Any materials, items, and work specified in the Scope of Services, and any and all related documentation and materials provided or developed by Consultant shall be exclusively owned by the Town. Consultant warrants that all work delivered to the Town under the Scope of Services shall be original work and will not infringe on the intellectual property rights of any third parties, including without limitation copyright and trademark rights of third parties. Consultant expressly acknowledges and agrees that all work performed under the Scope of Services constitutes a "work made for hire." To the extent, if at all, that it does not constitute a "work made for hire," Consultant hereby transfers, sells, and assigns to the Town all of its right, title, and interest in such work. The Town may, with respect to all or any portion of such work, use, publish, display, reproduce, distribute, destroy, alter, retouch, modify, adapt, translate, or change such work without providing notice to or receiving consent from Consultant. Consultant may use the work specified in the Scope of Services in Consultant's portfolio and for marketing purposes as examples of Consultant's work product.

VI. 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.

VII. 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. At a minimum, Consultant shall procure and maintain, and shall cause any subcontractor to procure and maintain, the insurance coverages listed below, with forms and insurers acceptable to the Town.

1. Worker's Compensation insurance as required by law.

2. Commercial General Liability insurance with minimum combined single limits of \$1,000,000 each occurrence and \$1,000,000 general aggregate. The policy shall be applicable to all premises and operations, and shall include coverage for bodily injury, broad form property damage, 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 include the Town and the Town's officers, employees, and contractors as additional insureds. No additional insured endorsement shall contain any exclusion for bodily injury or property damage arising from completed operations.

3. Professional liability insurance with minimum limits of \$1,000,000 each claim and \$1,000,000 general aggregate.

B. Such insurance shall be in addition to any other insurance requirements imposed by law. The coverages afforded under the policies shall not be canceled, terminated or materially changed without at least 30 days prior written notice 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. Any insurance carried by the Town, its officers, its employees or its contractors shall be excess and not contributory insurance to that provided by Consultant. Consultant shall be solely responsible for any deductible losses under any policy.

C. Consultant shall provide to the Town a certificate of insurance as evidence that the required policies are in full force and effect. The certificate shall identify this Agreement.

VIII. INDEMNIFICATION

Consultant agrees to indemnify and hold harmless the Town and its officers, insurers, volunteers, representative, agents, employees, heirs and assigns from and against all claims, liability, damages, losses, expenses and demands, including attorney fees, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with this Agreement if such injury, loss, or damage is caused in whole or in part by, the act, omission, error, professional error, mistake, negligence, or other fault of Consultant, any subcontractor of Consultant, or any officer, employee, representative, or agent of Consultant, or which arise out of a worker's compensation claim of any employee of Consultant or of any employee of any subcontractor of Consultant. Consultant's liability under this indemnification provision shall be to the fullest extent of, but shall not exceed, that amount represented by the degree or percentage of negligence or fault attributable

to Consultant, any subcontractor of Consultant, or any officer, employee, representative, or agent of Consultant or of any subcontractor of Consultant. If Consultant is providing architectural, engineering, surveying or other design services under this Agreement, the extent of Consultant's obligation to indemnify and hold harmless the Town may be determined only after Consultant's liability or fault has been determined by adjudication, alternative dispute resolution or otherwise resolved by mutual agreement between the Parties, as provided by C.R.S. § 13-50.5-102(8)(c).

IX. ILLEGAL ALIENS

A. Certification. By entering into this Agreement, 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 this Agreement and that 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 to confirm the employment eligibility of all employees who are newly hired to perform work under this Agreement.

B. Prohibited Acts. Consultant shall not knowingly employ or contract with an illegal alien to perform work under this Agreement, or 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 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 Department Program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.

3. If Consultant obtains actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien who is performing work under this Agreement, Consultant shall: notify the subcontractor and the Town within 3 days that Consultant has actual knowledge that the subcontractor is employing or contracting with an illegal alien who is performing work under this Agreement; and terminate the subcontract with the subcontractor if within 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 this Agreement; except that Consultant shall not terminate the subcontract if during such 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 this Agreement.

D. Duty to Comply with Investigations. Consultant 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 Consultant is complying with the terms of this Agreement.

E. Affidavits. If Consultant does not have employees, Consultant shall sign the "No Employee Affidavit" attached hereto. If Consultant wishes to verify the lawful presence of newly hired employees who perform work under the Agreement via the Department Program, Consultant shall sign the "Department Program Affidavit" attached hereto.

X. MISCELLANEOUS

A. Governing Law and Venue. This Agreement 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.

B. No Waiver. Delays in enforcement or the waiver of any one or more defaults or breaches of this Agreement by the Town shall not constitute a waiver of any of the other terms or obligation of this Agreement.

C. Integration. This Agreement constitutes the entire agreement between the Parties, superseding all prior oral or written communications.

D. Third Parties. There are no intended third-party beneficiaries to this Agreement.

E. Notice. Any notice under this Agreement shall be in writing, and shall be deemed sufficient when directly presented or sent pre-paid, first class United States Mail to the party at the address set forth on the first page of this Agreement.

F. Severability. If any provision of this Agreement 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.

G. Modification. This Agreement may only be modified upon written agreement of the Parties.

H. Assignment. Neither this Agreement nor any of the rights or obligations of the Parties hereto, shall be assigned by either Party without the written consent of the other.

I. Governmental Immunity. The Town and its officers, attorneys and employees, are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities or 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, attorneys or employees.

J. Rights and Remedies. The rights and remedies of the Town under this Agreement are in addition to any other rights and remedies provided by law. The expiration of this Agreement 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.

K. Subject to Annual Appropriation. Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of the Town not performed during the current fiscal year is subject to annual appropriation, shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt or liability beyond the current fiscal year.

IN WITNESS WHEREOF, this Professional Services 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.

NO EMPLOYEE AFFIDAVIT

[To be completed only if Consultant does not have any employees]

1. Check and complete one:

I, _____, am a sole proprietor doing business as _____. I do not currently employ any individuals. Should I employ any individuals during the term of my Contract with the Town, I certify that I will comply with the lawful presence verification requirements outlined in that Contract.

OR

I, _____, am the sole owner/member/shareholder of _____, a _____ [specify type of entity – *i.e.*, corporation, limited liability company], that does not currently employ any individuals. Should I employ any individuals during the term of my Contract with the Town, I certify that I will comply with the lawful presence verification requirements outlined in that Contract.

2. Check one.

I am a United States citizen or legal permanent resident.

The Town must verify this statement by reviewing one of the following items:

- *A valid Colorado driver's license or a Colorado identification card;*
- *A United States military card or a military dependent's identification card;*
- *A United States Coast Guard Merchant Mariner card;*
- *A Native American tribal document;*
- *In the case of a resident of another state, the driver's license or state-issued identification card from the state of residence, if that state requires the applicant to prove lawful presence prior to the issuance of the identification card;*
- *Any other documents or combination of documents listed in the Town's "Acceptable Documents for Lawful Presence Verification" chart that prove both the contractor's citizenship/lawful presence and identity.*

OR

I am otherwise lawfully present in the United States pursuant to federal law.

Consultant must verify this statement through the federal Systematic Alien Verification of Entitlement program, the "SAVE" program, and provide such verification to the Town.

Signature

Date

Approach to Scope of Work

Our Understanding

Four Community Designs involves the design of four new amenities for the Town of Buena Vista. The project calls for the design of two community parks, a baseball field and a community garden. Generally, the Community Center related designs and the baseball field are located on the northeast side of town, in near proximity to each other, whereas Sunset Vista IV is located, approximately seven miles away, on the southwest side of town. Overall, the design services include public outreach, master planning, design development and construction estimates. The construction estimates are to be considered opinions of cost. The components for each of the four different design areas are outlined in the RFP but may be updated after gaining input from Town staff, the public and other stakeholders. Below is an outline of the components described in the RFP and a list of potential additional items follows, based on subsequent input and decisions from the different user groups.

Overall the two new parks will be designed to feature different elements from existing parks, providing the Town's citizens with a variety of options. The landscape and irrigation will follow xeriscape design standards in all of the designs, being conscious of water use in a Colorado mountain town.

A. Baseball Field Design with Construction Cost Estimate:

- Baseball Field;
- Dugouts (2 total);
- Announcer Box;
- Indoor Storage (associated with the announcer box);
- Concession Stand (plumbing?);
- Outfield Score Board;
- Batting Cage;
- Extension of existing water source for field irrigation;
- Preliminary Irrigation Design.

B. Sunset Vista IV Community Park with Construction Cost Estimate:

- ADA Interactive Playground;
- ADA Playground Surfacing;
- Playground Perimeter Landscape (non-watered landscape design);
- Picnic Tables;
- Seating Areas;
- Preliminary Future Road Extension;
- Utility Design (design extension of required utilities).

C. Community Center Park with Construction Cost Estimate:

- ADA Interactive Playground;
- ADA Playground Surfacing;
- ADA Parking (dedicate existing parking or provide new space);
- Updated Circuit Workout Equipment;
- Picnic Tables;
- Seating Areas.

D. Community Garden with Construction Cost Estimate:

- Maximize 10'x20' Plots within Space;
- 10' x 10' Tool Shed;
- Minimum 6' Height Perimeter Fence;
- Frost Free Water Hydrants (2 total).

Potential Program Elements

(If requested by the Town based on public outreach feedback)

The following services are not included in the basic scope of services, but these services can be provided for an additional fee if desired.

- Site Lighting;
- Shade Shelters;
- Restrooms;
- 'Adventure' (highly themed and customized) Playground;
- Water Features;
- Skate Park;
- Trail Connections to other Town Amenities (i.e. Arkansas River)
- Signage (park identification, wayfinding, rules and regulations).

Additional Services

The following services are not included in the basic scope of services, but these services can be provided for an additional fee if desired.

- Design of water features;
- Additional Irrigation Design (base includes baseball field design only);
- Skate park design;
- Drainage Improvements;
- Water, wastewater, storm drainage infrastructure;
- Wetlands and Wildlife Habitat;
- Geotechnical Testing;
- Site Electrical Service Master Plan;
- Technical specifications;
- Preparation of Construction Documents;
- Construction Observation Services;
- Traffic Study;
- Applications for Construction Related Permits;
- Legal Descriptions and Documents for Easements;

Services Provided by Others

- Telephone and Gas Services.

Information Provided by the Town of Buena Vista

The Town of Buena Vista (Town) will provide existing available aerial photographs, utility maps, park design standards and standard specifications, title commitments for the four project sites, traffic study, and other available pertinent information. A topographic survey including identification of boundary lines is included in this scope and fee.

Scope of Service

The following is a brief outline of our team's proposed scope of service which incorporates the services listed in the Request for Proposals and the subsequent Questions and Answers provided by the Town.

