



**AGENDA
FOR THE BOARD OF TRUSTEES
OF THE TOWN OF BUENA VISTA, COLORADO
August 25, 2020**

**Virtual Regular Meeting at 7:00 PM
(Meeting will not be held at the at the Buena Vista Community Center)**

To participate in Public Comment and/or Public Hearings you must connect to the video conference.
 Conferencing Access Information: <https://zoom.us/j/88685655089> Password: 977111
 Listen via phone at 1-346-248-7799 Meeting ID: 886 8565 5089 Password: 977111

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

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. AGENDA ADOPTION

The Board approves the agenda at the start of the meeting including modifications.

V. CONSENT AGENDA

Approval of matters that are routine in nature that require review and/or approval, i.e. minutes and reports. (Professional Service Agreements (PSA) that exceed \$25,000.00 require the Consent Agenda to be approved by a Roll Call vote)

A. Minutes

1. Board of Trustees Regular Meeting – August 11, 2020
2. Beautification Advisory Board Minutes – July 2, 2020
3. Recreation Advisory Board Minutes – July 1, 2020

B. Town Clerk Report

C. De-Obligation Letters for CWRPDA Loan and DOLA Grant EAIF #8395

VI. PUBLIC COMMENT

*Citizen participation where the public can sign up prior to the start of the meeting in order to speak up to 3 minutes for matters not on the agenda or for agenda items not scheduled for Public Hearing. Enter your name, address, and subject to be discussed in the Zoom Chat box, or when Mayor Lacy asks for Public Comment, select the More button, click Participants, and raise your hand. By phone press *9 to raise your hand and *6 to mute/unmute your phone, or you may email the information to bvclerk@buenavistaco.gov. Neither Town Board nor Town staff should be expected to respond to matters raised in the Public Comment segment of Board meetings. Nevertheless, Board members will always retain the right to ask questions of the speaker and to respond then or at a later time to remarks made by any citizen.*

VII. STAFF REPORTS (Estimated time – 15 minutes)

1. Town Administrator
2. Town Treasurer
3. Principal Planner

This Agenda may be Amended

Posted at Buena Vista Town Hall, Post Office, and www.buenavistaco.gov on Friday, August 21, 2020

VIII. BUSINESS ITEMS

A. Chaffee Housing Trust

Read McColloch, Executive Director will provide an update to the Board, and request a letter of support for the Community Support Grant to assist with affordable housing in Buena Vista. (Estimated time – 10 minutes)

B. Coronavirus Relief Funding for Non-Profits

The Trustees will discuss and consider utilizing CVRF funds for local non-profits which have either been impacted by COVID or will play a role in helping the community through the fall and winter seasons during COVID. (Estimated time – 10 minutes)

C. Public Hearing - Sangre de Cristo Electric Association, Inc. Annexation

The Board will consider approving the annexation of Parcel A, Parcel B, and the Substation Annexation Parcel A. (Estimated time – 30 minutes)

Should the Board of Trustees approve adoption of Resolution No. 48, Series 2020, entitled **“A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE TOWN OF BUENA VISTA, COLORADO, KNOWN AS THE SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. BUENA VISTA HEADQUARTERS-PARCEL A ANNEXATION.”?**

Should the Board of Trustees approve adoption of Ordinance No. 10, Series 2020, entitled **“AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO ANNEXING TO THE TOWN OF BUENA VISTA, COLORADO BY SERIAL ANNEXATION CERTAIN REAL PROPERTY KNOWN AS THE SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. BUENA VISTA HEADQUARTERS-PARCEL A ANNEXATION.”?**

Should the Board of Trustees approve adoption of Resolution No. 49, Series 2020, entitled **“A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE TOWN OF BUENA VISTA, COLORADO, KNOWN AS THE SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. BUENA VISTA HEADQUARTERS-PARCEL B ANNEXATION.”?**

Should the Board of Trustees approve adoption of Ordinance No.11, Series 2020, entitled **“AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO ANNEXING TO THE TOWN OF BUENA VISTA, COLORADO BY SERIAL ANNEXATION CERTAIN REAL PROPERTY KNOWN AS THE SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. BUENA VISTA HEADQUARTERS-PARCEL B ANNEXATION.”?**

Should the Board of Trustees approve adoption of Resolution No. 50, Series 2020, entitled **“A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE TOWN OF BUENA VISTA, COLORADO, KNOWN AS THE TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. BUENA VISTA SUBSTATION-PARCEL A ANNEXATION.”?**

Should the Board of Trustees approve adoption of Ordinance No. 12, Series 2020, entitled **“AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO ANNEXING TO THE TOWN OF BUENA VISTA, COLORADO BY SERIAL ANNEXATION CERTAIN REAL PROPERTY KNOWN AS THE TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. BUENA VISTA SUBSTATION-PARCEL A ANNEXATION.”?**

This Agenda may be Amended

Posted at Buena Vista Town Hall, Post Office, and www.buenavistaco.gov on Friday, August 21, 2020

D. Public Hearing – Zoning Newly Annexed Property

Should the Board of Trustees approve adoption of Ordinance No. 13, Series 2020, entitled **“AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO, ZONING NEWLY ANNEXED PROPERTY KNOWN AS THE SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. BUENA VISTA HEADQUARTERS PARCELS A AND B AND THE TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. BUENA VISTA SUBSTATION PARCEL A ANNEXATIONS.”?** (Estimated time – 15 minutes)

E. Draft Ordinance Concerning Medical and Retail Marijuana

The Board will consider approving a draft Ordinance Repealing and Reenacting Article IV of Chapter 6 of the Buena Vista Municipal Code Concerning Medical and Retail Marijuana Businesses and amending the Town’s Zoning Regulations to Include Medical and Retail Marijuana as Permitted Uses in Certain Zone Districts. (Estimated time – 15 minutes)

F. Should the Board of Trustees approve adoption of Resolution No. 51, Series 2020, entitled “A RESOLUTION SUBMITTING AN ADVISORY BALLOT QUESTION REGARDING NEW REGULATIONS GOVERNING MEDICAL AND RETAIL MARIJUANA STORES TO THE REGISTERED ELECTORS OF THE TOWN OF BUENA VISTA AT A TOWN SPECIAL ELECTION ON NOVEMBER 3, 2020 TO BE COORDINATED WITH CHAFFEE COUNTY.”?

The Board will consider approving ballot language allowing retail marijuana stores. (Estimated time – 15 minutes)

G. Should the Board of Trustees approve adoption of Resolution No. 52, Series 2020, entitled “A RESOLUTION SUBMITTING A BALLOT ISSUE REGARDING A SPECIAL SALES TAX ON RETAIL MARIJUANA TO THE REGISTERED ELECTORS OF THE TOWN OF BUENA VISTA AT A TOWN SPECIAL ELECTION ON NOVEMBER 3, 2020 TO BE COORDINATED WITH CHAFFEE COUNTY.”?

The Trustees will consider approving ballot language regarding a special sales tax on the sale of retail marijuana. (Estimated time – 15 minutes)

H. Should the Board of Trustees approve adoption of Resolution No. 53, Series 2020, entitled “A RESOLUTION CALLING A SPECIAL ELECTION FOR NOVEMBER 3, 2020 TO BE COORDINATED WITH CHAFFEE COUNTY AND APPROVING AN ELECTION CONTRACT WITH CHAFFEE COUNTY.”?

The Board will consider coordinating with Chaffee County in the November 3, 2020 Election, and approving the Contract with Chaffee County Clerk & Recorder Lori Mitchell to conduct the Election. (Estimated time – 5 minutes)

IX. TRUSTEE/STAFF INTERACTION

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

X. ADJOURNMENT



**MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, August 11, 2020**

MINUTES OF THE MEETINGS OF THE BOARD OF TRUSTEES ARE A TRANSCRIPT OF THE GOVERNING BODY'S ACTIONS RATHER THAT A VERBATIM RECORD OF DELIBERATIONS.

A virtual/public regular meeting of the Board of Trustees was called to order by Mayor Duff Lacy, at 7:00 pm, Tuesday, August 11, 2020 having been previously noticed in accordance with the Colorado Open Meetings Law.

ROLL CALL

Attendee Name	Title	Status
Duff Lacy	Mayor	Present
Amy Eckstein	Trustee	Present
Libby Fay	Trustee	Present
Norm Nyberg	Trustee	Present
Devin Rowe	Trustee	Present
Cindie Swisher	Trustee	Present
David Volpe	Trustee	Present

Town Staff Present:

Town Administrator Phillip Puckett
Principal Planner Mark Doering
Public Works Director Shawn Williams
Fire Chief Dixon Villers
Special Projects Manager Joel Benson
Town Clerk Paula Barnett

Town Attorney Jeff Parker
Town Treasurer Michelle Stoke
Police Chief Dean Morgan
Recreation Director Earl Richmond
Airport Manager Jack Wyles

PLEDGE OF ALLEGIANCE

Mayor Lacy led the pledge of allegiance.

Town Administrator Phillip Puckett stated a formal development application by the owner of the Big Meadow (Parcel 2 in the Town's 1974 Ivy League Water Service Agreement) has been submitted to the Chaffee County Development Services Department which necessitates direction from Town, and requested adding "Potential Pursuit of Annexation of Parcel 2, 1974 Water Service Agreement" as Business Item F. to the agenda.

AGENDA ADOPTION**MOTION NO. 1:**

MOVE TO APPROVE THE AGENDA AS AMENDED BY ADDING BUSINESS ITEM F; POTENTIAL PURSUIT OF ANNEXATION OF PARCEL 2, 1974 WATER SERVICE AGREEMENT.

RESULTS	CARRIED
MOVER:	Trustee Fay
SECONDER:	Trustee Eckstein
AYES:	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe

CONSENT AGENDA

Approval of matters that are routine in nature that require review and/or approval, i.e. minutes and reports. (Professional Service Agreements (PSA) that exceed \$25,000.00 require the Consent Agenda to be approved by a Roll Call vote)

A. Minutes

1. Board of Trustees Regular Meeting – July 28, 2020

B. Police Chief Report**C. Fire Chief Report****D. Code Enforcement – Second Quarter Update****E. Chaffee County Housing Directors Report – July 2020****F. Chaffee County Development Services Department Activity Report – July 2020****G. Adoption of Resolution No. 44, Series 2020 entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPOINTING WAYNE LEE AS AN ALTERNATE MEMBER OF THE AIRPORT ADVISORY BOARD.”****H. Adoption of Resolution No. 45, Series 2020 entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPOINTING DOROTHY DISTEL AS AN ALTERNATE MEMBER OF THE BEAUTIFICATION ADVISORY BOARD.”****MOTION NO. 2:**

MOVE TO APPROVE THE CONSENT AGENDA.

RESULTS	CARRIED
MOVER:	Trustee Nyberg
SECONDER:	Trustee Swisher
AYES:	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe

PUBLIC COMMENT

No Public Comment was received.

BUSINESS ITEMS**Update from Central Colorado UAS Club (CCUASC) on Drone Park Project**

Town Administrator Phillip Puckett reviewed with the Trustees that Central Colorado UAS Club (CCUASC) has been working on adding a designated Drone Park at the Rodeo Grounds area. The CCUASC, Recreational Advisory Board, and Recreation Department have worked with the other groups that utilize that area and created a plan for a Drone Park.

Honora Roberts and Taylor Albrecht with Central Colorado UAS presented to the Board a proposal for the Drone Flying Park which would provide an area where both professional and recreational pilots can learn to safely operate unmanned aircraft, first responders can practice complicated maneuvers and become certified, and pilots can compete for standings in the racing circuit.

Roberts stated the park would be completed in three phases over a 3-year timeline 2020-2022 which include the following:

- Phase 1 -Flight Deck & Certifications Zones (2020)
 - Secure sponsors for zones
 - Construct road into the Flying Park
 - Build Flight Deck and Certification Zones
 - Develop and install signage
 - Provide Porta Potties for area
- Phase 2 – Obstacle Zone (2021)
 - Secure sponsors for zone
 - Build the Obstacle Zone
 - Provide Porta Potties for area
 - Erect shelters for first two zones
- Phase 3- Racing Zone (2022)
 - Secure sponsor for the zone
 - Build the Racing Zone
 - Erect shelter for zone
 - Host the first sanctioned race

Roberts and Albrecht reviewed the Phase One proposed budget and the responsible party for completing and covering the cost of each task. CCUASC is requesting that the Town grant permission for land use and any in-kind services, construct roadway and parking area, provide porta potties, and work with the club to develop and install signage.

Trustee Swisher asked if the location of the drone park interferes with activities at the airport, and Albrecht stated members worked with Airport Manager Jack Wyles and his staff to ensure there is adequate distance from the airport. Signage will be posted advising users to contact the airport notifying them that they are utilizing the drone park, and to stop operations when planes are in the area. Wyles stated having drone pilots in one location will increase safety for all aircraft.

The Board agreed to the proposed drone park, and discussed with Town Attorney Jeff Parker the requirement of an agreement between CCUASC and the Town.

MOTION NO. 3:

MOVE TO APPROVE THE DRONE PARK CONCEPT, TO PROCEED FORWARD WITH PHASE ONE OF THE PROPOSED PLAN AND DEVELOP AN AGREEMENT BETWEEN THE TOWN AND CCUASC FOR USE OF THE LAND AND PROVIDED SERVICES.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Eckstein
SECONDER:		Trustee Volpe
AYES:	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe	

Family Youth Initiatives Program

Samantha Barron, FYI Program and Grant Manager reviewed with the Trustees the Family Youth Initiatives Program which includes Communities That Care and Chaffee County Youth Alliance programs.

Retail Cannabis

Mayor Lacy stated Trustee Volpe has requested to address the Board prior to reviewing the draft ordinance.

Trustee Volpe shared with the Board that he feels the discussion before the Board is to decide where adults are able to purchase a product that is legal in the state of Colorado. Given the volume of recent emails the Trustees have received regarding the Board's decision to move forward with allowing retail marijuana, as well as the hyper partisan/hyper sensitive feelings in the country and locally, he feels it would be best to reconsider his decision and to move forward with as much unity and good will as possible, and to put the question to a vote of the people this November.

Trustee Nyberg stated he would like to make a motion to direct staff and legal to create ballot language for the November 3, 2020 Election giving residents the opportunity to vote on allowing retail cannabis stores in Buena Vista. Trustee Swisher stated she seconds the motion, and would like to share comments on the topic.

Trustee Swisher shared that when she was running for Trustee, she was very clear that she was 100% against recreational marijuana. Swisher stated this is not a discussion on street design, building a trail, or hiring another employee, but rather that the Board is discussing a value and quality of a way of life. Swisher stated she strives to be a team player, and accepts the majority vote to allow retail marijuana, but feels she needs to represent the people that voted for her.

Swisher stated the Trustees have received over 150 emails from people wanting the right to vote on recreational marijuana sales, and the feedback proves there are strong feelings on this issue in the community. Swisher stated there has been debate whether emails are from town or county residents, but she doesn't care where they reside. County residents contribute to the town's economy, support the schools, and are part of the Buena Vista community.

Trustee Eckstein stated the Trustees are decision makers, and feels the Trustees should continue moving forward on the path that has been set which allows retail cannabis to be an economic contributor to the community.

Trustee Rowe stated this is an issue he brought up initially, that he cares about the town, and the Trustees are elected by the residents to represent and vote for the people of Buena Vista. Rowe stated each Trustee represents different groups of people, and that's why he feels if the issue had the support of the majority of the Board, that they are representing many town residents and should proceed forward.

Trustee Fay stated she agrees with Eckstein and Rowe on their view of the authority of the Trustees to vote on such matters, but the question is too divisive in the community, and residents should have the opportunity to vote on the issue.

MOTION NO. 4:

MOVE TO DIRECT STAFF AND LEGAL TO CREATE BALLOT LANGUAGE FOR THE NOVEMBER 3, 2020 BALLOT ALLOWING RETAIL CANNABIS STORES IN BUENA VISTA.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Nyberg
SECONDER:		Trustee Swisher
AYES:	Fay, Nyberg, Swisher, Volpe	
NAYES:		Eckstein, Rowe

Trustees and Staff reviewed and discussed at length the updates to the draft ordinance concerning medical and retail marijuana. The Board agreed to the following changes to the draft ordinance:

- No printing/designs is to be allowed on the packaging
- A flyer should be provided to the purchaser outlining state and local laws regarding use of marijuana
- Remove distance requirement from residential properties
- Correct zone districts in Section 2 of the ordinance
- A 500-foot buffer from alcohol/drug rehabilitation centers

The Board and Staff reviewed potential recreational marijuana store sites by using zone district maps, and agreed to use the map that allows for stores 1,000 feet from schools and the existing dispensary, and 500 feet from rehabilitation centers and Valley Wide Health Systems.

The Board reviewed and discussed the draft ballot language for a special use tax on retail cannabis sales, and will decide at the August 25th Trustee meeting what the sales tax percentage should be.

AvFuel Aviation Fuel Supply Agreement

Airport Manager Jack Wyles reviewed that Staff is requesting the Trustees approve a new fuel contract with AvFuel Corporation upon expiration of the current fuel supply contract with World Fuel Services. Wyles stated the contract with World Fuel Services will expire in October of 2020, and the Town must provide a 30-day written notice prior to the expiration or the

current contract will automatically renew for another 5 years. Wyles stated the price for aviation fuel to be supplied by AvFuel Corp. is competitive with that offered by World Fuel Services and other fuel providers, and there are no budget or operational impacts.

MOTION NO. 5:

MOVE TO ADOPT RESOLUTION NO. 46 APPROVING AN AGREEMENT WITH AvFUEL CORPORATION FOR THE SUPPLY OF AVIATION FUEL AND A REFUELER TRUCK AT THE CENTRAL COLORADO REGIONAL AIRPORT.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Volpe
SECONDER:		Trustee Nyberg
AYES:	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe	

RESOLUTION TO DIRECT FEDERAL EMERGENCY SUPPORT TO REOPEN AND REBUILD LOCAL AMERICAN ECONOMIES

Puckett reviewed the resolution is a statement of support with the National League of Cities that will be used to advocate for future emergency federal funding to go directly to the counties and municipalities instead of the State for disbursement.

MOTION NO. 6:

MOVE TO APPROVE ADOPTION OF RESOLUTION NO. 47 SUPPORTING THE FAIR, DIRECT FEDERAL EMERGENCY SUPPORT TO REOPEN AND REBUILD LOCAL AMERICAN ECONOMIES.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Fay
SECONDER:		Trustee Volpe
AYES:	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe	

Potential Pursuit of Annexation of Parcel 2, 1974 Water Service Agreement

Special Projects Manager Joel Benson reviewed with the Board that Staff was notified by Chaffee County Building Department that Meadows Farms LLC has submitted a formal development application for the Big Meadow off of Crossman Avenue.

Benson reviewed with the Trustees that as defined in the 1974 Ivy League Water Service Agreement, the Town can require annexation of Parcel 2, and this is the same meadow that Town would have to dry up in order to use its Leesmeagh Ditch water right. Benson reviewed several provisions of the agreement including the owner of the property, Meadows Farm LLC, has a right to 115 water taps from Town, and the dry-up of the meadow is tenuous and its potential eventual disposition may depend on an appropriate annexation agreement.

Puckett stated the Trustees need to decide if they would like to proceed forward with exploring an annexation agreement with Meadows Farm LLC which will be a lengthy process involving several work sessions prior to an actual annexation.

MOTION NO. 7:

MOVE TO APPROVE STAFF TO EXPLORE THE ANNEXATION OF THE BIG MEADOWS OWNED BY MEADOWS FARM, LLC.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Nyberg
SECONDER:		Trustee Volpe
AYES:	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe	

STAFF REPORTS

1. Town Treasurer – Highlights of the report in the packet were reviewed and Stoke responded to Trustee comments and questions.
2. Public Works Director – Highlights of the report in the packet were reviewed and Williams responded to Trustee comments and questions.
3. Recreation Director – Highlights of the report in the packet were reviewed and Richmond responded to Trustee comments and questions.
4. Airport Manager – Highlights of the report in the packet were reviewed and Wyles responded to Trustee comments and questions.

TRUSTEE/STAFF INTERACTION

Trustees and Staff reported on or commented about recent and upcoming events, activities and topics.

Puckett shared with the Trustees that the County and Town/City Administrators are exploring options to utilize CARES Relief Funding for non-profits and youth support. The administrators will work with Joseph Teipel from Chaffee County Community Foundation (CCCF) to coordinate the grant application process.

MOTION NO. 8:

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THAT THE MEETING BE ADJOURNED AT 10:03 PM.

RESULTS	CARRIED
MOVER:	Trustee Nyberg
SECONDER:	Trustee Fay
AYES:	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe

Respectfully submitted:

Duff Lacy, Mayor

Paula Barnett, Town Clerk



Minutes
Town of Buena Vista Beautification Advisory Board

Thursday, July 2, 2020
Virtual Meeting

The meeting was called to order at 5:10pm.

Present: Members - Joy Duprey (chairperson), Sue Benes, Bonnie Davis, Nancy Taylor;
 Town Representative Paula Barnett.

APPROVAL OF MINUTES

- Approved minutes from June 4, 2020 meeting

OLD BUSINESS

Funds

- Beautification funding from Town: \$14,740 (on hold)
 - \$ 3,750 – Annual flowers for 50 planters
 - \$ 4,800 – Black Metal Benches - 4 priced at \$1,200 each - on hold until further notice
 - \$ 6,190 - Sculpture; this would be a partial cost to be shared with Beautification. Estimated cost is \$7,500; balance to be paid by Beautification - \$1,310 - committed to BV sculpture
- Total Beautification Fundraised Funds: \$4,597.14
- Balance after above - \$3,287.14

Planters

- Nancy and Joy put flags in the planters yesterday.
- The planters are looking generally pretty good.
- The Splash Park gardens are looking dry. Paula will talk with Public Works about watering this more.

Xeric Gardens

- We all agreed that the gardens in general are looking good. Diane is concerned about a few of her plants and will work on them in the coming week.

Friendship Garden at McPhelemy Park

- Jan, Sue and Bonnie have been working on weeding this garden - it's a huge job.
- Plan to weed this year, and perhaps plant next year.

NEW BUSINESS

New Alternate for Board

- Joy nominated her mother, Dorothy Distel, to be an alternate on our board. The Board approved and Paula will forward to Town Council.

Curb Appeal Award

- Nancy suggested that we do this again - she recommends that stickers are giving to any business that is making an effort.

Town Report from Paula Barnett

- Wondering if Beautification can fund another trash can for the park at South Main.
- Joy asked if Carly is watering the planters at the Depot. If yes, then Joy will tell the Kuklins that they don't have to do this.
- Town is waiting to see what tax revenues are for June and July; depending on the amounts, some of the projects that are currently on hold may be able to go forward.

Next Meeting

- Thursday, August 6, 2020 at 5pm - virtual meeting.

Adjournment

- The meeting was adjourned at 5:44pm.

Projects to keep track of:

- Sculpture
- Ornament Fundraiser
- Wayfinding signs
- Benches
- Cemetery clean up
- Large wreaths gifted from Chamber
- Light post globes (Sangre de Cristo has completed an inventory of light posts)
- Solar lights on bridge
- Directional signs in K's park

Approved at the August 6, 2020 meeting of the Board, and respectfully submitted by Diane Look, Board Member.

Diane Look

MINUTES FOR THE MEETING OF THE
RECREATION ADVISORY BOARD
Wednesday, July 1st, 2020

CALL TO ORDER: A meeting of the Recreation Advisory Board was held on Wednesday, July 1st, 2020 remotely via Google Hangouts and in person at the BV Community Center 715 E Main Street. Mckenzie called the meeting to order at 7:31 am.

Roll Call

Members on call were chair Mckenzie Lyle, co-chair Marcus Trusty, Gary Crowder, Danielle Ryan, Dan Hamme, Rick Bieterman, and Ashley Davis. Also in attendance were Recreation Director Earl Richmond, Recreation Specialist Ben Eichel, Leonard, Alex Ware, Marnie Knapp of Peak 2 Peak Pickleball club (remote), Wano Urbanos (remote), and Trustee Devin Rowe.

APPROVAL OF MINUTES: Gary moved to approve the June 2020 minutes, as written. Danielle seconded the motion. Motion passes with unanimous approval.

APPROVAL OF THE AGENDA: Danielle moved to approve the July 2020 agenda as amended. Marcus seconded the motion. Motion passes with unanimous approval.

PUBLIC COMMENT:

- I. Riverpark Trails Commentary- Wano Urbanos
 - a. Fox dens in new trails area
 - b. Excessive Dog Waste on trails
 - c. Recommend that new trails be put on East side by ball fields
- II. Pickleball
 - a. Busy
 - b. 32K in pledges, goal of 40 K
 - c. Still monitoring GOCO grant website but no new process published

New Business

- I. Program Report Summary
 - a. Youth Baseball and Softball started- focus on skills development due to COVID
 - b. Adult Softball began last night- shorter games, more protection for pitchers, and wellness checks before each game.
 - c. Monday Morning Art started last week, Bridge Club starts this week.
- II. Facility and Special Events Report
 - a. Community Center closed to public but accepting small events and programs (10 people in Aspen Room, 20 people in Pinon Room).
 - b. Special Events: Allowed up to 175 outside, 100 inside but need proper spacing
- III. Rec Director Report Summary
 - a. Skate Park very busy
 - b. Volleyball Sand and Nets arrived
 - c. Singletrack Trail development concept- just in concept phase. Easy to work around fox dens, working with disc golf course.
 - d. First 1500 ft of Barbara Whipple Trail- looking to revitalize due to heavy use
 - e. Access to River Park in Town through BLM land. As of 01 JUL, you will

technically need hunting or fishing license but Town has never consulted to informed. However, River Park is not exclusive hunting or fishing area so licenses likely not required.

- f. Cares Act Funding- able to bring on extra help during pandemic
- g. Concerts in the Park start Thursday 6-7:30
- h. McPhelemy and Splash Park, and Community Center bathrooms open but not showers.

IV. Capital Improvement Projects Discussion 2021

- a. Rodeo Grounds- shift ticket buildings to signage for Rodeo Grounds
- b. Painted grandstands and seats but not stairs- possible safety hazards
- c. McPhelemy Shade Structure- apparently in flood plain so needs many pages of application but cost should be covered. Will move forward after Concerts in the Park
- d. Pump Track Rehab complete
- e. 2021 To Do
 - Rodeo Grounds
 - Basketball Court
 - DPCA
 - Lights
 - Pickleball
 - Ice Rink
 - Bladder Wave

V. Updating REC Master Plan 2021

- a. Staff will send out priority list for ranking to board members via email before next meeting

VI. Executive Session on GOCO Grants

- a. Table discussion due to GOCO updated grant process not yet published

Ongoing Business

VII. Board Pulse

- a. Rodeo Board interested in Junior/Community Rodeo sometime in late summer or autumn

ADJOURNMENT:

Mckenzie motioned to adjourn at: 9:04am.

Respectfully submitted:

Mckenzi Lyle, Chair

Ben Eichel, Recreation Department

**TOWN OF BUENA VISTA**

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

DATE: August 25, 2020
TO: Mayor and Board of Trustees
FROM: Paula Barnett, Town Clerk
Melanie Jacobs, Deputy Town Clerk
RE: July Clerk's Office Activities

LIQUOR LICENSES**SPECIAL EVENTS PERMITS****LICENSES RENEWED**

- **Peak Sales and Distribution Inc. dba Rally Liquor** – Liquor Store / 402 Hwy 24 S
- **Love's Travel Shops & Country Stores, Inc. dba Love's Country Store #115** – Fermented Malt Beverage / 115 Harrison St

LICENSES TRANSFERRED

Lodging and Entertainment Liquor License from Buena Vista Adventure Center LLC dba Adventure Hub to Black Burro Bikes LLC dba Black Burro Bikes – 801 Front Loop Unit 1A

BUSINESS LICENSES**NEW LICENSES ISSUED**

- **Copper Gulch Design, Inc.** – Howard / Leah & Edward Tuter (art & jewelry)
- **Sol Centered** – 715 East Main St / Sarah Street (acupuncture)
- **Direction, LLC** – 146 Grouse Rd / Jerry Shannahan (construction)
- **Basecamp BV, LLC** – 110 Trenton St / Elizabeth Helland (STR)
- **Blake Short Term Rental** – 623 Cedar St #D204 / Nicholas Blake (STR)
- **RPM Construction Services, LLC** – 109 Brady Rd / Ryan McLean (construction)
- **Sys-Kool, LLC** – Omaha, NE / Rick Hollendieck (cooling towers)
- **Shavano Pharmacy** – 415 N Hwy 24 / Rebecca Seaman (pharmacy)
- **Colorado Restrung** – Special Events / Mike Madden (guitar string jewelry)

- **Mad Mama Cleaning Service** – 29165 Pinon Circle Dr / Corinne O'Rourke (cleaning service)
- **Mountain Blue Spas, LLC** – 603 South Main St / Tomas Najera (hot tub repair)
- **3 Peaks Testing, LLC** – 522 Antero Cir #2 / Kenneth Park (drug testing)
- **Shawls by Veronika** – Special Events / Veronika Londono (shawls)

LICENSES RENEWED – 4

CEMETERY

- 56 Site Sales
- 3 Interments

74 sites sold since the decision was made to raise prices on May 12, 2020.

NOTARY SERVICES

- 25 Notarizations Performed



Town of Buena Vista
Post Office Box 2002
Buena Vista, Colorado 81211
Phone: (719) 395-8643
Fax: (719) 395-8644

DATE: August 25, 2020
TO: Mayor and Board of Trustees
FROM: Michelle Stoke, Treasurer
ITEM: De-Obligation Letters for CWRPDA Loan and DOLA Grant EAIF #8395

Request

The Town Treasurer is requesting the Board of Trustees direct Mayor Duff Lacy to sign the attached De-Obligation Letters.

Overview

The Town's 2018 Water Project has been completed under budget. The amount of the unused funds from the Colorado Water Resources & Power Development Authority (CWRPDA) Loan is \$574,410.72 and the unused portion of the corresponding DOLA Grant is \$147,760.17.

Analysis

Town utilized this loan and grant to finance the 2018 Water Project which included the new water tank, finishing well #3 and added water lines and infrastructure. The project finished well under budget and even with expanding the scope we had a surplus. DOLA and CWRPDA require these letters in order to close out this project.

Policy Alignment

Administrative Policy

BOT Action

Staff recommends that the Board direct the Mayor to sign these letters.



TOWN OF BUENA VISTA

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

20

August 25, 2020

Colorado Water Resources & Power Development Authority
1580 Logan Street, Suite 620
Denver, CO 80203

ATTN: Erick Worker

RE: 2018 Water Project Loan #D18F012

Dear Erick,

This letter is submitted as the final report for the 2018 Buena Vista Water Project Loan which was executed on July 11, 2018.

Please accept this letter as formal rescission of the remainder of this Loan #D18F012. The Town of Buena Vista will not be utilizing the remaining \$574,410.72 due to cost savings.

Thank you for your attention in this matter.

Regards,

Duff Lacy,
Mayor



TOWN OF BUENA VISTA

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

21

August 25, 2020

Department of Local Affairs
15220 S. Golden Road
Golden, CO 80401

ATTN: Denise Lindom

RE: Buena Vista Water System Improvement Grant EAIF #8395

Dear Denise,

This letter is submitted as the final report for Energy & Mineral Impact Assistance Fund Grant #8395.

Please be advised that the work for the Water System Improvement Project, which includes a new water tank, completion of well #3 and improvements to the water distribution infrastructure, is now complete.

The project had cost savings of \$147,760.17 left on the grant which we request to be de-obligated.

If you have any questions, please feel free to contact me.

Thank you for your attention in this matter.

Regards,

Duff Lacy
Mayor



TOWN OF BUENA VISTA

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

DATE: August 25th, 2020
 TO: Mayor and Board of Trustees
 FROM: Phillip Puckett, Town Administrator
 AGENDA ITEM: Town Administrator Report

Key Dates

Topic	Date & Time	Location
Historic Preservation Commission – work session with Board	Tuesday September 8 th 6:00pm	Zoom
BV Safety – work session with Wold on Fire/Police/Town Hall plans	Tuesday October 13 th 6:00pm	Zoom
Budget Kickoff work session	TBD	Zoom
Budget public hearings and discussions	Regular meetings during October/November	Zoom

Updates to Special Event permitting

Town has specific qualifications for Special Events as outlined in Chapter 11 of the Municipal Code - https://library.municode.com/co/buena_vista/codes/municipal_code?nodeld=CH11STSIPUPR_ARTVIUS_PUPL_S11-111DE

- 200 or more people will attend;
- Alcohol will be served;
- One or more streets will need to be closed;
- The event will utilize amplified sound;
- Multiple vendors will be in attendance;
- Camping will be involved; or
- The event might be deemed a safety hazard by the Town Administrator.

Currently, smaller assemblies or small parades organized by private citizens are not considered special events under the above criteria. Due to the nature of these loosely organized events across the country, Town staff is exploring potential updates to the Special Event Application policies to ensure the protection of citizens' rights to assemble and citizens' rights to freedom of expression while maintaining

situational awareness and ensuring public safety throughout the Town for its residents, officials, and visitors.

Staff will bring forward an update on September 8th that could include policy and/or code amendments for the Board of Trustees to consider to help us manage these situations.

Budget Kickoff Work Session – this work session will include an overview of our Town funds and how our budget process works. Staff will provide an overview of 2021 including opportunities, challenges and assumptions (revenues, pay plan, etc.). Department heads will share insights into their areas and will highlight priorities.

Staff recommends a focused time separate from a regular Board meeting. Options could be Thursday September 17th or Saturday September 19th. The Board could meet at the Community Center with department heads connected in via Zoom (new audio/video setup to make this viable). Or we can do it all through Zoom. [Staff requests direction from the Board on the date and location.](#)

Recycling Update

Angel of Shavano has shared their 2021 budget request to the County and Municipalities and their cost for picking up recycling at the drop sites is going up from \$110,000 to \$170,000 – a 55% increase. For BV this would increase our cost from \$15,950 to \$24,650. The reason for this change is increase in operating costs and cost to dispose of materials.

The County and municipal administrators have agreed to pursue a Request for Proposal (RFP) to see what other providers/options may be available. The County is taking the lead to publish this RFP. We will also discuss alternatives with our local trash providers (Chaffee County Waste, Waste Management, Shamrock). While we hope to get some interest from other providers, it is likely that we will face higher subsidy cost with few alternatives in 2021.

Beautification Advisory Board – Mountain Vibrance Sculpture project

Attached following my Admin Report is an overview of the proposed sculpture at the intersection of Cottonwood Ave., Linderman Ave. and Highway 24. This project is championed by the Beautification Advisory Board and originated in 2018. The advisory board and staff reviewed the proposed design with the Board of Trustees back in 2018 and received support to turn this into a project.

