

**Ordinance 229**

**AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO TO ADOPT A REVISION TO THE MUNICIPAL CODE CHAPTER REGARDING LAND USE TO ALLOW A 0" REAR SETBACK IN THE BUSINESS ZONED DISTRICT.**

**WHEREAS**, the Town of Ignacio Board of Trustees desires to continually upgrade its guidelines to benefit the citizens of the town; and


**WHEREAS**, the Planning Commission has considered that land owners in the business district should be able to maximize the use of their property and finds the current rear setbacks of 15' too restrictive; and

**WHEREAS**, it is agreed that no conflicting requirement in the development code, such as parking, building or fire code requirements, is waived by an owner's use of 100% of his land;

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of Trustees of Ignacio, Colorado, hereby approves and authorizes the adoption of the following

Code 3-5-5 entitled "Table of Minimum and Maximum District Standards" is amended to read as set forth on Attachment A, which attachment is incorporated herein by this reference.

**PASSED AND APPROVED** by the Town Board of Trustees of Ignacio, Colorado on May 11, 2005.

  
\_\_\_\_\_  
Mayor, Board of Trustees

Attest:

\_\_\_\_\_  
Town Clerk

*Robert White*

ATTACHMENT A  
3-5-5 Table of Minimum and Maximum District Standard

| Type of Minimum | R-1 | R-2 | MH | B | I | A | Standard |
|-----------------|-----|-----|----|---|---|---|----------|
|-----------------|-----|-----|----|---|---|---|----------|

|                                |         |         |         |         |         |         |      |
|--------------------------------|---------|---------|---------|---------|---------|---------|------|
| Minimum land area for each lot | 6000 sf | 6000 sf | 6000 sf | 6000 sf | 6000 sf | 6000 sf | 2 ac |
|--------------------------------|---------|---------|---------|---------|---------|---------|------|

|  |         |         |         |         |         |         |      |
|--|---------|---------|---------|---------|---------|---------|------|
| Minimum land area for each dwelling unit | 6000 sf | 3000 sf | 4000 sf | 2000 sf | 6000 sf | 6000 sf | 2 ac |
|--|---------|---------|---------|---------|---------|---------|------|

|               |     |     |     |     |     |      |  |
|---------------|-----|-----|-----|-----|-----|------|--|
| Minimum width | 60' | 50' | 50' | 50' | 60' | 150' |  |
|---------------|-----|-----|-----|-----|-----|------|--|

|               |      |      |      |      |      |      |  |
|---------------|------|------|------|------|------|------|--|
| Minimum depth | 100' | 100' | 100' | 100' | 100' | 150' |  |
|---------------|------|------|------|------|------|------|--|

|                            |     |     |     |     |   |     |     |
|----------------------------|-----|-----|-----|-----|---|-----|-----|
| Minimum front yard setback | 20' | 20' | 20' | 0** | 1 | 10' | 25' |
|----------------------------|-----|-----|-----|-----|---|-----|-----|

|                           |      |     |      |     |     |      |  |
|---------------------------|------|-----|------|-----|-----|------|--|
| Minimum rear yard setback | 20*3 | 20' | 20*3 | 0** | 20' | 100' |  |
|---------------------------|------|-----|------|-----|-----|------|--|

|                           |    |     |     |     |    |     |  |
|---------------------------|----|-----|-----|-----|----|-----|--|
| Minimum side yard setback | 6' | 5*2 | 5*2 | 0** | 6' | 25' |  |
|---------------------------|----|-----|-----|-----|----|-----|--|

|                                      |     |     |     |     |     |      |  |
|--------------------------------------|-----|-----|-----|-----|-----|------|--|
| Minimum street Frontage for each lot | 60' | 50' | 50' | 50' | 60' | 150' |  |
|--------------------------------------|-----|-----|-----|-----|-----|------|--|

|                                     |   |   |   |        |   |   |  |
|-------------------------------------|---|---|---|--------|---|---|--|
| Minimum parking spaces per dwelling | 2 | 2 | 2 | note*4 | 2 | 2 |  |
|-------------------------------------|---|---|---|--------|---|---|--|

|                             |     |     |     |    |     |     |  |
|-----------------------------|-----|-----|-----|----|-----|-----|--|
| Minimum open space required | 50% | 40% | 40% | 0% | 20% | 90% |  |
|-----------------------------|-----|-----|-----|----|-----|-----|--|