Contracting - \$436

- A. TFG Design (TFG) will coordinate with the Town's Administrator to refine the Project Scope.
- B. Execute prime agreement.
- C. Prepare and execute prime and sub consultant agreements.
- D. Acquire existing available information, described above, from the Town.
- E. Project Schedule – Using the approved scope of service, TFG will prepare and maintain a project schedule.

Project Start-Up/ Preliminary Studies - \$2,295

- A. TFG will coordinate a kick-off meeting with pertinent Town staff. We suggest that this meeting include a site walk to review the existing conditions.
- B. Stakeholder Meeting – This meeting is intended to identify issues and goals with the identified stakeholders (The Recreation Advisory Board and Buena Vista School District). Attendance will be by invitation only. TFG will bring mounted copies of the aerial photograph for reference during in the discussion. TFG will assist Town staff in facilitating the discussion.
- C. Discovery Phase - research, investigate and review existing documents, studies and reports relevant to each of the four project sites. In addition, the design team will review and verify project design criteria with the Town before commencement of design work. The design team will continue to communicate via phone and email with Town staff to identify background information and incorporate staff suggestions, recommendations and other requirements.
- D. Inventory of features existing in other Town parks providing a basis for providing unique components in the two new parks. Town to assist with any available information.
- E. Using the information gathered from the Discovery Phase, site visit and the survey information provided by the TOTL Surveys, Inc., TFG will develop an illustrative Opportunities and Constraints analysis for each of the four areas.

Products include hard copy and electronic copies of the topographic survey, boundary survey combined with the Opportunities and Constraints map.

Master Plan and Public Involvement - \$9,347

- A. Generally, the Town's staff organizes the public meeting place, sends invitations, takes care of meeting room setup, leads the public meetings and provides a general facilitation role.
- B. The TFG will plan the presentations, provide sign-in sheets, facilitate the design discussions, collect comments, and records meeting minutes. Public comments will be documented electronically and sent to the Town within one week of the public meeting.
- C. TFG will attend a total of 2 meetings within a single two-day trip to Buena Vista.
- F. Prior to holding a public meeting, TFG will work with Town staff to develop a brief on-line survey designed to solicit input pertaining to park program and design issues. The results of the survey will be shared with staff and the public meeting attendees.
- D. Public Meeting – This session will begin the community engagement process for the park. We have found that the process runs smoothly when community members have a role in the design process. The meeting will include a review of the site opportunities and constraints, inspirational ideas from other projects, relationships, programming, theme ideas, and other pertinent information. The entire meeting would last 1 or 2 hours.
- E. Staff Meeting - Following the Public Meeting the design team will meet with Town staff to discuss the results of the Public Meeting and to receive direction for the master plan concepts.
- F. Preliminary Master Plan Concepts. The design team will use ideas generated during the Public Meeting and direction received from the Town to prepare preliminary master plan concepts for each of the four project areas. Each of the concept plans may or may not include design alternates. These drawings will be hand drawn in black and white.
- G. Opinion of Probable Cost. A construction cost estimate will be developed for each of the four (4) preliminary concept plans. A 20% construction contingency will be included in the costs.
- H. The preliminary master plan concepts and the associated cost estimates will be presented to Town staff via phone conference or by virtual online meeting. If the preliminary costs are too high, the design team will make suggestions for cost savings and will need the Town to define the project priorities.
- I. If necessary, the preliminary master plan concepts and the opinions of cost will be revised to incorporate Town staff's comments and/or to bring the concepts in line with the anticipated construction budget. It is anticipated that these revisions are minor in nature.
- J. Master Plan Concepts. TFG will prepare four (4) 24"x36" master plan concept graphics for presentation purposes. The presentation graphics will be hand drawn, color rendered and labeled as needed to convey the design intent. The master plan concepts will be provided in PDF format too. The master plan concepts and supporting plans will illustrate the following:
 - 1. The preliminary layout of the park program components;
 - 2. Narrative describing the proposed programming;
 - 3. Detail and/or character sketches of important features;
 - 4. General landscape concepts;
 - 5. Preliminary utility routing – extension of existing utilities;
- K. The design team will meet via phone conference or by virtual online meeting to review the Master Plan Concepts and to receive final direction before starting the Design Development phase.

- L. If necessary, the minor revisions will be made to the Master Plan Concepts. All changes will be incorporated into the Design Development drawings.

Master Plan Products include all full sized plans as noted for public process, display boards and final document submittal, plus electronic file of final plans.

Public Process Products may include agendas, meeting minutes with public comment documented electronically and sent to the Town within one week of the meetings. A final document indicating how each comment was addressed in the final master plan. Additional products include online survey.

Design Development (25% design level) – \$9,794

The level of design for this Scope of Work is proposed at 25% Design Development (DD). This level of design will be provided at a level sufficient to establish appearance, dimensions, layout and general construction of the project's components. The final deliverables will be ready for final engineering and construction detailing at a later date, under a separate contract.

Note: Typically, Design Development (DD) documents are roughly equal to 50% construction documents, and they generally provide sufficient information for a General Contractor to price the cost of the work. DD documents are not intended for construction.

The 25% Design Development document deliverables in this Scope of Work are intended as a description of the project, sufficient to commence construction documentation (engineered drawings). They will not include stamped drawings.

- A. Prior to beginning DD, the Town and TFG Design will revisit the scope of services to determine if the approved master plan elements are consistent with the professional services agreement. If additional services are required, a change order will be processed.
- B. Using the Final Master Plan, TFG will prepare a digital AutoCAD site plan for the project illustrating landscape, an ADA parking space, park structures, playgrounds, athletic fields and other approved master plan elements.
- C. Preliminary AutoCAD Design Development drawings will be prepared by the project team. The drawings will illustrate existing and proposed features. Design Development documents will include:
1. Existing Conditions and Demolition Plan with Erosion Control Notes;
 2. Preliminary On-Site Grading: Owen Consulting will prepare a Preliminary Grading plan at an appropriate scale. The plan will establish grades and overall drainage patterns. TFG will work closely with the Owen Consulting in order to establish preliminary grades for the baseball field, landscape areas and playgrounds;
 3. Preliminary Overall Utility Plans for Sunset Vista IV Community Park. The design shall meet the Town requirements including preliminary utility locations, pipe sizes, lengths, materials, valves, and appurtenances for existing and proposed water, sewer and storm sewer utilities;
 4. Preliminary parking lot stripping and signage plan per the Manual of Uniform Traffic Control Devices (MUTCD), if required for ADA parking at the Community Center Park;
 5. Preliminary Horizontal Control Plan with principal dimensions and ties to significant site features. The plan will detail overall utility services for water, sewer and storm drainage;

- 6. Irrigation Plans (baseball field only):
 - a. Irrigation layout drawings, and general installation details;
 - b. Irrigation performance specification based on Town Standards;
- 7. Site Plan;
- 8. Landscape Plan;
- 9. Architectural Floor Plans and Elevations, Structural Plans, Mechanical Plans, Electrical Plans to be provided by Tobin Associates – Architecture and Planning firm.
- 10. A product list and/or a set of 8.5 x 11 product cut sheets will be assembled into a booklet form.
- D. Each team member will provide an in-house quality assurance review of plans prepared by their firm. TFG Design, will then review the entire set of documents (drawings, opinion of cost, etc.) for consistency, legibility and quality. Documents will be redlined and returned to team members for revisions.
- E. The Design Development documents listed above will be compiled submitted to the Town as a final check set for the Town's Development Review. Submittals will be accompanied by a list of questions for staff to consider, as necessary. Plan size is to be both 24"x36" and 12"x18" (half-size).
- F. Final 25% level DD documents will be prepared after receiving the Town comments regarding the check set DD submittal.
- G. TFG will receive, review and distribute the Development Review comments. A written response to each of the Town Development Review comments will be submitted along with the Final 25% level DD drawing packages.
- H. A final construction estimate will be developed for each of the four (4) project sites.

Products include ½ size or full size (24x36) plans (or partial sets) on reproducible bond, and hard copy of the irrigation performance specification. Generally, three (3) complete full size plan sets will be provided and electronic copies of the Opinions of Cost.

Project Management

- A. TFG will keep the Town's Project Manager informed of the work progress on a regular basis.
- B. TFG will be responsible for project coordination and management, including monitoring schedule, review of sub-consultant work, and quality assurance.

Lead Consultant Fees

The FronTerra Group **\$21,872**

Sub-Consultant Fees

Tobin & Associates **\$2,250**

Owen Consulting **\$2,000**

TOTL Surveys **\$3,500**

MPI Design **\$1,275**

\$9,025

Total: \$30,897

PROJECT SCHEDULE (Draft Revision June 22, 2016)

	Begin	Complete
Project Start-Up / Preliminary Studies		
Notice of Intent to Award Contract	Jun 21, 2016	
Acquire Base Data from Town & Schedule Site Surveys	Jun 22, 2016	
Approval of Contract		
Notice-to-Proceed	Jul 12, 2016	
Project Kick-Off Meeting & Site Walk-Through	Jul 15, 2016	
Prepare Base Map with Survey Data	Jul 19, 2016	Jul 19, 2016
Develop Opportunities and Constraints	Jul 28, 2016	Jul 29, 2016
	Aug 1, 2016	Aug 4, 2016
Master Plan & Public Involvement		
Prepare Presentation	Aug 8, 2016	Aug 12, 2016
Public Meeting	Aug 15, 2016	Aug 16, 2016
Preliminary Master Plan Concepts	Aug 17, 2016	Aug 29, 2016
Opinion of Probable Costs	Aug 30, 2016	Aug 31, 2016
Preliminary Master Plan Staff Review Meeting (Video Conference)	Sep 1, 2016	Sep 1, 2016
Illustrated Master Plan Concepts	Sep 2, 2016	Sep 12, 2016
Master Plan Staff Review Meeting (Video Conference)	Sep 13, 2016	Sep 13, 2016
Design Development		
Preliminary AutoCAD Design Development Drawings	Sep 14, 2016	Sep 28, 2016
Submit Preliminary Design Development Drawings for Town Development Review	Sep 28, 2016	Oct 5, 2016
Respond to Development Review Comments	Oct 6, 2016	Oct 7, 2016
Final Construction Estimates & Drawing Revisions	Oct 10, 2016	Oct 20, 2016
Submit Final 25% Design Development Drawings to Town		Oct 21, 2016

TOWN OF BUENA VISTA, COLORADO

**RESOLUTION NO. 67
SERIES OF 2016**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO TEMPORARILY CHANGING THE DATE OF THE BUENA VISTA BOARD OF TRUSTEE MONTHLY MEETINGS.