This project is in the 2020 Budget under Public Support/Beautification Committee Expenses. During the COVID budget impact discussion back in April, Staff recommended that this project be put on hold until we had a clearer understanding of our revenue impacts for 2020. Since sales tax revenues have remained strong through June, Staff is recommending that this project proceed.

BV Safety Committee and facility update

Department heads continue to work with Wold Architects and Engineers to put together the proposal for the Fire Station, Police Station and Town Hall. On August 19th, staff reviewed preliminary site plans for the Fire Station and cost estimates for all three facilities. We will be working towards a final presentation to the Board on October 13th.

BV Safety Committee Activity Schedule

- Wednesday, August 19, 2020 at 1:00 p.m. - BV Safety Committee (BVSC) (review site plans and costs)

- Wednesday, September 2, 2020 at 1:00 p.m. - BVSC meeting (review report outline and establish recommendations)
- Wednesday, September 16, 2020 at 1:00 p.m. - BVSC meeting (review draft report)
- Monday, September 21, 2020 - Draft ppt distributed for review
- Wednesday, September 30, 2020 at 1:00 p.m. - BVSC meeting with community leaders (present findings and recommendations)
- Monday, October 5, 2020 - Final ppt distributed for review
- Wednesday, October 7, 2020 at 1:00 p.m. - Meeting with presenters to coordinate script
- Tuesday, October 13, 2020 at 7:00 p.m. - Town Council Presentation

Thank you for your attention to my report. Please let me know if you have questions.

A handwritten signature in black ink, appearing to read "Phillip Puckett", with a long, sweeping horizontal line extending to the right.

Phillip Puckett, Town Administrator

July 23, 2020

**Public Art Application
for the Buena Vista
Mountain Vibrance Sculpture**

The Town of Buena Vista Beautification Advisory Board

Questions can be directed to Joy Duprey, Chair, joy.duprey@gmail.com

719-207-0838

The Mountain Vibrance Sculpture is proposed by The Town of Buena Vista Beautification Advisory Board. During the CDOT project a large tree was removed from the median located at Cottonwood Ave., Linderman Ave. and Highway 24 (near the Eddyline Pub and BV Fire Department) leaving it empty. The board was asked to help beautify the median.

In 2018 The Beautification Board worked with Six Line Metalworks of Salida to create a sculpture concept for placement in the median that would be reflective of our mountains and river and also require no maintenance. The Beautification Board had worked previously with Six Line on other projects including benches for East Main, trash cans for South Main and planters placed in front of Town Hall. Full disclosure, Six Line's co-owner, Candice Schuller is the daughter of Bonnie Davis, a board member of The Buena Vista Beautification Advisory Board.

The Beautification Board proposed this same sculpture concept to the BV Trustees in 2018 and the trustees gave a nod to move forward.

In 2019 Public Works paved the median leaving an open area for the placement of the sculpture. The Beautification Board proposed the idea of sharing the cost of the sculpture, \$7,500 with The Town. The board has fundraised in past years and planned to use those funds to help pay for the fabrication and installation of the sculpture. The trustees approved funding for \$6,190 toward the cost of the sculpture and the Beautification Board proposed to use their fundraised funds for the remaining \$1,310. The funding was approved in the 2020 budget.

In 2020 The Town adopted a Public Art Policy and The Beautification Board was asked to resubmit the sculpture proposal under the new policy.

- a. **How It Will Look:** See attached sculpture concept (a) prepared by Six Line Metalworks
- b. **Cost:** See attached cost proposal (b) prepared by Six Line Metalworks
The cost quote is dated 2018 but is the cost Six Line will honor in 2020
\$7,500 - Total cost of fabrication and installation
Funding Source: \$6,190 budgeted for 2020 by The Town of BV
\$ 1,310 Beautification fundraised funds
- c. d. e. f. **Fabrication and Installation:** See the attached fabrication and installation proposal (c, d, e, f) prepared by Six Line Metalworks
- g. h. **CDOT Timeline and Requirements:** Shawn Williams is working with CDOT to meet their permitting requirements
- i. **Interpretive Signage:** No interpretive signage is planned for this art piece
- j. **Relationship to Site:** See attached concept description (j) prepared by Six Line Metalworks
- k. **Design Lifespan and Maintenance:** The steel “will have a rust finish that will be started at the [Six Line Metalworks] shop and mother nature will take over from there.” Six Line Metalworks (c,d,e,f). The sculpture will be maintenance free.
- l. **Unique or Duplicate Work:** The Mountain Vibrance sculpture will be unique to The Town of Buena Vista

Thank you for your consideration.



Proposal

Date: 7.18.18

Client Info: Town of Buena Vista, CO

Contact: Joy Duprey

Project Name: Public Art Sculpture

Project	Description	Cost
"Mountain Vibrance" Sculpture	Approx. 10' diameter x 8" wide Sculpture as per concept art. Sculpture to be pre-rusted. Delivery and Installation of the sculpture by Six Line as explained in the provided installation document.	
Materials Total		\$5,000
Fabrication and Installation Total		\$2,500
Total		\$7,500

Terms

The Material Total is due upon acceptance of proposal to begin production. The remainder of the Fabrication and Installation Total is due upon completion of production.

Proposal Acceptance

The above fees, specifications and terms are agreed upon and accepted. By signing below and submitting the deposit you are authorizing Six Line Metalworks to begin production.

Submitted By:

Approved By:

Scott Schuller, Owner

Signature/Title/Date

b

BV Public art Sculpture Installation**7.18.18**

The purpose of this document is to provide an overview of what the fabrication and install will look like as well as what is needed from all parties involved.

Fabrication of Sculpture

The Public art Sculpture will be fabricated and welded in its entirety at the shop of Six Line Metalworks. Sculpture will be made up of various pieces of steel with welded connections. The Sculpture itself will have a 2'x4'x3/4" base plate that will be welded to the sculpture to create the connection point with the concrete pad to be poured by the BV public works Dept. All welds will be performed by an AWS D1.1 structural certified welder at Six Line Metalworks. The Sculpture will have a rust finish that will be started at the shop and mother nature will take over from there.

Concrete footer for Sculpture

All earth work and concrete work to be performed by BV Public Works. Six Line suggests that a concrete footer is to be poured having the dimensions of 2'6"Wx4'6"Lx4'H. Six Line would like the footer to come proud of grade approximately 3" this will be verified during site meeting. Six Line will provide All-Thread anchoring imbed fasteners and template for setting the All-Thread imbeds during concrete pour. Nuts will be welded onto one end and placed in the concrete to mitigate pull out of the anchoring all-thread. There will be 4 pieces of 1" Diameter all thread that will be set into the concrete approximately 3'6" during the pour the template provided by Six Line will be used to accurately set the all-thread to line up with the sculpture base plate. All-Thread to be left proud of the concrete a min of 6". BV Public works to be responsible for any rebar reinforcing for the concrete as they see fit or any other matters that might arise dealing with and setting the footer.

Installation of Sculpture

Six Line Metalworks will be responsible for delivery and installation of the finished sculpture. Sculpture will have pre determined lifting points for loading and unloading with a reach forklift. The Sculpture will be lifted and set into place using a reach forklift. The Sculpture base plate will slip over the existing imbed all thread and will be secured using washer, lock washer, loctite, and nuts. Excess All-thread will be trimmed down to 1" above the nuts. Road closures or coning off the side street in front of the Eddy Line will be responsibility of BV Public works. Six Line to give 1 week notice of completion of sculpture to confirm and schedule installation with all parties involved.

Six Line will conduct a meeting with BV Public Works and necessary parties prior to installation to confirm all details and dimensions.

Thank you,

Scott Schuller-Owner/Six Line Metalworks LLC

c, d, e, f

Buena Vista “Mountain Vibrance” Sculpture**7.18.18**

Below is the concept description for the upcoming sculpture for the Town of Buena Vista, CO located at the intersection of Linderman, Cottonwood and Hwy 24.

Concept

The “Mountain Vibrance” Sculpture created by Candice Schuller of Six Line Metalworks reflects the vibrance of the Buena Vista community and surrounding landscape.

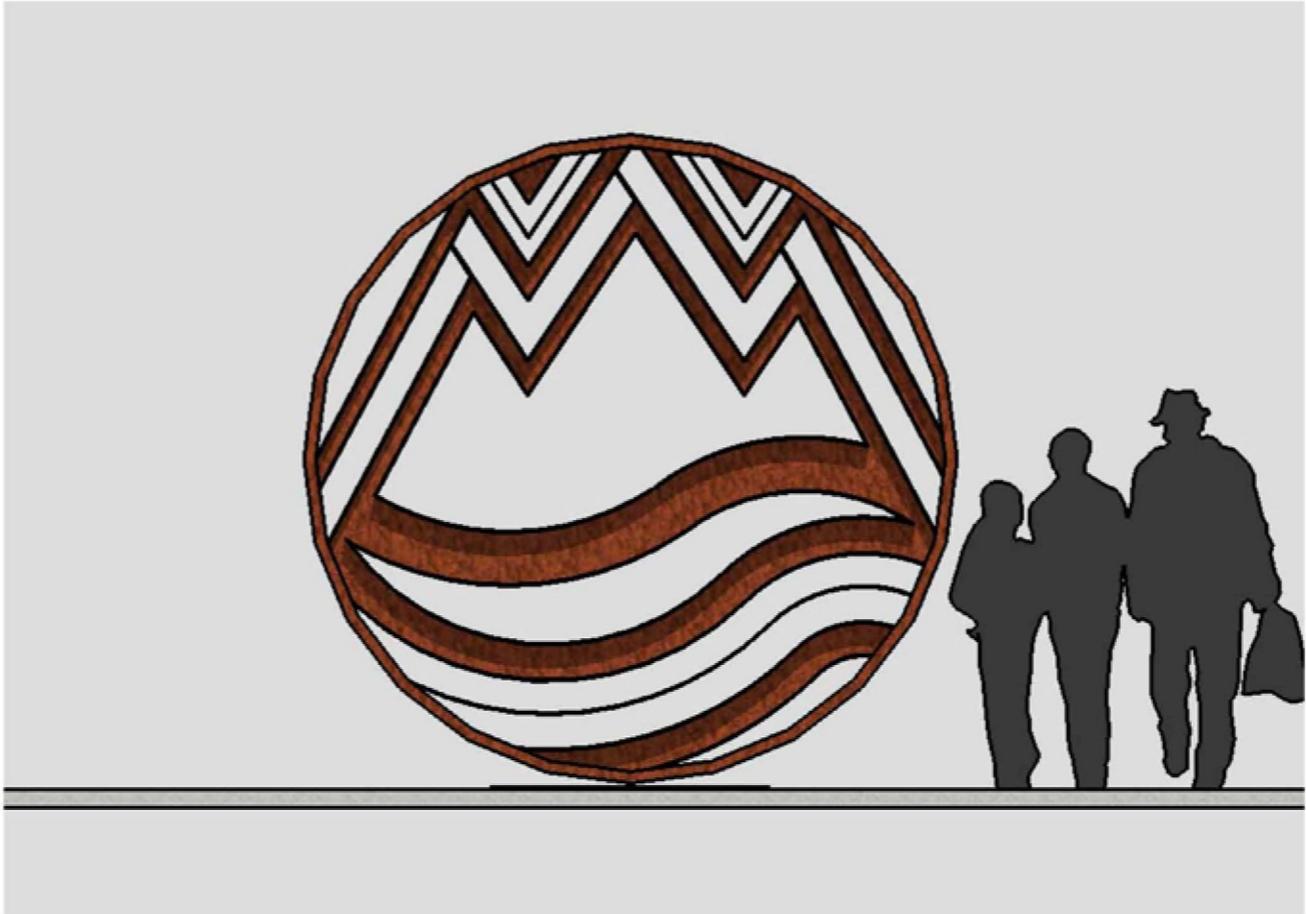
As the artist, I want to captivate the on looker with a sculptural piece that not only shows an interpretation of the surrounding mountains and rivers, but also had texture and layers to represent the multi-faceted town of Buena Vista. BV is a beautiful place to visit and vacation, but it’s also a place that has a strong community at its core full of family, friends, business owners, artists, and etruepenuers. This sculpture is exciting and has an energy to it, the river appears to move and the mountains appear to grow much as the town is always moving forward and growing. It was also important that the concept reflect the new town branding as discussed in my meetings with the BV Beautification Board, therefore sculpture is circular and has the brand mountain art to tie it in with the town’s logo. Lastly, there is an openness to the sculpture, I want the viewer to be able to look through the piece to remind themselves to look around and take it all in...the vibrant landscape and the vibrance of the town.

Thank you,
Candice Schuller, Designer
Six Line Metalworks LLC



"Mountain Vibrance" Sculpture

a



**TOWN OF BUENA VISTA**

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

DATE: August 25, 2020
TO: Mayor and Board of Trustees
FROM: Michelle Stoke, Town Treasurer

AGENDA ITEM: Treasurer's Report

Sales Tax:

Sales Tax attributable to sales in June 2020 came in at \$393,253 which is 8.52% over June 2019 and 4.35% over June budget. The total for the year to date is \$1,753,601.09 which is an increase of \$291,602.04 over the same period of 2019 and \$78,269.24 in excess of budget through June.

The percentage of sales tax derived from local business sales versus remote sales remains steady at 80% local and 20% remote. I have attached the graphs for your review.

Town Expenditures:

Since the August 11, 2020 report the Town has issued:

- 46 accounts payable checks for a total of \$115,705.85
- ACH withdrawals to the IRS, FPPA, CCOERA and Colorado Department of Revenue for pay period ending 8/8/2020 was \$49,503.21.
- Net payroll was \$72,446.78 for the same period.
- The breakdown by Fund for AP and payroll-related check disbursements plus the ACH payments is as follows: *(Note that not all expenditures are expenses since some are reimbursements or withholding from employees' gross payroll)*
 - General Fund - \$ 106,829.04
 - Water Enterprise Fund - \$ 33,876.49
 - Capital Improvement Fund - \$ 0.00
 - Stormwater Enterprise Fund- \$ 0.00
 - Airport Enterprise Fund - \$ 24,175.88
 - Street Fund \$ 0.00
 - TOTAL \$ 164,881.41

Expenditures Over \$2,000.00

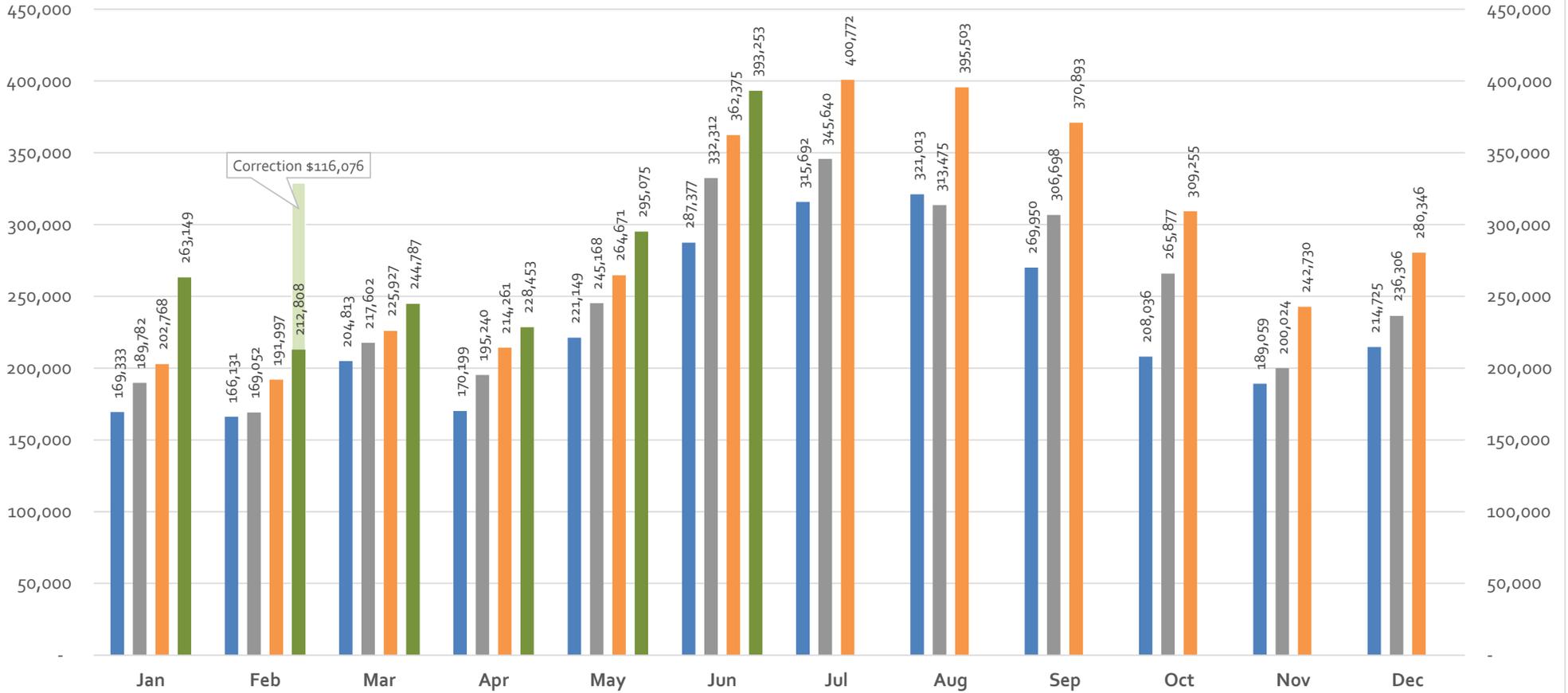
- CEBT for \$47,026.30 for August Health Insurance Premiums for employees
- Ascent Aviation for \$15,466.45 for Jet A Fuel for Airport
- Bullfrog Pest Management for \$2,300.00 for Zinc Phosphide bait for the water plant
- CIRSA for \$21,352.61 for the third quarterly payment of liability and property insurance
- The Lincoln national Life Insurance Company for \$2,053.00 for August disability insurance premiums for employees
- DPC Industries for \$9,115.74 for cylinder rental and caustic soda and chlorine for the water plant
- HACH Company for \$4,584.98 for a calibration lid and water system parts for the surface water plant
- Wright Water Engineers for \$2,511.00 for April water engineering services

This concludes my report.
I will entertain questions at this time.

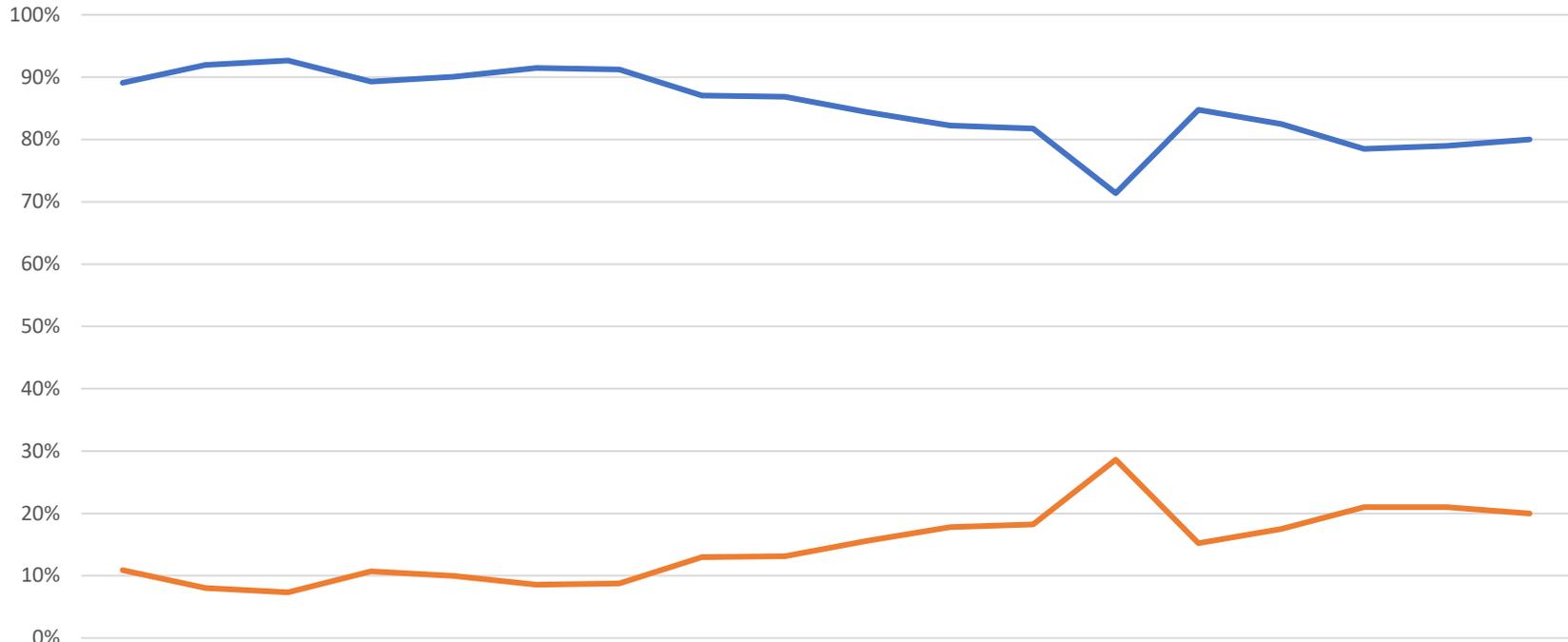
Michelle Stoke, CPA
Treasurer/Finance Director

Town of Buena Vista Sales Tax Collected

■ 2017 ■ 2018 ■ 2019 ■ 2020



Town Sales Tax Remote-v-Local
Jan 2019 - May 2020



	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20
Series1	89%	92%	93%	89%	90%	91%	91%	87%	87%	84%	82%	82%	71%	85%	82%	79%	79%	80%
Series2	11%	8%	7%	11%	10%	9%	9%	13%	13%	16%	18%	18%	29%	15%	18%	21%	21%	20%



Planning Department Monthly Report

July 2020

Building Permits: 8 New Residential Permits Issued
0 New Residential ADU Permit Issued
9 Residential Remodel/Addition
1 New Commercial Permits Issued
0 Commercial Remodel/Additions

CO's Issued: 9 Residential
0 Commercial

Planning Permits: 12 Shed
11 Fence
1 Sign

Other Reviews: 1 Temporary Vendor
0 Site Plan Review

2020 Year to Date (as of 8/1/20)

44 New Residential Dwelling Unit Building Permits Issued
0 New Residential Accessory Dwelling Unit Building Permits Issued
0 Attached Apartment Units within a Commercial Building Permits Issued
0 Individual Duplex Dwelling Unit Building Permits Issued

Other Items:

1. **Planning Commission:** Still seeking one alternate member
2. **Historic Preservation:** Board of Trustees Work Session September 8th
3. **Site Plans Submitted:** None submitted in July
4. **Site Plans Pending:** None
5. **Subdivisions Submitted:** South Main Phase 1 – 5th Amendment to create 9 lots from 1 Block 21 Lots 1-3 (South Court Social)
6. **Subdivisions Pending:** Joplin Minor Subdivision to Split 1 Lot into 2
South Court Social (Block 21, Lots 1-3) Combine 3 lots into 1
7. **Special Use Permits:** None
8. **Technical Manual:** Developing Specifications for Planning and Engineering Submittals
9. **Chaffee County IGA:** Approved
10. **Other items:** Sangre de Cristo Annexation
Chaffee County Comp Plan
Consideration of adding Boarding House Land Use to UDC
Recreational Marijuana Mapping
Sidewalk along Highway 24 – CDOT Grant Application

Submitted by: **Mark N. Doering, Principal Planner**



TOWN OF BUENA VISTA

Post Office Box 2002
Buena Vista, CO 81211
Phone: (719) 395-8643
Fax: (719) 395-8644

August 25, 2020

Alison George, Director
Colorado Division of Housing / DOLA
1313 Sherman Street
Denver, CO 80203

Dear Ms. George,

The Trustees of the Town of Buena Vista continue to seek out ways to address the lack of affordable housing for workers and their families in our town. Partnerships between nonprofits and developers are essential to building low-cost homes. The Chaffee Housing Trust's work with local developer Fading West to get low-income residents into home ownership is an effective model. We hope that their success continues into the future.

The Town of Buena Vista is considering assigning funds in the 2021 budget through our Community Support Grants as a match for the Chaffee Housing Trust's Community Housing Development Organization application. We hope that the Division of Housing will participate in supporting the Chaffee Housing Trust.

Sincerely,

Duff Lacy
Mayor, Town of Buena Vista



TOWN OF BUENA VISTA

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

DATE: August 25th, 2020

TO: Mayor and Board of Trustees

FROM: Phillip Puckett, Town Administrator

AGENDA ITEM: CARES Relief Funding for Non-profits and Youth Support

Background

Staff met with Joseph Teipel from the Chaffee County Community Foundation (CCCF) recently to discuss 2021 budget projections for Community Support Grants and other opportunities to collaborate on providing support to our non-profit organizations. It was noted that our non-profits have been (and will continue to be) heavily impacted by COVID-19. In follow-up discussions with others in the County, there is an opportunity to assist non-profits separately via CARES Act funding to backstop these essential services that have been financially harmed by the pandemic.

After further discussion with the other municipalities, CCCF has outlined a program to provide assistance via Coronavirus Relief Funds (CVRF), particularly in the area of “Youth Needs Reimbursement”. As our schools open during a time of uncertainty, we anticipate that there will be pressure on organizations such as Boys and Girls Club and GARNA to expand their ability to assist in youth development. In addition, other non-profits that provide basic needs – food, shelter, clothing, safety – will be in need of funds to offset costs directly related to the impacts of COVID-19.

As described in the attached proposal, these two programs are proposed to have a total budget of \$300,000 (plus \$10,000 admin fee), which would be funded by CVRF. Since this is a county-wide proposal, this cost could be spread across the other jurisdictions. With an expenditure deadline of December 30, 2020, it is necessary to work towards completion of projects such as this one quickly.

Budget Impact

Town of BV has ~\$194,000 of unallocated CVRF that can be used for this and other proposals. This program proposal would allocate \$44,950 from our CVRF budget, leaving ~\$150,000 to use for other needs.

BV Allocation	\$253,210.00	Timeframe	Comment
Reimbursement request Aug 10	\$ 40,515.13	March - July	PPE, cleaning products, Emergency Response Fund, OT, seasonal staffing
Spent or allocated, not reimbursed	\$ 8,500.00	August	IT for remote meetings, supplies
Planned expenses	\$ 10,000.00	Aug-December	Seasonal/temp staffing for cleaning, supplies
Remaining	\$ 194,194.87	Aug-December	Considerations: Non-profit/youth relief funding, business relief funding, support for public health

Board Action

Staff requests Board discussion to understand priorities of the Town in providing reimbursement to organizations that give social assistance to the community.

If the Board would like staff to proceed with this proposal, staff would request a motion with roll call vote to spend up to \$44,950 for COVID relief to local non-profits and youth support services through the Chaffee Community Foundation.



CVRF Program Proposal

August 20th, 2020

The Chaffee County Community Foundation (CCCF) proposes to create and administer a two-pronged Coronavirus Relief Fund program to accomplish three primary goals:

1. Support and fund the full recovery for Chaffee nonprofit organizations adversely impacted by COVID-19. Priority will be given to those organizations providing essential services (see below).
2. Provide an avenue for organizations of all types to request reimbursement for direct expenses (including staff time) related to providing programming and care options to Chaffee children in the case of COVID-related school closures or partially remote learning.
3. Ensure maximum utilization of CVRF funds for local governments aimed at ensuring a holistic and dynamic pandemic recovery.

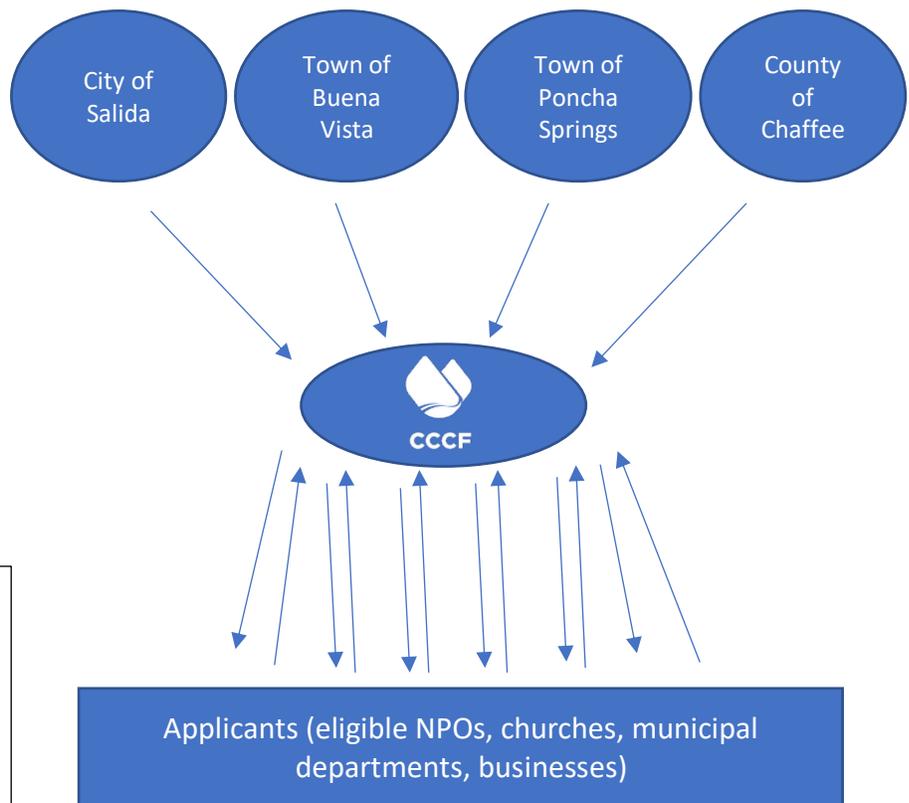
While this program would honor and utilize CVRF funds as approved by each of the four local governments, the aim of CCCF would be to provide the applicants and governments respectively a unified set of criteria, process, and simplified paperwork.

Program Structure

Each elected board sets its own budget for this program & MOU with CCCF

CCCF administers application, review, and approvals. CCCF then submits consolidated CVRF requests to each municipality on regular intervals. CCCF administers & executes payments to applicants.

Applicants use online portal to complete application, demonstrate COVID impact, upload receipts, define populations served, etc. CCCF reviews, approves, then awards grants to applicants (upon funding from corresponding government).



Simple idea. Lasting impact.



Program Criteria & Eligibility

This program is meant to serve two primary types of funding requests: nonprofit support and COVID programming reimbursement. The rationale, eligibility criteria, and high-level application summary are as follows.

Non-profit Organizational Support

Non-profits (NPOs) form the foundation of a vibrant community, providing services essential to living a dignified, thriving life. According to Candid, a national nonprofit association, between 11 and 38% of NPOs will close their doors permanently due to COVID. For Chaffee County, that could be up to 90 organizations.

This program seeks to ensure there is financial support to either cover direct COVID-related expenses or backfill COVID-related revenue losses. Outreach conducted by CCCF on August 6th shows that the responding NPOs have between \$3,000 and \$15,000 in lost revenue as well as between \$500 and \$3,000 in COVID-related expenses.

Proposed program budget: \$150,000*

Grant award cap: \$7,500 or 20% of NPO budget, whichever is less.

Eligibility Criteria:

- ✓ Must be a Chaffee NPO (501c3 or 501c6) in good standing
- ✓ Must be able to document clearly COVID-related losses or expenses

Priority areas:

- NPOs serving basic needs (food, shelter, clothing, safety) will be given priority through a weighted scoring matrix or unique rounds of funding

Youth Needs Reimbursement

With school re-opening plans including scenarios with significant possible closures and/or remote learning, the need for alternative and creative programming, facilities, and youth care capacity is acute.

This program seeks to create an avenue and assurance for a variety of organizations to be able to cover their costs related to providing safe, nurturing, and educational opportunities for kids who are either remote learning full-time, or for during full school closures or remote learning. In addition, costs incurred for normal programming due to COVID would be eligible for funding. This will help ensure families do not have to choose between going to work and caring for their children.

Proposed program budget: \$150,000*

Reimbursement limit: None

Allowable expenses:

- ✓ Staffing & labor costs
- ✓ Insurance & liability protection
- ✓ Cleaning supplies & PPE
- ✓ Warm clothing for youth for winter activities
- ✓ Facility costs
- ✓ Materials & supplies for activities
- ✓ Background checks for staff or volunteers

Eligibility Criteria:

- ✓ Chaffee entity (NPO, church, business)
- ✓ Receipts for allowable expenses directly tied to COVID-needed youth programming
- ✓ Demonstration of safety protocols including background checks & liability coverage

* The proposed budget is a total. Details of each government's contribution & CVRF reimbursement breakdown need to be determined.

CCCF Services

CCCF will utilize its expertise, systems, and processes for grantmaking to provide fiscal administration to the government partners and technical assistance services to applicant entities. The proposed scope of services will be provided through December 30th, 2020. If an extension of the CVRF program is approved by the federal government and the local governments wish to extend or expand the program with CCCF, that will be negotiated as a separate agreement.

These services include:

- ✓ Designing program applications & review rubrics
- ✓ Building and launching online applications
- ✓ Advertising & promoting programs to NPOs, and the general public
- ✓ Accepting, reviewing, scoring, and approving applications
- ✓ Consolidating approved applications and corresponding documentation into regular invoices to governmental partners
- ✓ Managing all A/P and A/R for programs including executing payments to grantees
- ✓ Maintaining decision-making rationale on file for future audit purposes
- ✓ Ensuring GAAP accounting and financial management

CCCF proposes a flat fee of \$10,000 for these services due on or before December 30th, 2020.

County-wide Allocations & Reimbursement Framework

The basis of the per-government allocation to fund this proposed program is the same per capita percentage that was used to allocate the CVRF CARES Act funding originally. Further discussion and refinement of the overall program budget and its allocation are welcome.

	%	Nonprofit Program	Youth Program	% Allocation of CCCF Fee	Total Requested Allocation	Actual CARES Allocation	% Requested of Total
Unincorporated	51%	\$ 76,650	\$ 76,650	\$ 5,110	\$ 158,410	\$ 892,350	18%
Salida	30%	\$ 44,400	\$ 44,400	\$ 2,960	\$ 91,760	\$ 516,899	18%
BV	15%	\$ 21,750	\$ 21,750	\$ 1,450	\$ 44,950	\$ 253,210	18%
Poncha	5%	\$ 7,200	\$ 7,200	\$ 480	\$ 14,880	\$ 83,821	18%
Total	100%	\$ 150,000	\$ 150,000	\$ 10,000	\$ 310,000	\$ 1,746,282	

Once eligible and complete grant or reimbursement applications received, vetted, and approved, CCCF will consolidate the totals, attach appropriate documentation, and submit invoices to each government based on the above percentage allocations. For example, if in a given time period there is a total of \$10,000 of approved grants and \$7,500 of approved youth programming reimbursements, CCCF will compile invoice packets for the County in the amount of \$8,925, Salida for \$5,250, BV for \$2,625, and Poncha Springs for \$875. CCCF's fee will be invoiced in the amounts shown above on December 1st, 2020.