MAXIMUM STANDARD

|                                   |     |     |     |      |     |     |     |
|-----------------------------------|-----|-----|-----|------|-----|-----|-----|
| Maximum height                    | 24' | 24' | 24' | 24'  | 24' | 24' | 24' |
| Maximum lot Coverage by structure | 30% | 30% | 30% | 100% | 60% | 10% |     |

\* Refer to Chapter VI, Fire Regulations, 6-1 et al of the Municipal Code.

\*2 Where more than one mobile home is located on a parcel, distance between mobile homes will be 10'. 7/11/00 Res 08-2000

\*3 In the Candelaria Addition and Candelaria Heights Second Addition, 5' rear setbacks are allowed. 2-8-05 Ord 227

\*4 Refer to Development Standards 3-6-1 to 3-6-3 for parking, intersections, barrier restrictions.

**ORDINANCE 228**

**AN ORDINANCE OF THE TOWN OF IGNACIO AMENDING THE TOWN OF  
IGNACIO MUNICIPAL CODE, LAND USE CHAPTER, TO ADD A SECTION  
ENTITLED DOWNTOWN DESIGN CODE.**

**WHEREAS**, the Board of Trustees desires to adopt standards for continually improving the health and welfare of the citizens of the Town, and

**WHEREAS**, the Planning Commissioners find that there are business owners wanting to upgrade and guide the style and appearance of downtown business buildings on Goddard Avenue,


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

II. Chapter 3, is amended as follows:

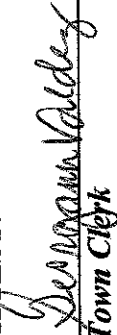
3-8 Downtown Design Guidelines.  
See attached

**APPROVED BY THE BOARD OF TRUSTEES** on this 13<sup>th</sup> day of April, 2005.

**THE TOWN OF IGNACIO, COLORADO**

  
**Katherine Gurule**      **Town Mayor**

**ATTEST:**

  
**Town Clerk**

3-8 Downtown Design Guidelines

3-8-1 Introduction.

The Ignacio Central Business District is the commercial core of the town. Goddard Avenue is the central spine and has historically been the focus of commercial activity. Goddard Avenue harbors a vibrant mix of activities that serve local residents and also appeal to an increasing visitor population.

The success of downtown is a result of pedestrian-friendly orientation, parking availability for visitors and concentration of businesses. In this regard, historic recognition, urban design and economic development are partners in the town's strategy for the business district.

Recognizing the importance of the character of downtown, the town has established this ordinance to provide a reliable framework for investment that will encourage owners to improve their properties in a manner that contributes to the character and function of the district while also meeting individual needs.

3-8-2 Purpose.

In order to promote the economic, cultural and general welfare of the people of Ignacio, and to ensure the harmonious, orderly, and efficient growth and development of the central business district, the Ignacio Town Board of Trustees deems it essential to: 1) preserve and enhance the qualities relating to the history and culture of Ignacio 2) maintain a harmonious outward appearance in order to preserve property and business values A harmonious outward appearance shall be achieved through compliance with the standards contained within this ordinance.

3-8-3. Applicability.

This ordinance applies to the central business district on Goddard Avenue, of Ignacio, Colorado. All new construction that becomes a business or conversions to business use of existing residences within this district shall comply with this ordinance. This ordinance does not apply to existing residences used exclusively as residences, nor to rentals used exclusively as residences. For remodels, this becomes mandatory using the same criteria as building code for full compliance. For rentals, four or more rentals under the same owner constitute a business. Residences used for a business, such as day care, must comply. Residences used for living only, do not need comply.