WHEREAS, the Buena Vista Town Municipal Code Section 2-27 states “The Board of Trustees shall meet on the second and fourth Tuesdays of each month, or at such times as the Board may determine.”; and

WHEREAS, the Board of Trustees has determined that it is necessary to temporarily change the date of regular Trustee meetings to accommodate a change in the Mayor’s availability to attend said meetings; and

WHEREAS, the Board of Trustees desires to provide the public with the earliest possible advance notice of this change in order to minimize any public inconvenience;

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Buena Vista, Colorado:

1. That all regular meetings of the Board of Trustees of the Town of Buena Vista, Colorado will be held on the 2nd and 4th Wednesdays of each month beginning on August 1, 2016.
2. That all regular meetings of the Board of Trustees of the Town of Buena Vista, Colorado will return to the normally scheduled dates of the 2nd and 4th Tuesday of every month effective January 1, 2017.
3. That this Resolution is effective upon its adoption by the Board of Trustees.

RESOLVED, APPROVED AND ADOPTED this 12th day of July, 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: July 12, 2016

TO: Mayor and Board of Trustees

FROM: Brandy Reitter, Town Administrator

AGENDA ITEM: Madison House Presents License Agreement

Request

A request is being made to review a draft license agreement between the Town of Buena Vista and Madison House Present (MPH) who are the organizers of the Vertex Music Festival.

Overview

Chaffee County approved a Special Use Permit for MHP earlier this year to host a music festival located on the meadows property along the Town's boundary. The event will occur August 4 – 5. The County has entered into a contract with the organizers to address roles and responsibilities as well as compensation for use of infrastructure. Even though the event will happen in the county, the concert organizers are coordinating with Town on various matters.

Analysis

The attached contract contains the following provisions to ensure that the use of town resources are identified and accounted for. Additionally, the contract puts a few protections in place to ensure we are covered in case there is damage to our assets. The contract also addresses safety measures for participants during the event. A summary of provisions are provided below:

- Establishing base fees for services provided by the Town if requested by MHP.
- Requiring a refundable security deposit of \$10,000 for any damages to Town's assets.
- If the organizers use any Town property for the coordination of the event, we require that our property be restored back to the original condition.
- Buses that shuttle concert goers to downtown and back will be provided by and paid for by MHP.
- August 4 – 7 downtown shuttles to and from the concert are limited to dropping off 2 buses per hour between the hours of 9 AM and 4 PM.
- Shuttle drop off locations are on East Main Street near the railroad parking lot sidewalks and in the River Park parking lot. MPH will provide signage at both locations.
- On August 3 for the downtown event, shuttles will pick concert goers up starting at 5 PM and continue until 10 PM to take participants back to the festival grounds.
- Local street closures will require security staff, signage, bike racks, and barricades paid for by MHP.
- Town is requiring MHP to provide a magnesium chloride application and 8 inches of road base on the dirt portion on Gregg Drive prior to the event.
- If stacking at the Rodeo Grounds is required MHP will provide trash receptacles, port a johns, and personnel to manage traffic.

- Town staff that needs to have access to the festival will be provided an entrance pass located on town vehicles to grant easy access to the festival if service is required.
- If staff is required to provide services, MPH will pay for those services as needed.
- If emergency services are required by Town, MPH will honor existing mutual aid agreements.
- MPH is required to have an insurance policy.

Policy Alignment

This contract is consistent with policies for agreements for the use of Town resources for large private events.

BOT Action

Please review the draft agreement and provide any feedback. The next steps are to send this to MPH for review. Once MPH reviews the agreement staff will bring this back for approval on July 26.

Attachment

- License Agreement

LICENSE AGREEMENT

This License Agreement (“Agreement”) is made and entered into this _____ day of _____, 2016, by and between the Town of Buena Vista (the “Town”), a Colorado municipality with an address of P.O. Box 2027, Buena Vista, Colorado 81211 and Triple Star MHP, LLC, a limited liability company (“MHP”), a Colorado limited liability company, with an address of 2060 Broadway Street, Suite 225, Boulder, Colorado 80302.

RECITALS

WHEREAS, MHP desires to use property and rights of way owned by the Town during the Vertex Music Festival conducted by MHP (“Event”) in Chaffee County from August 4, 2016 to August 7, 2016; and

WHEREAS, the Town desires to permit the use of its property and rights of way pursuant to the terms and conditions of this Agreement.

SECTION 1. THE LICENSE

Grant of License. The Town grants MHP a license allowing certain uses of specific Town property and rights of way (“Property”) as described in this Agreement.

SECTION 2. COMPENSATION AND CONDITION OF PROPERTY

1. Base Fee. All fees are attached as Exhibit A.

2. Security Deposit. MHP agrees to deposit with the Town the sum of \$10,000.00 as a security deposit. The security deposit may be applied to any amounts due and owing to the Town under this Agreement ninety (90) calendar days after the end of the Event or to secure the performance of MHP of any other non-monetary obligation to the Town. If there are no amounts due and owing to the Town and MHP is otherwise current on all other obligations to the Town under this Agreement, the Town will return any remaining security deposit funds at settlement.

3. Condition of the Property; Restoration.

a. MHP has not inspected the Premises but is satisfied with the Town’s representation that the Town’s Property is safe and suitable for the MHP’s activities under this Agreement in their present condition at the commencement of this Agreement. MHP shall keep and maintain the Town’s Property subject to this Agreement in good, sound condition, order and repair, and shall undertake, at MHP’s cost and expense, all such repairs necessary to return the Town’s Property in the same condition as existed at the commencement of this Agreement, or better, normal wear and tear excepted (“returnable condition”).

b. MHP will have the initial right to undertake restoration work up to thirty (30) calendar days after the end of the Event. Prior to undertaking any repair work, MHP will submit a description of the work, an estimate of the cost, and other relevant details, for review and approval by the Town, which approval must be timely reviewed and may not be unreasonably withheld. The work shall be completed by MHP, at its own cost and expense, to the Town's reasonable satisfaction, with sixty (60) calendar days after the end of the Event. If MHP fails to restore the property to a returnable condition within this time period, the Town will provide notice to MHP of its determination that the property is not in returnable condition and a description of the work that the Town has determined remains to be completed and provide MHP the opportunity to remedy the restoration. If, after thirty (30) days, MHP has not completed such restoration, the Town may undertake the restoration work and provide MHP with a detailed invoice, which invoice shall be due and payable, in full, to the Town, within thirty days after delivery of the invoice. Available security deposit funds may be applied to pay for restoration work undertaken by the Town.

SECTION 3. SCOPE OF LICENSE

1. Buses.

a. The Town will conduct a welcome party for citizens and concert attendees on August 3, 2016 throughout areas of the Town. MHP will provide buses, at its sole cost and expense, to transport individuals from the Town to the Event after 10 p.m. on August 3 from designated pick up and drop off locations.

b. MHP will also provide buses, at its sole cost and expense, to transport individuals to and from the Event venue to Town from August 4 through August 7, 2016. MHP is only required to provide, at a minimum, buses at a rate of two buses per hour per designated pick up and drop off locations between 9 a.m. and 4 p.m. during these dates.

c. MHP is required to install temporary signage designating pick up and drop off locations and any signage, as required by the Town, directing individuals to such locations. The location of such signage shall be determined by the Town in its sole discretion.

d. Drop off and pick up locations shall be on East Main Street on the sidewalks located near the north and south railroad parking lots. The second location is at the River Park parking lot across the street from the ball fields.

2. Local Street Closures.

a. The Town and MHP will agree to certain local street closures within the Town and the duration of such closures prior to the Event.

b. The Town shall provide all signage and barricades to designate a closed street. The MHP shall provide passes to local residents to access their residences on closed streets. The Town shall assist MHP in identifying residents who are eligible for such passes.

c. MHP will provide staff, at a minimum one person, to monitor the access points to the closed streets and to permit access to permitted local residents. In addition, access points shall have at least one bike rack, provided by MHP. All intersections impacted by any road closure shall have an adequate number of flaggers, provided by MHP, to direct traffic and lessen congestion.

3. Rodeo Road and Rodeo Grounds.

a. The Town will provide magnesium chloride and eight (8) inches of Class Six road base for Rodeo Road from the corner of Gregg Drive and Rodeo Road to County Road 337. Prior to August 3, the Town shall lay the road base, spray the magnesium chloride and compact this section of Rodeo Road. The Town shall charge MHP for the materials and the work outlined in this paragraph pursuant to **Exhibit A**, attached hereto.

b. MHP shall provide to the Town with the stacking plan for the Town's property located at 2001 Gregg Drive (the "Rodeo Grounds"). The stacking plan shall adequately mitigate potential traffic congestion for people accessing the Event from the south on Highway 24. Stacking on the Rodeo Grounds is for emergencies only and shall be controlled and managed by MHP personnel. If any stacking occurs on the Rodeo Grounds, than MHP shall provide the appropriate number of portable toilets, including disabled accessible toilets, hand washing stations and portable holding tanks sufficient to accommodate the need for the duration of the Event. MHP must comply with public health, sewage treatment, solid and liquid waste disposal provisions of the Town, Chaffee County, and State of Colorado. In addition, MHP will provide or retain facilities and services for sustainable waste disposal, including facilities for the recycling of metals and plastics and composting of compostable waste.

4. Town Personnel.

a. MHP shall provide passes to the Event to Town personnel to identify Town vehicles and personnel who may need access to the Event.

b. If MHP requests Town personnel to assist with activities under this Agreement or activities related to the Event for which MHP is responsible, the Town's services rates, as shown on Exhibit A, shall be charged to MHP. Services charges incurred by MHP pursuant to this Agreement will be invoiced to MHP within fifteen (15) calendar days of the end of the Event. The invoice shall be paid within thirty (30) calendar days from the date of the invoice. These services charges may not include the costs of restoration pursuant to Section 2 above. If MHP fails to pay any invoice under this Section, available security deposit funds may be applied to pay the invoice.

5. Security and Life Safety Personnel. The Town shall supply all necessary emergency personnel subject to the Town's automatic and mutual aid agreements.

6. Temporary Structures. If MHP intends to erect any temporary structures related to its activities under this Agreement, it shall provide details of all temporary structures to the Town and obtain Town approval prior to erecting any temporary structures.

SECTION 4. CONDITIONS OF USE OF AND ACCESS TO THE PREMISES

1. **Use of Premises.** MHP will have use of the Town's Property described above during the Event, subject to its compliance with the provisions of this Agreement. In addition, the Town will permit MHP access to the Property through a Special Event Permit so MHP may perform or facilitate any activities under this Agreement.

2. **Licenses and Permits.** MHP must obtain and maintain at its own cost and expense all licenses and permits, including, including but not limited to, licenses and permits from the Town, Chaffee County, and the State of Colorado related to for the activities undertaken by MHP under this Agreement.