Any un-invoiced dollars will stay with each government's overall CVRF allocation.



TOWN OF BUENA VISTA

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

DATE: August 25, 2020

TO: Mayor and Board of Trustees

FROM: Mark N. Doering, Principal Planner

AGENDA ITEMS: Three Resolutions making findings of fact for annexation for the Sangre de Cristo Electric Headquarters and Tri-State Substation Annexation Petitions and three Ordinances annexing the Sangre de Cristo Electric Headquarters and Tri-State Substation property.

Request:

Town staff is requesting that the Board of Trustees approve three resolutions making necessary findings of fact for annexation of the 14.62-acre property located at 29780 Highway 24. Those resolutions are required by State law. Also, staff is requesting that the Board of Trustees approve three ordinances that will allow the property to be annexed, in series, into town. The order of annexation will require approval of the findings of fact resolution for each parcel, then approval of the annexation ordinance for each parcel, to then be followed by the second and third parcels of the property in the same order. The property is made up of two parcels owned by two separate owners, Sangre de Cristo (the office building and the associated storage yard) and Tri-State Electric (the electric substation). The three resolutions and ordinances are required because there are three annexation petitions (two for Sangre de Cristo and one for Tri-State) to annex the property in total. The petitions are each associated with one of the three parcels being annexed. Associated with the annexation is a separate public hearing to zone the property, if annexed into town, to Highway Commercial (HC) zone district.

Background:

Annexations are subject to a statutory process and timeline, known as the Municipal Annexation Act. The first step in that process is for the Town to find that the annexation petitions are in substantial compliance with certain provisions of the Municipal Annexation Act. That occurred on July 7, 2020. Then the Town has specific deadlines to hold the public hearings on the annexations and zoning of the properties. The attached resolutions are required to meet those requirements and then the attached ordinances are required to annex the property into town limits. The Planning and Zoning Commission heard the annexation and zoning requests at its July August 5, 2020 public meeting and made a recommendation to the Board of Trustees to approve the annexation and zoning requests. A copy of that staff report is attached.

Budget Impact:

The Town is annexing property that is already connected to the Town's water supply. The Town connected the current headquarters building as part of the water main extension up Highway 24 that ran to True Value when it was developed. In that connection agreement, the Town required annexation when the Town was ready to annex. The property will pay in-town rates for water service if the property is annexed instead of the out-of-town rates that it pays for its current water usage for the office building. Additionally, the town limits will expand to cover the fire and police protection for the building that were primarily covered by the County before annexation, if approved. Town currently has mutual aid agreements for those service to that property, so additional costs are minimal. Sangre de Cristo is not proposing any additional improvements on their site at this time so no new public improvements, such as sidewalks, are

proposed at this time. That means no additional cost for maintenance of public improvements for the property. All road maintenance for Highway 24 will be the responsibility of the Colorado Department of Transportation (CDOT). Lastly, if the site is annexed into Town limits, any purchases Sangre de Cristo makes will have additional Town taxes assessed on those purchases that up until annexation were not included.

BOT Action:

If the Board of Trustees agree with staff's and the Planning and Zoning Commission's recommendations, it should approve the three resolutions and three ordinances separately, in order of the parcels being annexed, to finish the process of annexing the Sangre de Cristo Headquarters and Tri-State Substation property into town limits. A separate hearing will then be required to zone the property.

Attachments:

Attachment A – Vicinity Map

Attachment B – Planning and Zoning Commission Staff Report

Attachment C – Resolution making certain findings of fact for Sangre de Cristo Parcel A

Attachment D – Ordinance annexing Sangre de Cristo Parcel A

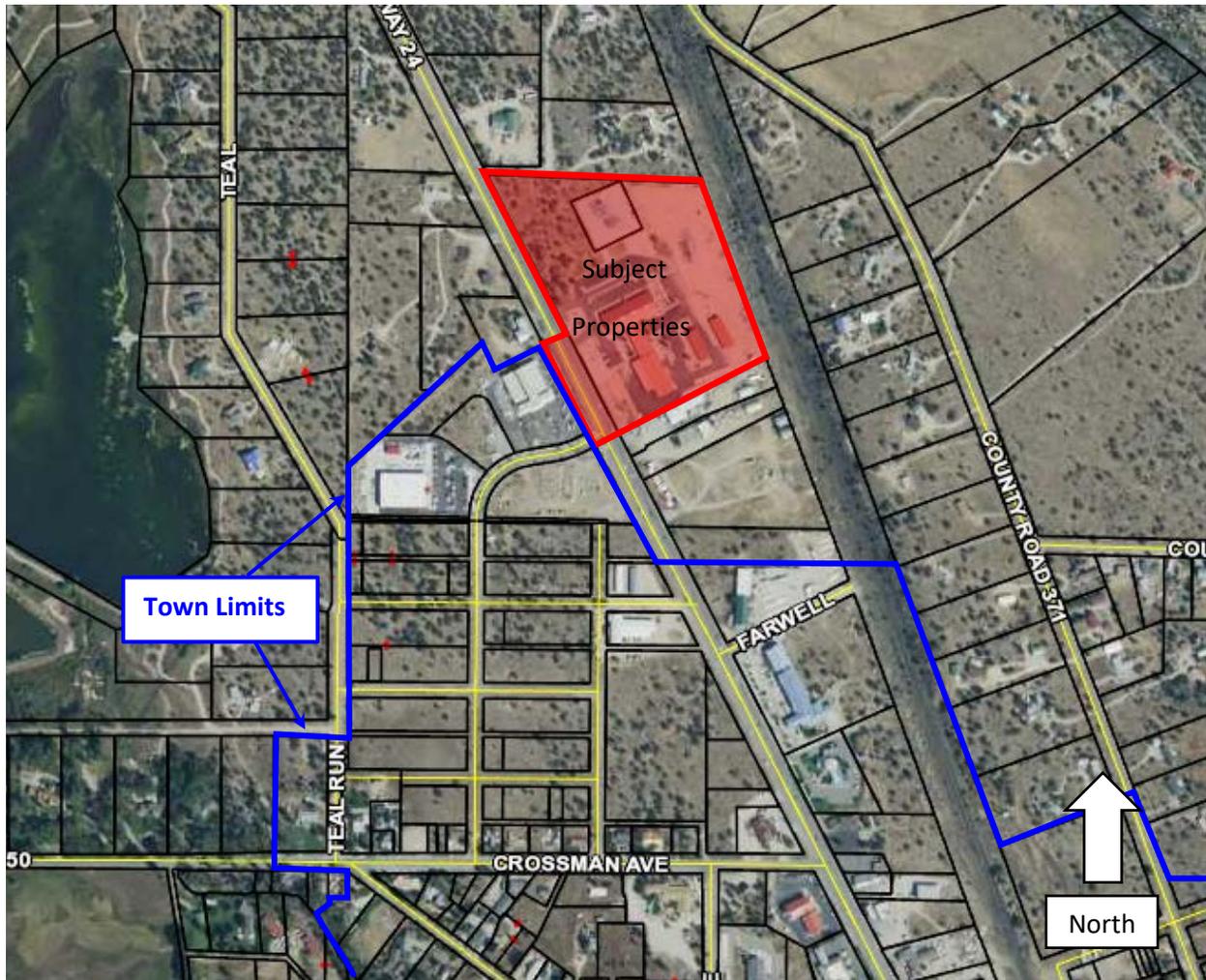
Attachment E – Resolution making certain findings of fact for Sangre de Cristo Parcel B

Attachment F – Ordinance annexing Sangre de Cristo Parcel B

Attachment G – Resolution making certain findings of fact for the Tri-State Parcel

Attachment H – Ordinance annexing the Tri-State Parcel

Attachment A – Vicinity Map



Attachment B – Planning and Zoning Commission Staff Report

See the following 13 pages.



TOWN OF BUENA VISTA

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

ANNEXATION AND ZONING STAFF REPORT

DATE: August 2, 2020

HEARING DATE: August 5, 2020

ADDRESS: 29780 N Highway 24

APPLICANTS: Sangre de Cristo Electric Association and Tri-State Electric

REQUEST: Applications to Annex into the Town of Buena Vista and zone the property Highway Commercial (HC) zone district

CITY STAFF: Mark N. Doering, Principal Planner

STAFF RECOMMENDATION:

That the Planning and Zoning Commission recommend to the Board of Trustees that they approve the requested annexation and zoning to Highway Commercial zoning under the Town's Unified Development Code (UDC).

ATTACHMENTS TO THE REPORT:

Attachment A – Vicinity Map
 Attachment B – Zoning Maps
 Attachment C – Annexation Maps (3)
 Attachment D – Annexation Master Plan

I. SUMMARY OF REQUEST

The applicant is requesting approval of an annexation into the Town and requesting to zone the property Highway Commercial (HC) under the town's zoning ordinance. The annexation of the three petitions associated with the property is required to annex the entire 14.62 acres and meet State of Colorado Statutes. The property will also need to be zoned in the Town to meet State Statutes, and is proposed to be zoned Highway Commercial (HC) from the current Industrial (IND) zoning in the county. The County waived the Annexation Impact Report from Town that is required for properties over 10 acres.

II. HISTORY AND BACKGROUND

The property is currently developed as the Sangre de Cristo Electric Association headquarters and storage yard. Also located on the property is the substation owned by Tri-State Generation and Transmission Association. The applicants are not looking to further develop the property at this time. When the Town extended a water main up Highway 24 from Crossman Avenue to Harrison Avenue to serve the development west of the highway, a water extension agreement was signed by Sangre de Cristo Electric agreeing to annex when the Town determined it should annex. Sangre de Cristo has agreed to annex and

also included the property owner for the substation, Tri-State to join in that annexation, as that property is surrounded by the property owned by Sangre de Cristo Electric.

III. PROCESS.

The applicants have submitted an annexation and zoning request to the Town of Buena Vista. Those processes are controlled by state statutes with a very strict time limit for those processes to occur. The Board of Trustees accepted the petitions for annexation at their July 7, 2020 meeting, which has started the process that must be heard within 60 days by the Board for a final decision on the annexation and zoning of the properties. The Planning and Zoning Commission reviews the annexation map and proposed zoning and makes a recommendation to the Board of Trustees. The Board of Trustees will hear the applications on August 25, 2020 to make a decision on both the annexation and zoning applications.

IV. ZONING AND LAND USE

	North	South	West	East
Adjacent Zoning Designation	Chaffee County Industrial (IND)	Chaffee County Industrial (IND)	Chaffee County Commercial (COM) and Buena Vista Highway Commercial (HC)	Chaffee County Residential (RES)
Adjacent Land Use	Residential and Commercial	Commercial	Commercial	Single-family Residential

See Attachment A - Vicinity Map, Attachment B - Zoning Maps, and Attachment C – Annexation Maps.

V. ANALYSIS – ANNEXATION CRITERIA

Chapter 15 of the Town of Buena Vista establishes the Town's procedure along with the State of Colorado Statutes for an annexation. The State of Colorado Statutes require that:

- (1) No less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town;
- (2) A community of interest exists between the area proposed to be annexed and the Town; and
- (3) The area proposed to be annexed is urban or will be urbanized in the near the future and is integrated or capable of being integrated with the Town.

The annexations of the entire three annexation maps associated with the petitions is required to meet the State's contiguity requirements. Those requirements allow only for a maximum of one-sixth of a property's boundary to be contiguous to the Town's boundary, which is why there are three different annexation maps. Each map meets the maximum contiguous boundary and must be done in order separately to annex the entire property and still meet the contiguity requirements.

The community of interest criterion has been met because the Town already supplies water to the property from the water line extension agreement and the fact that the property is served by the Town Fire and Police Departments through mutual aid agreements between the Town and the County. The Town already provides services to the property.

The property being annexed is urban is capable of being integrated with the Town. No new roads are needed to serve the property and the property already has municipal water service from the Town. The

property is capable of being included in the sanitation district in the future should any additional development to the south occurs, particularly if they annex into Town and connect to town water and Buena Vista Sanitation District for that new development. Again, the property is not seeking additional development over the existing facilities on the site.

The Town's requirements do not specify criteria for annexation other than those above except that it does require review of the annexation maps, master plan and any other supporting materials. The master plan is to describe the existing and proposed future development of the annexation territory. The applicants have submitted a map showing the existing facilities, substation, and storage yard for the Sangre de Cristo Electric Association and Tri-State Generation. Because the applicants are not proposing to further develop their properties, the Town waived much of the supplemental information that is identified in the Municipal Code.

The County waived the required Annexation Impact Report from the town that is required for properties over 10 acres on September 20, 2019.

VI. ANALYSIS – ZONING CRITERIA

Section 6.4.1. (5) (c) of the Buena Vista Unified Development Code (UDC) provides specific review criteria for Rezoning applications. The application must comply with at least one of the criteria in 6.4.1 (5) (c) i. and each of the criteria in 6.4.1 (5) (c) ii. Each criterion is listed in bold text, followed by staff's analysis for each in standard text.

For subsection 6.4.1 (5) (c) i., the Planning and Zoning Commission and Board of Trustees shall consider whether the proposed rezoning complies with at least one of the following criteria:

1. The proposed rezoning is consistent with the Comprehensive Plan and the purposes of this UDC; or

The proposed rezoning is consistent with the Comprehensive Plan and the purposes of this UDC because it supports the Community Vision. The Community Vision has three areas that align with the proposed annexation, Community Services, Environment, and Economy. The Community Services portion states, "Our town government and community leaders demonstrate accountability, consistency and visibility. We engage in a high level of cooperation with surrounding governmental and nongovernmental entities." The annexation is part of the agreement between the Town and the Electric Association that provided consistent water to their property and their office building when it was installing a main that served other properties in town.

The Environment portion states, "We desire a community where urban, rural and agricultural land uses can coexist in a well-planned pattern. Land use decisions are made with thoughtfulness and an eye toward sustainability. We want a healthy community with clean air and water." Keeping the existing uses on that property in the Highway Commercial zone district allows for that use to operate in town limits and subject to the zoning requirements of the town should any additional development occur.

The Economy portion of the vision states, "The town has a bustling downtown community core with abundant and diverse retail establishments. We continually strive for economic diversity within the community. Our town government is economically stable and viable." The addition of the Electric Association's headquarters will mean the Town has another employer in town limits and the addition of any sales taxes from the Electric Association's purchases will add to the town's sales tax collections.

2. The rezoning is consistent with the purpose statement of the proposed zoning district; or

Under Section 2.4.5. of the UDC, the Highway Commercial (HC) zoning district is intended to:

1. Strengthen the Town's economic base, and provide employment opportunities close to home for residents of the Town and surrounding communities;
2. Minimize the impact of commercial development on residential uses; and
3. Provide for retail sales and services that require good automobile access, and for other uses not requiring a centralized location but that do require highway frontage, comparatively large lot areas, and open sales yards or unenclosed storage areas.

This zoning application supports the purpose statement of the HC zoning district because the existing headquarters provides for employment opportunities for residents of Buena Vista. It also minimizes the impact of the existing office building, substation, and storage yard on surrounding properties by keeping it in its current location, but including it in town. Commercial users already exist on three sides of the property and the property is separated from the residential to the east by the Union Pacific Railroad right-of way and tracks. Furthermore, it has good automobile access on Highway 24 without the need for any additional accesses or roads.

3. There have been significant changes in the area to warrant a zoning change; or

The property is in an area that has seen significant changes in the last ten years. In town, the water line was installed to the property and up to Harrison Avenue to allow for more commercial development, particularly to west in town limits with True Value, Tractor Supply, and Love's Gas Station providing significant commercial development on the north end of town.

4. There was an error in establishing the current zoning.

This criterion is not applicable. The property up until this application has been industrial under the Chaffee County zoning ordinance.

Staff believes that this development satisfies all of the first three criteria, and therefore the criteria in section 6.4.1 (5) (c) i. have been met. For subsection 6.4.1 (5) (c) ii., the Planning and Zoning Commission and Board of Trustees shall consider whether the proposed rezoning complies with each of the following criteria, shown in bold, with Staff's analysis for each in standard text.

1. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood; and

The new zoning district is consistent with the zoning of other properties in Town along Highway 24, and zoning the property to HC does not increase any adverse impacts to surrounding properties over the existing Industrial Zoning in the County. The property is already developed with the existing uses and each of those is allowed in the Highway Commercial zone district.

2. Public facilities and services are available to adequately serve the subject property while maintaining an adequate level of service to existing development, including but not limited to public water supply, infrastructure, and water rights available to the Town as identified in its Water Activity Report at the time of the application.

The existing development is adequately served by access to Highway 24, and the property is already served by electric and water services. The property has been getting water from the town from that water line extension and agreement. Should the property develop further and expand, it may need to extend sanitary sewer to serve the property at that time. Any future additions will be reviewed for compliance with the Town's requirements in effect at that time, instead of the County, should the property be annexed.

VII. CONCLUSIONS AND RECOMMENDATION

Based upon the information and materials provided by the applicant and included in the staff report, staff supports the requested Annexation and Zoning. Therefore, staff recommends that the Planning and Zoning Commission find that:

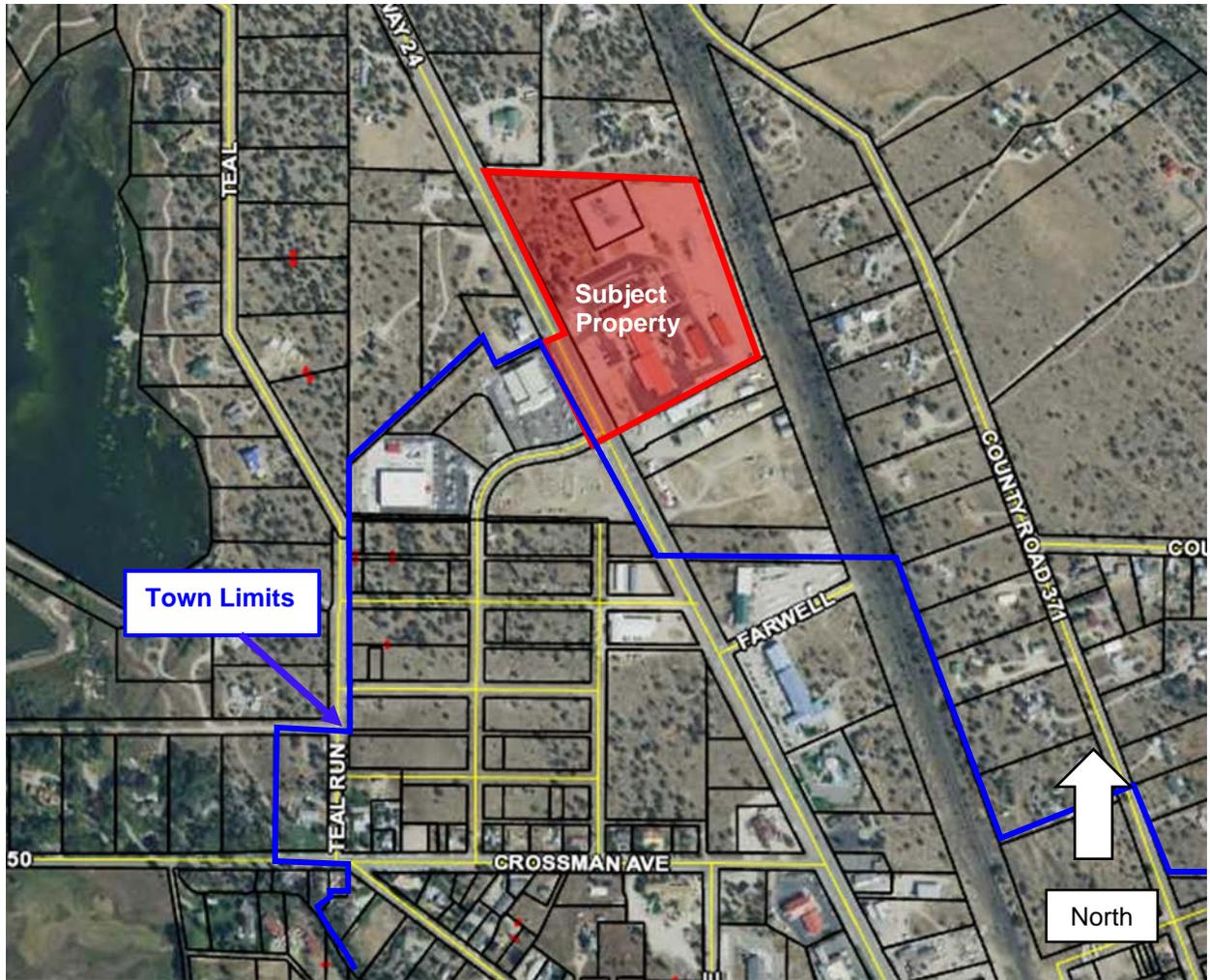
1. The applicants have requested approval of annexation and zoning to allow for the existing headquarters, substation and storage yard on the property located at 29780 N Highway 24; and
2. Notice of the public hearing for the Planning and Zoning Commission was posted on the property and published in the newspaper as required by the Unified Development Code; and
3. The request was reviewed by the appropriate referral agencies for their review; and
4. The application is consistent with the applicable standards for annexation and zoning.

THEREFORE

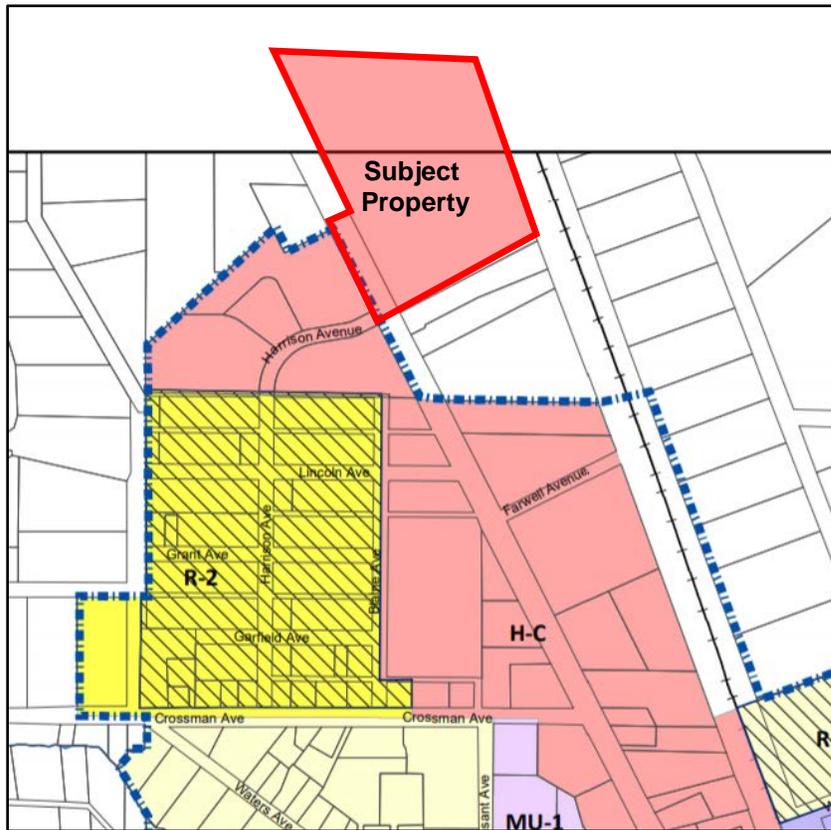
If the Planning and Zoning Commission accepts the conclusions and recommendation as presented in this staff report, it should recommend to the Board of Trustees to APPROVE the annexation and zoning for the Sangre de Cristo Electric Association headquarters, storage yard and Tri-State Electric Generation's substation located at 29780 N Highway 24.

cc: Sangre de Cristo Electric Association, applicant
Tri-State Electric Generation Association, applicant

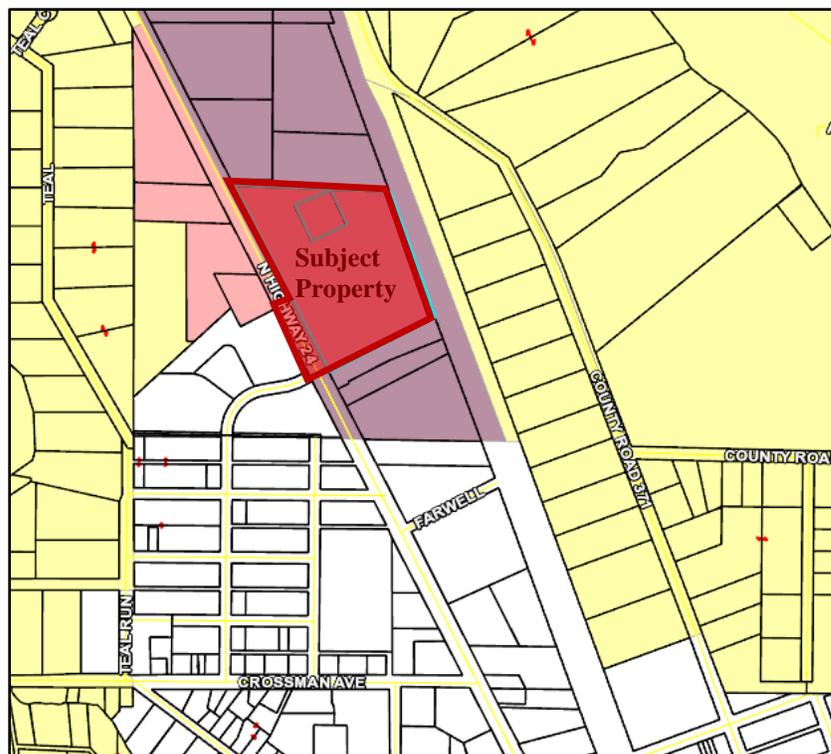
Attachment A – Vicinity Map



Attachment B – Buena Vista Zoning Map



County Zoning Map

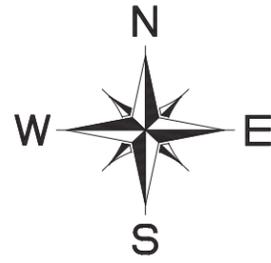


Attachment C – Annexation Maps (3)

See the attached 11" x 17" maps on three sheets.

SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. HEADQUARTERS PARCEL A

LOCATED WITHIN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¼NW¼) OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO



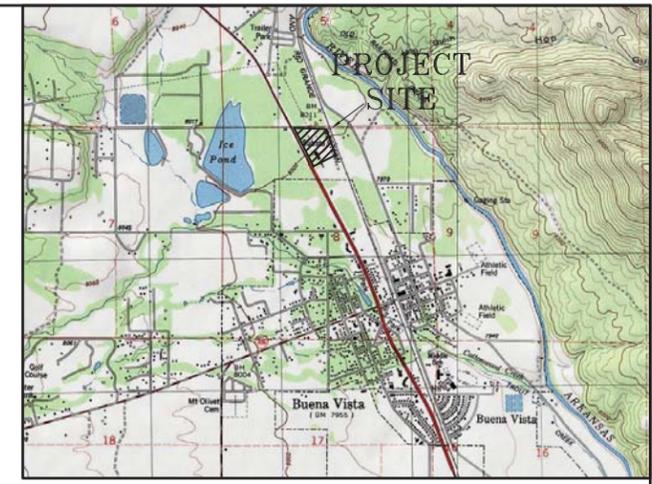
SCALE
1" = 100'



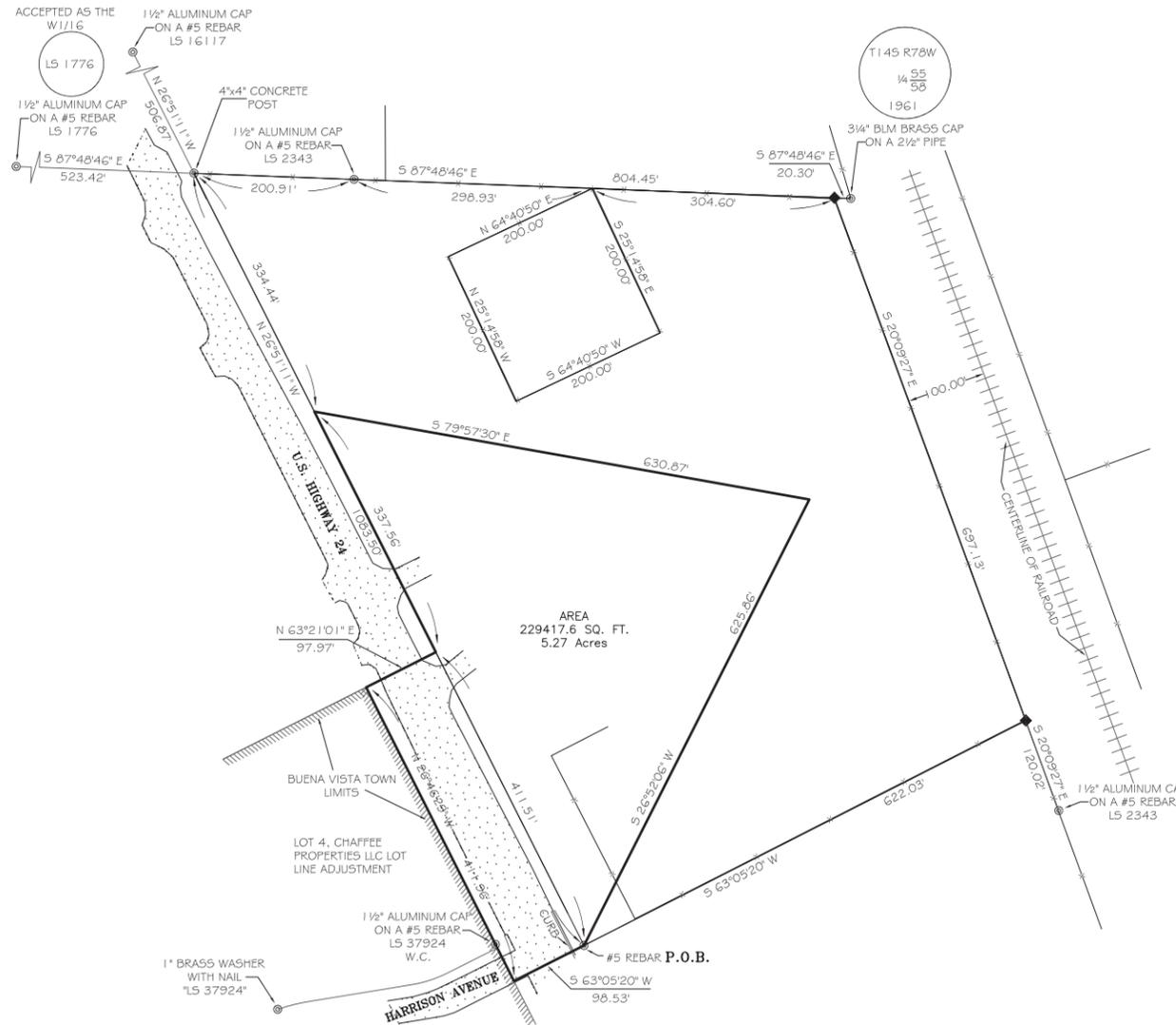
LEGEND

- FOUND MONUMENT AS NOTED
- X — FENCE
- ▨ TOWN LIMITS
- ANNEXATION BOUNDARY
- PARCEL BOUNDARY

CONTIGUOUS	411.96'
MAX PERIMETER ALLOWED	2471.76'
ACTUAL PERIMETER	2202.75'



VICINITY MAP
NOT TO SCALE



GENERAL NOTES

- 1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 8 BETWEEN A B.L.M. BRASS CAP AND A 1 1/2" ALUMINUM CAP STAMPED LS 1776 HAVING A BEARING OF SOUTH 87°48'46" EAST
- 2) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY LANDMARK SURVEYING AND MAPPING TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING TITLE OF RECORD, LANDMARK SURVEYING AND MAPPING RELIED UPON DOCUMENTS PROVIDED BY THE CLIENT. EASEMENTS OF RECORD WERE NOT SHOWN PER CLIENTS REQUEST.
- 3) THE PARCEL DESCRIBED HEREON IS CURRENTLY ZONED CHAFFEE COUNTY IND, PROPOSED ZONING IS BUENA VISTA H-C.
- 4) PROPERTY SHOWN ON THIS MAP IS OWNED BY THE SANGRE DE CRISTO ELECTRIC ASSOCIATION UNLESS OTHERWISE NOTED.

OWNERS' CERTIFICATE AND DEDICATION

THIS IS TO CERTIFY THAT THE SANGRE DE CRISTO ELECTRIC ASSOCIATION IS THE OWNER OF 100% OF THE LAND DESCRIBED AND SET FORTH HEREIN, EXCEPTING THEREFROM THE RIGHT-OF-WAY OF U.S. HIGHWAY 24, THAT SUCH OWNER DESIRES AND APPROVES THE ANNEXATION OF THE TERRITORY DESCRIBED HEREIN TO THE TOWN OF BUENA VISTA, COLORADO.

EXECUTED THIS _____ DAY OF _____, 2020.

OWNER: PAUL ERICKSON, CEO
SANGRE DE CRISTO ELECTRIC ASSOCIATION
P.O. BOX 2013
BUENA VISTA, CO 81211

STATE OF _____ }
155 }
COUNTY OF _____ }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY PAUL ERICKSON ON THE _____ DAY OF _____, 2020.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES: _____

CLERK AND RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ANNEXATION MAP AND A CERTIFIED COPY OF THE ANNEXATION ORDINANCE FOR THE SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION TO THE TOWN OF BUENA VISTA, CHAFFEE COUNTY, COLORADO WERE ACCEPTED AND FILED IN MY OFFICE ON THE _____ DAY OF _____, 2020.