3-8-4. Nonconforming Buildings and Structures

Any building or structure in the business zoned district not meeting the standards set forth in this ordinance shall be considered nonconforming. Except for repairs and maintenance required by law, no nonconforming building or structure may be added to or altered in any way unless the proposed addition or alteration complies and serves to bring the existing structure into or towards compliance with the provisions of this ordinance.

**3-8-5. Application for Construction.**

Applications shall be submitted to the Ignacio Planning Commission (PC) who may refer it to a Downtown Design Review committee made up of two downtown business owners and one public citizen who is not necessarily a town citizen.

Applications shall include the following:

1. Name, Address, Phone number, Location proposed to be built
2. Contractor, if known with address and phone number
3. Drawings that illustrate how the proposed construction fulfills the code.

The PC shall act upon a complete application at its next regular meeting, provided the application is filed within one week of the meeting.

The PC shall approve, conditionally approve, deny, or postpone action on the application at that meeting. If conditional approval is given, the list of conditions shall be attached to the application and included with the building permit. If the application is denied, the PC shall state in its motion the sections of this ordinance with which the application does not comply. If the application is denied for failure to provide required information, the PC shall state so in its motion. All approved applications shall be passed to the Permitting Staff.

An approval issued by the PC shall expire after one year. The Chair may grant a single one-year extension provided that such is requested prior to the expiration of the initial approval. No building permit shall be issued after an approval has expired.

If an application is denied, the applicant may file again after one year, unless changes to the application resolved the reasons for an earlier denial, in which case a new application may be submitted at any time.

No building permit for work within the district shall be issued without approval first of the PC and second the Permitting Staff and Building Inspector

**3-8-6. Appeal.**

Any decision of the PC may be appealed by any aggrieved person or group to the Town Board of Trustees within seven days of the PC's taking action. An appeal stays all proceedings. Building Permits shall not be released to the applicant until after the appeal has been acted on the case. Appeals shall state specifically the section of this ordinance alleged to be violated by the decision of the PC.

**3-8-7. Criteria for Approval.**

Applications for development within the downtown business district may be approved only if the proposed development complies with the standards within this ordinance.

**3-8-8. Style**

As it is recognized that the original style of Ignacio is that of a typical northern New Mexico/Southwestern town, the following styles are permitted:

A. Territorial

B. Pueblo

C. Northern New Mexico/ Nortecano

D. Spanish Revival

### 3-8-9. Facade Materials

Facades on the four sides of a building shall be constructed of the following materials or suitable facsimile:

A. Stucco

B. Dry-stack sandstone

C. Fieldstone with traditional grouting

D. River rock with traditional grouting

E. Cultured Stone is acceptable.

Aluminum, wood or vinyl siding, metal panels, mirrored glass, and exposed concrete block or concrete are prohibited as exterior facade materials.

### 3-8-10. Building Scale and Mass

A human scale shall be achieved near ground level on large buildings and along street facades and entryways through the use of such scale elements as windows, doors, columns, and beams. "Human scale" means the entrances, windows, doors, columns, and beams are in proportion to and not significantly larger than the people using the building. For example, a ten-foot high entrance cover is in proportion to a person using it. A 30-foot high colonnade is not.

Buildings that extend greater than 50 feet along the street-side(s) shall utilize appropriate techniques to break the plane of the building line. For example, these techniques may include, but are not limited to, windows, doorways, staggered walls and embedded pillars.

### 3-8-11. Setback

To maintain an optically pleasing streetscape, all construction shall meet the property line at the street-side(s). For example, the building should align with the sidewalk in most cases, if not, a fence or wall should be constructed at the street side.