SECTION 5. INSURANCE AND INDEMNIFICATION

1. **Insurance.** MHP agrees to procure an insurance policy which includes and covers the Town's Property and MHP's activities that are the subject of this Agreement, and to name the Town 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 upon execution of this Agreement and remain in effect for the duration of the Event. The failure to provide the Certificate of Insurance shall be grounds for immediate revocation of this Agreement.

2. **Indemnification.** MHP 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 MHP's activities of this Agreement. MHP 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. MHP 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 6. 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 7. 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
 210 E. Main Street
 PO Box 2002
 Buena Vista, CO 81211

To MHP: _____

SECTION 8. 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. MHP may not assign or transfer this Agreement, except upon the express written authorization of the Town.

[Remainder of page left intentionally blank- Signature on following page]

TOWN OF BUENA VISTA, COLORADO

By: _____
Joel Benson, Mayor

ATTEST:

Janell, Sciacca, Town Clerk

MHP:

Title

DRAFT

**EXHIBIT A
SPECIAL EVENT FEES**

(Staff will provide fees at the July 26 Board of Trustees meeting)

DRAFT



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

DATE: July 12, 2016

TO: Mayor and Board of Trustees

FROM: Brandy Reitter, Town Administrator

AGENDA ITEM: CDOT Memorandum of Agreement for a Permanent Easement Offer

Request

A request is being made to consider a memorandum of agreement for a revised offer that includes a permanent easement for town property located between Farwell Street and DePaul Avenue.

Overview

Earlier this year CDOT acquired rights of way along U.S. 24 from property owners for the reconfiguration project. Town was included in those acquisitions because town property fronts the highway. Town agreed to not charge CDOT for the acquisitions. One of the parcels went from a fee parcel to a permanent easement and that is the reason for the revision. A permanent easement is defined as a right to use the property in perpetuity.

Policy Alignment

This request aligns with the Highway Access Control Plan completed in 2014. The easement will help with the reconfiguration of the highway and allow for CDOT to implement the plan.

BOT Action

Motion to **Approve** or **Deny** a Memorandum of Agreement between the Town of Buena Vista and CDOT that grants a permanent easement for parcel PE-23.

Attachment

- CDOT's request paperwork, agreements, and letters of request.



COLORADO
 Department of Transportation
 Region 5

Right of Way
 3803 North Main Avenue, Suite 300
 Durango, CO 81301

June 27, 2016

Town of Buena Vista
 P O Box 2002
 Buena Vista, CO 81211-2002

RE: McPhelemy Park
 220 N. HWY 24

Project: NHPP 0242-059
 Project Code: 19643
 Parcels: PE-23

Location: US 24 Enhancement
 Project in Buena Vista

VIA EMAIL

Dear City Manager and Board of Trustees:

The purpose of this letter is to:

- 1) Summarize the Colorado Department of Transportation's (CDOT) valuation of the proposed acquisition;
- 2) Submit a formal offer for your property rights necessary to build the project.

REVISED Summary of Offer and Valuation

The reason for this revised offer is due to change of the acquisition from a fee parcel to a permanent easement, PE-23.

The proposed acquisition is for the improvement of US 24 between Farwell Street and DePaul Avenue to enhance safety and circulation for vehicular and pedestrian traffic through installation of handicap ramps, sidewalks, storm drainage, and roadway surface. The offer is based upon the Value Finding performed on February 18, 2016 by Jody Bryan, Right of Way Agent for Universal Field Services.

As part of this right-of-way project, CDOT has determined it will need to acquire property from you for this project. The identified permanent easement is:

Parcel	Area	Purpose - see Tabulation of Properties for details
PE-23	7,028 sq. ft. 0.161 Acres	A permanent easement needed for construction of highway improvements.

A permanent easement is a right for the use of the property in perpetuity.

For your information, I have enclosed a Right of Way Information booklet describing the acquisition process. I have also enclosed a copy of the right of way plan sheets and property descriptions for the property we are seeking to acquire.



If you have valid information that shows your opinion of value exceeds the CDOT valuation and incentive, we will consider the merits of your opinion; however, we are not obligated to agree to your opinion of value. If the values are not consistent we hope to reach a negotiated settlement. The provisions of the incentive program do not eliminate your rights to negotiate a settlement based upon reasonable and acceptable value issues.

Summary of Offer

CDOT offers you the following amount as fair market value compensation for your property. The amount offered was determined in accordance with applicable State and Federal laws and requirements.

Permanent easement	Value \$
PE-23	\$3,514
Total Land	\$3,550 R
Total Real Estate and Damages (rounded)	\$0
*Incentive	\$0
Total	\$3,550

Once you have had a chance to review this offer, please contact me so we may set up a time that I can meet with you to discuss CDOT's offer in more detail.

If you have no further questions and accept this offer, please sign the MEMORANDUM OF AGREEMENT (copy enclosed for your records), complete the W-9 and return them to me in the self-addressed stamped envelope.

Also included with this letter is the State of Colorado Demographic Information form. The information requested in this form is voluntary. If you choose to fill out this form, please mail it in the enclosed self-addressed stamped envelope to CDOT at its Denver address.

I am available to answer any questions you may have; and can be reached at 303-618-1217, or you may email me at jbryan@ufsrw.com.

Jody Bryan
Universal Field Services, Inc.
Right of Way Agent

Enclosures: Right of Way Plan Sheet 7.05, W-9 form, MOA, a self-addressed and stamped envelope for return of MOA

cc: Owner Acquisition File
CDOT Project Manager



**COLORADO DEPARTMENT OF TRANSPORTATION
REAL PROPERTY**

TO BE ACQUIRED

Parcel Number: PE-23
STA. 1777+02 Rt. to STA. 1784+15 Rt.

FROM

TOWN OF BUENA VISTA, McPHELEMY PARK
PO BOX 2002
BUENA VISTA, CO 81211

FOR

Project Code: 19643
Project Number: NHPP 0242-059
Location: US Highway 24 in the Town of Buena Vista

EXHIBIT "A"

PROJECT CODE: 19643
PROJECT NUMBER: NHPP 0242-059
PARCEL NUMBER: PE-23
DATE: MARCH 21, 2016

DESCRIPTION

A Permanent Easement, No. PE-23 of the Department of Transportation, State of Colorado, Project Code 19643, Project Number NHPP 0242-059, containing 0.161 acres (7028 sq. ft.), more or less, lying in Section 8, Township 14 South, Range 78 West, Sixth Principal Meridian, Chaffee County, Colorado, said Permanent Easement being more particularly described as follows:

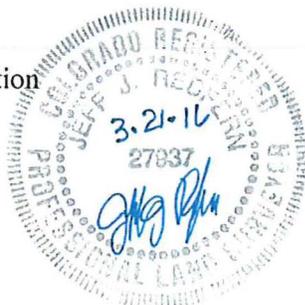
Beginning at a point on the westerly Right-of-way line of US Highway 24 established on former Project Number FAP 248 D EXT, from which a 2" diameter aluminum cap stamped PAUL A MEYER T14S R78W S8 S9 S17 S16 1996 LS 20152 for the Southeast corner of said Section 8, Bears: S 48°16'40" E, a distance of 2284.52 feet;

1. Thence southeasterly along said westerly Right-of-Way line of US Highway 24 being a curve to the right, having a radius of 4150.00 feet and a delta angle of 02°40'12", arc length of 193.40 feet, chord bearing of S 21°30'47" E, a distance of 193.38 feet;
2. Thence S 20°10'41" E, a distance of 519.17 feet to the northerly Right-of-way line of West Main St.;
3. Thence S 69°49'19" W along the said northerly Right-of-way line of West Main St.; a distance of 10.00 feet;
4. Thence N 20°10'41" W, a distance of 519.17 feet;
5. Thence northwesterly along a curve to the left, having a radius of 4140.00 feet and a delta angle of 02°24'17", arc length of 173.76 feet, chord bearing of N 21°22'50" W, a distance of 173.75 feet;
6. Thence N 04°48'16" E, a distance of 21.64 feet to the POINT OF BEGINNING.

The above described Permanent Easement contains 0.161 acres (7028 sq. ft.), more or less.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a state plane grid bearing of N 22°22'16" W from NGS Control Point X 285 (a 3 1/4" brass cap set in the top of a concrete monument, PID: JL0024) and CM-MP 209.9 (CDOT 3 1/4" diameter aluminum cap on a 3' x 3/4" diameter finned aluminum rod), as shown on CDOT Project Control Diagram under NHPP 0242-059.

Prepared for and on behalf of the
Colorado Department of Transportation
Jeff J. Redfern, PLS #27937
Farnsworth Group, Inc.
1099 Main Ave., Suite 302
Durango, CO 81301



**COLORADO DEPARTMENT OF
TRANSPORTATION
MEMORANDUM OF
AGREEMENT**

Project Code: 19643	Parcel No: PE-23
Project No: NHPP 0242-059	
Location: US 24 Enhancement Project in Buena Vista	
County: Chaffee	State Highway No: 24

This agreement made on _____, 2016, is between the State of Colorado for the use and benefit of the Colorado Department of Transportation (GRANTEE) for the purchase of the parcel(s) listed above from the Owner(s) **Town of Buena Vista, A municipal corporation** (GRANTOR).

Just compensation was determined by an appropriate valuation procedure prepared in accordance with Colorado state laws and regulations. The amount of money and/or compensation listed below is full consideration for the following land, easements, improvements, and damages of any kind.

Description	Item Amt	Total Amt
Land (described in attached exhibits) PE-23 <input type="checkbox"/> 7,028 Sq.ft. <input checked="" type="checkbox"/> /acres	\$3,514	\$3,514
Permanent and Slope Easements: Sq.ft. <input type="checkbox"/> /acres <input type="checkbox"/>	\$0	\$0
Temporary Easements (described in attached exhibits) <input type="checkbox"/> Sq.ft. <input type="checkbox"/> /acres	\$0	\$0
Improvements: none	\$0	\$0
Damages: none	\$0	\$0
Total Fair Market Value / Just Compensation	\$3,514	\$3,550 (R)
Less Credit	\$0	\$0
Total Offer Amount		\$3,550

Other conditions:

1. The Temporary Easement(s) described on the attached Exhibit(s) A is for the purpose of installation of roadway and related improvements. Further, it is understood and agreed between the parties that:
 - a. The Temporary Easement(s) shall commence upon CDOT's contractor entering the property for the purpose(s) mentioned above and shall terminate one (1) month from date of entry.
 - b. At its sole cost and expense, CDOT shall repair and restore the Temporary Easement areas ("Affected Areas") and return said Affected Area(s) to a condition reasonably similar to or better than that which existed prior to CDOT's entry, excepting the repair or restoration of Improvements paid to OWNER by CDOT and included in the Net Total above.
2. The Temporary Easement area to remain free of parked cars and any other items during contractor construction operations.