UNDER RECEPTION NUMBER(S) _____

CHAFFEE COUNTY CLERK AND RECORDER _____

LAND SURVEYOR'S CERTIFICATE

I, SYDNEY A. SCHIEREN, A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LAND SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION, AND THAT THE PLAT REPRESENTS THE RESULTS OF SAID SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

PRELIMINARY DRAFT
INTENDED FOR AGENCY USE ONLY
NOT TO BE USED BY CLIENT

SYDNEY A. SCHIEREN
COLORADO P.L.S. 37937



ANNEXATION DESCRIPTION

WHEREAS THE BUENA VISTA, COLORADO BOARD OF TRUSTEES HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX TERRITORY AS DESCRIBED HEREIN BY THE SANGRE DE CRISTO ELECTRIC ASSOCIATION AS OWNER OF 100 PERCENT (100%) OF THE AREA TO BE ANNEXED, EXCEPTING THEREFROM THE RIGHT-OF-WAY OF U.S. HIGHWAY 24; AND

WHEREAS, THE BOARD OF TRUSTEES BY RESOLUTION ADOPTED ON _____ 2020, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF SECTION 31-1-2-107(1), C.R.S.; AND

WHEREAS, AFTER NOTICE AND PUBLIC HEARING ON _____ 2020, AS REQUIRED BY SECTION 31-1-2-108, C.R.S., THE BOARD OF TRUSTEES ADOPTED RESOLUTION NUMBER _____ (SERIES OF 2020), DETERMINING THAT THE ANNEXATION SATISFIED THE REQUIREMENTS OF SECTIONS 31-1-2-104 AND 105, C.R.S. AND THAT AN ANNEXATION ELECTION WAS NOT REQUIRED; AND

WHEREAS, ON _____ 2020, THE BOARD OF TRUSTEES ADOPTED ORDINANCE NUMBER _____ (SERIES 2020) APPROVING AND ANNEXING THE SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION PARCEL A TO THE TOWN OF BUENA VISTA, COLORADO.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF BUENA VISTA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION PARCEL A, AN ANNEXATION COMPRISED OF ONE (1) PARCEL, AS DESCRIBED HEREIN; TO WIT, THAT TERRITORY COMPRISING A TOTAL OF 5.27 ACRES, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SUBJECT PROPERTY, SAID POINT LYING ON THE EASTERN RIGHT-OF-WAY OF U.S. HIGHWAY 24 BEING MARKED BY A 4"x4" CONCRETE POST;

THENCE SOUTH 26°5'11" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1038.50 FEET TO THE POINT OF BEGINNING, SAID POINT BEING MARKED BY A #5 REBAR;

THENCE SOUTH 63°05'20" WEST A DISTANCE OF 98.53 FEET TO THE WESTERN RIGHT-OF-WAY OF SAID HIGHWAY;

THENCE NORTH 26°46'29" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 411.96 FEET;

THENCE NORTH 63°2'10" EAST A DISTANCE OF 97.97 FEET TO THE EASTERN RIGHT-OF-WAY OF SAID HIGHWAY;

THENCE NORTH 26°5'11" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 337.56;

THENCE SOUTH 79°57'30" EAST A DISTANCE OF 630.87 FEET;

THENCE SOUTH 26°52'06" WEST A DISTANCE OF 625.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.27 ACRES, MORE OR LESS

APPROVED THIS _____ DAY OF _____, 2020.

TOWN OF BUENA VISTA, A COLORADO MUNICIPAL CORPORATION

BY: _____
MAYOR

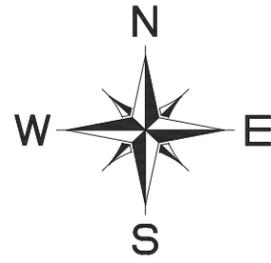
ATTEST: _____
TOWN CLERK

REVISED: JANUARY 20, 2020	SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. HEADQUARTERS PARCEL A LOCATED WITHIN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¼NW¼) OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO
JUNE 15, 2020	
JUNE 16, 2020	
JULY 14, 2020	
JOB # 19158	LANDMARK SURVEYING & MAPPING P.O. BOX 668 SALIDA, CO 81201 PH 719.539.4021 FAX 719.539.4031
DATE: SEPTEMBER 19, 2019	
SHEET 1 OF 1	

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT CONTAINED HEREON.

SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. HEADQUARTERS PARCEL B

LOCATED WITHIN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¹/₄NW¹/₄) OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO



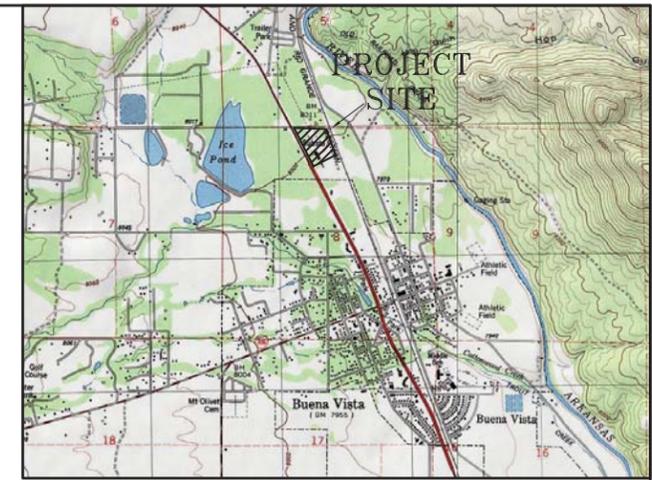
SCALE
1" = 100'



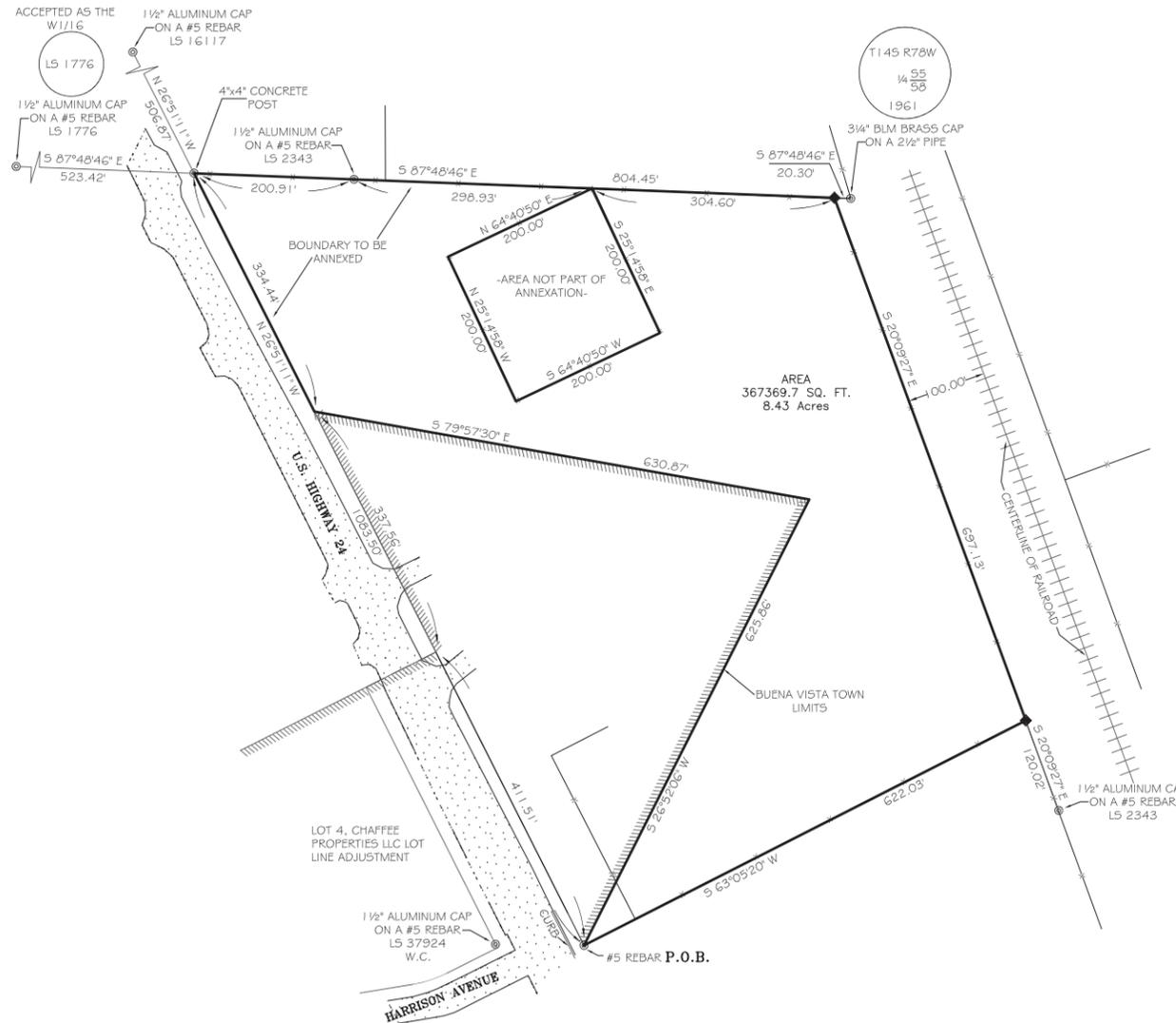
LEGEND

- FOUND MONUMENT AS NOTED
- X — FENCE
- ▤ TOWN LIMITS
- ▬ ANNEXATION BOUNDARY
- ▬ PARCEL BOUNDARY

CONTIGUOUS	1256.73'
MAX PERIMETER ALLOWED	7540.38'
ACTUAL PERIMETER	3714.78'



VICINITY MAP
NOT TO SCALE



ANNEXATION DESCRIPTION

WHEREAS THE BUENA VISTA, COLORADO BOARD OF TRUSTEES HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX TERRITORY AS DESCRIBED HEREIN BY THE SANGRE DE CRISTO ELECTRIC ASSOCIATION AS OWNER OF 100 PERCENT (100%) OF THE AREA TO BE ANNEXED; AND

WHEREAS, THE BOARD OF TRUSTEES BY RESOLUTION ADOPTED ON _____ 2020, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF SECTION 31-12-107(1), C.R.S.; AND

WHEREAS, AFTER NOTICE AND PUBLIC HEARING ON _____ 2020, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE BOARD OF TRUSTEES ADOPTED RESOLUTION NUMBER _____ (SERIES OF 2020), DETERMINING THAT THE ANNEXATION SATISFIED THE REQUIREMENTS OF SECTIONS 31-12-104 AND 105, C.R.S. AND THAT AN ANNEXATION ELECTION WAS NOT REQUIRED; AND

WHEREAS, ON _____ 2020, THE BOARD OF TRUSTEES ADOPTED ORDINANCE NUMBER _____ (SERIES 2020) APPROVING AND ANNEXING THE SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION PARCEL B TO THE TOWN OF BUENA VISTA, COLORADO.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF BUENA VISTA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION PARCEL B, AN ANNEXATION COMPRISED OF ONE (1) PARCEL, AS DESCRIBED HEREIN; TO WIT, THAT TERRITORY COMPRISING A TOTAL OF 8.43 ACRES, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SUBJECT PROPERTY, SAID POINT LYING ON THE EASTERN RIGHT-OF-WAY OF U.S. HIGHWAY 24 BEING MARKED BY A 4"x4" CONCRETE POST;

THENCE SOUTH 26°5'11" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1038.50 FEET TO THE POINT OF BEGINNING, SAID POINT BEING MARKED BY A #5 REBAR;

THENCE NORTH 26°52'06" EAST A DISTANCE OF 625.86 FEET;

THENCE NORTH 79°57'30" WEST A DISTANCE OF 630.87 FEET TO THE EASTERN RIGHT-OF-WAY OF SAID HIGHWAY;

THENCE NORTH 26°5'11" WEST A DISTANCE OF 334.44 FEET ALONG SAID EASTERN RIGHT-OF-WAY TO A 4"x4" CONCRETE POST;

THENCE SOUTH 87°48'46" EAST A DISTANCE OF 499.84 FEET;

THENCE SOUTH 64°40'50" WEST A DISTANCE OF 200.00 FEET;

THENCE SOUTH 25°14'58" EAST A DISTANCE OF 200.00 FEET;

THENCE NORTH 64°40'50" EAST A DISTANCE OF 200.00 FEET;

THENCE NORTH 25°14'58" WEST A DISTANCE OF 200.00 FEET;

THENCE SOUTH 87°48'46" EAST A DISTANCE OF 304.60 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY OF THE DARGW RAILROAD;

THENCE SOUTH 20°09'27" EAST A DISTANCE OF 697.13 FEET ALONG SAID RAILROAD RIGHT-OF-WAY;

THENCE SOUTH 63°05'20" WEST A DISTANCE OF 622.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.43 ACRES, MORE OR LESS

APPROVED THIS ____ DAY OF _____, 2020.

TOWN OF BUENA VISTA, A COLORADO MUNICIPAL CORPORATION

BY: _____
MAYOR

ATTEST: _____
TOWN CLERK

GENERAL NOTES

- 1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 8 BETWEEN A B.L.M. BRASS CAP AND A 1 1/2" ALUMINUM CAP STAMPED LS 1776 HAVING A BEARING OF SOUTH 87°48'46" EAST
- 2) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY LANDMARK SURVEYING AND MAPPING TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING TITLE OF RECORD, LANDMARK SURVEYING AND MAPPING RELIED UPON DOCUMENTS PROVIDED BY THE CLIENT. EASEMENTS OF RECORD WERE NOT SHOWN PER CLIENTS REQUEST.
- 3) THE PARCEL DESCRIBED HEREON IS CURRENTLY ZONED CHAFFEE COUNTY IND, PROPOSED ZONING IS BUENA VISTA H-C.
- 4) PROPERTY SHOWN ON THIS MAP IS OWNED BY THE SANGRE DE CRISTO ELECTRIC ASSOCIATION UNLESS OTHERWISE NOTED.

OWNERS' CERTIFICATE AND DEDICATION

THIS IS TO CERTIFY THAT THE SANGRE DE CRISTO ELECTRIC ASSOCIATION IS THE OWNER OF 100% OF THE LAND DESCRIBED AND SET FORTH HEREIN, THAT SUCH OWNER DESIRES AND APPROVES THE ANNEXATION OF THE TERRITORY DESCRIBED HEREIN TO THE TOWN OF BUENA VISTA, COLORADO.

EXECUTED THIS ____ DAY OF _____, 2020.

OWNER: PAUL ERICKSON, CEO

SANGRE DE CRISTO ELECTRIC ASSOCIATION
P.O. BOX 2013
BUENA VISTA, CO 81211

STATE OF _____ }
159
COUNTY OF _____ }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY PAUL ERICKSON ON THE ____ DAY OF _____, 2020.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CLERK AND RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ANNEXATION MAP AND A CERTIFIED COPY OF THE ANNEXATION ORDINANCE FOR THE SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION 2 TO THE TOWN OF BUENA VISTA, CHAFFEE COUNTY, COLORADO WERE ACCEPTED AND FILED IN MY OFFICE ON THE ____ DAY OF _____, 2020.

UNDER RECEPTION NUMBER(S) _____

CHAFFEE COUNTY CLERK AND RECORDER

LAND SURVEYOR'S CERTIFICATE

I, SYDNEY A. SCHIEREN, A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LAND SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION, AND THAT THE PLAT REPRESENTS THE RESULTS OF SAID SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

PRELIMINARY DRAFT
INTENDED FOR AGENCY USE ONLY
NOT TO BE USED BY CLIENT

SYDNEY A. SCHIEREN
COLORADO P.L.S. 37937



REVISED: JANUARY 20, 2020

JUNE 15, 2020

JUNE 16, 2020

JULY 14, 2020

JOB # 19158

DATE: SEPTEMBER 19, 2019

SHEET 1 OF 1

SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. HEADQUARTERS PARCEL B

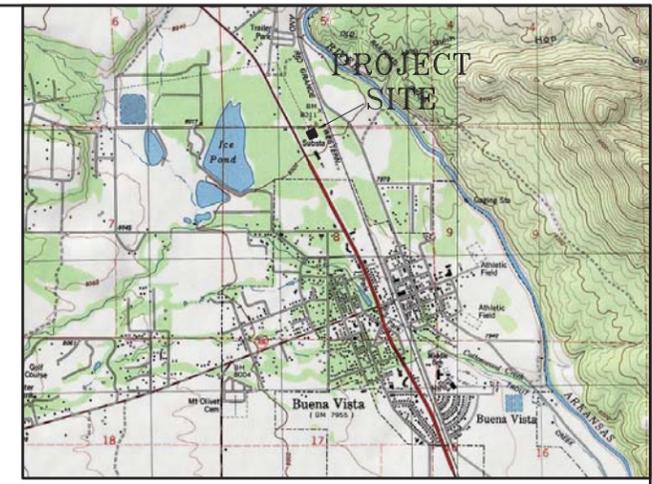
LOCATED WITHIN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¹/₄NW¹/₄) OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO

LANDMARK SURVEYING & MAPPING
P.O. BOX 668 SAUDA, CO 81201
PH 719.539.4021 FAX 719.539.4031

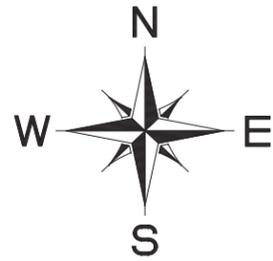
NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT CONTAINED HEREON.

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. BUENA VISTA SUBSTATION PARCEL A

LOCATED WITHIN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¹/₄NW¹/₄) OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO



VICINITY MAP
NOT TO SCALE



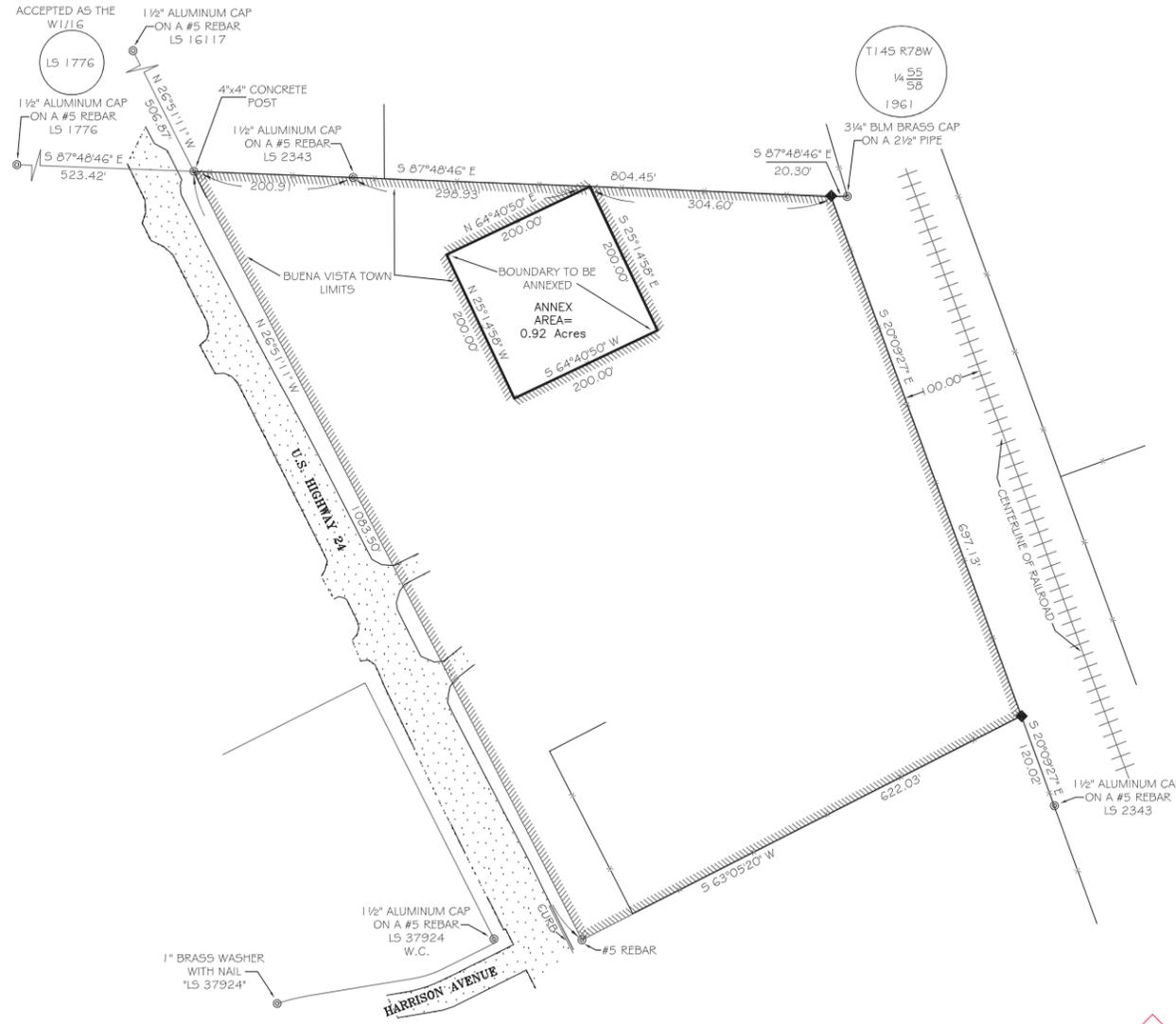
SCALE
1" = 100'



LEGEND

- FOUND MONUMENT AS NOTED
- ◆ FOUND MONUMENT AS NOTED
- x-x- FENCE
- ||||| TOWN LIMITS
- ==== ANNEXATION BOUNDARY
- _____ PARCEL BOUNDARY

ANNEXATION	ANNEX
CONTIGUOUS	800.00'
MAX PERIMETER ALLOWED	4800.00'
ACTUAL PERIMETER	800.00'



ANNEXATION DESCRIPTION

WHEREAS THE BUENA VISTA, COLORADO BOARD OF TRUSTEES HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX TERRITORY AS DESCRIBED HEREIN BY TRI-STATE GENERATION & TRANSMISSION AS OWNER OF 100 PERCENT (100%) OF THE AREA TO BE ANNEXED; AND WHEREAS, THE BOARD OF TRUSTEES BY RESOLUTION ADOPTED ON _____ 2020, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF SECTION 31-12-107(1), C.R.S.; AND WHEREAS, AFTER NOTICE AND PUBLIC HEARING ON _____ 2020, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE BOARD OF TRUSTEES ADOPTED RESOLUTION NUMBER _____ (SERIES OF 2020), DETERMINING THAT THE ANNEXATION SATISFIED THE REQUIREMENTS OF SECTIONS 31-12-104 AND 105, C.R.S. AND THAT AN ANNEXATION ELECTION WAS NOT REQUIRED; AND WHEREAS, ON _____ 2020, THE BOARD OF TRUSTEES ADOPTED ORDINANCE NUMBER _____ (SERIES 2020) APPROVING AND ANNEXING THE TRI-STATE SUBSTATION ANNEXATION TO THE TOWN OF BUENA VISTA, COLORADO. NOW, THEREFORE, THE BOARD OF TRUSTEES OF BUENA VISTA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE TRI-STATE SUBSTATION ANNEXATION, AN ANNEXATION COMPRISED OF ONE (1) PARCEL, AS DESCRIBED HEREIN; TO WIT, THAT TERRITORY COMPRISING A TOTAL OF 0.92 ACRES, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER-CORNER OF SECTIONS 5 AND 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE 6TH PRINCIPAL MERIDIAN, SAID QUARTER CORNER BEING MARKED BY A 3/4" B.L.M. BRASS CAP ON A 2 1/2" PIPE;
 THENCE NORTH 87°48'46" WEST A DISTANCE OF 324.90 FEET TO THE POINT OF BEGINNING;
 THENCE SOUTH 25°14'58" EAST A DISTANCE OF 200.00 FEET;
 THENCE SOUTH 64°40'50" WEST A DISTANCE OF 200.00 FEET;
 THENCE NORTH 25°14'58" WEST A DISTANCE OF 200.00 FEET;
 THENCE NORTH 64°40'50" EAST A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.
 CONTAINING 0.92 ACRES, MORE OR LESS

APPROVED THIS ___ DAY OF _____, 2020.

TOWN OF BUENA VISTA, A COLORADO MUNICIPAL CORPORATION

BY: _____
MAYOR

ATTEST: _____
TOWN CLERK

GENERAL NOTES

- 1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 8 BETWEEN A B.L.M. BRASS CAP AND A 1 1/2" ALUMINUM CAP STAMPED LS 1776 HAVING A BEARING OF SOUTH 87°48'46" EAST
- 2) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY LANDMARK SURVEYING AND MAPPING TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING TITLE OF RECORD, LANDMARK SURVEYING AND MAPPING RELIED UPON DOCUMENTS PROVIDED BY THE CLIENT. EASEMENTS OF RECORD WERE NOT SHOWN PER CLIENTS REQUEST.
- 3) THE PARCEL DESCRIBED HEREON IS CURRENTLY ZONED CHAFFEE COUNTY IND, PROPOSED ZONING IS BUENA VISTA H-C.
- 4) PROPERTY SHOWN ON THIS MAP IS OWNED BY TRI-STATE GENERATION & TRANSMISSION UNLESS OTHERWISE NOTED.

OWNERS' CERTIFICATE AND DEDICATION

THIS IS TO CERTIFY THAT TRI-STATE GENERATION & TRANSMISSION IS THE OWNER OF 100% OF THE LAND DESCRIBED AND SET FORTH HEREIN, THAT SUCH OWNER DESIRES AND APPROVES THE ANNEXATION OF THE TERRITORY DESCRIBED HEREIN TO THE TOWN OF BUENA VISTA, COLORADO.

EXECUTED THIS ___ DAY OF _____, 2020.

OWNER: JOEL K. BLADOW, SENIOR VICE PRESIDENT, TRANSMISSION

TRI-STATE GENERATION & TRANSMISSION
1100 WEST 116TH AVENUE
WESTMINSTER, CO 80234

STATE OF _____ }
COUNTY OF _____ }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY JOEL K. BLADOW ON THE ___ DAY OF _____, 2020.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES: _____

CLERK AND RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ANNEXATION MAP AND A CERTIFIED COPY OF THE ANNEXATION ORDINANCE FOR THE TRI-STATE SUBSTATION ANNEXATION TO THE TOWN OF BUENA VISTA, CHAFFEE COUNTY, COLORADO WERE ACCEPTED AND FILED IN MY OFFICE ON THE ___ DAY OF _____, 2020.

UNDER RECEPTION NUMBER(S) _____

CHAFFEE COUNTY CLERK AND RECORDER _____

LAND SURVEYOR'S CERTIFICATE

I, SYDNEY A. SCHIEREN, A REGISTERED LAND SURVEYOR LICENSED TO PRACTISE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LAND SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION, AND THAT THE PLAT REPRESENTS THE RESULTS OF SAID SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

PRELIMINARY DRAFT
INTENDED FOR AGENCY USE ONLY
NOT TO BE USED BY CLIENT

SYDNEY A. SCHIEREN
COLORADO P.L.S. 37937



REVISED: JANUARY 20, 2020

JUNE 15, 2020

JULY 14, 2020

JOB # 19158

DATE: SEPTEMBER 19, 2019

SHEET 1 OF 1

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. BUENA VISTA SUBSTATION PARCEL A

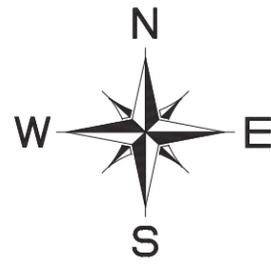
LOCATED WITHIN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¹/₄NW¹/₄) OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO



NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT CONTAINED HEREON.

Attachment D – Annexation Master Plan

See the attached 11" x 17" map on one sheet.



SCALE
1" = 100'



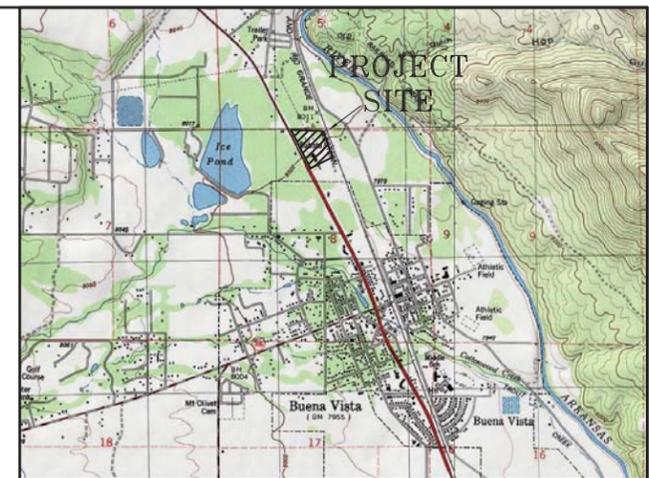
LEGEND

- FOUND MONUMENT AS NOTED
- X — FENCE

ANNEXATION	ANNEX-A	ANNEX-B
CONTIGUOUS	411.96'	1256.73'
MAX PERIMETER ALLOWED	2471.76'	7540.38'
ACTUAL PERIMETER	2202.75'	3714.78'

SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION TO THE TOWN OF BUENA VISTA

LOCATED WITHIN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¹/₄NW¹/₄) OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO



VICINITY MAP

ANNEXATION DESCRIPTION NOT TO SCALE

WHEREAS THE BUENA VISTA, COLORADO BOARD OF TRUSTEES HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX TERRITORY AS DESCRIBED HEREIN BY THE SANGRE DE CRISTO ELECTRIC ASSOCIATION AS OWNER OF 100 PERCENT (100%) OF THE AREA TO BE ANNEXED; AND WHEREAS, THE BOARD OF TRUSTEES BY RESOLUTION ADOPTED ON _____ 2020, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF SECTION 31-12-107(1), C.R.S.; AND WHEREAS, AFTER NOTICE AND PUBLIC HEARING ON _____ 2020, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE BOARD OF TRUSTEES ADOPTED RESOLUTION NUMBER _____ (SERIES OF 2020), DETERMINING THAT THE ANNEXATION SATISFIED THE REQUIREMENTS OF SECTIONS 31-12-104 AND 105, C.R.S. AND THAT AN ANNEXATION ELECTION WAS NOT REQUIRED; AND WHEREAS, ON _____ 2020, THE BOARD OF TRUSTEES ADOPTED ORDINANCE NUMBER _____ (SERIES 2020) APPROVING AND ANNEXING THE SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION TO THE TOWN OF BUENA VISTA, COLORADO. NOW, THEREFORE, THE BOARD OF TRUSTEES OF BUENA VISTA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION, AN ANNEXATION COMPRISED OF TWO (2) PARCELS, AS DESCRIBED HEREIN; TO WIT, THAT TERRITORY COMPRISING A TOTAL OF 13.70 ACRES, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ANNEXATION A:

ALL THAT TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SUBJECT PROPERTY, SAID POINT LYING ON THE EASTERN RIGHT-OF-WAY OF U.S. HIGHWAY 24 BEING MARKED BY A 4"x4" CONCRETE POST;
 THENCE SOUTH 26°5'11" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1038.50 FEET TO THE POINT OF BEGINNING, SAID POINT BEING MARKED BY A #5 REBAR;
 THENCE SOUTH 63°05'20" WEST A DISTANCE OF 98.53 FEET TO THE WESTERN RIGHT-OF-WAY OF SAID HIGHWAY;
 THENCE NORTH 26°46'29" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 411.96 FEET;
 THENCE NORTH 63°21'01" EAST A DISTANCE OF 97.97 FEET TO THE EASTERN RIGHT-OF-WAY OF SAID HIGHWAY;
 THENCE NORTH 26°5'11" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 337.56;
 THENCE SOUTH 79°57'30" EAST A DISTANCE OF 630.87 FEET;
 THENCE SOUTH 26°52'06" WEST A DISTANCE OF 625.86 FEET TO THE POINT OF BEGINNING.

ANNEXATION B:

ALL THAT TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SUBJECT PROPERTY, SAID POINT LYING ON THE EASTERN RIGHT-OF-WAY OF U.S. HIGHWAY 24 BEING MARKED BY A 4"x4" CONCRETE POST;
 THENCE SOUTH 26°5'11" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1038.50 FEET TO THE POINT OF BEGINNING, SAID POINT BEING MARKED BY A #5 REBAR;
 THENCE NORTH 26°52'06" EAST A DISTANCE OF 625.86 FEET;
 THENCE NORTH 79°57'30" WEST A DISTANCE OF 630.87 FEET TO THE EASTERN RIGHT-OF-WAY OF SAID HIGHWAY;
 THENCE NORTH 26°5'11" WEST A DISTANCE OF 334.44 FEET ALONG SAID EASTERN RIGHT-OF-WAY TO A 4"x4" CONCRETE POST;
 THENCE SOUTH 87°48'46" EAST A DISTANCE OF 499.84 FEET;
 THENCE SOUTH 64°40'50" WEST A DISTANCE OF 200.00 FEET;
 THENCE SOUTH 25°14'58" EAST A DISTANCE OF 200.00 FEET;
 THENCE NORTH 64°40'50" EAST A DISTANCE OF 200.00 FEET;
 THENCE NORTH 25°14'58" WEST A DISTANCE OF 200.00 FEET;
 THENCE SOUTH 87°48'46" EAST A DISTANCE OF 304.60 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY OF THE D4RGW RAILROAD;
 THENCE SOUTH 20°09'27" EAST A DISTANCE OF 697.13 FEET ALONG SAID RAILROAD RIGHT-OF-WAY;
 THENCE SOUTH 63°05'20" WEST A DISTANCE OF 622.03 FEET TO THE POINT OF BEGINNING.
 APPROVED THIS _____ DAY OF _____, 2020.

TOWN OF BUENA VISTA, A COLORADO MUNICIPAL CORPORATION

By: _____
MAYOR

Attest: _____
TOWN CLERK



GENERAL NOTES

- 1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 8 BETWEEN A B.L.M. BRASS CAP AND A 1 1/2" ALUMINUM CAP STAMPED LS 1776 HAVING A BEARING OF SOUTH 87°48'46" EAST
- 2) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY LANDMARK SURVEYING AND MAPPING TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING TITLE OF RECORD, LANDMARK SURVEYING AND MAPPING RELIED UPON DOCUMENTS PROVIDED BY THE CLIENT. EASEMENTS OF RECORD WERE NOT SHOWN PER CLIENTS REQUEST.
- 3) THE PARCEL DESCRIBED HEREON IS CURRENTLY ZONED CHAFFEE COUNTY IND, PROPOSED ZONING IS BUENA VISTA H-C.
- 4) PROPERTY SHOWN ON THIS MAP IS OWNED BY THE SANGRE DE CRISTO ELECTRIC ASSOCIATION UNLESS OTHERWISE NOTED.

OWNERS' CERTIFICATE AND DEDICATION

THIS IS TO CERTIFY THAT THE SANGRE DE CRISTO ELECTRIC ASSOCIATION IS THE OWNER OF 100% OF THE LAND DESCRIBED AND SET FORTH HEREIN, THAT SUCH OWNER DESIRES AND APPROVES THE ANNEXATION OF THE TERRITORY DESCRIBED HEREIN TO THE TOWN OF BUENA VISTA, COLORADO.

EXECUTED THIS _____ DAY OF _____, 2020.