### 3-8-12. Walls and Fences

Walls shall be predominantly constructed of the same materials and in the same style as the building. For example, coyote fencing is the preferred style for fences, however other styles

may be approved if they are complementary to the building's style. Chain link and wire fencing is not acceptable for street facing fences.

The height of the wall or fence shall not obscure the building facade on street-side(s). Generally, this would be considered as no higher than 5 feet as measured from the bottom visible portion. Vacant lots should have a fence at least 6 feet tall. At corners, fences must follow town code.

Walls or fences longer than 50-feet shall utilize techniques to break the plain of the wall or fence. These techniques may include, but are not limited to, openings such as gates, windows, and niches. Walls or fences longer than 50-feet shall have at least a 1-foot horizontal plane change every 50-feet.

Landscaping on top of, or over a wall is encouraged.

#### 3-8-13. Screening of Equipment

Mechanical, electrical, telephone, satellite dish, and other similar equipment shall be architecturally screened with opaque materials by raising the parapet, boxing in the equipment, or other appropriate means **but may not supercede any state codes**. The screening shall be finished in a color and texture similar to the building's walls.

#### 3-8-14. Murals

Murals are governed by Ignacio's sign code.

#### 3-8-15. Signs

Signs are governed by Ignacio's sign code.

#### 3-8-16. Exterior Lighting

All exterior lighting shall comply with dark skies design ideals in that lighting shall be designed to point downward.

#### 3-8-17. Solar Features

The use of solar and other energy-collecting and energy-conserving strategies is encouraged. Solar equipment shall be screened from public visibility by approval of the Downtown Design Review Committee. For example, this could be achieved by:

- A. Raising the parapet
- B. Setting back from the edge of the roof
- C. In the case of pitched roofs, by integrating the collector into the pitch
- D. In the case of ground solar collectors, by a wall or vegetation
- E. In the case of wall collectors, by enclosing by end or other walls
- F. Other means that screen the collector or integrate it into the overall structure.

Non-glare material shall be used in solar collectors.

### 3-8-18. Roofs

Roofs on Pueblo, Spanish Revival, and Territorial buildings shall be flat and surrounded on sides not meeting another building by a parapet. Roofs that are slightly pitched must be concealed by the parapet.

Flat roofs may have no more than a 30-inch overhang.

Northern New Mexico style buildings with gabled or hipped roofs may be constructed provided that at least 50-percent of the roofs are pitched. Metal, wood and tile are the accepted materials for pitched roofs.

Roof top appurtenances other than chimneys, flues, or vents, are not allowed if publicly visible. Skylights shall be lower than a building's parapet and are not allowed on buildings with pitched roofs.

### 3-8-19. Building Details

Window and door space combined shall not exceed 40-percent of any publicly viewable elevation, except for doors and windows located beneath a portal.

On Pueblo and Spanish Revival style buildings, in order to simulate adobe construction, no window or door on any publicly visible elevation shall be located within three feet from the corner of the building. The exception to this requirement is within enclosed portals.

On Pueblo and Spanish Revival style buildings, edges and corners of publicly visible buildings or structures shall be rounded to simulate weathered adobe construction. Windows and doors should be inset a minimum of two inches to simulate adobe construction.

The primary elevations of buildings shall be flat, varied by inset portals, projecting portals, projecting vigas or rafter tails, canales or water spouts, flanking buttresses and wooden lintels, architraves, and cornices.

Windows on elevations of publicly visible buildings and structures may be operating or fixed, double hung or casement, and divided light glazing, not exceeding 30-inches in any dimension is recommended. Snap-in or applied muntins are permitted.

Doors on publicly visible elevations of buildings and structures are recommended to have divided lights not exceeding 30-inches in any dimension. Snap-in or applied muntins are permitted.. All external doors shall follow Americans with Disability requirements.

The entry of any building adjoining the sidewalk shall be recessed no less than the amount required that the door shall not overhang the sidewalk when opened.