The GRANTOR:

- 1) Will, at the closing, pay all taxes (including prorated taxes for the current year) and special assessments for the current year;
- 2) Has entered into this agreement only because the GRANTEE has the power of eminent domain and requires the property for public purposes;
- 3) Be responsible for securing releases from all liens, judgments and encumbrances to deliver clear, unencumbered title to GRANTEE. Any encumbrance required to be paid by GRANTOR shall be paid at or before closing from the proceeds of the transaction hereby contemplated or from any other source;
- 4) Will execute and deliver to GRANTEE those documents indicated below;
- 5) Excepts from the subject property described herein in the attached Exhibits, the mineral estate and including all coal, oil, gas and other hydrocarbons, and all clay and other valuable mineral in and under said subject property. The GRANTOR hereby covenants and agrees that the GRANTEE shall forever have the right to take and use, without payment of further compensation to the GRANTOR, any and all sand, gravel, earth, rock, and other road building materials found in or upon said subject property and belonging to the GRANTOR; and
- 6) The GRANTOR further covenants and agrees that no exploration for, or development of any of the products, as described above, and owned by the GRANTOR heretofore or hereafter the date set forth above and hereby excepted will ever be conducted on or from the surface of the premises described in the attached Exhibits, and that in the event any of such operations may hereafter be carried on beneath the surface of said premises, the GRANTOR shall perform no act which may impair the subsurface or lateral support of said premises. These covenants and agreements hereunder, shall inure to and be binding upon the GRANTOR and its heirs, personal and legal representatives, successors and assigns forever.

NOTE: At GRANTOR'S sole discretion, the GRANTOR may convey the underlying mineral estate owned by GRANTOR to the GRANTEE. GRANTEE makes no representations about the nature, title or value of the mineral estate. In transactions where GRANTOR conveys the underlying mineral estate to GRANTEE, Paragraphs 5 and 6, as set forth above, will be deleted from this Memorandum of Agreement and the conveyance document.

GRANTOR conveys the underlying mineral estate to GRANTEE. Paragraphs 5 and 6 are hereby deleted from the Memorandum of Agreement and the conveyance document.

The GRANTEE:

- 1) Will be entitled to specific performance of this agreement upon tender of the agreed consideration;
- 2) Will be held harmless from any claims against the property or to any interest in the property, except for any benefits due under relocation law;
- 3) Will make payment after receiving acceptable conveyance instruments from the GRANTOR;
- 4) Will take possession and use of the parcel(s) when it deposits the consideration, as set forth above, into an escrow account for the benefit of the GRANTOR, or when GRANTEE disburses funds to GRANTOR. Transfer of title to the parcel(s) shall occur upon performance of any and all terms under this agreement, and release of the payment from escrow to the GRANTOR, unless other arrangements are made that follow Title III of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended; and
- 5) Will prepare the following documents:

- | | |
|---|--|
| <input type="checkbox"/> General Warranty Deed | <input type="checkbox"/> Utility Easement |
| <input type="checkbox"/> Access Deed | <input checked="" type="checkbox"/> Permanent Easement |
| <input type="checkbox"/> Full Release(s) Book/Page: | <input type="checkbox"/> Slope Easement |
| <input type="checkbox"/> Partial Release(s) Recep. | <input type="checkbox"/> Temporary Easement |
| <input type="checkbox"/> Or (specify): | |
| <input type="checkbox"/> Title Company to prepare documents except: | |

Order Warrant \$3,550.00	Payable to: H. C. Peck & Associates, Inc. F/B/O Town of Buena Vista
Order Warrant \$	Payable to:
Real Estate Specialist	GRANTOR signature Attach form W-9
	GRANTOR (if applicable)
Division approval (Region ROW Manager/Supervisor)	GRANTEE signature

cc: Project Development Branch – ROW Services (original)
 Property Owner
 Region Right-of-Way Manager
 Region Program Engineer/Resident Engineer/Project Engineer

Letter of Support Request

Valley-Wide Health Systems, Inc. (Valley-Wide or VWHS), is preparing to submit a grant proposal to the US Department of Health and Human Services, Health Resources and Services Administration (HRSA), Bureau of Primary Health Care (BPHC) for a New Access Point (NAP) expansion grant to serve Chaffee County (Chaffee). This is a competing application with funding that will enable Valley-Wide to expand into Chaffee for primary medical care services, particularly to serve low-income, uninsured, and underserved populations. VWHS provides medical healthcare services in other areas of the state and has significant experience in this market. Valley-Wide is a federally funded Community Health Center and Migrant Health Center (C/MHC) and is asking for your support for this application through a Letter of Support (LOS).

To accomplish this expansion, Valley-Wide is leasing a medical office in Buena Vista and plans to add 1.0 FTE medical provider and support staff along with support to address behavioral and oral healthcare needs. As always, Valley-Wide's focus is targeted on the medically underserved with primary goals of: 1) increasing access for integrated primary health care delivery, 2) expanding primary health care services (including medical, dental, and behavioral health) as feasible to further reduce barriers including financial deterrents, and 3) improving infrastructure for better access to care. We are asking you, our community partner, for a letter expressing your support to Valley-Wide for this service expansion project. Please return your letter back to us by **July 14, 2016**.

Specific information requested for your letter includes:

- ✓ an original **one-page letter** of support printed on your company's letterhead, dated, signed by an authorized person, and addressed to:
Jeanne Darricades
President/ CEO
Valley-Wide Health Systems, Inc.
128 Market Street
Alamosa, CO 81101
- ✓ the project name, "Valley-Wide Health Systems, Inc. – Buena Vista". Please reference it and explain your support for it and/or the provider addition for the community (i.e. increased access to care, addressing deficits in health within the community, better integrated care for patients, etc.)
- ✓ brief explanation of your relationship with Valley-Wide and shared/common vision of success for health care in Chaffee and/or Colorado
- ✓ specify how your collaboration/partnership/relationship with Valley-Wide supports VWHS's work

A partial template has been developed to assist you with your letter. Please feel free to widen the margins to accommodate your one-page letter. Please remove blue colored font and brackets and add your own information. Also to clarify, please note that although VWHS's CEO's formal first name is Jeanne, she goes by Gigi.

Thank you so much for your time and for helping us with this request!!!

Please return the letter by July 11th to the person who requested the LOS or to Donna Andrews, Grants & Special Projects Coordinator, at andrewsd@vwhs.org, or 128 Market Street, Alamosa, CO 81101. If you have questions, please email Donna or call her at 719-587-1039.

ii. PROJECT ABSTRACT

Project Title: Valley-Wide Health Systems, Inc. – Buena Vista
Applicant Name: Valley-Wide Health Systems, Inc. Project Director: Jeanne Darricades
Address: 128 Market Street, Alamosa, CO 81101 Title: President/CEO
Website: www.vwhs.org E-Mail Address: darricadesg@vwhs.org
HRSA/BPHC 330 Funding Request: CHC, MHC Contact Phone: 719-589-1000 (voice)
Funding Priority Request: Unserved, High Poverty Population 719-589-5722 (fax)
Grantee Congressional Districts: CO - 003, CO-004, CO-005
Project Congressional District: CO-005

Valley-Wide Health Systems, Inc. (Valley-Wide or VWHS) is a private, non-profit 501(c)(3), existing 330 Community/Migrant Health Center (C/MHC), serving 15 counties in southern Colorado since 1976, with full accreditation through The Joint Commission's Ambulatory Care Accreditation program since 1997 and Patient Centered Medical Home recognition since 2012. VWHS's mission directs the scope of service for the provision of safe, effective, high-quality, integrated healthcare services with special consideration for medically underserved populations. This specifically includes patients who are uninsured, underinsured, or who have limited or no access to primary healthcare services.

This New Access Point (NAP) application proposes to increase options to affordable, accessible, and comprehensive integrated primary care services for rural Chaffee County (Chaffee or County) located in central Colorado. The NAP clinic site will be located in the Town of Buena Vista. Chaffee, known as the "Heart of the Rockies", is encircled by three alpine ranges with a dozen 14,000+ foot mountain peaks. Nearly 80% of Chaffee's land is considered public lands. The majestic mountains, pastures, and Arkansas River create spectacular panoramic views and inviting outdoor activities; however, they also contribute to geographic isolation.

In 2015, 18,658 resided in Chaffee including vulnerable populations with higher averages compared to the state for people age 65 and older, uninsured, and living in poverty. The top industries include: tourism; retail trade; educational services, healthcare and social assistance; construction; and arts, entertainment, and recreation and accommodation and food services.

Chaffee has federal designations as a Health Professional Shortage Area for primary, oral, and mental health care. One Rural Health Clinic (RHC) exists in Buena Vista and is tied to a Critical Access Hospital (CAH) ~25 miles away in Salida. A 2016 Chaffee County Community Health Assessment aligns with prior year assessments noting community concern for a lack of available and accessible providers, including primary care, and is ranked as number one of the top five concerns. The assessment also conveys significant community concerns for affordable healthcare, oral health and behavioral health options. Disparate health indicators show elevated prevalence for diabetes, tobacco use, multiple specific cancers, and various adverse perinatal conditions.

For the past couple of years, community members have initiated discussions with Valley-Wide as a potential partner to help address unmet medical needs within the county particularly for underserved populations through an NAP application. Recent consultation efforts for planning and development of this application with the existing RHC and CAH will ensure future collaboration toward community-based strategies.

The target population for the NAP will include all residents of Chaffee with particular consideration for the vulnerable populations noted above. With a family practice focus, 1.0 FTE provider plus appropriate support staff are proposed to provide services connecting patients to a medical home for routine preventative and primary health care, behavioral health, and limited oral health. Arrangements or referrals will be completed by VWHS clinic staff for ancillary services including comprehensive oral health and specialty care. One site is proposed through this NAP to serve a potential 706 patients through a projected 3,214 visits per patient, or 2,269 encounters.



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

July 12, 2016

Jeanne Darricades
President/CEO
Valley-Wide Health Systems, Inc.
128 Market Street
Alamosa, CO 81101

Re: Valley-Wide Health Systems, Inc. – Buena Vista
New Access Point Application for Chaffee County, Colorado

Dear Ms. Darricades or Gigi:

On behalf of the Town of Buena Vista, we would like to offer our support to Valley-Wide Health Systems, Inc. (Valley-Wide or VWHS) for their New Access Point (NAP) application to enhance primary health care services for the medically underserved populations within Chaffee County (Chaffee or County), Colorado.

The Town supports the vision for more access to healthcare in the community. The Town partners with several non-profits including organization that provide healthcare services. In rural communities like Buena Vista, access to healthcare is a deficiency. Residents often travel far for services. Valley-Wide Health Systems, Inc. would help address a deficiency.