OWNERS: _____

SANGRE DE CRISTO ELECTRIC ASSOCIATION
P.O. BOX 2013
BUENA VISTA, CO 81211

STATE OF COLORADO }
155
COUNTY OF CHAFFEE }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____ (SANGRE DE CRISTO ELECTRIC ASSOCIATION REPRESENTATIVE) ON THE _____ DAY OF _____, 2020.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____

CLERK AND RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ANNEXATION MAP AND A CERTIFIED COPY OF THE ANNEXATION ORDINANCE FOR THE SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION TO THE TOWN OF BUENA VISTA, CHAFFEE COUNTY, COLORADO WERE ACCEPTED AND FILED IN MY OFFICE ON THE _____ DAY OF _____, 2020.

UNDER RECEPTION NUMBER(S) _____

CHAFFEE COUNTY CLERK AND RECORDER _____

LAND SURVEYOR'S CERTIFICATE

I, SYDNEY A. SCHIEREN, A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LAND SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION, AND THAT THE PLAT REPRESENTS THE RESULTS OF SAID SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SYDNEY A. SCHIEREN
COLORADO P.L.S. 37937



REVISED: JANUARY 20, 2020	SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION TO THE TOWN OF BUENA VISTA
REVISED: APRIL 20, 2020	
JOB # 19158	LANDMARK SURVEYING & MAPPING P.O. BOX 668 SALIDA, CO 81201 PH 719.539.4021 FAX 719.539.4031
DATE: SEPTEMBER 19, 2019	
SHEET 1 OF 1	

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT CONTAINED HEREON.

Attachment C – Resolution making certain findings of fact for Sangre de Cristo Parcel A

See the following three pages

**TOWN OF BUENA VISTA
RESOLUTION NO. 48
SERIES 2020**

**A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE
PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE TOWN OF BUENA
VISTA, COLORADO, KNOWN AS THE SANGRE DE CRISTO ELECTRIC
ASSOCIATION, INC. BUENA VISTA HEADQUARTERS - PARCEL A ANNEXATION**

WHEREAS, a Petition in Annexation was filed with the Town Clerk on April 20, 2020, requesting the annexation of certain unincorporated territory located in Chaffee County, Colorado, otherwise known as the Sangre De Cristo Buena Vista Headquarters Annexation Parcel A, and described in the attached **Exhibit A**;

WHEREAS, said Petition for Annexation was forwarded by the Town Clerk to the Board of Trustees;

WHEREAS, the Board of Trustees of the Town of Buena Vista, Colorado, by resolution passed on July 7, 2020, found substantial compliance of said Petition with C.R.S. § 31-12-107(1);

WHEREAS, the Board of Trustees of the Town of Buena Vista, Colorado, conducted a public hearing on August 25, 2020 as required by law to determine if the proposed annexation complies with C.R.S. §§ 31-12-104 and 31-12-105 to establish eligibility for annexation of the property described in **Exhibit A**;

WHEREAS, public notice of such public hearing was published once a week for four consecutive weeks and notice by registered mail was given to the Clerk of the Board of County Commissioners, the County Attorney, the school district and to any special district having territory in the area to be annexed as required by law;

WHEREAS, the public hearing on said Annexation Petition was conducted in accordance with the requirements of the law; and

WHEREAS, pursuant to C.R.S. § 31-12-110, the Board of Trustees, sitting as the governing body of the Town of Buena Vista, Colorado, is required to set forth its findings of fact and its conclusion as to the eligibility for annexation to the Town of Buena Vista of the property described in **Exhibit A**.

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

Section 1. With regard to the annexation of the territory described in **Exhibit A**, attached hereto and incorporated herein, the applicable provisions of C.R.S. § 31-12-104 have been met, in that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town; and therefore, because of such contiguity, a community of interest exists between the territory proposed to be annexed and the Town; the

territory proposed to be annexed is urban or will be urbanized in the near future, and the territory proposed to be annexed is integrated or is capable of being integrated with the Town.

Section 2. The applicable provisions of C.R.S. § 31-12-105 have been met in that no land held in identical ownership has been divided or included without written consent of the owner thereof; that no annexation proceedings have been commenced by another municipality; that the annexation will not result in the detachment of area from a school district; that the annexation will not result in the extension of a municipal boundary more than three miles; that the Town has in place a plan for said three mile area; and that in establishing the boundaries of the area to be annexed the entire width of any street or alley is included within the area annexed.

Section 3. An annexation election is not required under C.R.S. § 31-12-107(2) and that no additional terms or conditions are to be imposed upon the area to be annexed.

Section 4. The property described in the attached **Exhibit A** is eligible for annexation to the Town of Buena Vista and all requirements of law have been met for such annexation, including the requirements of C.R.S. §§ 31-12-104 and 31-12-105, as amended.

Section 6. An ordinance annexing to the Town of Buena Vista that property described in the attached **Exhibit A** shall be considered by this Board of Trustees pursuant to C.R.S. § 31-12-111.

Section 7. This resolution shall take effect upon adoption by the Board of Trustees. However, by operation of C.R.S. § 31-12-113(2), the annexation will not become effective until the Town Clerk completes the filings required by statute.

ADOPTED this 25th day of August, 2020.

Duff Lacy, Mayor

ATTEST:

Paula Barnett, Town Clerk

Exhibit A

ALL THAT TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SUBJECT PROPERTY, SAID POINT LYING ON THE EASTERN RIGHT-OF-WAY OF U.S. HIGHWAY 24 BEING MARKED BY A 4" x 4" CONCRETE POST; THENCE SOUTH 26°51'11" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1038.50 FEET TO THE POINT OF BEGINNING, SAID POINT BEING MARKED BY A #5 REBAR; THENCE SOUTH 63°05'20" WEST A DISTANCE OF 98.53 FEET TO THE WESTERN RIGHT-OF-WAY OF SAID HIGHWAY; THENCE NORTH 26°46'29" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 411.96 FEET; THENCE NORTH 63°21'01" EAST A DISTANCE OF 97.97 FEET TO THE EASTERN RIGHT-OF-WAY OF SAID HIGHWAY; THENCE NORTH 26°51'11" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 337.56; THENCE SOUTH 79°57'30" EAST A DISTANCE OF 630.87 FEET; THENCE SOUTH 26°52'06" WEST A DISTANCE OF 625.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.27 ACRES, MORE OR LESS

Attachment D – Ordinance annexing the Sangre de Cristo Parcel A

See the following three pages.

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 10
(SERIES OF 2020)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO
ANNEXING TO THE TOWN OF BUENA VISTA, COLORADO BY
SERIAL ANNEXATION CERTAIN REAL PROPERTY KNOWN AS THE
SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. BUENA VISTA
HEADQUARTERS - PARCEL A ANNEXATION**

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Board of Trustees of the Town of Buena Vista, Colorado, a written petition for annexation to and by the Town of Buena Vista, Colorado, of that property described in the attached **Exhibit A**, being contiguous unincorporated territory situated, lying and being in Chaffee County, Colorado;

WHEREAS, the Board of Trustees of the Town of Buena Vista, Colorado has conducted a public hearing as required by law to determine the eligibility for annexation of that property described in **Exhibit A**; and

WHEREAS, the Board of Trustees of the Town of Buena Vista, Colorado, has satisfied itself concerning the eligibility for annexation of that property described in **Exhibit A** and concerning the conformance of the proposed annexation to the applicable law in the annexation policy of the Town of Buena Vista, Colorado.

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

Section 1. The Board of Trustees finds that the property described in **Exhibit A** is part of the serial annexation of a larger parcel of land.

Section 2. The annexation by and to the Town of Buena Vista, Colorado, of that property described in **Exhibit A**, situated, lying and being in Chaffee County, Colorado, meets all requirements of law and the annexation policy of the Town of Buena Vista, and therefore, said annexation is hereby approved and made effective.

Section 3. The owner(s) of more than fifty percent (50%) of the property described in **Exhibit A** has petitioned for annexation.

Section 4. Upon the effective date of this Annexation Ordinance, all lands within the area to be annexed shall become subject to the laws of the State of Colorado pertaining to towns and to all ordinances, resolutions, rules and regulations of the Town of Buena Vista.

Section 5. Considering all of the foregoing, and based on the conviction that annexation of this property to the Town of Buena Vista will serve the best interests of the Town of Buena Vista and the owner(s) of the territory to be annexed, the unincorporated territory described in **Exhibit A**, which is attached hereto and made a part hereof, is hereby annexed to the Town of Buena Vista, Colorado.

Section 6. The Town Clerk shall file for recording three certified copies of the Annexation Ordinance and three copies of the Annexation Map with the Clerk and Recorder of Chaffee County, Colorado.

Section 7. The Annexation Map showing the boundaries of the newly annexed territory as above described shall be kept on file in the office of the Chaffee County Clerk and Recorder.

Section 8. The Town Clerk shall file one certified copy of the Annexation Ordinance and one copy of the Annexation Map with the Division of Local Governments of the Department of Local Affairs.

Section 9. This Ordinance shall become effective thirty (30) days after final publication except for the purpose of general taxation, and for such purposes it shall become effective on January 1st of the next succeeding year following passage of this Ordinance.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 25th day of, 2020.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

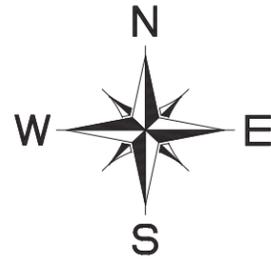
By: _____
Duff Lacy, Mayor

ATTEST:

Paula Barnett, Town Clerk

SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. HEADQUARTERS PARCEL A

LOCATED WITHIN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¼NW¼) OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO



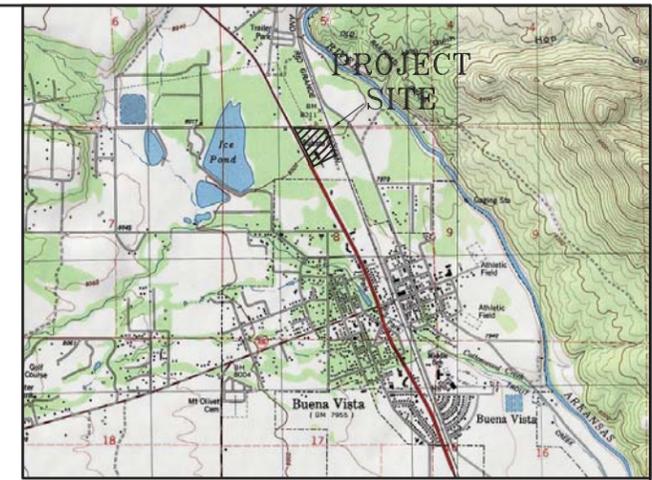
SCALE
1" = 100'



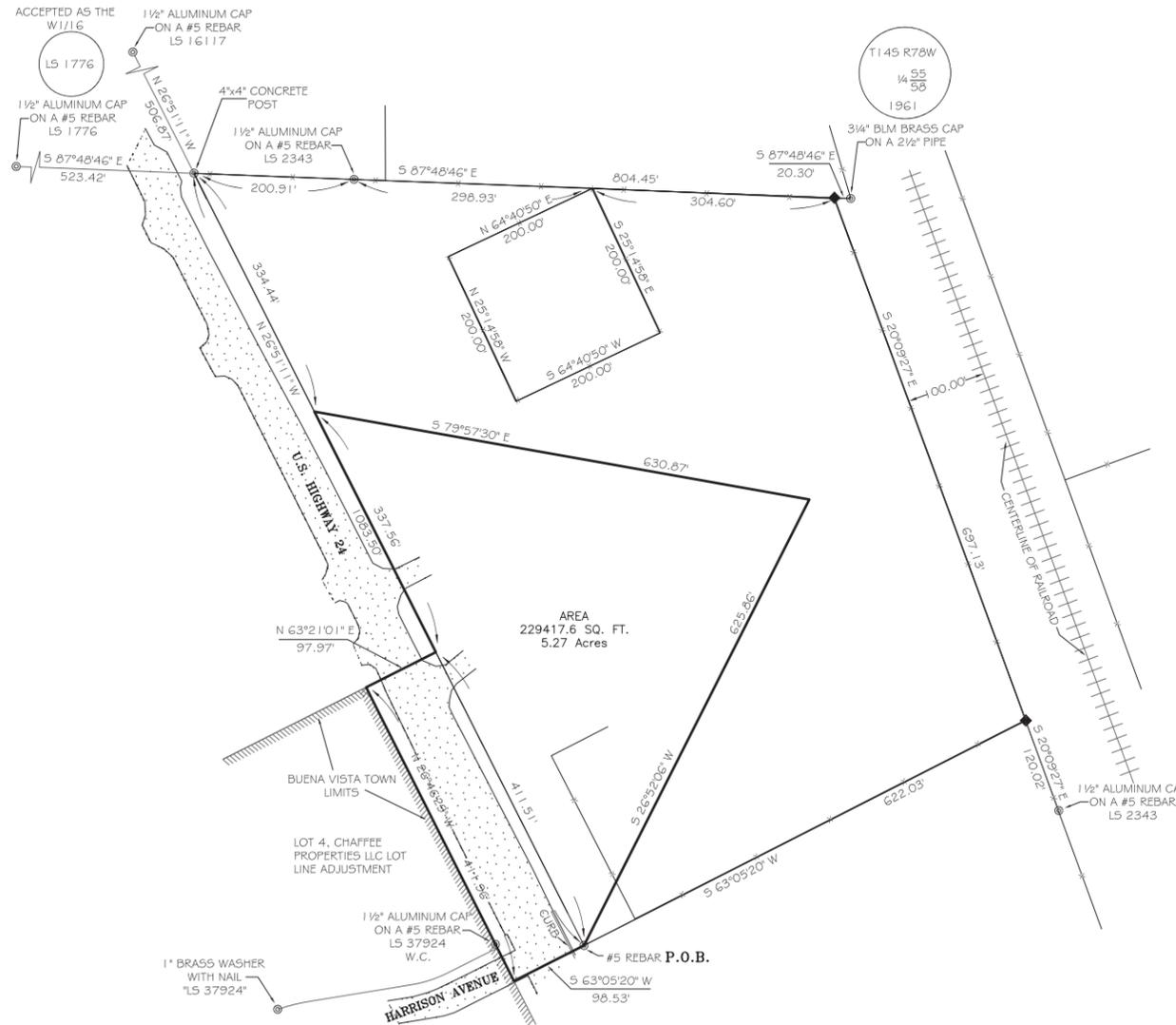
LEGEND

- FOUND MONUMENT AS NOTED
- X — FENCE
- ▨ TOWN LIMITS
- ANNEXATION BOUNDARY
- PARCEL BOUNDARY

CONTIGUOUS	411.96'
MAX PERIMETER ALLOWED	2471.76'
ACTUAL PERIMETER	2202.75'



VICINITY MAP
NOT TO SCALE



GENERAL NOTES

- 1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 8 BETWEEN A B.L.M. BRASS CAP AND A 1 1/2" ALUMINUM CAP STAMPED LS 1776 HAVING A BEARING OF SOUTH 87°48'46" EAST
- 2) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY LANDMARK SURVEYING AND MAPPING TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING TITLE OF RECORD, LANDMARK SURVEYING AND MAPPING RELIED UPON DOCUMENTS PROVIDED BY THE CLIENT. EASEMENTS OF RECORD WERE NOT SHOWN PER CLIENTS REQUEST.
- 3) THE PARCEL DESCRIBED HEREON IS CURRENTLY ZONED CHAFFEE COUNTY IND, PROPOSED ZONING IS BUENA VISTA H-C.
- 4) PROPERTY SHOWN ON THIS MAP IS OWNED BY THE SANGRE DE CRISTO ELECTRIC ASSOCIATION UNLESS OTHERWISE NOTED.

OWNERS' CERTIFICATE AND DEDICATION

THIS IS TO CERTIFY THAT THE SANGRE DE CRISTO ELECTRIC ASSOCIATION IS THE OWNER OF 100% OF THE LAND DESCRIBED AND SET FORTH HEREIN, EXCEPTING THEREFROM THE RIGHT-OF-WAY OF U.S. HIGHWAY 24, THAT SUCH OWNER DESIRES AND APPROVES THE ANNEXATION OF THE TERRITORY DESCRIBED HEREIN TO THE TOWN OF BUENA VISTA, COLORADO.

EXECUTED THIS _____ DAY OF _____, 2020.

OWNER: PAUL ERICKSON, CEO
SANGRE DE CRISTO ELECTRIC ASSOCIATION
P.O. BOX 2013
BUENA VISTA, CO 81211

STATE OF _____ }
155 }
COUNTY OF _____ }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY PAUL ERICKSON ON THE _____ DAY OF _____, 2020.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES: _____

CLERK AND RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ANNEXATION MAP AND A CERTIFIED COPY OF THE ANNEXATION ORDINANCE FOR THE SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION TO THE TOWN OF BUENA VISTA, CHAFFEE COUNTY, COLORADO WERE ACCEPTED AND FILED IN MY OFFICE ON THE _____ DAY OF _____, 2020.

UNDER RECEPTION NUMBER(S) _____

CHAFFEE COUNTY CLERK AND RECORDER _____

LAND SURVEYOR'S CERTIFICATE

I, SYDNEY A. SCHIEREN, A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LAND SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION, AND THAT THE PLAT REPRESENTS THE RESULTS OF SAID SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

PRELIMINARY DRAFT
INTENDED FOR AGENCY USE ONLY
NOT TO BE USED BY CLIENT

SYDNEY A. SCHIEREN
COLORADO P.L.S. 37937



ANNEXATION DESCRIPTION

WHEREAS THE BUENA VISTA, COLORADO BOARD OF TRUSTEES HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX TERRITORY AS DESCRIBED HEREIN BY THE SANGRE DE CRISTO ELECTRIC ASSOCIATION AS OWNER OF 100 PERCENT (100%) OF THE AREA TO BE ANNEXED, EXCEPTING THEREFROM THE RIGHT-OF-WAY OF U.S. HIGHWAY 24; AND

WHEREAS, THE BOARD OF TRUSTEES BY RESOLUTION ADOPTED ON _____ 2020, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF SECTION 31-1-2-107(1), C.R.S.; AND

WHEREAS, AFTER NOTICE AND PUBLIC HEARING ON _____ 2020, AS REQUIRED BY SECTION 31-1-2-108, C.R.S., THE BOARD OF TRUSTEES ADOPTED RESOLUTION NUMBER _____ (SERIES OF 2020), DETERMINING THAT THE ANNEXATION SATISFIED THE REQUIREMENTS OF SECTIONS 31-1-2-104 AND 105, C.R.S. AND THAT AN ANNEXATION ELECTION WAS NOT REQUIRED; AND

WHEREAS, ON _____ 2020, THE BOARD OF TRUSTEES ADOPTED ORDINANCE NUMBER _____ (SERIES 2020) APPROVING AND ANNEXING THE SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION PARCEL A TO THE TOWN OF BUENA VISTA, COLORADO.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF BUENA VISTA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION PARCEL A, AN ANNEXATION COMPRISED OF ONE (1) PARCEL, AS DESCRIBED HEREIN; TO WIT, THAT TERRITORY COMPRISING A TOTAL OF 5.27 ACRES, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SUBJECT PROPERTY, SAID POINT LYING ON THE EASTERN RIGHT-OF-WAY OF U.S. HIGHWAY 24 BEING MARKED BY A 4"x4" CONCRETE POST;

THENCE SOUTH 26°5'11" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1038.50 FEET TO THE POINT OF BEGINNING, SAID POINT BEING MARKED BY A #5 REBAR;

THENCE SOUTH 63°05'20" WEST A DISTANCE OF 98.53 FEET TO THE WESTERN RIGHT-OF-WAY OF SAID HIGHWAY;

THENCE NORTH 26°46'29" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 411.96 FEET;

THENCE NORTH 63°2'10" EAST A DISTANCE OF 97.97 FEET TO THE EASTERN RIGHT-OF-WAY OF SAID HIGHWAY;

THENCE NORTH 26°5'11" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 337.56;

THENCE SOUTH 79°57'30" EAST A DISTANCE OF 630.87 FEET;

THENCE SOUTH 26°52'06" WEST A DISTANCE OF 625.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.27 ACRES, MORE OR LESS

APPROVED THIS _____ DAY OF _____, 2020.

TOWN OF BUENA VISTA, A COLORADO MUNICIPAL CORPORATION

BY: _____
MAYOR

ATTEST: _____
TOWN CLERK

REVISED: JANUARY 20, 2020	SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. HEADQUARTERS PARCEL A LOCATED WITHIN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¼NW¼) OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO
JUNE 15, 2020	
JUNE 16, 2020	
JULY 14, 2020	
JOB # 19158	LANDMARK SURVEYING & MAPPING P.O. BOX 668 SALIDA, CO 81201 PH 719.539.4021 FAX 719.539.4031
DATE: SEPTEMBER 19, 2019	
SHEET 1 OF 1	

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT CONTAINED HEREON.

Attachment E – Resolution making certain findings of fact for Sangre de Cristo Parcel B

See the following three pages.

**TOWN OF BUENA VISTA
RESOLUTION NO. 49
SERIES 2020**

**A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE
PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE TOWN OF BUENA
VISTA, COLORADO, KNOWN AS THE SANGRE DE CRISTO ELECTRIC
ASSOCIATION, INC. BUENA VISTA HEADQUARTERS - PARCEL B ANNEXATION**

WHEREAS, a Petition in Annexation was filed with the Town Clerk on April 20, 2020, requesting the annexation of certain unincorporated territory located in Chaffee County, Colorado, otherwise known as the Sangre De Cristo Buena Vista Headquarters Annexation Parcel B, and described in the attached **Exhibit A**;

WHEREAS, said Petition for Annexation was forwarded by the Town Clerk to the Board of Trustees;

WHEREAS, the Board of Trustees of the Town of Buena Vista, Colorado, by resolution passed on July 7, 2020, found substantial compliance of said Petition with C.R.S. § 31-12-107(1);

WHEREAS, the Board of Trustees of the Town of Buena Vista, Colorado, conducted a public hearing on August 25, 2020, as required by law to determine if the proposed annexation complies with C.R.S. §§ 31-12-104 and 31-12-105 to establish eligibility for annexation of the property described in **Exhibit A**;

WHEREAS, public notice of such public hearing was published once a week for four consecutive weeks and notice by registered mail was given to the Clerk of the Board of County Commissioners, the County Attorney, the school district and to any special district having territory in the area to be annexed as required by law;

WHEREAS, the public hearing on said Annexation Petition was conducted in accordance with the requirements of the law; and

WHEREAS, pursuant to C.R.S. § 31-12-110, the Board of Trustees, sitting as the governing body of the Town of Buena Vista, Colorado, is required to set forth its findings of fact and its conclusion as to the eligibility for annexation to the Town of Buena Vista of the property described in **Exhibit A**.

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

Section 1. With regard to the annexation of the territory described in **Exhibit A**, attached hereto and incorporated herein, the applicable provisions of C.R.S. § 31-12-104 have been met, in that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town; and therefore, because of such contiguity, a

community of interest exists between the territory proposed to be annexed and the Town; the territory proposed to be annexed is urban or will be urbanized in the near future, and the territory proposed to be annexed is integrated or is capable of being integrated with the Town.

Section 2. The applicable provisions of C.R.S. § 31-12-105 have been met in that no land held in identical ownership has been divided or included without written consent of the owner thereof; that no annexation proceedings have been commenced by another municipality; that the annexation will not result in the detachment of area from a school district; that the annexation will not result in the extension of a municipal boundary more than three miles; that the Town has in place a plan for said three mile area; and that in establishing the boundaries of the area to be annexed the entire width of any street or alley is included within the area annexed.

Section 3. An annexation election is not required under C.R.S. § 31-12-107(2) and that no additional terms or conditions are to be imposed upon the area to be annexed.

Section 4. The property described in the attached **Exhibit A** is eligible for annexation to the Town of Buena Vista and all requirements of law have been met for such annexation, including the requirements of C.R.S. §§ 31-12-104 and 31-12-105, as amended.

Section 6. An ordinance annexing to the Town of Buena Vista the property described in the attached **Exhibit A** shall be considered by this Board of Trustees pursuant to C.R.S. § 31-12-111.

Section 7. This resolution shall take effect upon adoption by the Board of Trustees. However, by operation of C.R.S. § 31-12-113(2), the annexation will not become effective until the Town Clerk completes the filings required by statute.

ADOPTED this 25th day of August, 2020.

Duff Lacy, Mayor

ATTEST:

Paula Barnett, Town Clerk

Exhibit A

ALL THAT TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SUBJECT PROPERTY, SAID POINT LYING ON THE EASTERN RIGHT-OF-WAY OF U.S. HIGHWAY 24 BEING MARKED BY A 4" x 4" CONCRETE POST; THENCE SOUTH 26°51'11" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1038.50 FEET TO THE POINT OF BEGINNING, SAID POINT BEING MARKED BY A #5 REBAR; THENCE NORTH 26°52'06" EAST A DISTANCE OF 625.86 FEET; THENCE NORTH 79°57'30" WEST A DISTANCE OF 630.87 FEET TO THE EASTERN RIGHT-OF-WAY OF SAID HIGHWAY; THENCE NORTH 26°51'11" WEST A DISTANCE OF 334.44 FEET ALONG SAID EASTERN RIGHT-OF-WAY TO A 4" x 4" CONCRETE POST; THENCE SOUTH 87°48'46" EAST A DISTANCE OF 499.84 FEET; THENCE SOUTH 64°40'50" WEST A DISTANCE OF 200.00 FEET; THENCE SOUTH 25°14'58" EAST A DISTANCE OF 200.00 FEET; THENCE NORTH 64°40'50" EAST A DISTANCE OF 200.00 FEET; THENCE NORTH 25°14'58" WEST A DISTANCE OF 200.00 FEET; THENCE SOUTH 87°48'46" EAST A DISTANCE OF 304.60 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY OF THE D&RGW RAILROAD; THENCE SOUTH 20°09'27" EAST A DISTANCE OF 697.13 FEET ALONG SAID RAILROAD RIGHT-OF-WAY; THENCE SOUTH 63°05'20" WEST A DISTANCE OF 622.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.43 ACRES, MORE OR LESS

Attachment F – Ordinance annexing the Sangre de Cristo Parcel B

See the following three pages.

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 11
(SERIES OF 2020)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO
ANNEXING TO THE TOWN OF BUENA VISTA, COLORADO BY
SERIAL ANNEXATION CERTAIN REAL PROPERTY KNOWN AS THE
SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. BUENA VISTA
HEADQUARTERS - PARCEL B ANNEXATION**

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Board of Trustees of the Town of Buena Vista, Colorado, a written petition for annexation to and by the Town of Buena Vista, Colorado, of that property described in the attached **Exhibit A**, being contiguous unincorporated territory situated, lying and being in Chaffee County, Colorado;

WHEREAS, the Board of Trustees of the Town of Buena Vista,, Colorado has conducted a public hearing as required by law to determine the eligibility for annexation of that property described in **Exhibit A**; and

WHEREAS, the Board of Trustees of the Town of Buena Vista, Colorado, has satisfied itself concerning the eligibility for annexation of that property described in **Exhibit A** and concerning the conformance of the proposed annexation to the applicable law in the annexation policy of the Town of Buena Vista, Colorado.

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

Section 1. The Board of Trustees finds that the property described in **Exhibit A** is part of the serial annexation of a larger parcel of land.

Section 2. The annexation by and to the Town of Buena Vista, Colorado, of that property described in **Exhibit A**, situated, lying and being in Chaffee County, Colorado, meets all requirements of law and the annexation policy of the Town of Buena Vista, and therefore, said annexation is hereby approved and made effective.

Section 3. The owner(s) of more than fifty percent (50%) of the property described in **Exhibit A** has petitioned for annexation.

Section 4. Upon the effective date of this Annexation Ordinance, all lands within the area to be annexed shall become subject to the laws of the State of Colorado pertaining to towns and to all ordinances, resolutions, rules and regulations of the Town of Buena Vista.

Section 5. Considering all of the foregoing, and based on the conviction that annexation of this property to the Town of Buena Vista will serve the best interests of the Town of Buena Vista and the owner(s) of the territory to be annexed, the unincorporated territory described in **Exhibit A**, which is attached hereto and made a part hereof, is hereby annexed to the Town of Buena Vista, Colorado.

Section 6. The Town Clerk shall file for recording three certified copies of the Annexation Ordinance and three copies of the Annexation Map with the Clerk and Recorder of Chaffee County, Colorado.

Section 7. The Annexation Map showing the boundaries of the newly annexed territory as above described shall be kept on file in the office of the Chaffee County Clerk and Recorder.

Section 8. The Town Clerk shall file one certified copy of the Annexation Ordinance and one copy of the Annexation Map with the Division of Local Governments of the Department of Local Affairs.

Section 9. This Ordinance shall become effective thirty (30) days after final publication except for the purpose of general taxation, and for such purposes it shall become effective on January 1st of the next succeeding year following passage of this Annexation Ordinance.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 25th day of August, 2020.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

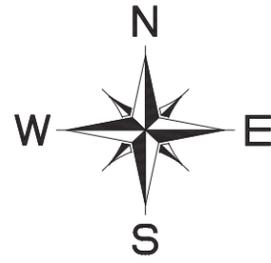
By: _____
Duff Lacy, Mayor

ATTEST:

Paula Barnett, Town Clerk

SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. HEADQUARTERS PARCEL B

LOCATED WITHIN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¹/₄NW¹/₄) OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO



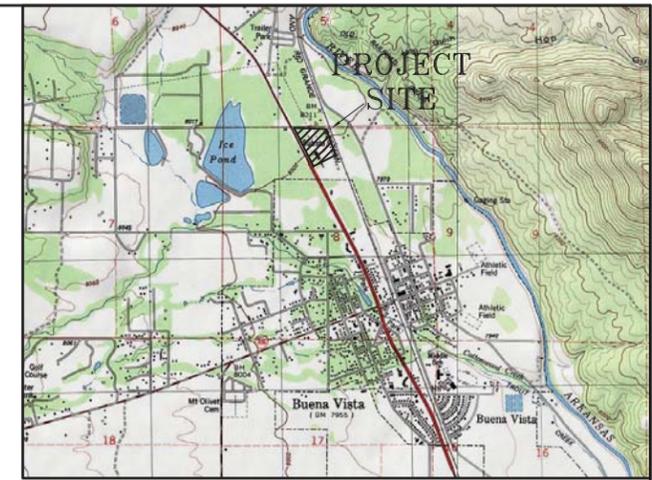
SCALE
1" = 100'



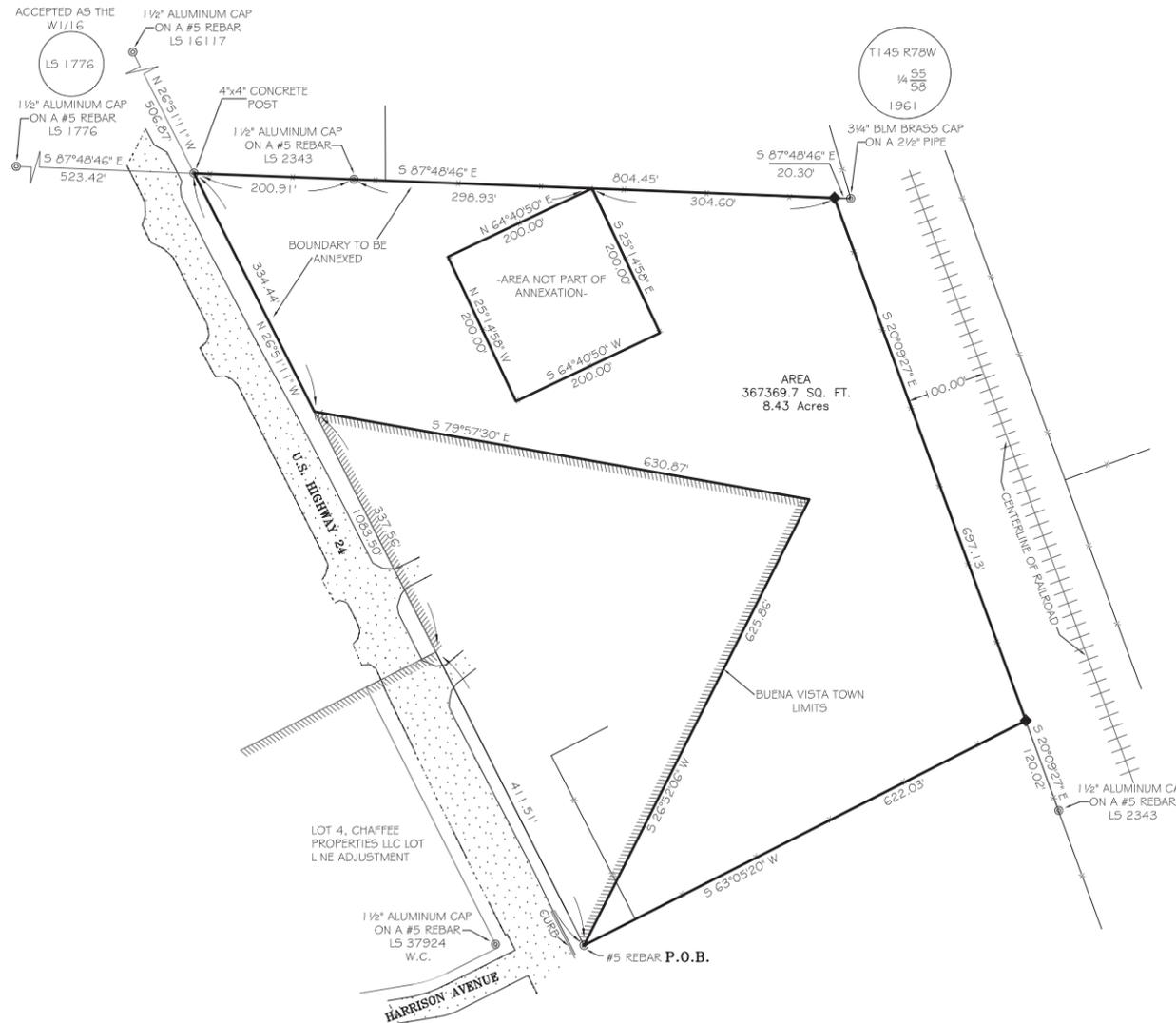
LEGEND

- FOUND MONUMENT AS NOTED
- X — FENCE
- ▤ TOWN LIMITS
- ▬ ANNEXATION BOUNDARY
- ▬ PARCEL BOUNDARY

CONTIGUOUS	1256.73'
MAX PERIMETER ALLOWED	7540.38'
ACTUAL PERIMETER	3714.78'



VICINITY MAP
NOT TO SCALE



ANNEXATION DESCRIPTION

WHEREAS THE BUENA VISTA, COLORADO BOARD OF TRUSTEES HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX TERRITORY AS DESCRIBED HEREIN BY THE SANGRE DE CRISTO ELECTRIC ASSOCIATION AS OWNER OF 100 PERCENT (100%) OF THE AREA TO BE ANNEXED; AND WHEREAS, THE BOARD OF TRUSTEES BY RESOLUTION ADOPTED ON _____ 2020, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF SECTION 31-12-107(1), C.R.S.; AND WHEREAS, AFTER NOTICE AND PUBLIC HEARING ON _____ 2020, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE BOARD OF TRUSTEES ADOPTED RESOLUTION NUMBER _____ (SERIES OF 2020), DETERMINING THAT THE ANNEXATION SATISFIED THE REQUIREMENTS OF SECTIONS 31-12-104 AND 105, C.R.S. AND THAT AN ANNEXATION ELECTION WAS NOT REQUIRED; AND WHEREAS, ON _____ 2020, THE BOARD OF TRUSTEES ADOPTED ORDINANCE NUMBER _____ (SERIES 2020) APPROVING AND ANNEXING THE SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION PARCEL B TO THE TOWN OF BUENA VISTA, COLORADO. NOW, THEREFORE, THE BOARD OF TRUSTEES OF BUENA VISTA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION PARCEL B, AN ANNEXATION COMPRISED OF ONE (1) PARCEL, AS DESCRIBED HEREIN; TO WIT, THAT TERRITORY COMPRISING A TOTAL OF 8.43 ACRES, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SUBJECT PROPERTY, SAID POINT LYING ON THE EASTERN RIGHT-OF-WAY OF U.S. HIGHWAY 24 BEING MARKED BY A 4"x4" CONCRETE POST;
 THENCE SOUTH 26°5'11" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1038.50 FEET TO THE POINT OF BEGINNING, SAID POINT BEING MARKED BY A #5 REBAR;
 THENCE NORTH 26°52'06" EAST A DISTANCE OF 625.86 FEET;
 THENCE NORTH 79°57'30" WEST A DISTANCE OF 630.87 FEET TO THE EASTERN RIGHT-OF-WAY OF SAID HIGHWAY;
 THENCE NORTH 26°5'11" WEST A DISTANCE OF 334.44 FEET ALONG SAID EASTERN RIGHT-OF-WAY TO A 4"x4" CONCRETE POST;
 THENCE SOUTH 87°48'46" EAST A DISTANCE OF 499.84 FEET;
 THENCE SOUTH 64°40'50" WEST A DISTANCE OF 200.00 FEET;
 THENCE SOUTH 25°14'58" EAST A DISTANCE OF 200.00 FEET;
 THENCE NORTH 64°40'50" EAST A DISTANCE OF 200.00 FEET;
 THENCE NORTH 25°14'58" WEST A DISTANCE OF 200.00 FEET;
 THENCE SOUTH 87°48'46" EAST A DISTANCE OF 304.60 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY OF THE DARGW RAILROAD;
 THENCE SOUTH 20°09'27" EAST A DISTANCE OF 697.13 FEET ALONG SAID RAILROAD RIGHT-OF-WAY;
 THENCE SOUTH 63°05'20" WEST A DISTANCE OF 622.03 FEET TO THE POINT OF BEGINNING.
 CONTAINING 8.43 ACRES, MORE OR LESS

APPROVED THIS ____ DAY OF _____, 2020.