### 3-8-20. Portals

One-story Pueblo, Spanish Revival, Northern New Mexico, or Territorial inspired portals shall be constructed on the street-facing elevation of all buildings.



### 3-8-21. Exterior Building Colors

Exterior building colors shall be limited to a palette of southwest colors available from the town hall or approved by the Review Committee. Earth tones in a matte or dull finish, and of relatively smooth texture are acceptable, but white and dark chocolate brown colors do not meet this definition and are therefore excluded. Building trim may be of complementary accent colors.

### 3-8-22. Parking

Parking lots are not permitted in the front of any building. The PC may grant exception to this requirement for existing, non-conforming buildings if the remainder of the requirements of this ordinance is being met. In these cases, walls or fencing meeting this ordinance shall be constructed.

New buildings are to include sufficient parking in the rear, side, or within to meet employee and customer needs. In the case of parking being provided on the sides of buildings, walls or fencing meeting this ordinance shall be constructed except for the width of the driveway.

### 3-8-23. Minimum Maintenance Requirements

All properties shall be preserved against decay and deterioration and kept free from structural defects by the property owner or other persons who may have legal custody and control of the property. Properties shall be repaired if they are found to have any of the following defects:

- A. Attached elements that may fall and injure members of the public or property
- B. Deteriorated or inadequate foundation
- C. Defective or deteriorated flooring or floor supports or flooring for floor supports of insufficient size to carry imposed loads with safety
- D. Members of walls, partitions, or other vertical supports that split, lean, list or buckle
- E. Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety
- F. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety
- G. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration
- H. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety
- I. Deteriorated, crumbling, or loose plaster or grout

- J. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors
- K. Defective or lack of weather protection for exterior wall covering, including lack of paint, or weathering due to lack of paint or other protective covering
- L. Any fault or default in the property that renders the same structurally unsafe or not properly watertight.

In addition, the owner or other person having legal custody and control of a property shall keep all property, including vacant property, clear of all weeds, fallen trees or limbs, debris, unregistered vehicles, and all other refuse.

#### 3-8-24. Vacant lots

Vacant lots shall have a wall or fencing meeting this ordinance spanning any street-side(s), except that the fencing or wall shall be a minimum of 6 feet high. The fence or wall may be set back 12 feet if a seating area with benches is provided.

#### 3-8-25. Exceptions

An exception is a waiver to this ordinance that does not require a variance to the underlying zoning criteria. An exception must meet the following requirements:

- A. The exception will not damage the character of the district as outlined within these regulations, including their intent
- B. The exception will strengthen the unique character of the town by providing a full range of design options that are appropriate to the downtown business zoned district
- C. The exception is unique to special conditions and circumstances that are peculiar to the land or property involved.

The applicant for an exception shall conclusively demonstrate, and the PC shall make positive findings of fact, that the exception complies with the foregoing criteria.

#### 3-8-26. Definitions

**Addition:** Any expansion to an existing property that increase the height, floor area, or roofed area (including porches, portals, and ramadas).

**Alley:** Rear access lane paralleling Goddard Ave.

**Adobe:** Dried block or coursing of dirt, clay, cement-modified earth, or other natural materials.

**Alteration:** Any change to a building, structure, site, object, or cultural landscape that modifies its features. Such changes include the removal of parts or features and reconstruction. Additions are considered to be alterations.

**Business location:** This is the physical location where a business license is posted.

**Canales:** Drain spouts, often decorative, protruding through the roof parapet.

**Cantilever:** A projecting beam or structure supported at only one end.

**Corbel:** A carved, decorative piece of wood that tops a post and helps support a beam.

**Coyote Fence:** Branches wired together vertically to create a fence with a rustic appearance.

**Design Development Drawings:** Submittals drawn to scale that fully delineate the architectural characteristics of a site, building, or structure, but are not detailed enough to be considered working or construction drawings.