Please let us know if we can help bring Valley-Wide Health Systems, Inc. into the Buena Vista, CO.

Sincerely,

Joel Benson, Mayor
Town of Buena Vista, CO



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

DATE: July 12, 2016
TO: Mayor and Board of Trustees
FROM: Brandy Reitter, Town Administrator
SUBJECT: TOWN ADMINISTRATOR REPORT

Administration

Reminders:

- July 13 – High altitude testing appreciation BBQ at the airport at 11 AM.
- August 12 – Upper Arkansas River Basin Water Festival at the Riverside Park in Salida.
- August 30 – Save the Date: Intergovernmental Meeting in the evening

Staff would like to honor the memory of Cara Russell the former mayor of Buena Vista. She passed away on June 28 from injuries due to a terrible tragedy.

Staff met with the Buena Vista School District on July 5 to discuss the MOU that will result in a potential purchase agreement between both entities. The school board approved the MOU with minor changes. Since the trustees already approved the purchase agreement the next steps are to present a land lease to the trustees and present both lease and agreement to the school district this month. The MOU is attached to this report.

The electrical vehicle charging stations were installed last week and are fully operational. Once we receive a rate from Sangre De Cristo people will be able to use them. The first 10 charges are free to the public.



Recreation, Events, Trails, & Tourism

At the last trustee meeting staff received a question on an expenditure for a pickle ball clinic totaling \$4,645. The clinic brought in \$5,344 in revenue. The town generated \$700 from the clinic.

Staff met with a stakeholder group for the planning of the CBS commercial. The group represented recreation, trails, hot springs, cycling, business owners, white water, and the organizer from TransRockies Run. The next steps are to set up 30 minute interviews with stakeholders the weekend leading up to the race on August 9.

Staff is working with the Recreation Advisory Board to update the recreation master plan. The last time the plan was completed was in 2010 and the recreation department and the community have completed most of the plan. Staff will make a presentation this fall on the final plan.

Fundraising for the Miracle on Ice rink is moving along. Volunteers have raised \$5,000 so far but will need more funds. Staff will work with volunteers to come up with ideas to raise more money.

Staff has joined a committee working towards identifying ways families can overcome barriers to recreating in the outdoors. The committee work will help town look at ways to increase participation in outdoor recreation. The committee received a grant for \$100,000 to work with the Family and Youth Initiatives in Salida, Salida Recreation, Guidestone, and BV Rec.

Programs

- Recreation is hosting a baseball tournament during Gold Rush Days and staff has secured the first sponsor at \$750. We are looking for other sponsors for the tournament.

Events

- Staff is planning the first annual summer picnic. We will send out an email with a time and location. Staff, families, and trustees are invited. The date is July 30.
- The 4th of July events were a success. We had record numbers for the 5k foot race.
- Reminder: concerts in the park are every Thursday from 7 – 8 PM.

Trails

- Trail construction has started on the Bacon Bits section. Volunteers have completed nearly one mile so far.
- Staff has been working with BLM on a plan to make improvements to the trail system adjacent to Midland Hills Bridge (formally known as Ramsour Bridge). Since the improvements are on BLM a NEPA is required. The BLM said they might pay for the NEPA.

Upper Arkansas Water Conservancy District, Augmentation Plan, and Water Planning

Staff met with the Upper Arkansas Water Conservancy District and the U.S. Forest Service on Jun 28 to initiate the Special Use Permit that grants permission to store water on Cottonwood Lake. Both town and Upper Ark requested the following to be included in the permit:

- Buena Vista will be able to store water in Cottonwood Lake.
- There is a need to increase the rate of release from 1 CFS to 5 CFS to satisfy increased demand on Cottonwood Lake while mitigating impacts to the environment.
- There is a need to rehab the existing dam outlet structure to increase flow and storage.

- We will use the full capacity of the lake while maintaining a conservation pool.
- The Upper Ark will still augment the Forest Service's water and conducted all reservoir operations.
- Upper Ark is requesting to modify a bridge nearby to make the project work.
- Town and the Upper Ark will continue to work on the feasibility study and provide required data to the Forest Service for the approval of the permit.

Main Street & Creative District, Community/Economic Development Initiatives

CHFA has scheduled project presentations and the Town's date is August 22 in Denver. Wendell Pryor and Al Blum from Urban, Inc. will join in pitching the project.

The first part of the Historic Structure Assessment for the McGinnis Gym is complete.

Main Street's parking lot improvement project will enter into the second phase. On July 18 – 19 volunteers will place railroad ties and decorative rock near the sidewalk to beautify the area. Main Street saw a successful second quarter with 6 new businesses opening.

The county-wide housing needs assessment is near completion. EPS the consultant on the project should finish the document late July or early August.

This concludes my report. If you have any questions please let me know.

Sincerely,



Brandy Reitter, Town Administrator
Town of Buena Vista, CO

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is made and entered into this ____ day of _____, 2016, by and between Buena Vista School District R-31 aka Chaffee County School District Number R-31, a Colorado school district with an address of P.O. Box 2027, Buena Vista, Colorado 81211 (the “School District”) and the Town of Buena Vista, a Colorado municipality with an address of P.O. Box 2002, Buena Vista, Colorado 81211 (the “Town”).

WHEREAS, the School District and the Town desire to swap certain real property located within the Town of Buena Vista; and

WHEREAS, there are several contingencies that must be determined prior to the completion of the land swap and the School District and the Town desire to enter into this non-binding MOU to outline the intention of parties.

NOW, THEREFORE, the parties intend to structure the real property land swap as follows:

1. Conveyance of Old Baseball Field Property. The School District and the Town will execute a Purchase and Sale Agreement containing mutually agreed upon terms for the School District to convey to the Town property currently owned by the School District and used as a baseball field (the “Old Baseball Field Property”).

2. Construction of Affordable Housing. In exchange for the execution of the Purchase and Sale Agreement described in paragraph 1, the Town will not begin construction on the affordable housing project planned for the Old Baseball Field Property until the Town has constructed and completed a new baseball field for the School District as described in paragraph 5 below.

3. Conveyance of Town River Park Parcel. In exchange for the old Baseball Field Property described in paragraph 1 above, the parties desire for the School District to own a five acre parcel (“River Park Parcel”) located within the Town’s River Park property for use as a baseball field. The exact location of the River Park Parcel has yet to be determined, but the Town will be responsible for all costs associated with surveying, appraisals and subdividing the River Park Parcel, if necessary. However, pursuant to C.R.S. § 31-15-713(1)(a), the disposition of property held for park purposes requires approval of the registered electors of the Town. Therefore, prior to conveying the River Park Parcel to the School District, the Town agrees to:

a. Submit a ballot question to the registered electors of the Town at a special election on April 4, 2017 to approve the disposition of the five acre parcel; and

b. If the registered electors do not approve the disposition of the parcel at the April 4, 2017 special election, to submit a second ballot question to the registered electors of the Town at the Town's regular election in April 2018 to approve the disposition of the five acre parcel.

The School District acknowledges that the Town cannot contractually bind itself to set a ballot question. Therefore, the parties have established alternative compensation for the School District if the Town Board fails to set a ballot question, which is set forth in more detail in Section 5 of this MOU. This alternative compensation shall also apply if a ballot question is properly set, but such ballot question is not successful.

4. Lease of River Park Parcel. If the registered electors of the Town do not approve the conveyance of the River Park Parcel pursuant to the first ballot question described in paragraph 3(a) above, the Town will lease the River Park Parcel to the School District for a maximum period of ninety-nine (99) years with an option to extend the lease for a term agreed upon by both parties. The Town will maintain the baseball field under the lease for the benefit of the School District. If the registered electors approve the conveyance of the River Park Parcel pursuant to the second ballot question described in paragraph 3(b), the lease entered into between the Town and the School District for the River Park Parcel will terminate and the Town will convey the River Park Parcel to the School District.

5. Conveyance of the Rodeo Grounds Parcel. In order to ensure that the School District receives property comparable to the property described in paragraph 1, the Town and the School District will enter into a Purchase and Sale Agreement, the terms of which shall be mutually agreed upon by the parties, for the conveyance of an approximately five-acre parcel located within the property owned by the Town north of the Town's rodeo grounds (such parcel hereinafter referred to as the "Rodeo Grounds Parcel"). The exact location of the Rodeo Grounds Parcel has yet to be determined and the Town shall be responsible for all costs associated with surveying and subdividing such parcel, if necessary. The size and location of the Rodeo Grounds Parcel shall be determined so that its value is generally equal to the Old Baseball Field Property. Once the location and size of the Rodeo Grounds Parcel have been agreed upon, the Town shall convey it to the School District pursuant to the terms of the purchase and sale agreement entered into by the Town and School District, which shall establish a closing date for the conveyance as mutually agreed upon by the Parties. If, after the Rodeo Grounds Property has been conveyed to the School District, the electorate approves the conveyance of the River Park Parcel to the School District at an election contemplated herein, ownership of the Rodeo Grounds Parcel shall revert back to the Town immediately upon conveyance of the River Parker Parcel to the School District.

6. Construction of new Baseball Field. Regardless of which property the School District takes ownership of pursuant to this MOU, the Town will construct a new baseball field on the River Park Parcel by a mutually agreed upon date in the spring of 2017 for use by the School District pursuant to the lease contemplated in Section 4, above. The design of the new baseball field shall be mutually agreed upon by the parties.

7. Non-Binding. This MOU expresses the intent of the parties, but is not binding on either party and neither party shall have the right to enforce the terms of this MOU against the other party.

IN WITNESS WHEREOF, this MOU is executed by School District and the Town as of the date first above written.

BUENA VISTA SCHOOL DISTRICT R-31

TOWN OF BUENA VISTA

Joel Benson, Mayor

ATTEST:

Janell Sciacca, Town Clerk



Town of Buena Vista

Post Office Box 2002

Buena Vista, Colorado 81211

Phone: (719) 395-8643

Fax: (719) 395-8644

DATE: July 12, 2016
TO: Mayor and Board of Trustees
FROM: Michelle Stoke, Town Treasurer

AGENDA ITEM: Treasurer's Report

Pickle-ball Explanation

A question was raised last meeting regarding the payment to the instructor who ran the Pickle-Ball clinic. The issue concerned the size of the check. I have had a conversation with Emily regarding this and she explained that the contract with instructors of classes or clinics provides that the instructor will receive a percentage of the fees from the registration of the participants. In this case that percentage was 75% of the fees. So while the payment to the instructor was \$4,645 the fees received were approximately \$6,200 of which the Town recognized \$1,555. Definitely a testament to the success of the Pickle-Ball instructor. Please refer to the attached Mountain Mail article from Friday, July 8, 2016

Town Expenditures

Since June 28, 2016 report, the Town has issued:

- 64 Accounts Payable checks for Town expenditures for a total of \$172,621.26.
- ACH withdrawals to the IRS, FPPA, and Colorado Department of Revenue for \$21,502.56 for the pay period ending 6/18/2016.
- Net payroll of \$59,201.99 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 - \$ 136,331.31
- Water Fund - \$ 11,276.65
- Capital Improvement Fund \$ 2,476.21
- Airport Enterprise Fund - \$ 44,039.65
- Total all Funds - \$ 194,123.82
-

Large expenditures this period:

- CEBT for \$38,679.21 for Employee Health Insurance for July.
- Chaffee Properties for \$44,684.45 for 2015 Sales Tax Rebate per the pre-annexation agreement for True Value and Tractor Supply.
- Colorado Department of Revenue for \$36,994.00 for the tax liability portion of the Aviation Fuel Sales Tax compliance.