TOWN OF BUENA VISTA, A COLORADO MUNICIPAL CORPORATION

BY: _____
MAYOR

ATTEST: _____
TOWN CLERK

GENERAL NOTES

- 1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 8 BETWEEN A B.L.M. BRASS CAP AND A 1 1/2" ALUMINUM CAP STAMPED LS 1776 HAVING A BEARING OF SOUTH 87°48'46" EAST
- 2) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY LANDMARK SURVEYING AND MAPPING TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING TITLE OF RECORD, LANDMARK SURVEYING AND MAPPING RELIED UPON DOCUMENTS PROVIDED BY THE CLIENT. EASEMENTS OF RECORD WERE NOT SHOWN PER CLIENTS REQUEST.
- 3) THE PARCEL DESCRIBED HEREON IS CURRENTLY ZONED CHAFFEE COUNTY IND, PROPOSED ZONING IS BUENA VISTA H-C.
- 4) PROPERTY SHOWN ON THIS MAP IS OWNED BY THE SANGRE DE CRISTO ELECTRIC ASSOCIATION UNLESS OTHERWISE NOTED.

OWNERS' CERTIFICATE AND DEDICATION

THIS IS TO CERTIFY THAT THE SANGRE DE CRISTO ELECTRIC ASSOCIATION IS THE OWNER OF 100% OF THE LAND DESCRIBED AND SET FORTH HEREIN, THAT SUCH OWNER DESIRES AND APPROVES THE ANNEXATION OF THE TERRITORY DESCRIBED HEREIN TO THE TOWN OF BUENA VISTA, COLORADO.

EXECUTED THIS ____ DAY OF _____, 2020.

OWNER: PAUL ERICKSON, CEO

SANGRE DE CRISTO ELECTRIC ASSOCIATION
 P.O. BOX 2013
 BUENA VISTA, CO 81211

STATE OF _____ }
 159 }
 COUNTY OF _____ }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY PAUL ERICKSON ON THE ____ DAY OF _____, 2020.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CLERK AND RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ANNEXATION MAP AND A CERTIFIED COPY OF THE ANNEXATION ORDINANCE FOR THE SANGRE DE CRISTO BUENA VISTA HEADQUARTERS ANNEXATION 2 TO THE TOWN OF BUENA VISTA, CHAFFEE COUNTY, COLORADO WERE ACCEPTED AND FILED IN MY OFFICE ON THE ____ DAY OF _____, 2020.

UNDER RECEPTION NUMBER(S) _____

CHAFFEE COUNTY CLERK AND RECORDER

LAND SURVEYOR'S CERTIFICATE

I, SYDNEY A. SCHIEREN, A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LAND SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION, AND THAT THE PLAT REPRESENTS THE RESULTS OF SAID SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

PRELIMINARY DRAFT
 INTENDED FOR AGENCY USE ONLY
 NOT TO BE USED BY CLIENT

SYDNEY A. SCHIEREN
 COLORADO P.L.S. 37937



REVISED: JANUARY 20, 2020

JUNE 15, 2020
 JUNE 16, 2020
 JULY 14, 2020

JOB # 19158
 DATE: SEPTEMBER 19, 2019
 SHEET 1 OF 1

SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. HEADQUARTERS PARCEL B

LOCATED WITHIN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¹/₄NW¹/₄) OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO



NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT CONTAINED HEREON.

Attachment G – Resolution making certain findings of fact for the Tri-State Parcel

See the following three pages.

**TOWN OF BUENA VISTA
RESOLUTION NO. 50
SERIES 2020**

A RESOLUTION MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE TOWN OF BUENA VISTA, COLORADO, KNOWN AS THE TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. BUENA VISTA SUBSTATION – PARCEL A ANNEXATION

WHEREAS, a Petition in Annexation was filed with the Town Clerk on April 20, 2020, requesting the annexation of certain unincorporated territory located in Chaffee County, Colorado, otherwise known as the Tri-State Substation Annexation, and described in the attached **Exhibit A**;

WHEREAS, said Petition for Annexation was forwarded by the Town Clerk to the Board of Trustees;

WHEREAS, the Board of Trustees of the Town of Buena Vista, Colorado, by resolution passed on July 7, 2020, found substantial compliance of said Petition with C.R.S. § 31-12-107(1);

WHEREAS, the Board of Trustees of the Town of Buena Vista, Colorado, conducted a public hearing on August 25, 2020, as required by law to determine if the proposed annexation complies with C.R.S. §§ 31-12-104 and 31-12-105 to establish eligibility for annexation of the property described in **Exhibit A**;

WHEREAS, public notice of such public hearing was published once a week for four consecutive weeks and notice by registered mail was given to the Clerk of the Board of County Commissioners, the County Attorney, the school district and to any special district having territory in the area to be annexed as required by law;

WHEREAS, the public hearing on said Annexation Petition was conducted in accordance with the requirements of the law; and

WHEREAS, pursuant to C.R.S. § 31-12-110, the Board of Trustees, sitting as the governing body of the Town of Buena Vista, Colorado, is required to set forth its findings of fact and its conclusion as to the eligibility for annexation to the Town of Buena Vista of the property described in **Exhibit A**.

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

Section 1. With regard to the annexation of the territory described in **Exhibit A**, attached hereto and incorporated herein, the applicable provisions of C.R.S. § 31-12-104 have been met, in that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town; and therefore, because of such contiguity, a community of interest exists between the territory proposed to be annexed and the Town; the

territory proposed to be annexed is urban or will be urbanized in the near future, and the territory proposed to be annexed is integrated or is capable of being integrated with the Town.

Section 2. The applicable provisions of C.R.S. § 31-12-105 have been met in that no land held in identical ownership has been divided or included without written consent of the owner thereof; that no annexation proceedings have been commenced by another municipality; that the annexation will not result in the detachment of area from a school district; that the annexation will not result in the extension of a municipal boundary more than three miles; that the Town has in place a plan for said three mile area; and that in establishing the boundaries of the area to be annexed the entire width of any street or alley is included within the area annexed.

Section 3. An annexation election is not required under C.R.S. § 31-12-107(2) and that no additional terms or conditions are to be imposed upon the area to be annexed.

Section 4. The property described in the attached **Exhibit A** is eligible for annexation to the Town of Buena Vista and all requirements of law have been met for such annexation, including the requirements of C.R.S. §§ 31-12-104 and 31-12-105, as amended.

Section 6. An ordinance annexing to the Town of Buena Vista that property described in the attached **Exhibit A** shall be considered by this Board of Trustees pursuant to C.R.S. § 31-12-111.

Section 7. This resolution shall take effect upon adoption by the Board of Trustees. However, by operation of C.R.S. § 31-12-113(2), the annexation will not become effective until the Town Clerk completes the filings required by statute.

ADOPTED this 25th day of August, 2020.

Duff Lacy, Mayor

ATTEST:

Paula Barnett, Town Clerk

Exhibit A

COMMENCING AT THE QUARTER-CORNER OF SECTIONS 5 AND 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE 6TH PRINCIPAL MERIDIAN, SAID QUARTER CORNER BEING MARKED BY A 3¼" B.L.M. BRASS CAP ON A 2½" PIPE; THENCE NORTH 87°48'46" WEST A DISTANCE OF 324.90 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 25°14'58" EAST A DISTANCE OF 200.00 FEET; THENCE SOUTH 64°40'50" WEST A DISTANCE OF 200.00 FEET; THENCE NORTH 25°14'58" WEST A DISTANCE OF 200.00 FEET; THENCE NORTH 64°40'50" EAST A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.92 ACRES, MORE OR LESS

Attachment H – Ordinance annexing the Tri-State Parcel

See the following three pages.

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 12
(SERIES OF 2020)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO
ANNEXING TO THE TOWN OF BUENA VISTA, COLORADO BY
SERIAL ANNEXATION CERTAIN REAL PROPERTY KNOWN AS THE
TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.
BUENA VISTA SUBSTATION – PARCEL A ANNEXATION**

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Board of Trustees of the Town of Buena Vista, Colorado, a written petition for annexation to and by the Town of Buena Vista, Colorado, of that property described in the attached **Exhibit A**, being contiguous unincorporated territory situated, lying and being in Chaffee County, Colorado;

WHEREAS, the Board of Trustees of the Town of Buena Vista, Colorado has conducted a public hearing as required by law to determine the eligibility for annexation of that property described in **Exhibit A**; and

WHEREAS, the Board of Trustees of the Town of Buena Vista, Colorado, has satisfied itself concerning the eligibility for annexation of that property described in **Exhibit A** and concerning the conformance of the proposed annexation to the applicable law in the annexation policy of the Town of Buena Vista, Colorado.

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

Section 1. The Board of Trustees finds that the property described in **Exhibit A** is part of the serial annexation of a larger parcel of land.

Section 2. The annexation by and to the Town of Buena Vista, Colorado, of that property described in **Exhibit A**, situated, lying and being in Chaffee County, Colorado, meets all requirements of law and the annexation policy of the Town of Buena Vista, and therefore, said annexation is hereby approved and made effective.

Section 3. The owner(s) of more than fifty percent (50%) of the property described in **Exhibit A** has petitioned for annexation.

Section 4. Upon the effective date of this Annexation Ordinance, all lands within the area to be annexed shall become subject to the laws of the State of Colorado pertaining to towns and to all ordinances, resolutions, rules and regulations of the Town of Buena Vista.

Section 5. Considering all of the foregoing, and based on the conviction that annexation of this property to the Town of Buena Vista will serve the best interests of the Town of Buena Vista and the owner(s) of the territory to be annexed, the unincorporated territory described in **Exhibit A**, which is attached hereto and made a part hereof, is hereby annexed to the Town of Buena Vista, Colorado.

Section 6. The Town Clerk shall file for recording three certified copies of the Annexation Ordinance and three copies of the Annexation Map with the Clerk and Recorder of Chaffee County, Colorado.

Section 7. The Annexation Map showing the boundaries of the newly annexed territory as above described shall be kept on file in the office of the Chaffee County Clerk and Recorder.

Section 8. The Town Clerk shall file one certified copy of the Annexation Ordinance and one copy of the Annexation Map with the Division of Local Governments of the Department of Local Affairs.

Section 9. This Ordinance shall become effective thirty (30) days after final publication except for the purpose of general taxation, and for such purposes it shall become effective on January 1st of the next succeeding year following passage of this Ordinance.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 25th day of August, 2020.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

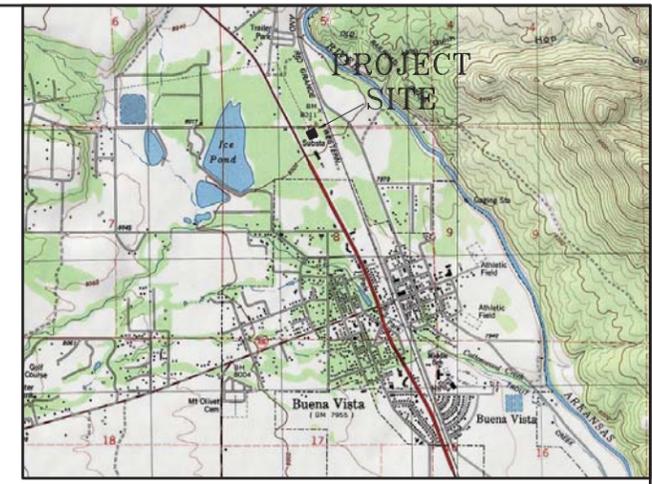
By: _____
Duff Lacy, Mayor

ATTEST:

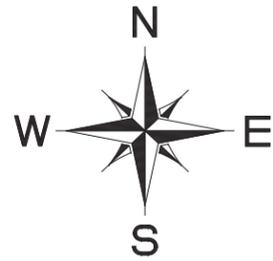
Paula Barnett, Town Clerk

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. BUENA VISTA SUBSTATION PARCEL A

LOCATED WITHIN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¹/₄NW¹/₄) OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO



VICINITY MAP
NOT TO SCALE



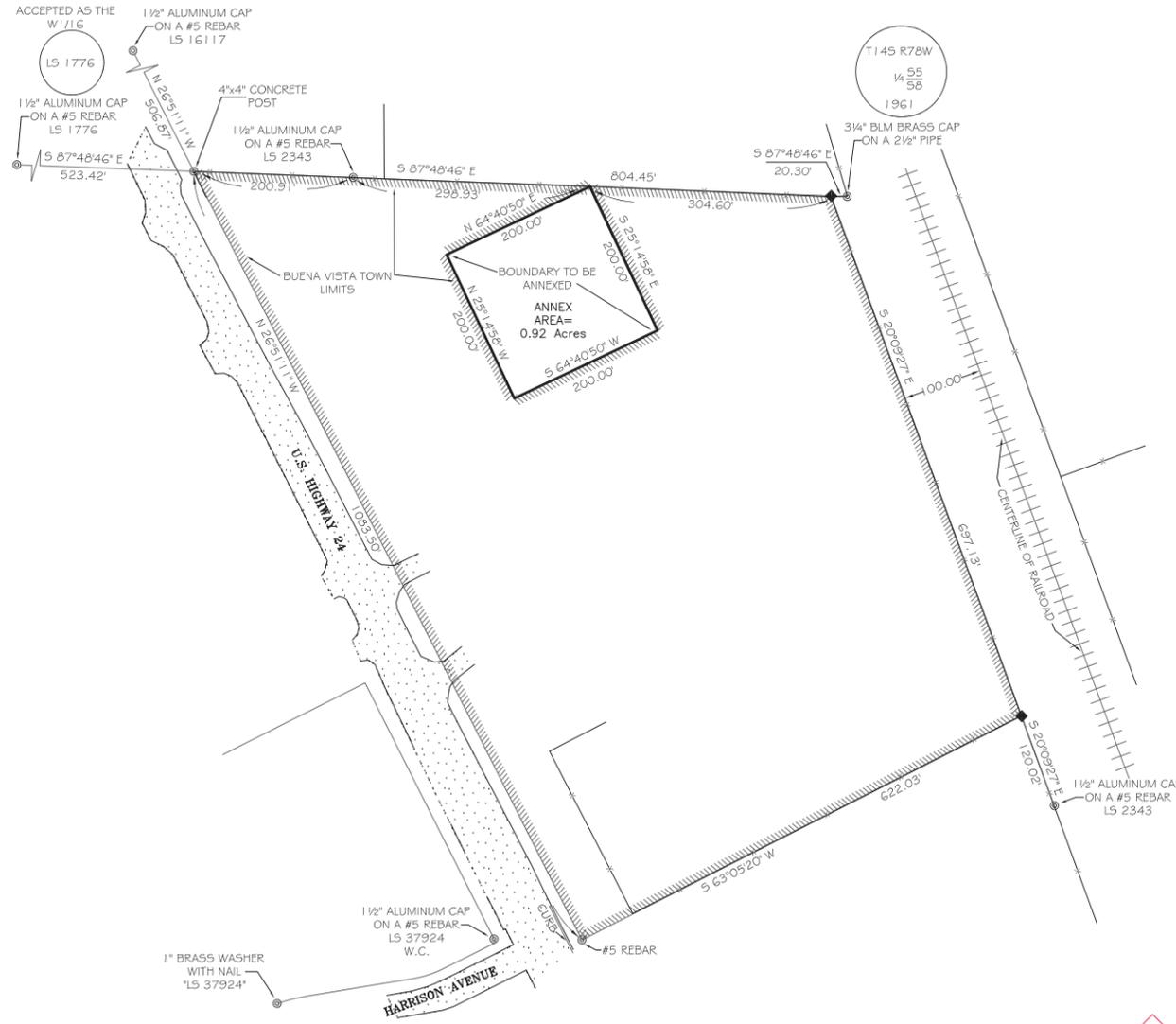
SCALE
1" = 100'



LEGEND

- FOUND MONUMENT AS NOTED
- ◆ FOUND MONUMENT AS NOTED
- X — FENCE
- ▨ TOWN LIMITS
- ▬ ANNEXATION BOUNDARY
- ▬ PARCEL BOUNDARY

ANNEXATION	ANNEX
CONTIGUOUS	800.00'
MAX PERIMETER ALLOWED	4800.00'
ACTUAL PERIMETER	800.00'



ANNEXATION DESCRIPTION

WHEREAS THE BUENA VISTA, COLORADO BOARD OF TRUSTEES HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX TERRITORY AS DESCRIBED HEREIN BY TRI-STATE GENERATION & TRANSMISSION AS OWNER OF 100 PERCENT (100%) OF THE AREA TO BE ANNEXED; AND WHEREAS, THE BOARD OF TRUSTEES BY RESOLUTION ADOPTED ON _____ 2020, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF SECTION 31-12-107(1), C.R.S.; AND WHEREAS, AFTER NOTICE AND PUBLIC HEARING ON _____ 2020, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE BOARD OF TRUSTEES ADOPTED RESOLUTION NUMBER _____ (SERIES OF 2020), DETERMINING THAT THE ANNEXATION SATISFIED THE REQUIREMENTS OF SECTIONS 31-12-104 AND 105, C.R.S. AND THAT AN ANNEXATION ELECTION WAS NOT REQUIRED; AND WHEREAS, ON _____ 2020, THE BOARD OF TRUSTEES ADOPTED ORDINANCE NUMBER _____ (SERIES 2020) APPROVING AND ANNEXING THE TRI-STATE SUBSTATION ANNEXATION TO THE TOWN OF BUENA VISTA, COLORADO. NOW, THEREFORE, THE BOARD OF TRUSTEES OF BUENA VISTA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE TRI-STATE SUBSTATION ANNEXATION, AN ANNEXATION COMPRISED OF ONE (1) PARCEL, AS DESCRIBED HEREIN; TO WIT, THAT TERRITORY COMPRISING A TOTAL OF 0.92 ACRES, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER-CORNER OF SECTIONS 5 AND 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE 6TH PRINCIPAL MERIDIAN, SAID QUARTER CORNER BEING MARKED BY A 3/4" B.L.M. BRASS CAP ON A 2 1/2" PIPE;
 THENCE NORTH 87°48'46" WEST A DISTANCE OF 324.90 FEET TO THE POINT OF BEGINNING;
 THENCE SOUTH 25°14'58" EAST A DISTANCE OF 200.00 FEET;
 THENCE SOUTH 64°40'50" WEST A DISTANCE OF 200.00 FEET;
 THENCE NORTH 25°14'58" WEST A DISTANCE OF 200.00 FEET;
 THENCE NORTH 64°40'50" EAST A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.
 CONTAINING 0.92 ACRES, MORE OR LESS

APPROVED THIS ___ DAY OF _____, 2020.

TOWN OF BUENA VISTA, A COLORADO MUNICIPAL CORPORATION

BY: _____
MAYOR

ATTEST: _____
TOWN CLERK

GENERAL NOTES

- 1) BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH FROM COLORADO STATE PLANE COORDINATE SYSTEM CENTRAL ZONE, BASED ON G.P.S. OBSERVATIONS ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 8 BETWEEN A B.L.M. BRASS CAP AND A 1 1/2" ALUMINUM CAP STAMPED LS 1776 HAVING A BEARING OF SOUTH 87°48'46" EAST
- 2) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY LANDMARK SURVEYING AND MAPPING TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING TITLE OF RECORD, LANDMARK SURVEYING AND MAPPING RELIED UPON DOCUMENTS PROVIDED BY THE CLIENT. EASEMENTS OF RECORD WERE NOT SHOWN PER CLIENTS REQUEST.
- 3) THE PARCEL DESCRIBED HEREON IS CURRENTLY ZONED CHAFFEE COUNTY IND, PROPOSED ZONING IS BUENA VISTA H-C.
- 4) PROPERTY SHOWN ON THIS MAP IS OWNED BY TRI-STATE GENERATION & TRANSMISSION UNLESS OTHERWISE NOTED.

OWNERS' CERTIFICATE AND DEDICATION

THIS IS TO CERTIFY THAT TRI-STATE GENERATION & TRANSMISSION IS THE OWNER OF 100% OF THE LAND DESCRIBED AND SET FORTH HEREIN, THAT SUCH OWNER DESIRES AND APPROVES THE ANNEXATION OF THE TERRITORY DESCRIBED HEREIN TO THE TOWN OF BUENA VISTA, COLORADO.

EXECUTED THIS ___ DAY OF _____, 2020.

OWNER: JOEL K. BLADOW, SENIOR VICE PRESIDENT, TRANSMISSION

TRI-STATE GENERATION & TRANSMISSION
1100 WEST 116TH AVENUE
WESTMINSTER, CO 80234

STATE OF _____ }
COUNTY OF _____ }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY JOEL K. BLADOW ON THE ___ DAY OF _____, 2020.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES: _____

CLERK AND RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ANNEXATION MAP AND A CERTIFIED COPY OF THE ANNEXATION ORDINANCE FOR THE TRI-STATE SUBSTATION ANNEXATION TO THE TOWN OF BUENA VISTA, CHAFFEE COUNTY, COLORADO WERE ACCEPTED AND FILED IN MY OFFICE ON THE ___ DAY OF _____, 2020.

UNDER RECEPTION NUMBER(S) _____

CHAFFEE COUNTY CLERK AND RECORDER _____

LAND SURVEYOR'S CERTIFICATE

I, SYDNEY A. SCHIEREN, A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LAND SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION, AND THAT THE PLAT REPRESENTS THE RESULTS OF SAID SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

PRELIMINARY DRAFT
INTENDED FOR AGENCY USE ONLY
NOT TO BE USED BY CLIENT

SYDNEY A. SCHIEREN
COLORADO P.L.S. 37937



REVISED: JANUARY 20, 2020

JUNE 15, 2020
JULY 14, 2020

JOB # 19158
DATE: SEPTEMBER 19, 2019
SHEET 1 OF 1

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. BUENA VISTA SUBSTATION PARCEL A

LOCATED WITHIN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¹/₄NW¹/₄) OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO



NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT CONTAINED HEREON.



TOWN OF BUENA VISTA

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

DATE: August 25, 2020

TO: Mayor and Board of Trustees

FROM: Mark N. Doering, Principal Planner

AGENDA ITEM: An ordinance of the Town of Buena Vista, Colorado, zoning newly annexed property known as the Sangre de Cristo Buena Vista Headquarters Annexation Parcels A and B and Tri-State Headquarters Parcel A Annexation.

Request:

Sangre de Cristo Electric and Tri-State Electric are requesting that the Board of Trustees approve an Ordinance zoning the property located at 29780 N. Highway 24 to the Highway Commercial (HC) zone district. That property is made up of two parcels owned by two separate owners, Sangre de Cristo (the office building, warehouse, garage, and the associated storage yard) and Tri-State Electric (the Substation itself). The property, if annexed as part of the associated annexation application, needs to be zoned to a Town zone district to provide regulation under the Town's zoning ordinance.

Background:

The 14.62-acre property is currently zoned Industrial (IND) under the Chaffee County regulations. Once the property is annexed, if approved, needs to be assigned a Town zone district for future regulation of the property. The existing use on the property is a Public Utility Distribution or Transmission Facility and is made up of the Sangre de Cristo offices, warehouse, garage, and outside storage yard along with the existing Tri-State Electrical substation, itself. That use is allowed in the Highway Commercial (HC) zone district under the Town's zoning regulations. The outside storage yard is currently unscreened, and does not meet the current Town standards for screening, but is allowed to remain as non-conforming as it exists on the property prior to being annexed and zoned under the proposed Town's Highway Commercial (HC) zone district regulations. Should any changes occur to the property that would trigger the Town's nonconforming regulations listed in Section 1.5 of the Unified Development Code (UDC), the storage yard fencing will need to be addressed at that time.

Budget Impact:

No impact.

Analysis

The applicant submitted a Rezoning application as specified in Section 6.4.1 of the Town of Buena Vista Municipal Code. Staff reviewed the application and found that it met all of the criteria listed in Section 6.4.1 of the Unified Development Code, and forwarded the request to the Planning and Zoning Commission. See the Planning and Zoning Commission staff report included with the previous Annexation Public Hearing staff report for additional information relating to the zoning request. At the public hearing on August 5, 2020, the Planning and Zoning Commission reviewed the zoning application, and recommended that the Board of Trustees approve the initial zoning request. See Attachment C for the Draft Planning and Zoning Commission Meeting Minutes for more information.

BOT Action:

If the Board of Trustees agree with staff's and the Planning and Zoning Commission's recommendations, it should approve the ordinance zoning the Sangre de Cristo Headquarters and Tri-State Substation property located at 29780 N. Highway 24 as Highway Commercial (HC) zone district.

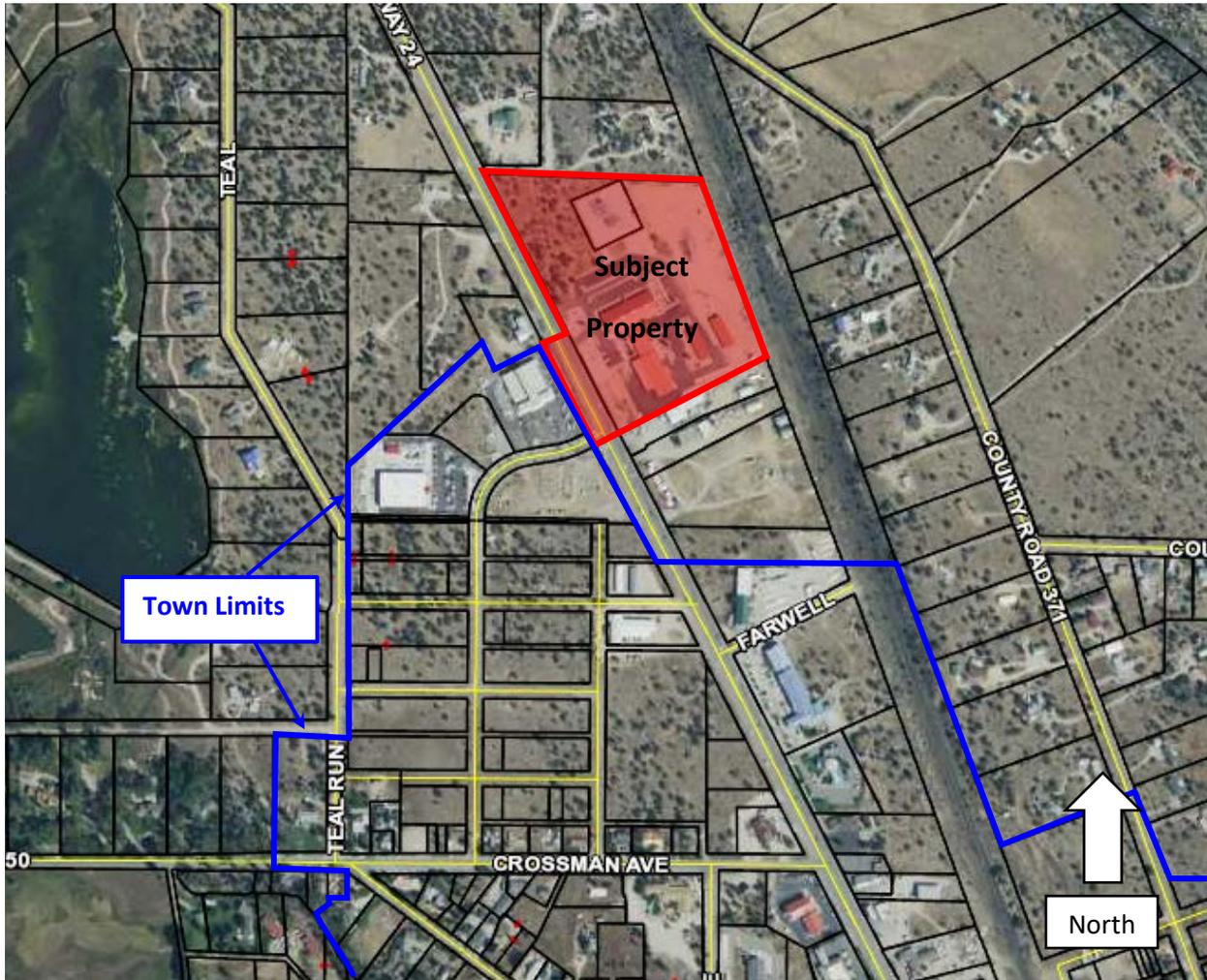
Attachments:

Attachment A – Vicinity Map

Attachment B – Zoning Maps (existing Town Zoning Map and existing County Zoning Map)

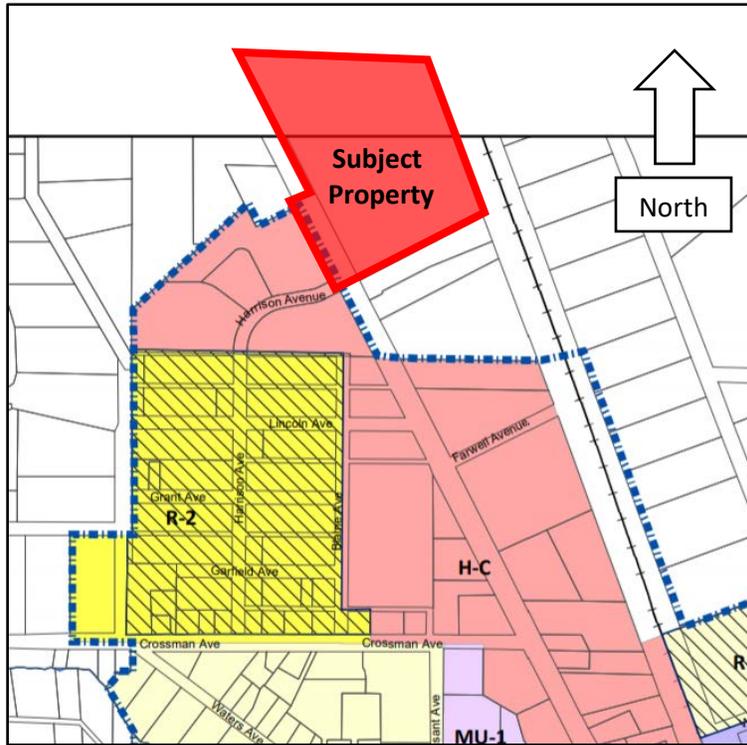
Attachment C – Planning and Zoning Commission Draft August 5, 2020 Meeting Minutes

Attachment A – Vicinity Map

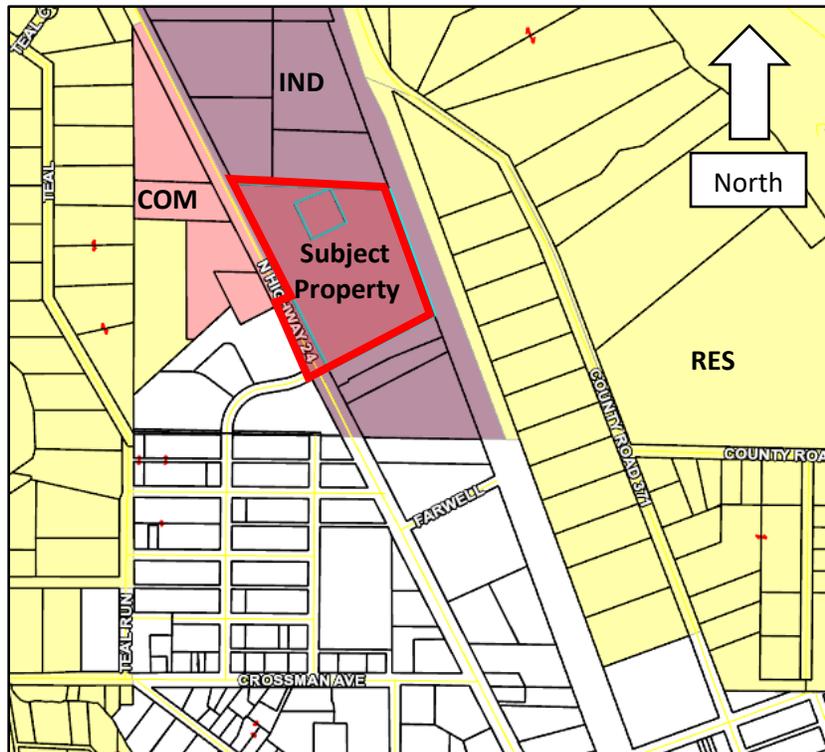


Attachment B – Zoning Maps (existing Town Zoning Map and existing County Zoning Map)

Buena Vista Zoning Map



County Zoning Map



Attachment C – Planning and Zoning Commission Draft August 5, 2020 Meeting Minutes

See the following three pages.



Draft Minutes of the Regular Meeting of the Buena Vista Planning and Zoning Commission August 5, 2020

CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 7:00 pm, Wednesday, August 5, 2020 via Zoom virtual meeting by Chair Preston Larimer. Also present were Vice Chair Lynn Schultz-Writsel, Commissioners Estes Banks, Thomas Doumas, Craig Brown, and Alternate Commissioner Tony LaGreca.

Staff Present: Principal Planner Mark Doering, Planning Technician Doug Tart.

PLEDGE OF ALLEGIANCE

Chair Larimer led in the Pledge of Allegiance.

ROLL CALL

Doering proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

Larimer called for approval of the agenda. Doumas motioned to adopt the agenda as presented, **Motion #1** seconded by Banks. Motion carried.

APPROVAL OF MINUTES

Schultz-Writsel suggested minor changes to the minutes. The first was at the bottom of page 2, to change "...the staff recommended" to "...the staff recommends". On page 3, third paragraph from the bottom, remove "to". The third change was on page 3, third paragraph from the bottom, to add "...heard at a public meeting" to the second sentence of the paragraph. This was to clarify who the Board of County Commissioners first heard the IGA from.

Larimer suggested that the first condition of approval on page 2 be updated to change "long-term residential and retail" to "long-term residential and retail *uses*".

Banks suggested adding that this was the first time that the UDC, Comprehensive Plan, and Historic Preservation Committee came together, making it easier to approve the project. This was added as the second paragraph of page 3.

Larimer motioned for approval of the July 15, 2020 minutes as amended. **Motion #2** was seconded by Schultz-Writsel. Motion carried.

PUBLIC COMMENT

Public comments opened at 7:10 pm. With no comments, public comment was closed at 7:10 pm.

NEW BUSINESS

The only item for new business was the Sangre de Cristo annexation. Doering introduced Mike Allen, the Energy Use Advisor from Sangre de Cristo Electric. Sangre de Cristo has requested to annex its headquarters into the Town of Buena Vista in fulfillment of the terms of the water service agreement which was executed in 2009 to address future growth of the headquarters and the need to be serviced by Town water.

Allen then turned the floor over to Doering. Doering explained that the goal was to discuss the annexation of the Sangre de Cristo headquarters, as well as to change the zoning to Highway Commercial. The property consists of two parcels for a total of approximately 14.6 acres located at 29780 US Hwy 24 N. A portion of Highway 24 will be annexed along with the Sangre de Cristo property which surrounds the Tri-State substation. The request is to accept three petitions for annexation, with the public hearing date for the Board of Trustees on August 25, 2020. Along with the annexation there is an application for zoning the property in accordance to state statutes. The Board will make a decision for both the annexation application and zoning on August 25. Due to requirements for contiguity with Town boundary, the annexation must occur in portions, hence the three petitions. A portion of Highway 24 will be annexed along with the Sangre de Cristo property which surrounds the Tri-State substation.

There is criteria in the state statutes that states that 1/6 of the perimeter has to be contiguous with the Town boundary. Second, a community of interest must exist between the area of interest and the Town. This is met due to existing water service to the property. The property is not hooked up to Town sanitation. Additionally, due to the existing mutual aid agreements, the Town provides backup emergency services to the property. Third, the area proposed to be annexed is urban or will be urbanized in the near future and is integrated or capable of being integrated with the Town. Water and road connections already exist.

There are several items in the UDC, with at least one being necessary, to review a zoning application. First, it is consistent with the Comprehensive Plan. Second, the zoning is consistent with the proposed zoning district. Third, significant changes in the area warrant a zoning change. Due to significant commercial growth in the area, this criteria is met. Fourth, there is no error in the establishment of the current zoning. This is not applicable because this will establish the first and correct zoning for the property. Fifth, it must not create a significant adverse impact to the area. Sixth, public facilities can adequately serve the property.

Staff recommends that the Planning and Zoning Commission approve the applications for both the annexation and zoning of the Sangre de Cristo headquarters, storage yard, and Tri-State substation located at 29780 US Hwy 24 N.

Doumas motioned to accept the staff's recommendation to approve the annexation and zone the property as Highway Commercial. Brown seconded. **Motion #3** was unanimously approved.

STAFF / COMMISSION INTERACTION

Larimer pointed out a mistake in the packet. On page 2, under Process, the date was typed out as 202 instead of 2020. This has been corrected.

Code Enforcement Officer, Grant Bryans, will join the Planning and Zoning Commission meeting in September to discuss the Town's new RV and Camping regulations.

LaGreca left the meeting at 7:58 p.m.

ADJOURNMENT

There being no further business to come before the Commission, Banks motioned to adjourn the meeting at 8:17 p.m. Doumas seconded. **Motion #4** was unanimously approved.

Respectfully submitted:

Preston Larimer, Chair

Doug Tart, Planning Technician

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 13
(SERIES OF 2020)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,
ZONING NEWLY ANNEXED PROPERTY KNOWN AS THE SANGRE DE
CRISTO ELECTRIC ASSOCIATION, INC. BUENA VISTA
HEADQUARTERS PARCELS A AND B AND THE TRI-STATE
GENERATION AND TRANSMISSION ASSOCIATION, INC. BUENA
VISTA SUBSTATION PARCEL A ANNEXATIONS**

WHEREAS, on August 25, 2020, the Board of Trustees of the Town of Buena Vista annexed certain property into the Town, described in **Exhibit A** to this ordinance and incorporated by this reference ("Properties"); and

WHEREAS, the Town now desires to zone the Properties pursuant to C.R.S. § 31-12-115(1).

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

Section 1. The Properties are hereby zoned Highway Commercial District (HC).

Section 2. The Town acknowledges that a fence surrounding a storage yard exists on the parcels identified as Sangre de Cristo Electric Association, Inc. Buena Vista Headquarters Annexation Parcels A and B that does not meet the current zoning standards for fences in the Buena Vista Municipal Code ("Code"). The fenced storage is therefore deemed a non-conforming site feature pursuant to Sec. 16.01.1.5.5 of the Code and shall be subject to the provisions of the Code governing nonconformities, as may be amended.

Section 3. The Zoning Map is hereby amended to conform to these zoning changes.

Section 4. **Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 5. **Safety.** This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this ____ day of _____, 2020.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____
Duff Lacy, Mayor

ATTEST:

Paula Barnett, Town Clerk

(SEAL)

**LEGAL DESCRIPTION
OF A
PARCEL OF LAND**

ALL THAT TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 14 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHAFFEE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SUBJECT PROPERTY, SAID POINT LYING ON THE EASTERN RIGHT-OF-WAY OF U.S. HIGHWAY 24 BEING MARKED BY A 4"x4" CONCRETE POST;
THENCE SOUTH 26°51'11" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1083.50 FEET TO THE POINT OF BEGINNING, SAID POINT BEING MARKED BY A #5 REBAR;
THENCE SOUTH 63°05'20" WEST A DISTANCE OF 98.53 FEET TO THE WESTERN RIGHT-OF-WAY OF SAID HIGHWAY;
THENCE NORTH 26°46'29" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 411.96 FEET;
THENCE NORTH 63°21'01" EAST A DISTANCE OF 97.97 FEET TO THE EASTERN RIGHT-OF-WAY OF SAID HIGHWAY;
THENCE NORTH 26°51'11" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 672.00 FEET TO SAID 4"x4" CONCRETE POST;
THENCE SOUTH 87°48'46" EAST A DISTANCE OF 804.45 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY OF THE D&RGW RAILROAD;
THENCE SOUTH 20°09'27" EAST A DISTANCE OF 697.13 FEET ALONG SAID RAILROAD RIGHT-OF-WAY;
THENCE SOUTH 63°05'20" WEST A DISTANCE OF 622.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 14.62 ACRES

PREPARED BY:



TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. _____
(SERIES OF 2020)

AN ORDINANCE REPEALING AND REENACTING ARTICLE IV OF CHAPTER 6 OF THE BUENA VISTA MUNICIPAL CODE CONCERNING MEDICAL AND RETAIL MARIJUANA BUSINESSES AND AMENDING THE TOWN'S ZONING REGULATIONS TO INCLUDE MEDICAL AND RETAIL MARIJUANA AS PERMITTED USES IN CERTAIN ZONE DISTRICTS

WHEREAS, the Town of Buena Vista currently permits medical marijuana centers, optional premises cultivation, and marijuana-infused products manufacturers in the Town;

WHEREAS, the Board of Trustees desires to continue to permit medical marijuana centers (now referred to as medical marijuana stores) in the Town and to allow retail marijuana stores, but no longer permit infused-product manufacturing or optional premises cultivation;

WHEREAS, the Board of Trustees therefore desires to combine the Town's current medical marijuana regulations with new retail marijuana regulations to regulate these businesses and to provide consistency with respect to the location, application, security, signage, and procedural requirements for such businesses;

WHEREAS, the Board of Trustees further desires to update the regulations to address amendments to the state's laws concerning such businesses, including without limitation, residency requirements for owners;

WHEREAS, such consistency is particularly important because the Board of Trustees desires to allow dual medical and retail marijuana operations;

WHEREAS, although the Board of Trustees desires to provide access to medical marijuana and medical marijuana infused products to patients, the Board of Trustees desires to limit the proliferation of marijuana businesses in the Town; and

WHEREAS, therefore, the Board of Trustees is limiting marijuana businesses to a total of two locations in the Town and permitting each location to service as either a medical marijuana store, a retail marijuana store, or a dual operation.

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

Section 1. Article IV of Chapter 6 of the Buena Vista Municipal Code is hereby repealed and reenacted to provide as follows:

ARTICLE IV - MEDICAL AND RETAIL MARIJUANA BUSINESSES

Sec. 6-121. - Purpose.

The purpose of this Article is to implement the provisions of the Colorado Marijuana Code, C.R.S. § 44-10-101, *et seq.*, which authorizes the licensing and regulation of medical and retail marijuana businesses and affords local government the option to determine whether to allow medical and retail marijuana businesses within their respective jurisdictions and to adopt licensing requirements that are supplemental to or more restrictive than the requirements set forth in state law.

Sec. 6-122.- Incorporation of state law.

The provisions of the Colorado Marijuana Code and any rules and regulations promulgated thereunder as the same may be amended from time to time, are incorporated herein by reference except to the extent that more restrictive or additional regulations are set forth in this Article. In addition to the regulations set forth in this Article, the Town may enforce any provision of the Colorado Marijuana Code and any rules and regulations promulgated thereunder applicable to licensees.

Sec. 6-123. - Authority.

The Board of Trustees hereby finds, determines and declares that it has the power to adopt this Article pursuant to:

1. Article XVIII, Section 14 of the Colorado Constitution;
2. The Colorado Marijuana Code, C.R.S. § 44-10-101, *et seq.*;
3. Article XVIII, Section 16 of the Colorado Constitution;
4. The Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.;
5. Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers);
6. C.R.S. § 31-15-103 (concerning municipal police powers);
7. C.R.S. § 31-15-401 (concerning municipal police powers); and
8. C.R.S. § 31-15-501 (concerning municipal authority to regulate businesses).

Sec. 6-124. - Definitions.

For purposes of this Article, the following terms shall have the following meanings:

"Applicant" means a person twenty-one years of age or older who has submitted an application for a license or renewal of a license issued pursuant to this Article. If the applicant is an entity and not a natural person, applicant shall include all persons who are the members, managers, partners, officers or directors of such entity.

"Colorado Marijuana Code" means Article 10 of Title 44, Colorado Revised Statutes.

"Consumer" means a person twenty-one years of age or older who purchases retail marijuana or retail marijuana products for personal use by a person twenty-one years of age or older, but not for resale to others.

"Cultivation" or "cultivate" means the process by which a person grows a marijuana plant.

"Dual operation" means a person that operates a licensed medical marijuana store and a licensed retail marijuana store at the same location in accordance with Section 6-126 of this Code.

"Good cause" means:

1. The licensee has violated, does not meet, or has failed to comply with any of the terms, conditions or provisions of this Article or the Colorado Marijuana Code and any rule and regulation promulgated pursuant to this Article or the Colorado Marijuana Code;
2. The licensee has failed to comply with any special terms or conditions that were placed on its license at the time the license was issued, or that were placed on its license in prior disciplinary proceedings or that arose in the context of potential disciplinary proceedings; or
3. The licensee's medical or retail marijuana store has been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the medical or retail marijuana store is located. Evidence to support such a finding can include:
 - a. A continuing pattern of offenses as defined in Chapters 7 or 8 of the Buena Vista Municipal Code;
 - b. A continuing pattern of drug-related criminal conduct within the premises or in the immediate area surrounding the premises arising out of the operation of the store; or
 - c. A continuing pattern of criminal conduct directly related to or arising from the operation of the medical or retail marijuana store.

"Industrial hemp" means the plant of the genus cannabis and any part of such plant, whether growing or not, with a Delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent on a dry weight basis.

"License" means a document issued by the Town officially authorizing an applicant to operate a medical or retail marijuana store pursuant to this Article.

"Licensee" means the person to whom a license has been issued pursuant to this Article.

"Licensed premises" means the premises specified in an application for a license under this Article, which is owned or in possession of the licensee and within which the licensee is authorized to distribute or sell medical or retail marijuana or medical or retail marijuana products in accordance with state and local law.

"Local licensing authority" means the Board of Trustees of Town of Buena Vista.

"Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

"Marijuana accessories" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

"Medical marijuana" means marijuana that is grown and sold pursuant to the provisions of the Colorado Marijuana Code and for a purpose authorized by section 14 of article XVIII of the state constitution. If the context requires, medical marijuana includes medical marijuana concentrate and medical marijuana products.

"Medical marijuana store" means a person licensed pursuant to the Colorado Marijuana Code to operate a business as described in C.R.S. § 44-10-501 that sells medical marijuana to registered patients or primary caregivers as defined in section 14 of article XVIII of the state constitution, but is not a primary caregiver.

"Patient" has the meaning set forth in Article XVIII, § 14(1)(c) of the Colorado Constitution.

"Person" means a natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, owner, director, servant, officer, or employee thereof.

"Premises" means a distinct and definite location, which may include a building, a part of a building, a room, or any other definite contiguous area.

"Primary caregiver" has the meaning set forth in Article XVIII, § 14 (1)(f) of the Colorado Constitution.

"Retail marijuana" means "marijuana" or "marihuana", as defined in section 16(2)(f) of article XVIII of the state constitution, that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana business. If the context requires, retail marijuana includes retail marijuana concentrate and retail marijuana products.

"Retail marijuana business" means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturer, a marijuana hospitality business, a retail marijuana hospitality and sales business, a retail marijuana testing facility, a retail marijuana business operator, or a retail marijuana transporter.

"Retail marijuana products" means "marijuana products" as defined in section 16(2)(k) of article XVIII of the state constitution that are produced at a retail marijuana products manufacturer, such as, but not limited to, edible products, ointments and tinctures.

"Retail marijuana store" means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

"School" means a public or private preschool or a public or private elementary, middle, junior high or high school or institution of higher education.

"State licensing authority" means the authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, sale, and testing of regulated marijuana in this state pursuant to C.R.S. § 44-10-201.

In addition to the definitions provided herein, other terms used in this Article shall have the meaning ascribed to them in Article XVIII, § 16 of the Colorado Constitution, or the Colorado Marijuana Code, and such definitions are hereby incorporated into this Article by reference.

Sec. 6-125. - License required for operation of medical marijuana stores and retail marijuana stores.

The Town hereby authorizes the operation of medical and retail marijuana stores in the Town as set forth in this Article. It shall be unlawful for any person to establish or operate a medical or retail marijuana store in the Town without first having obtained a license for such business from the local licensing authority. Such license shall always be kept current, and the failure to maintain a current license shall constitute a violation of this Section.

Sec. 6-126. - Dual operations.

(a) Medical and retail marijuana stores may be operated as dual operations. A person may operate a licensed medical marijuana store and a retail marijuana store at the same location; provided that except as set forth in Subsection (b) of this Section, at such location a dual medical marijuana store and retail marijuana store shall maintain separate licensed premises, including entrances and exits, inventory, point of sale operations, and record keeping.

(b) A dual medical marijuana store and retail marijuana store that only sells medical marijuana to persons twenty-one years of age or older and that posts signage clearly stating that persons under the age of twenty-one years may not enter, may share the same entrances and exits

to the shared premises and medical and retail marijuana may be separately displayed on the same floor.

(c) Recordkeeping for the dual operation must allow the Town to clearly distinguish the inventories and business transactions of medical marijuana and medical marijuana-infused products from retail marijuana and retail marijuana products.

Sec. 6-127. – Prohibitions.

All marijuana businesses other than medical marijuana stores and retail marijuana stores are prohibited.

Sec. 6-128. – Operational restrictions.

(a) Quantity Restrictions.

1. **Retail Marijuana Stores.** A licensed retail marijuana store may sell up to one ounce of retail marijuana or its equivalent in retail marijuana products during a single sales transaction. A single transaction for purposes of this limit includes multiple transfers to the same consumer during the same business day where the retail marijuana store employee knows or reasonably should know that such transfer would result in that consumer purchasing more than one ounce of marijuana during the same business day.
2. **Medical Marijuana Stores.** A licensed medical marijuana store may sell up to two ounces of medical marijuana flower, 40 grams of medical marijuana concentrate or medical marijuana products containing a combined total of up to 20,000 mg during a single sales transaction, unless the patient has designated the medical marijuana store as his or her primary store and supplied it with documentation from the patient's physician allowing the patient more than two ounces of medical marijuana, in which case the patient may be provided with up to his or her extended ounce count. A single transaction for purposes of this limit includes multiple transfers to the same consumer during the same business day where the retail marijuana store employee knows or reasonably should know that such transfer would result in that patient purchasing more than his or her allowable amount of medical marijuana during the same business day.

(b) Identification.

1. **Retail Marijuana Stores.** Prior to any sale of retail marijuana, the age of the consumer must be verified by one of the following forms of identification:
 - a. An operator's, chauffeur's or similar type driver's license, including a temporary license, issued by any state within the United States, District of Columbia, or any U.S. territory;

- b. An identification card, including a temporary identification card, issued by any state within the United States, District of Columbia, or any U.S. territory, for the purpose of proof of age using requirements similar to those in C.R.S §§ 42-2-302 and 42-2- 303.;
 - c. A United States military identification card or any other identification card issued by the United States government including but not limited to a permanent resident card, alien registration card, or consular card;
 - d. A passport or passport identification card; or
 - e. Enrollment card issued by the governing authority of a federally recognized Indian tribe, if the enrollment card incorporates proof of age requirements similar to C.R.S §§ 42-2-302 and 42-2- 303.
2. Medical Marijuana Stores. Prior to any sale of medical marijuana, the patient or caregiver must provide adequate, currently valid proof of identification as permitted for retail consumers by Subsection (b)(1) above and either a valid patient registry card or a copy of a current and complete new application for the Medical Marijuana registry that is documented by a certified mail return receipt as having been submitted to the Colorado Department of Public Health and Environment within the preceding thirty-five days.

(c) ~~Packaging. Consumer packaging exiting a medical or retail marijuana store may shall be devoid of any markingsdisplay the following branding information: name of the establishment, its logo, street address, web address, and phone number. If any branding information is displayed on consumer packaging exiting the establishment, the licensee shall also print an outline of the Town's marijuana consumption laws in a legible manner on the outside of such packaging. If no branding information is displayed on the consumer packaging exiting the establishment, the licensee shall have the option of distributing a flier outlining the Town's marijuana consumption laws to each customer upon the completion of any retail marijuana sale or printing an outline of the Town's marijuana consumption laws in a legible manner directly on the outside of packaging provided to customers. The Town shall may require licensees to provide a flyer outlining the Town's marijuana consumption laws to each customer upon completion of any retail marijuana sale as prepared by the Town. Lprepare such content for the marijuana consumption flier and the consumer packaging, and licensees shall be responsible for the cost of reproducing such fliers and packaging for public distribution.~~

Commented [JP1]: The Town may want to consider controlling the packaging exiting the store, but this is not required.

(d) Prohibited sales. Medical retail marijuana store licensees are prohibited from dispensing marijuana to a person that is, or appears to be, under the influence of alcohol or under the influence of any controlled substance, including marijuana, except that medical marijuana stores may dispense marijuana to patients under the influence of marijuana for medical purposes.

Sec. 6-129. New license applications – Phase 1.

(a) A person seeking a new license issued pursuant to this Article shall submit a Phase 1 application to the Town on forms provided by the Town. The purpose of the Phase 1 application is to determine whether an applicant can be entered into the random selection process in Subsection (d) below. At the time of the Phase 1 application, each applicant shall pay a nonrefundable Phase 1 application fee to the Town in an amount to be determined by the Town by separate resolution to defray the costs incurred by the Town for reviewing the Phase 1 application.

(b) In the Phase 1 application, the applicant shall include the following:

1. For the applicant, one (1) of the following forms of identification:
 - a. a valid driver's license;
 - b. an identification card, issued by any state for purpose of proving age using requirements similar to those in C.R.S. §§ 42-2-302 and 42-2-303;
 - c. a United States military identification card;
 - d. a valid passport;
 - e. a valid alien registration card; or
 - f. an enrollment card issued by the government authority of a federally recognized tribe.
2. For the applicant and all persons having a financial interest in the medical or retail marijuana store that is the subject of the application or, if the applicant is an entity, having financial interest in the applying entity, the following information shall be supplied:
 - a. name, address, date of birth;
 - b. an acknowledgment and consent that the Town will conduct a background investigation, including a criminal history check which shall include CCIC and NCIC;
 - c. bank statements and tax records, from the three years prior to the submission of the application, and any other information required by the Town; and
 - d. explanation of funding sources used to finance the applicant's medical or retail marijuana store.

3. If the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State, operating or shareholder agreements, partnership agreements.

(c) Review of Phase 1 Applications.

1. The Town Clerk shall review a Phase 1 application for completeness and the results of the criminal background check. The Town Clerk shall reject a Phase 1 application if any of the information required as part of the application was not submitted and/or if any of the persons subject to the criminal background check have discharged a sentence for a felony conviction in the previous ten (10) years. After review of a Phase 1 application, the Town Clerk shall notify the applicant in writing of the results of the review.
2. If an application is complete, the Town Clerk shall notify the applicant that they will be entered into the random selection process in Subsection (d) below.
3. If an application is rejected, the applicant may appeal the Town Clerk's decision to the Town Administrator by filing an appeal with the Town within ten (10) days of the notification of the rejection by the Town Clerk. The notice of appeal shall specify the grounds for the appeal and the relief sought by the appellant. Upon receipt of an appeal, the Town Administrator shall hold a hearing on the appeal within ten (10) days of the receipt of the appeal. The Town shall provide at least five (5) days' notice to the appellant of the hearing. The Town Administrator shall make a determination of the appeal within five (5) days of the hearing and shall notify the appellant of the decision in writing.

(d) Within thirty (30) days of the effective date of the Ordinance adopting this Article, the Town shall post notice on its website indicating that Phase 1 applications for medical and retail marijuana store licenses shall be accepted for a sixty (60) day period. At the end of the sixty (60) day period, the Town shall review the Phase 1 applications. Once the sixty (60) day period has ended, the Town Clerk has reviewed all Phase 1 applications, the appeal deadline in Subsection (c) above has expired, and all appeals, if any, have been decided, the Town may conduct the random selection of applicants for Phase 2 applications.

(e) Once the maximum number of medical and retail marijuana store licenses has been issued, the Town shall not accept any further applications for such use until an existing license is either revoked or expires. When the number of licensed medical and retail marijuana stores is less than this limit provided for in this Article for any reason, including the cessation of operation of a medical and retail marijuana store either by license revocation or expiration, notice shall be posted

on the Town's website as provided for in Subsection (d) above, and the Town shall process applications as provided for herein in the two phase process.

Sec. 6-130. New applications – Phase 2.

(a) If the applicant is randomly selected, the applicant shall provide the following information for a Phase 2 application on a form provided by the Town within one hundred and twenty (120) days from the date of notification of the applicant's selection:

1. For the applicant, all employees, including the proposed manager of the medical or retail marijuana store, and all persons having a financial interest in the medical or retail marijuana store that is the subject of the application or, if the applicant is an entity, having financial interest in the applying entity:
 - a. fingerprints for a FBI criminal background check; and
 - b. suitable evidence of proof of lawful presence and good moral character and reputation that the Town may request.
2. the name and complete address of the proposed store;
3. a copy of any deed, lease, contract or other document reflecting the right of the applicant to possess the proposed licensed premises along with the conditions of occupancy of the premises, and if by leasehold or similar means, the lease shall specifically recognize and authorize the applicant's use of the premises for the licensed purposes; provided that if the lease does not specifically authorize the use of the premises for the licensed purposes, the applicant shall provide a notarized statement from the owner of such property authorizing the use of the property for the licensed purposes;
4. proof of general liability and property insurance of sufficient amount, as determined by the Town, to adequately cover any damage or destruction to the facility and the personal property;
5. updated bank statements and tax records from the time of the Phase 1 application and any other information required by the Town;
6. a "to scale" diagram of the premises, showing, without limitation, a site plan, floor layout and all areas in which marijuana will be displayed, stored and sold, including egress and ingress within the facility, all entry ways and exits to the facility, and, if applicable, loading zones;

7. any additional information that the Local Licensing Authority reasonably determines to be necessary in connection with the investigation and review of the application;
8. a comprehensive business operation plan for the medical or retail marijuana store which shall contain, without limitation, the following:
 - a. a security plan meeting the requirements of Section 6-140 of this Article;
 - b. a signage plan that is in compliance with all applicable requirements of Section 6-139 of this Article.
 - d. a lighting and electrical plan prepared by a licensed electrical engineer, showing the electrical layout, fans, pumps, duct size of air intake and exhaust, location of intakes and termination of exhausts, any other electrical loads including conductors, subpanels, and all existing and proposed exterior and interior lighting levels including those used for all clones and immature marijuana plants.
 - e. a plan for removing odor emissions in compliance with Section 6-143 of this Article.
 - f. a plan for the disposal of marijuana and related byproducts in compliance with the requirements of Section 6-143 of this Article.

(b) With the Phase 2 application, the applicant shall pay a Phase 2 nonrefundable application fee, in an amount to be determined by the Town by separate resolution, to defer the costs of reviewing the Phase 2 application, and other costs, including but not limited to, inspection, administration, and enforcement of the medical or retail marijuana store regulations. In addition, the applicant shall also pay the applicable licensing fee in an amount to be determined by the Town by separate resolution that may be refunded to the applicant if the Phase 2 application is denied.

(c) The applicant may request in writing an extension of the deadline to submit a Phase 2 application from the Town Administrator. The request shall be received at least fifteen (15) days prior to the deadline. The Town Administrator may grant one extension under this Subsection if the applicant demonstrates an inability to file a Phase 2 application due to circumstances beyond the applicant's control and that the applicant has attempted to substantially comply with the application requirements.

(d) A license issued pursuant to this Article does not eliminate the need for the licensee to obtain other required permits or licenses related to the operation of the medical or retail marijuana store, including, without limitation, any development approvals or building permits required by this Code.

(e) Upon receipt of a Phase 2 application, the Town Clerk shall review the application for completeness and conformity with the requirements of this Article. If the application is incomplete, the Town Clerk shall notify the applicant in writing of the application's deficiencies within fifteen (15) days of receipt of the application. The applicant shall have sixty (60) days from the date of notification of any deficiencies by the Town Clerk to remedy the deficiencies.

(f) If the applicant fails to remedy the deficiencies within the period provided for in Subsection (e) above, the Town Clerk shall deny the application and notify the applicant of the denial.

(g) Determination that the application is incomplete or denial of an application, because it is incomplete are appealable to the Town Administrator pursuant to Section 6-129(d).

(h) Once the appeal period has run or the appeal has been determined by the Town Administrator, the Town may randomly select another applicant to submit a Phase 2 application.

(i) Upon the determination of a complete Phase 2 application, the Local Licensing Authority shall schedule a public hearing on the application, which shall include both the Phase 1 and 2 applications submitted by the applicant, to be held not less than thirty (30) days after the determination of completeness. The Local Licensing Authority shall cause a notice of such hearing to be posted in a conspicuous place upon the proposed licensed premises and published in a newspaper of general circulation within the Town not less than ten (10) days prior to the hearing. Such posted notice given by posting shall include a sign of suitable material in dimensions and with lettering as required by the Town Clerk. Both the posted and the published notice shall state the type of license applied for, the date of the hearing, the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application.

(j) Not less than five (5) days prior to the date of the public hearing for a new license, the Town Clerk shall cause the preliminary findings based on its investigation to be known in writing to the applicant and other parties in interest. The Local Licensing Authority shall deny any application that does not meet the requirements of this Article. The Local Licensing Authority shall also deny any application that contains any false, misleading or incomplete information. The Local Licensing Authority shall also deny or refuse to issue a license for good cause. Denial of an application for a license shall not be subject to further administrative review but only to review by a court of competent jurisdiction. At any time prior to commencement of the public hearing, licensee may withdraw its application, and the public hearing shall be cancelled.

(k) Before entering a decision approving or denying the application for a license, the Local Licensing Authority may consider, except where this Article specifically provides otherwise, the facts and evidence gathered as a result of its investigation, as well as any other facts pertinent to the application and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed. The Local Licensing Authority shall issue its decision within ninety (90) days of the receipt of the complete license application. Such decision

shall be by resolution and shall state the reasons for the decision. The resolution shall be sent via certified mail to the applicant at the address shown in the application.

(l) The Town shall, prior to issuance of the license, perform an inspection of the proposed licensed premises, to determine compliance with any applicable requirements of this Article or other applicable requirements of the Buena Vista Municipal Code.

Sec. 6-131. - Location criteria.

Prior to the issuance of a license for a medical or retail marijuana store, the local licensing authority shall determine whether the proposed location of the medical or retail marijuana store complies with the requirements of this Section. Failure to comply with the requirements of this Section shall preclude issuance of a license.

(a) Zone district limitation. Medical and retail marijuana stores shall be allowed uses as set forth in the Table of Allowed Uses in Section 3.4.1 of Article 16.03 of Chapter 16 (the Unified Development Code) of the Code.

(b) Numeric Limit. No more than two locations may be licensed for medical marijuana stores, retail marijuana stores, or dual operations within the Town at any given time.

(c) Location restrictions. No medical or retail marijuana store shall be located at the following locations:

1. ~~Within one thousand feet of a school;~~
2. ~~Within one thousand five hundred feet of any alcohol or drug treatment facility~~
3. ~~Within one thousand feet of the principal campus of a college, university, or seminary;~~
4. ~~Within one thousand feet of a residential child care facility;~~
5. ~~Within any building or structure that contains a residential dwelling or lodging unit;~~
65. ~~Within one thousand feet of an existing medical or retail marijuana store as measured from nearest property boundaries regardless of whether such existing establishment is located within or outside of the Town; or~~
567. Upon any Town of Buena Vista owned property.

Commented [JP2]: These are set forth in Colorado Statute for medical marijuana businesses, but the Town can vary them as the Town desires.

(d) Although there is no minimum distance standard from the following locations, when reviewing an application, the proximity and compatibility with the following uses shall be considered:

1. The exterior boundary of any residential zone district; and
2. Any public community center, park, designated recreation trail, or recreation center, or any publicly owned or maintained building open for use to the general public.

(e) The distances described in this Section shall be computed by direct measurement, as a crow flies, from the nearest property line of the land used for the above purposes to the nearest property line of the property upon which the retail marijuana store is located.

(f) Each medical or retail marijuana store shall be operated from a permanent location. No medical or retail marijuana store shall be permitted to operate from a moveable, mobile or transitory location.

Commented [JP3]: The Colorado Marijuana Code requires that distances be measured by the route of pedestrian access. C.R.S. 44-10-311(1)(d)(i). However, this makes measuring distances very difficult. The Town has an argument that it can alter the way the distances are measured.

Sec. 6-132. - Persons prohibited as licensees.

A medical or retail marijuana store license shall not be issued to or held by any person prohibited as a licensee under C.R.S. § 44-10-307, as amended. No person shall hold an ownership or financial interest in a medical or retail marijuana store except as permitted by C.R.S. § 44-10-308, as amended.

Sec. 6-133. - Issuance of license; duration; renewal.

(a) Upon issuance of a license, the Town shall provide the licensee with one original of such license for each medical or retail marijuana store to be operated by the licensee in the Town. Each such copy shall show the name and address of the licensee, and the address of the facility at which it is to be displayed. Each license issued pursuant to this Article shall be valid for one year from the date of issuance and may be renewed only as provided in this Article.

(b) A licensee shall apply for the renewal of an existing license to the local licensing authority not less than forty-five days prior to the date of expiration for the license. The local licensing authority, in its discretion, subject to the requirements of this Section, and based upon reasonable grounds, may waive the forty-five day filing deadline upon payment of a non-refundable late application fee as set by the Board of Trustees. The local licensing authority may hold a hearing on the application for renewal only if the licensee has had complaints filed against it, has a history of violations, or there are allegations against the licensee that would constitute good cause. The local licensing authority shall not hold a renewal hearing provided for by this Subsection (b) until it has posted a notice of hearing on the licensed premises for a period of ten

days and, provided notice to the applicant at least ten days prior to the hearing. The local licensing authority may refuse to renew any license for good cause, subject to judicial review.

(c) A license shall expire if the licensee does not have the licensed medical or retail marijuana store is open for regular business within one hundred eighty (180) days after license issuance. A licensee may request one extension of this deadline, which shall be reviewed by the Town Administrator and may be granted upon a showing that the business has not opened due to circumstances beyond the applicant's control and that the applicant has exercised due diligence in attempting to open the business.

Sec. 6-134. - Authority to impose conditions on license.

The local licensing authority shall have the authority to impose such reasonable terms and conditions on a license as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Article and applicable law.

Sec. 6-135. - Annual operations fee.