Buena Vista: 8,000 feet above average

-Hoffmann, Parker, Wilson & Carberry for \$13,143.97 for legal fees largely for Planning and BOT

-Jviation for \$3,601.21 for work on the Master Plan.

This concludes my report at this time.

Michelle Stoke, CPA
Treasurer

Sports & Outdoors

Salida Sluggers baseball needs help getting to World Series

by Brian McCabe
Mail News Editor

The Salida Sluggers baseball team for ages 14 and younger has earned its way into the Xtreme Diamond Sports World Series in San Diego, and now the players need the community's help to get there.

"We are the only team from Colorado going, and I don't think another team from Salida has been to something this big before," coach Jeff Graf

said. "Only 17 teams qualified. We will be playing teams from all over the Western U.S. and one from Mexico."

The team has established a gofundme page, gofundme.com/2cvehwbs, for donations. They hope to earn \$6,000 by July 24 to help pay for travel expenses.

The team will host a spaghetti dinner from 4-7 p.m. July 16 at Granzella Hall, 450 Palmer St. Cost will be \$10 for adults and \$7 for kids.

They will also hold a raffle

for four tickets to the Oct. 30 Denver Broncos game against the San Diego Chargers. Anyone interested in purchasing raffle tickets should contact Graf at 221-8733.

Graf said a lot of people have heard of the Little League World Series, which is for players 12 and younger, and this is the World Series for players 14 and younger.

"We are all very excited about this and would love to see the community get excited as well," Graf said.

Pickleball pro visits Buena Vista

by Andrea Newell
Times Correspondent

BUENA VISTA — Recent pickleball clinics brought valuable lessons and experience to the 65 registered players through the tutelage of professional pickleball player Sarah Ansbury.

The clinics were sponsored by the Buena Vista Recreation Department in conjunction with the Peak to Peak Pickleball Club.

Morning and afternoon clinics were held June 22 and 23, and participants came from all around Colorado, as well as California, Arizona, Kansas, Texas and New Mexico.

Private and semi-private lessons with Ansbury followed each afternoon clinic, as well as a strategy discussion combined with a potluck dinner at the Buena Vista Community Center Wednesday evening.

Originally planned for the River Park courts, the clinics were moved to Darren Patterson Christian Academy's gymnasium due to high wind and afternoon thunderstorms.

Assisted by wife Linh, Ansbury covered the basics of pickleball with each class, especially focusing on proper body mechanics. Her instructions included both verbal advice and physical demonstrations.

Salida residents Darlene Fredericks and Sheri Jensen said they appreciated going back to basics and getting the most out of them.

"Learn the basics correctly and I believe that you can be good at lower level and upper level," said Fredericks.

After each period of instruction, the players paired up

and practiced together, focusing on Ansbury's advice.

"(Sarah's) really good at picking apart on what you should be thinking about," said beginner Barbara Brady, who was impressed with the clinic.

"She does a really good job of talking technique, as well as mental strategies, and the communication with partners as well as how to hold the paddle."

"It gets you to think about things you don't realize you're doing or not doing," said Salida resident Paul Jensen. "It helps improve your game."

Stephanie McDonald, the USA Pickleball Association ambassador for Buena Vista, received only positive feedback on the clinics.

"Having Sarah was a really big deal for our club. How often does a small, rural town like Buena Vista get to host the top female player in the country?" McDonald asked.

"I was absolutely thrilled when she agreed to come, and we hope to host her again in the future. She allowed us to attract players from around the state and country, many of whom stayed in our local motels, ate in our local restaurants and shopped in our local shops."

Originally from Portland, Ore., Ansbury is one of the top pickleball players in the world and the top-ranking female player in the U.S., having won several national championship medals. Her most recent victory came at the U.S. Open Pickleball Championships.

She started as a tennis player and coach. "The club I was at had pickleball courts and I just jumped into it," she

said. "I ended up playing at a tournament because it was there."

But Ansbury didn't really get into pickleball until she played with a friend from high school in another tournament. Now she has been playing for 1½ years.

"I grew up on tennis my whole life. Once I started playing pickleball ... it's a crazy, addictive sport. It's awesome."

Ansbury has taught many clinics before, and more than anything, she aims to help people really understand what pickleball is.

"A lot of times in small communities, a lot of players don't get to really see what pickleball is," she said. "They never really got much experience with high-level play and it's kind of hard. Pickleball's growing so fast. A lot of people haven't had the chance to understand what it is or the ways to play ... I'd like them to understand what their capabilities can be and what they feel comfortable with and that they're enjoying playing pickleball in a way ... that's not damaging their body."

McDonald and Kathy Evers, USAPA ambassador for Poncha Springs and Salida, will continue to promote pickleball throughout the county. "We hope to prove that pickleball is a legitimate attraction for tourists and that events similar to this can have a positive economic impact on our community," said McDonald.

The Chaffee County Times in Buena Vista is published by Arkansas Valley Publishing Co., the parent company of The Mountain Mail.

2016
08/04 - 10/9

Central Colorado Foodshed Alliance [CCFA]
Farmers Market
CULTIVATING A THRIVING LOCAL FOOD ECONOMY IN CENTRAL COLORADO

Salida
Saturdays » 8:00 AM - 12:30 PM
Alpine Park » 5th & E Street

Buena Vista
Sundays » 9:00 AM - 1:00 PM
Optimist Park » S Railroad & E Main

www.CCFA.coop

THE HISTORIC "F" STREET
FIVE & DIME
Salida COLORADO

F Street Five & Dime would like to invite everyone to join us this Saturday, July 9th in Buena Vista for the Art Opening of our good friend Michele C. Wayland.

SECOND Saturday
BUENA VISTA, CO
JULY 09TH
www.facebook.com/SecondSaturdayBV

GO CREATIVE
DESIGN STUDIO & ART GALLERY
ART OPENING
10 AM-4 PM
Featuring Local Artist
Michele C. Wayland
uncanny pet portraits & mini-reverse paintings
Meet the Artist 12 - 4 PM

Michele recently completed painting and restoration work on the Chaffee County Honor Roll wall at Salida's F Street Five & Dime.



Town of Buena Vista

Fund Balance Report

As Of 07/08/2016

Fund	Beginning Balance	Total Revenues	Total Expenses	Ending Balance
01 - General Fund	1,795,650.31	1,560,411.11	1,706,097.98	1,649,963.44
02 - Water Enterprise Fund	6,719,421.03	435,085.17	549,456.95	6,605,049.25
03 - Capital Improvement Fund	973,053.65	156,889.34	170,774.54	959,168.45
04 - Conservation Trust Fund	73,615.73	6,662.50	0.00	80,278.23
07 - Airport Enterprise Fund	3,079,434.91	322,020.78	237,360.19	3,164,095.50
Report Total:	12,641,175.63	2,481,068.90	2,663,689.66	12,458,554.87



Town of Buena Vista

General Fund Income Statement

Group Summary

For Fiscal: 2016 Period Ending: 07/31/2016

Department	Original YTD Budget	Current YTD Budget	MTD Activity	YTD Activity	Budget Remaining
Revenue					
100 - General Government	1,695,625.82	1,695,625.82	-44,653.60	1,396,852.42	298,773.40
120 - Town Clerk	15,842.68	15,842.68	115.75	10,114.00	5,728.68
125 - Municipal Court	23,367.33	23,367.33	0.00	20,263.20	3,104.13
210 - Police Department	1,009.82	1,009.82	0.00	4,935.00	-3,925.18
230 - Volunteer Fire Department	6,589.03	6,589.03	0.00	220.00	6,369.03
310 - Planning (Development)	65,336.67	65,336.67	20.00	48,410.24	16,926.43
320 - Community Center	4,277.56	4,277.56	108.00	3,515.50	762.06
410 - Public Works	6,022.73	6,022.73	30.00	2,085.00	3,937.73
415 - Street Maintenance	472.29	472.29	0.00	480.00	-7.71
510 - Parks Department	4,941.65	4,941.65	0.00	13,219.50	-8,277.85
515 - Rodeo Grounds	320.67	320.67	0.00	120.00	200.67
520 - Cemetery	4,341.12	4,341.12	20.00	5,755.00	-1,413.88
550 - Recreation Department	23,251.06	23,251.06	270.00	54,441.25	-31,190.19
Revenue Total:	1,851,398.43	1,851,398.43	-44,089.85	1,560,411.11	290,987.32
Expense					
100 - General Government	0.00	0.00	0.00	49.01	-49.01
110 - Mayor & Board of Trustees	28,668.50	28,668.50	3,006.00	25,853.59	2,814.91
115 - Elections	2,822.19	2,822.19	0.00	4,179.17	-1,356.98
120 - Town Clerk	57,816.57	57,816.57	2,877.87	41,127.84	16,688.73
125 - Municipal Court	42,144.69	42,144.69	3,559.21	36,379.46	5,765.23
130 - Town Administrator	200,758.74	200,758.74	12,305.84	239,799.90	-39,041.16
135 - Financial Administrator	114,012.71	114,012.71	5,424.98	99,025.36	14,987.35
140 - Town Hall Operations	17,924.55	17,924.55	1,283.98	8,293.44	9,631.11
150 - Public Support	379,156.26	379,156.26	1,520.93	48,661.56	330,494.70
160 - Information Technology	49,482.30	49,482.30	3,094.73	46,747.37	2,734.93
210 - Police Department	495,567.45	495,567.45	31,968.14	467,447.92	28,119.53
220 - Public Safety Complex	12,184.69	12,184.69	53.36	6,704.28	5,480.41
230 - Volunteer Fire Department	127,686.23	127,686.23	8,024.70	125,239.12	2,447.11
310 - Planning (Development)	203,370.86	203,370.86	13,151.69	153,906.71	49,464.15
320 - Community Center	19,183.78	19,183.78	212.54	6,939.64	12,244.14
330 - BVTV - Public Access Television	4,424.00	4,424.00	0.00	3,000.00	1,424.00
410 - Public Works	213,806.11	213,806.11	13,228.42	205,205.17	8,600.94
415 - Street Maintenance	6,543.53	6,543.53	0.00	7,087.06	-543.53
510 - Parks Department	121,764.16	121,764.16	8,336.88	80,792.28	40,971.88
515 - Rodeo Grounds	1,282.89	1,282.89	0.00	474.42	808.47
520 - Cemetery	6,258.84	6,258.84	621.86	2,655.37	3,603.47
550 - Recreation Department	109,124.40	109,124.40	7,628.59	96,529.31	12,595.09
Expense Total:	2,213,983.45	2,213,983.45	116,299.72	1,706,097.98	507,885.47
Total Surplus (Deficit):	-362,585.02	-362,585.02	-160,389.57	-145,686.87	-216,898.15