Upon issuance of a license or any renewal of a license, the licensee shall pay to the Town a fee in an amount determined by the Town, by separate resolution, to be sufficient to cover the annual cost of regulating medical or retail marijuana stores, including, without limitation, inspections, administration, and enforcement conducted pursuant to this Article by the Buena Vista Police Department, and such other departments of the Town as may be designated by the local licensing authority, for the purpose of determining compliance with the provisions of this Article and any other applicable state or local laws or regulations.

Sec. 6-136. - Display of license.

(a) Each license shall be limited to use at the premises specified in the application for such license.

(b) Each license shall be continuously posted in a conspicuous location at the establishment.

Sec. 6-137. - Transfer of ownership; change of location.

(a) Transfer of Ownership. For a transfer of ownership, a license holder shall apply to the local licensing authority on forms provided by the state licensing authority. In considering whether to permit a transfer of ownership, the local licensing authority shall consider only the requirements of this Article, the Colorado Marijuana Code, and the regulations promulgated in conformance therewith. The local licensing authority may hold a hearing on the application for a transfer of ownership, but such hearing shall not be held until a notice of such hearing has been

posted on the premises of the licensed establishment for a period of at least ten days prior to such hearing, and the applicant has been provided at least ten days prior notice of such hearing.

(b) Change of Location. Licensees from other jurisdictions may not transfer their licenses to the Town of Buena Vista. Licensees with a permanent medical or retail marijuana store in the Town may transfer their license to another location within the Town so long as the applicant and the new location conform to the requirements of this Article.

Sec. 6-138.- Hours of operation.

Marijuana sales to the public are prohibited before eight a.m. and after nine p.m. each day. A medical or retail marijuana store may be open seven days a week.

Sec. 6-139. - Signage and advertising.

All signage and advertising for a medical or retail marijuana store shall comply with all applicable state laws, as well as, the provisions of this Article and other applicable provisions of this Code. Advertisements, signs, displays or other promotional material depicting retail marijuana uses or symbols shall not be shown or exhibited off the premises; or in any manner which is visible to the public from roadways, pedestrian sidewalks or walkways, or from other public areas. No signage associated with a medical or retail marijuana store shall use the word "marijuana," "cannabis," or any other word or phrase commonly understood to refer to marijuana, unless such word or phrase is immediately preceded by the word "medical" or "retail", as applicable; provided that no signage shall contain words such as "reefer," "ganja," "weed" or other similar slang references to marijuana or cannabis. The exterior colors of medical and retail marijuana stores shall be neutral earth tones (such as greys, browns, and greens) in matte finishes that are generally compatible with the surrounding buildings. Approval of the Planning Director is required prior to applying exterior finishing to a licensed premises.

Sec. 6-140. - Security requirements.

(a) Security measures at medical and retail marijuana stores comply with the Colorado Marijuana Code and the regulations promulgated in conformance therewith, and shall include at a minimum the following:

1. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;
2. Robbery and burglary alarm systems which are professionally monitored and maintained in good working condition;
3. A locking safe permanently affixed to the premises that is suitable for storage of all marijuana and cash stored overnight on the licensed premises;

4. Exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of this Article and other applicable provisions of this Code; and
5. Deadbolt locks on all exterior doors.

(b) All security recordings shall be preserved for at least forty days by the licensee and shall be in a format that can be easily accessed for viewing by Town of Buena Vista Police Department upon request for inspection.

Sec. 6-141. - Required notices.

(a) There shall be posted in a conspicuous location inside each medical or retail marijuana store, at least one legible sign containing the following warnings:

1. That on-site consumption of marijuana is illegal;
2. That the open and public consumption of marijuana in the Town of Buena Vista is illegal, and that individuals consuming marijuana within the Town in parks, on sidewalks and streets, or at other public locations will risk criminal prosecution;
3. That the use of marijuana or marijuana products may impair a person's ability to drive a motor vehicle or operate machinery, and that it is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of or impaired by marijuana;
4. That possession and distribution of marijuana is a violation of federal law; and
5. That no one under the age of twenty-one years is permitted on the premises unless allowed by law for a medical marijuana store.

(b) There shall be, posted in a conspicuous location at the exterior of each retail marijuana store near the entrance, one legible sign warning that the facility is monitored by video cameras.

Sec. 6-142. - On-site consumption of marijuana.

The use, consumption, ingestion or inhalation of marijuana or marijuana products on or within the premises of a medical or retail marijuana store is prohibited.

Sec. 6-143. - Visibility of activities; paraphernalia; control of emissions.

- (a) All activities of medical or retail marijuana stores shall be conducted indoors.

(b) Devices, contrivances, instruments and paraphernalia for inhaling or otherwise consuming marijuana, including, but not limited to, rolling papers and related tools, water pipes, and vaporizers may lawfully be sold at a medical or retail marijuana store. No marijuana or paraphernalia shall be displayed or kept in a retail marijuana store in a manner that is visible from outside the licensed premises.

(c) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a medical or retail marijuana store must be provided at all times. If that any odors, debris, dust, fluids or other substances exit a retail marijuana store or marijuana testing facility, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

Sec. 6-144. - Business license required.

At all times while a medical or retail marijuana store license is in effect the licensee shall possess a valid business license as required by this Code.

Sec. 6-145. - Sales tax.

Each licensee shall collect and remit all applicable Town sales taxes on all medical and retail marijuana, medical and retail marijuana products, paraphernalia and other tangible personal property sold by the licensee.

Sec. 6-146. - Inspection of licensed premises.

During all business hours and other times of apparent activity, all licensed premises shall be subject to inspection by the local licensing authority, the Buena Vista Police Department, by law enforcement officers, or such other departments or individuals duly authorized by the Town for the purpose of investigating and determining compliance with the provisions of this Article and any other applicable state and local laws or regulations. Said inspection may include, but need not be limited to, the inspection of books, records and inventory. Where any part of the licensed premises consists of a locked area, such area shall be made available for inspection, without delay, upon request. Acceptance of a license constitutes consent to such inspections, which may not be withdrawn during the period of a license.

Sec. 6-147. - Nonrenewal, suspension or revocation of license.

(a) The local licensing authority may, after notice and hearing, suspend, revoke or refuse to renew a license for good cause, including suspension or revocation of the licensee's license. The local licensing authority is authorized to adopt rules and procedures governing the conduct of such hearings.

(b) The local licensing authority may, in its discretion, revoke or elect not to renew any license if it determines that the licensed premises has been inactive, without good cause, for at least three months.

Sec. 6-148. - Violations and penalties.

In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Article, any person, including, but not limited to, any licensee, manager or employee of a medical or retail marijuana store, or any customer of such establishment, who violates any of the provisions of this Article, shall be subject to the following penalties:

(a) Any person convicted of having violated any provision of this Article shall be punished as set forth in Section 1-72 of the Buena Vista Municipal Code.

(b) The operation of a medical or retail marijuana store without a valid license issued pursuant to this Article may be enjoined by the Town in an action brought in a court of competent jurisdiction, including the Buena Vista Municipal Court.

(c) The operation of a medical or retail marijuana store without a valid license issued pursuant to this Article is also deemed to be a nuisance pursuant to Article I, Chapter 7 of the Buena Vista Municipal Code.

Sec. 6-149. - No Town liability; indemnification.

(a) By accepting a license issued pursuant to this Article, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of medical or retail marijuana storeowners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

(b) By accepting a license issued pursuant to this Article, all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any 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 arising out of or in any manner connected with the operation of the medical or retail marijuana store that is the subject of the license.

Sec. 6-150. - No waiver of governmental immunity.

In adopting this Article, the Town council is relying on, and does not waive or intend to waive, by any provision of this Article, 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 any other limitation, right, immunity, or protection otherwise available to the Town, its officers or its employees.

Sec. 6-151. - Other laws remain applicable.

(a) To the extent the state has adopted or adopts in the future any additional or stricter law or regulation governing the sale, distribution or testing of medical or retail marijuana or medical or retail marijuana products, the additional or stricter regulation shall control the establishment or operation of any medical or retail marijuana store in the Town. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Article, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

(b) Any licensee may be required to demonstrate, upon demand by the local licensing authority, the Buena Vista Police Department, by law enforcement officers, or such other departments or individuals duly authorized by the Town, that the source and quantity of any marijuana found upon the licensed premises are in full compliance with any applicable state law or regulation.

(c) If the state prohibits the sale or other distribution of marijuana through medical marijuana or retail marijuana stores, any license issued hereunder shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

(d) The issuance of any license pursuant to this Article shall not be deemed to create an exception, defense or immunity to any person regarding any potential criminal liability the person may have for the cultivation, possession, sale, distribution or use of marijuana.

Section 2. Table 3.1.4 of Article 16.03 of Chapter 16 of the Town of Buena Vista Municipal Code is hereby amended as follows:

Retail and medical marijuana stores and dual operations shall be uses permitted by right, subject to the licensing requirements listed in Article IV, Chapter 6, in the following zone districts: Mixed Use – Main Street (MU-MS), Highway Commercial (HC), and Light Industrial (I-1). ~~*Insert revisions to zoning for retail and medical marijuana—Use by Right in available areas?*~~

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

Section 4. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this _____ day of _____, 2020.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY (30) DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____
Duff Lacy, Mayor

ATTEST:

Paula Barnett, Town Clerk

(SEAL)

DRAFT



Town of Buena Vista

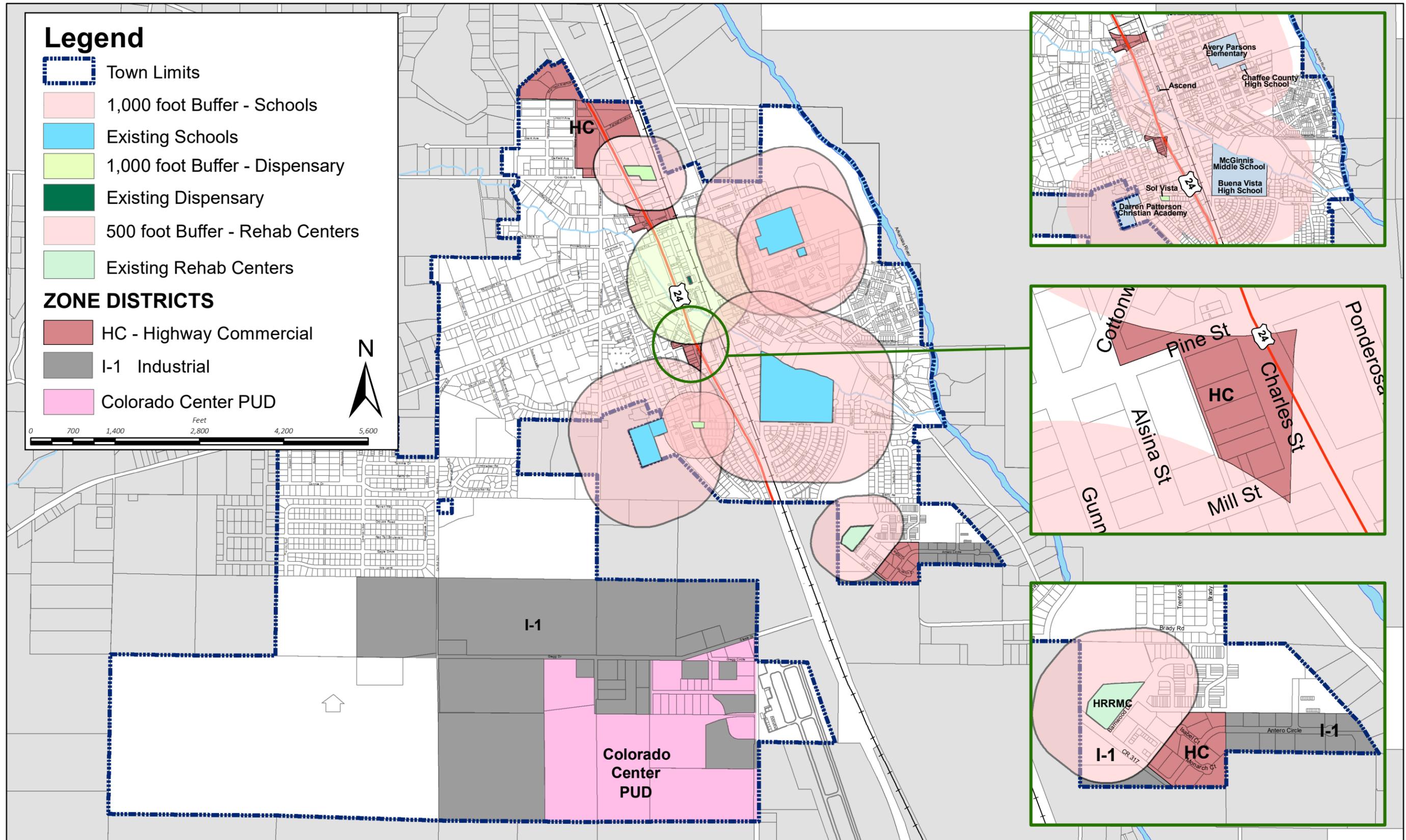
Unofficial Map 114

For August 11, 2020

Board of Trustees Meeting

Potential Recreational Marijuana Sites by Zone District

1,000 feet from Schools and Existing Dispensary, 500 feet from Rehab Centers with Valley Wide



TOWN OF BUENA VISTA, COLORADO

**RESOLUTION NO. 51
(Series 2020)**

A RESOLUTION SUBMITTING AN ADVISORY BALLOT QUESTION REGARDING NEW REGULATIONS GOVERNING MEDICAL AND RETAIL MARIJUANA STORES TO THE REGISTERED ELECTORS OF THE TOWN OF BUENA VISTA AT A TOWN SPECIAL ELECTION ON NOVEMBER 3, 2020 TO BE COORDINATED WITH CHAFFEE COUNTY

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

Section 1. The Board of Trustees submits the following advisory ballot question to be voted upon and so stated shall constitute the ballot title, designation and submission clause and each registered elector voting at the election shall indicate his or her choice on the question submitted, which shall be in the following form:

Should the Board of Trustees of the Town of Buena Vista permit the use of property in the town for retail marijuana stores as those establishments are defined in the Colorado Marijuana Code, C.R.S. § 44-10-101, *et seq.*, and should the regulations be as set forth in the draft ordinance entitled “An Ordinance Repealing and Reenacting Article IV of Chapter 6 of the Buena Vista Municipal Code Concerning Medical and Retail Marijuana Businesses and Amending the Town’s Zoning Regulations to Include Medical and Retail Marijuana as Permitted Uses in Certain Zone Districts” approved, but not formally adopted by the Board of Trustees on August 25, 2020?

YES _____ NO _____

RESOLVED, APPROVED AND ADOPTED this 25th day of August 2020.

TOWN OF BUENA VISTA, COLORADO

BY: _____
Duff Lacy, Mayor

ATTEST:

Paula Barnett Town Clerk

TOWN OF BUENA VISTA, COLORADO

**RESOLUTION NO. 52
(Series 2020)**

A RESOLUTION SUBMITTING A BALLOT ISSUE REGARDING A SPECIAL SALES TAX ON RETAIL MARIJUANA TO THE REGISTERED ELECTORS OF THE TOWN OF BUENA VISTA AT A TOWN SPECIAL ELECTION ON NOVEMBER 3, 2020 TO BE COORDINATED WITH CHAFFEE COUNTY

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

Section 1. Pursuant to Article X, § 20 of the Colorado Constitution, the Board of Trustees submits the following ballot issue to be voted upon and so stated shall constitute the ballot title, designation and submission clause and each registered elector voting at the election shall indicate his or her choice on the issue submitted, which shall be in the following form:

SHALL THE TOWN OF BUENA VISTA TAXES BE INCREASED BY \$125,000.00 ANNUALLY (FIRST FULL FISCAL YEAR INCREASE) AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED IN SUCH FIRST FISCAL YEAR AND ANNUALLY THEREAFTER BY THE IMPOSITION OF AN ADDITIONAL SALES TAX OF 5% ON THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS WITH THE RATE OF SUCH TAX BEING ALLOWED TO BE DECREASED OR INCREASED WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF THE TAX DOES NOT EXCEED 15% COMMENCING ON JANUARY 1, 2021, AND SHALL ALL REVENUES DERIVED FROM SUCH TAX BE COLLECTED, RETAINED AND EXPENDED EXCLUSIVELY FOR COMMUNITY SUPPORT SERVICES, CAPITAL IMPROVEMENTS, AND FACILITIES, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO EXPENDITURES FOR PARKS, OPEN SPACE AND RECREATION, INFRASTRUCTURE IMPROVEMENTS, ECONOMIC DEVELOPMENT INITIATIVES, LAND ACQUISITION, AFFORDABLE HOUSING INITIATIVES, AND COMMUNITY SUPPORT GRANTS, AS A VOTER APPROVED REVENUE CHANGE NOTWITHSTANDING ANY RESTRICTIONS UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES _____ NO _____

RESOLVED, APPROVED AND ADOPTED this 25th day of August 2020.

TOWN OF BUENA VISTA, COLORADO

BY: _____
Duff Lacy, Mayor

ATTEST:

Paula Barnett, Town Clerk

TOWN OF BUENA VISTA, COLORADO

RESOLUTION NO. 53
(Series 2020)

A RESOLUTION CALLING A SPECIAL ELECTION FOR NOVEMBER 3, 2020 TO BE COORDINATED WITH CHAFFEE COUNTY AND APPROVING AN ELECTION CONTRACT WITH CHAFFEE COUNTY

WHEREAS, the Buena Vista Board of Trustees wishes to present certain ballot measures to the registered electors of the Town of Buena Vista, Colorado;

WHEREAS, the general election is on November 3, 2020; and

WHEREAS, the Buena Vista Board of Trustees wishes to call a special election for November 3, 2020, to be coordinated with Chaffee County pursuant to the terms of a contract between the Town of Buena Vista and Chaffee County dated August 25, 2020 and entitled, "A Contract Regarding the Conduct and Administration of a Election to be Held November 3, 2020," a copy of which is attached hereto as **Exhibit A** (the "Election Contract").

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

Section 1. There shall be a special election for the Town of Buena Vista on November 3, 2020, which election shall be coordinated with Chaffee County pursuant to the Election Contract. At the special election, the Board of Trustees intends to submit at least one ballot question and one ballot issue to the registered electors of the Town of Buena Vista. The Town Clerk shall notify Chaffee County that the Town of Buena Vista intends to participate in the coordinated election.

Section 2. The attached Election Contract is hereby approved and the Mayor is authorized to execute the same.

RESOLVED, APPROVED AND ADOPTED this 25th day of August 2020.

TOWN OF BUENA VISTA, COLORADO

BY: _____
Duff Lacy, Mayor

ATTEST:

Paula Barnett Town Clerk

**A CONTRACT REGARDING THE CONDUCT AND ADMINISTRATION OF A
ELECTION TO BE HELD NOVEMBER 3, 2020**

This Contract (“Contract”) is made and entered into as of **August _____, 2020**, by and between the Town of Buena Vista, (the “Municipality”), and the Chaffee County Clerk and Recorder (“County Clerk”).

RECITALS AND PURPOSES

- A.** Pursuant to section 18(2)(a) of Article XIV of the Colorado Constitution and section 29-1-203, C.R.S., the County Clerk (acting with authority from the Chaffee County Board of Commissioners, pursuant to the County’s Policy for the Purchasing of Goods and Services and Contracting) and the Municipality may cooperate or contract with each other to provide any function, service or facility lawfully authorized to each, and any such contract may provide for the sharing of costs, the imposition of taxes, and incurring of debt.
- B.** The Municipality has called for an election on the same day as the November Coordinated election. (“Election”).
- C.** For purposes of this Contract, and pursuant to section 1-1-104(6.5), C.R.S, “coordinated election” means an election where more than one political subdivision with overlapping boundaries or the same electors holds an election on the same day and the eligible electors are all registered electors, and the county clerk and recorder is the coordinated election official for the political subdivisions. The County Clerk is the coordinated election official pursuant to section 1-7-116(1), C.R.S. and the County Clerk is the chief designated election official for all coordinated elections pursuant to section 1-1-110(3), C.R.S.
- D.** Pursuant to section 1-7.5-104, C.R.S., the County Clerk must conduct the Election as an election by mail ballot under the supervision of the Colorado Secretary of State (“SOS”) subject to its rules and applicable statutes.
- E.** Pursuant to section 1-7-116(2), C.R.S., The Municipality and the County Clerk are required to enter into an agreement for the administration of their respective duties concerning the preparation, conduct and actual cost of the Election. The agreement must be signed no later than 70 days prior to the scheduled election.
- F.** The County Clerk and The Municipality have determined that it is in the best interests of the County and its inhabitants to cooperate and contract for certain services in connection with the Election as outlined below.
- G.** All parties must adhere to all applicable provisions of applicable law which are necessary or appropriate to the performance of the below duties. All parties will enforce all provisions of the Fair Campaign Practices Act as they may apply to the conduct of the Election.

COVENANTS AND PROMISES

In consideration of the mutual promises and covenants set out in this Contract, the sufficiency of which is acknowledged, the parties agree as follows:

1. **Effective Date, Term and Application.** This Contract is expressly written for the November 3, 2020 General Election and is effective from the date of the last party's execution through December 31 of the year of the Election.

2. **Designated Election Official.** Pursuant to section 1-1-104(8), C.R.S., The Municipality must appoint a designated election official responsible for assuring that the election is held according to Colorado statute. Except with respect to the duties carried out by the County Clerk as outlined below, _____, whose phone number is _____ will act as the Designated Election Official for the Municipality and act as the primary liaison between the Municipality and the County Clerk.

3. **County Clerk Duties.** The County Clerk will perform the following duties for the Election.
 - 3.1. Notify the Secretary of State ("SOS") no later than ninety days prior to the Election of the intent to conduct the Election as a coordinated mail ballot election. The notification must include a proposed plan for conducting the mail ballot election, which may be based on the election plan adopted by the SOS. (Section 1-7.5-105(1), C.R.S.)

 - 3.2. Place the ballot content text properly certified to the County Clerk upon the ballot. The County Clerk reserves the right to print the ballot content identifying information on the ballot and the ballot title pursuant to statute, SOS rules, and as may be directed by the SOS.

 - 3.3. Appoint, provide written material to, train and pay a sufficient number of qualified election judges, as required by law.

 - 3.4. Determine appropriate locations for the voter service and polling center locations required for the Election and submit those locations to the Colorado SOS as part of the election plan. Upon approval of the locations for voter service and polling centers, the County Clerk will ensure that each of those voter service and polling centers meets the requirements set forth in section 1-5-102.9, C.R.S., if applicable, and are open and appropriately staffed for the time periods and hours required by that statute.

- 3.5.** If the Municipality ballot content includes one or more ballot issues under TABOR, then the County Clerk will:
- 3.5.1.** Combine the text of the TABOR Notice produced by the Municipality with those of other entities to produce a combined Tabor Notice booklet (also known as the Blue Book).
 - 3.5.2.** Address the booklet to "All Registered Voters" at each address of one or more active registered electors of the Municipality. Nothing herein precludes the County Clerk from sending the TABOR Notice of the Municipality to persons other than electors of the Municipality if such sending arises from the County Clerk's efforts to mail the TABOR Notice booklet at "least cost."
 - 3.5.3.** Determine the order that the TABOR Notice submittal of the Municipality and of other jurisdictions will be placed in the TABOR Notice booklet; provided, however, that the materials supplied by the Municipality must be kept together as a group and in the order supplied by the Municipality.
 - 3.5.4.** Mail the TABOR Notice booklet, addressed as required by law no later than the date specified for such action in the Election Calendar published by the SOS for the applicable election date.
 - 3.5.5.** Provide an office address and telephone number for incorporation into the TABOR Notice. Such information will be agreed upon in writing no later than 42 days prior to the Election. The designated office will be open during the County Clerk's regular business hours, 8:00 a.m. to 5:00 p.m. Monday through Friday.
 - 3.5.6.** Write, print, and incorporate any notice to be included in the TABOR Notice booklet that may inform the elector of the voter service and polling center locations and ballot drop-off locations or that may provide other information as may be required by law.
- 3.6.** Post and/or publish any legal notices of the Election as required by law other than notices required to be posted or published specifically for the Municipality's election for which the Municipality is responsible.
- 3.7.** Prepare and coordinate the printing of the ballot packets, which will include the Municipality's ballot content, on State certified hardware and software.
- 3.8.** Mail all ballots, program voting equipment, and procure other necessary and miscellaneous election supplies.

- 3.9. Respond to all correspondence and calls that the County Clerk receives that are within the County Clerk's expertise relating to election procedures; refer inquiries concerning the substance of ballot content or the operations of the Municipality to the Municipality's Designated Election Official.
 - 3.10. Select and oversee the conduct of the Board of Canvassers and the Testing Board. The Board of Canvassers will prepare the Canvass of Votes and the Completion of the Abstract.
 - 3.11. Notify the Municipality of the dates, times, and place of the Logic and Accuracy Test (LAT) and the Risk Limiting Audit.
 - 3.12. Contact the news media (newspaper and radio) regarding the date, time and place of the LAT.
 - 3.13. Prepare and run the required LAT. The County will make the determination of who attends the LAT.
 - 3.14. Use the County's electronic/mechanical vote counting equipment to process the counting of ballots.
 - 3.15. Process the unofficial results of the Election at the Chaffee County Courthouse. The unofficial results will be emailed to the Municipality if the Designated Election Official is not present at the Courthouse.
 - 3.16. Defend and resolve at the sole expense of the County all election challenges and costs associated with a recount that is not in any way associated with the Municipality or any other jurisdiction for which the Election is being held.
 - 3.17. Allow poll watchers in accordance with applicable law.
 - 3.18. Securely store all election materials as required by applicable law, including but not limited to unissued, voted returned and returned unvoted ballots for the period of time required by the Colorado Revised Statutes, except for any Election supplies and materials as the County Clerk may designate for the Municipality to store.
 - 3.19. Invoice the Municipality for all applicable charges and expenses.
- 4. District Duties.** In consideration of the foregoing, the Municipality agrees to perform the following tasks and activities:
- 4.1. Obtain then certify to the County Clerk by September 4, 2020 at 5:00 p.m. all addresses for the Municipality. Any changes to the address library after this date will increase costs.

- 4.2. Provide the County Clerk with a certified copy of the ordinance or resolution stating that the Municipality will participate in the Election in accordance with the terms and conditions of this Contract. The ordinance or resolution must authorize the presiding officer of the Municipality or other designated person to execute this Contract. Note that the County Clerk assigns the ballot measure number.
- 4.3. Post and/or publish any legal notices of the Municipality's election as required by law.
- 4.4. Accept the location of the voter service and polling centers and ballot drop-off locations established by the County Clerk. If requested by the County Clerk, the Municipality will also provide a secure ballot drop-off location at the Municipality's office or other location mutually acceptable to the County Clerk and the Municipality.
- 4.5. No later than **September 4, 2020 at 5:00 pm.** certify the ballot content and certify the order in which ballot content will appear by submitting same in WORD format to the County Clerk via email attachment with receipt confirmed by the County Clerk or County Election Deputy. The certified ballot text will be final and the County Clerk will not be responsible for making any changes after the certification, except those prescribed by statute. The Municipality's Designated Election Official must sign the certification.
- 4.6. If the Municipality ballot content includes one or more ballot issues subject to TABOR, then the Municipality will:
 - 4.6.1. Prepare the text of the TABOR Notice. The TABOR Notice (as described below) must be submitted to the County Clerk at least forty-two days before the Election (**no later than September 21, 2020 at 2:00 p.m.**) pursuant to section 1-7-904, C.R.S. Such notice must be provided to the County Clerk in WORD format via email attachment with receipt confirmed by the County Clerk or County Election Deputy. The TABOR Notice will include:
 - 4.6.1.1. Fiscal information as required by law;
 - 4.6.1.2. Two summaries, one for and one against the proposal, of written comments filed with the Municipality's Election Officer by the end of the business day on the Friday before the forty-fifth day before the election (**no later than September 18, 2020 at 12:00 p.m.**).
 - 4.6.2. Include within its TABOR Notice, ballot titles in the order of preference.

- 4.6.3. All pros and cons regarding the Municipality election will be filed with the Designated Election Official for the Municipality and be available for public inspection.
- 4.6.4. Proofread and approve the TABOR notice content for printing within **four (4) hours** of receipt of the County Clerk's request for proofing.
- 4.6.5. Incorporate a local election office address and telephone number into its TABOR notice. Such local election office and telephone must be open during the County Clerk's regular business hours.
- 4.7. Review, proofread, and approve the layout, format, and text of the official ballot and provide written notice acknowledging the layout and text of the sample and official ballots no later than within four (4) hours of receipt of the ballot proofs from the County Clerk.
- 4.8. Ensure that the Municipality's Designated Election Official is readily available for the purposes of consultation and decision-making on behalf of the Municipality and for receiving and timely responding to inquiries made by voters or others interested in the Municipality's election.
- 4.9. Provide a representative who is a registered voter in Chaffee County to view the Logic and Accuracy Test tentatively scheduled for **September 23, 2020**, and to participate in a recount, if required.
- 4.10. In the event the Municipality requires an Abstract separate from the Canvass of Votes and the Completion of the Abstract prepared by the Board of Canvassers, the Municipality will provide the County Clerk the **required forms** prior to **November 13, 2020**.
- 4.11. Pick up election materials from the County Clerk when requested following the Election.
- 4.12. Store all Election materials, not stored by the County Clerk, for that time required by the law.
- 4.13. Issue Certificates of Election of ballot content upon receipt of the official results from the County Clerk. Any additional Certificates of Election which are required by law to be forwarded to another division of government is the responsibility of the Municipality.
- 4.14. Pay all election costs outlined in this Contract within 30 days of receipt of a statement from the County Clerk and promptly pay the Municipality's prorated share of all other election costs, including mail ballot packets and miscellaneous election supplies.

5. Cancellation of Election by the Municipality. If the Municipality resolves not to hold its election, then notice of such resolution must be provided to the County Clerk immediately. the Municipality will promptly pay the County Clerk its pro rata share of the full actual costs of the activities of the County Clerk relating to the Election incurred before and after the County Clerk's receipt of such notice. In the event that the Municipality resolves not to hold the election after the last day for the Municipality's Designated Election Official to certify the ballot order and content to the County Clerk, the text provided by the Municipality cannot be removed from the ballot and/or the Ballot Issue Notice (TABOR Notice). The Municipality will publish notice of such cancellation or withdrawal of ballot content in accordance with applicable law.

6. Estimated Cost.

6.1. The County will be responsible for the salary of the County Clerk and permanent Election Deputies, except as otherwise specified in this Contract.

6.2. The Municipality will be responsible for all expenses solely related to the Municipality for the preparation, conduct and conclusion of the Election or cancellations relating to the Municipality's participation in the Election.

6.3. In the event of a recount concerning only District election ballot content, the Municipality will bear all costs associated with a recount, depending on the type of recount. If a recount involves in addition to the Municipality, the County and/or other jurisdictions, the Municipality will pay its pro rata share of costs for the recount.

6.4. All other expenses incurred to carry out the above duties unless otherwise specified, including expenses of election judges, technical personnel, Board of Canvassers and Testing Board, printing of ballots, mailing of ballots and TABOR notices, miscellaneous election supplies, mail ballot envelopes, secrecy sleeves, postage, etc., will be shared as a prorated expense among the Municipality and any other jurisdiction participating in this Election. The rough **estimated cost** of the Election for the Municipality is **\$10,000**. It is understood and agreed that the cost of the Election to each jurisdiction may vary and each jurisdiction may incur a greater or lesser expense than the estimated cost, depending on the number of jurisdictions participating in this Election.

7. Notices. Any and all notices required to be given by this Contract are deemed to have been received and to be effective: (1) three days after the same have been mailed; or (2) immediately upon hand delivery. Notices will be addressed as follows:

County Clerk:

District:

Chaffee County Clerk & Recorder
 Attention: Lori Mitchell
 104 Crestone Avenue
 P.O.Box 699
 Salida, CO 81201

 Attention:

 Salida, CO 81201

- 8. Limit of Liability.** In the event a court of competent jurisdiction finds the election for the Municipality was void or otherwise fatally defective as a result of the sole breach or failure of the County Clerk to perform in accordance with this Contract or laws applicable to the Election, the Municipality will be entitled to recover expenses or losses caused by such breach or failure up to the maximum amount paid by the Municipality to the County Clerk under this Contract. In no event will the County Clerk be liable for any expenses, damages or losses in excess of the amounts the Municipality paid under this Contract. This remedy is the sole and exclusive remedy for the breach available to the Municipality under this Contract.
- 9. Timeframes.** Time is of the essence under this Contract. The statutory time frames or requirements of applicable law apply to the completion of any duties or tasks required under this Contract.
- 10. Amendment.** This Contract may be amended only in writing signed by the parties.
- 11. Integration.** The parties acknowledge that this Contract constitutes the sole agreement between them relating to the subject matter hereof and that no party is relying upon any oral representation made by another party or employee, agent or officer of that party. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Contract are of no force and effect. This Contract fully supersedes any previous agreements between the parties with respect to the subject matter.
- 12. Conflicts of this Contract with the Law, Impairment.** In the event that any provision in this Contract conflicts with the law, this Contract will be modified to conform to such law or resolution.
- 13. Third Party Beneficiary.** The enforcement of the terms and conditions of this Contract and all rights of action relating to such enforcement, are strictly reserved to the County Clerk and the Municipality, and nothing contained in this Contract gives or allows any claim or right of action whatsoever by any other or third person. It is the express intent of the parties to this Contract that any person receiving services or benefits under this Contract be deemed an incidental beneficiary only.

14.No Waiver. No waiver of any of the provisions of this Contract constitutes a waiver of any other of the provisions of this Contract, and no such waiver constitutes a continuing waiver, unless otherwise expressly provided in this Contract, nor will the waiver of any default under this Contract be deemed a waiver of any subsequent default.

15.Appropriation. The Parties' obligations under this Contract outside the current fiscal year are conditioned on the prior appropriation of good and sufficient funds for such purpose, pursuant to section 29-1-110, C.R.S. The Parties affirmatively assert that each has budgeted sufficient funds for its obligations under this Contract for the year it was executed.

County Clerk:

District:

Lori Mitchell
Chaffee County Clerk and Recorder
T: 719-530-5600
Fax : 719-539-8588
Date:_____

By: _____
Printed Name:_____
Title: _____
T:_____
Fax: _____
Date: _____

VIII. BUSINESS ITEMS

A. Public Hearing -

B. HPC- Architectural Design Guidelines – Consider Approval

C. Code and Policy Update for Special Events

D.

E.

F.

IX. TRUSTEE/STAFF INTERACTION

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

X. EXECUTIVE SESSION

XI. ADJOURNMENT

DRAFT