Town of Buena Vista

Capital Improvement Fund Income Statement

Group Summary

For Fiscal: 2016 Period Ending: 07/31/2016

Obj Category	Original YTD Budget	Current YTD Budget	MTD Activity	YTD Activity	Budget Remaining
Revenue					
31 - Taxes	201,472.67	201,472.67	0.00	155,668.07	45,804.60
36 - Park & Facility Fees	2,915.50	2,915.50	0.00	0.00	2,915.50
37 - Grants / Donations / Refunds / Misc	144,324.25	144,324.25	0.00	1,221.27	143,102.98
38 - Transfers to / From Funds	154,521.50	154,521.50	0.00	0.00	154,521.50
48 - Capital Improvements	205,279.76	205,279.76	0.00	0.00	205,279.76
Revenue Total:	708,513.68	708,513.68	0.00	156,889.34	551,624.34
Expense					
16 - Depreciable Assets	11,137.21	11,137.21	0.00	0.00	11,137.21
46 - Debt Service	145.74	145.74	0.00	250.00	-104.26
48 - Capital Improvements	892,825.71	892,825.71	2,476.21	170,524.54	722,301.17
Expense Total:	904,108.66	904,108.66	2,476.21	170,774.54	733,334.12
Total Surplus (Deficit):	-195,594.98	-195,594.98	-2,476.21	-13,885.20	-181,709.78



Town of Buena Vista

Airport Enterprise Fund Income Statement

Group Summary

For Fiscal: 2016 Period Ending: 07/31/2016

Obj Category	Original YTD Budget	Current YTD Budget	MTD Activity	YTD Activity	Budget Remaining
Revenue					
33 - Charges for Services	249,646.88	249,646.88	200.00	148,036.88	101,610.00
37 - Grants / Donations / Refunds / Misc	424,679.29	424,679.29	0.00	173,983.90	250,695.39
38 - Transfers to / From Funds	187,175.10	187,175.10	0.00	0.00	187,175.10
Revenue Total:	861,501.27	861,501.27	200.00	322,020.78	539,480.49
Expense					
41 - Personnel	105,858.83	105,858.83	7,370.23	89,816.93	16,041.90
42 - Supplies	13,406.05	13,406.05	1,430.18	12,112.02	1,294.03
43 - Utilities / Insurance	26,273.31	26,273.31	337.24	24,033.00	2,240.31
44 - Services	192,505.25	192,505.25	0.00	94,663.64	97,841.61
45 - Capital Outlay	630.77	630.77	0.00	653.89	-23.12
48 - Capital Improvements	509,928.44	509,928.44	3,601.21	16,080.71	493,847.73
Expense Total:	848,602.65	848,602.65	12,738.86	237,360.19	611,242.46
Total Surplus (Deficit):	12,898.62	12,898.62	-12,538.86	84,660.59	-71,761.97



Town of Buena Vista

Water Enterprise Fund Income Statement

Group Summary

For Fiscal: 2016 Period Ending: 07/31/2016

Obj Category	Original YTD Budget	Current YTD Budget	MTD Activity	YTD Activity	Budget Remaining
Revenue					
32 - Licenses & Permits	408.17	408.17	0.00	300.00	108.17
33 - Charges for Services	467,953.43	467,953.43	-6.72	396,269.14	71,684.29
36 - Park & Facility Fees	58,705.29	58,705.29	4,650.00	35,850.00	22,855.29
37 - Grants / Donations / Refunds / Misc	471,390.50	471,390.50	0.00	2,666.03	468,724.47
Revenue Total:	998,457.39	998,457.39	4,643.28	435,085.17	563,372.22
Expense					
41 - Personnel	159,178.04	159,178.04	10,707.63	151,391.83	7,786.21
42 - Supplies	31,662.19	31,662.19	2,407.00	26,004.05	5,658.14
43 - Utilities / Insurance	15,918.63	15,918.63	61.25	11,789.65	4,128.98
44 - Services	55,702.85	55,702.85	162.00	54,555.16	1,147.69
45 - Capital Outlay	9,387.91	9,387.91	253.96	59,974.36	-50,586.45
46 - Debt Service	50,357.02	50,357.02	0.00	41,334.57	9,022.45
48 - Capital Improvements	690,681.95	690,681.95	140.84	204,407.33	486,274.62
Expense Total:	1,012,888.59	1,012,888.59	13,732.68	549,456.95	463,431.64
Total Surplus (Deficit):	-14,431.20	-14,431.20	-9,089.40	-114,371.78	99,940.58



Town of Buena Vista
Public Works Operations Report
June 2016

Water Department

1. Average Consumption

2014=558gpm
2015=428gpm
2016=550gpm

Average Production

2014= 717gpm
2015= 568gpm
2016= 637gpm

Monthly Loss

2014= 22%
2015= 25%
2016= 14%

Ivy League Internal Loss

2014= Unknown%
2015= Unknown%
2016= 49% (819,000 gal)

2. Began weed eradication at gallery and intake
3. Conducted repairs on multiple manholes at treatment plant.
4. Continue analyzing meter reading based water loss analysis
5. Continue Surface Treatment Plant start-up analysis (RG Waterworks)
6. Submitted potential projects to RG and Associates for Project Needs Assessment to obtain State funding for future projects (State Revolving Fund Requirement)
7. Performed 7-meter change-outs
8. Continue hydrant flushing program
9. Continue backflow certifications
10. Continue water loss analysis and investigation
11. Installed 0 new taps

Total New Taps

- 2013-9
- 2014-26
- 2015-15
- 2016-4

12. Monthly required sampling conducted. No issues detected

Street Department

1. Began street striping with new machine.
2. Began ROW mowing as necessary
3. Completed pavement patching calculations for contracted patching-RFP forthcoming
4. Street sweeping as necessary
5. Began shoulder grading

6. Street grading as necessary
7. Routine maintenance as necessary

Parks Department

1. Routine maintenance and daily trash removal
2. Looking into acquiring materials and volunteers to construct Dog Park shade structures
3. Mowing as necessary
4. Continue ADA required renovations of Columbine Park

Building Maintenance

1. Routine janitorial services
2. Continue gathering estimates for blinds and flooring

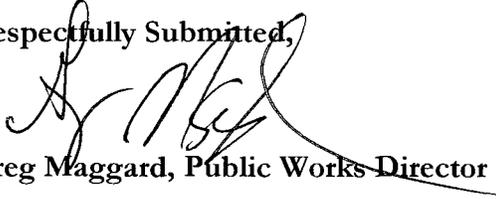
Capital Improvement Projects

- **Public Works Water Fill Station**-Bulk water sales have begun.
- **Tee Road Tie-In**-Project complete. Final pay application forthcoming.
- **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 Trail Paving**-Project awarded to Miles Construction. Paving will complete Mid-July.

Miscellaneous

- HWY 24 construction slated to begin early August. Pre-Construction meeting scheduled for July 14.
- Kudos to the Streets Department!!-The department striped the equivalent of \$20,000 of past contracted work in just **2 days!!**

Respectfully Submitted,


Greg Maggard, Public Works Director



Buena Vista Parks & Recreation Board of Directors,

Family & Youth Initiatives (FYI) will hold a Back to School BBQ on Monday, August 29, 2016 at the Buena Vista Riverside Pavilion (East Main Street). This is a free event for Chaffee County Community members. FYI provides free transportation from Salida to Buena Vista for this event. Free fried chicken will be served from 6:00PM until 8:00PM or until supplies last. We ask that each participant please bring a dish to share. Games and activities will be provided for all ages. This is a way for FYI to give back to the community and families we serve. The Back to School Picnic is a way for us to connect with the community in a fun, safe and social setting and make new relationships and offer programs to those new to the community.

This event is free and open to the public.

Family & Youth Initiatives is a prevention division within Chaffee County Health and Human Services and is comprised of Nurturing Parenting, Chaffee County Mentors, Youth @ Crossroads, and the Community Partnership for Families. FYI's mission is to ensure Chaffee County families are the "Safest, most healthy, and self-sufficient in Colorado."

We are asking to have the cost of the Riverside Pavilion and volley ball courts covered by the Buena Vista Parks & Recreation in efforts to save on costs allowing us to fund additional healthy side dishes to provide at the event.

If the request is approved we would be happy to list BV Parks & Rec as a sponsor on all media and advertising of this event.

Please visit us at <http://chaffeecountyfyi.org>

Thank you,
Natalie Moore
Family & Youth Initiatives Program Manager

**Contact: Name: Natalie Moore Tel: 719-530-2582 Email: nmoore@chaffeecounty.org
Name: Monica Haskell Tel: 719-530-2511 Email: monica.haskell@state.co.us**

Jeff Ollinger

From: Jeff Ollinger <jeff.ollinger@uaacog.com>
Sent: Thursday, July 07, 2016 2:05 PM
To: 'Paulette Bruins'
Subject: FEE EXEMPTION REQUEST: Pavilion Rental Request - afternoon of August 11

Hello Paulette and Buena Vista Board of Trustees,

This letter requests a waiver of the \$20 use fee for the River Park Pavilion from 1:15 to about 4:30 PM August 11. The Statewide Colorado Enterprise Zone Administrators (20 administrators) afternoon meeting is a gathering to discuss future E Zone policies. The event is co-hosted by the Upper Arkansas Area Council of Governments – Buena Vista Office and the Colorado Office of Economic Development- Enterprise Zone Program Manager – Sonya Guram. The Town of Buena Vista is a long standing member of the UAACOG.

Please exempt the UAACOG from the \$20 fee for the afternoon use of the pavilion.

Best,

Jeff Ollinger, Administrator

UAADC Business Loan Program and Central Colorado E Zone (UAACOG administered programs)

Paulette: If the exemption is not granted please provide me an invoice made out to Colorado Office of Economic Development- Enterprise Zone Program: ATTN Sonya Guram-Program Manager...thank you.