#### **Earth Color**

Colors found in the earth in the Ignacio area. White or dark chocolate brown colors do not meet this definition and are therefore excluded.

**Elevation:** The external faces of a building or structure often represented in drawings or photographs.

**Facade:** The characteristics of a building's face or structure that are delineated within its elevation.

**Lintel:** Exposed support beams above windows or doorways.

**Mass:** The physical size and bulk of a structure.

**Mural:** A painting or other form of artwork applied directly to a wall's surface.

**Mullion:** a slender bar or pier between lights or windows, screen, etc.

**Muntin:** A strip separating panes of glass in a sash.

**Northern New Mexico Style:** A building with a pitched roof, often having long portals and larger windows.

**Parapet:** A low wall extending above the roof-line in pueblo style architecture.

**Porch:** A roofed space outside the main walls of a building at street or first floor level which has a depth of four feet or to the street (whichever is less) from the outside face.

**Portal:** A long porch or portico with roof.

**Publicly Visible:** A site, building, structure, object, or any part thereof, that is visible from a public street or other area to which the public has legal access, from a vantage point of three to six feet off the ground.

**Pueblo Style:** Stucco walls with rounded parapets, usually with roofs and vigas extending through the exterior.

**Rental Business:** four or more structures under the same ownership.

**Residence:** A structure legally occupied only for living.

**Southwest Palette of colors include:** Other colors by application to the Design Review committee.

**Spanish Revival Style:** Cupolas, turrets, rounded arcades, twisted columns, red clay barrel tile roofs, iron railings, curved balconies, small obelisks and finials, and colorful tilework.

**Structure:** A fixed, functional construction made for purposes other than providing shelter. Examples include, but are not limited to walls, fences, bridges, towers, dams, roadways, railroads, fortifications, mounds, earthworks, pools, gazebos, and bandstands.

**Territorial Style:** Stucco walls with square parapets, brick coping around the top, and Victorian-style window moldings. The portal usually has square beam supports rather than viga supports.

**Vigas:** Logs used for ceiling support or appearing as ceiling support.

**ORDINANCE NO. 227**

**AN ORDINANCE OF THE TOWN OF IGNACIO AMENDING THE TOWN OF IGNACIO MUNICIPAL CODE, LAND USE CHAPTER, REAR SETBACKS ONLY IN THE CANDELARIA ADDITION AND CANDELARIA HEIGHTS SECOND ADDITION TO FIVE FEET FROM THE PROPERTY LINE.**

**WHEREAS**, the Board of Trustees desires to adopt standards for continually improving the health and welfare of the citizens of the Town, and

**WHEREAS**, the Planning Commissioners find that there are certain locations in town that zoning ordinance setbacks are in conflict with the overall purposes of the code for sustaining esthetic and practical uses of private property within the town limits; and

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

I. Chapter 3, is amended as follows:

**3-5-5** Rear setbacks only in the Candelaria Addition and Candelaria Heights Second Addition subdivisions will be five feet for either MH or R-1 zoning.

**APPROVED BY THE BOARD OF TRUSTEES** on this 8<sup>th</sup> day of February, 2005.

**THE TOWN OF IGNACIO, COLORADO**

  
**Katherine Gurule**      **Town Mayor**

**ATTEST:**

  
**Dawn M. Valdez**  
**Town Clerk**

**ORDINANCE # 226**

An ordinance appropriating additional sums of money to defray expenses in excess of amounts budgeted for the Town of Ignacio, Colorado

WHEREAS, the Town's General Fund started the year with a healthy beginning balance of \$75,968 and received \$143,480 in unanticipated revenues from County Sales Tax, severance tax, vendor permits, contractor license, other permits, HiDTA Grant, Transit Grant, Neighborhood Watch Grant, CERT Grant, Law Enforcement Block Grant, motor vehicle, mineral lease sanitation collection fees, court costs, court fines, miscellaneous income, interest income, gas royalties, Camp Courage Donation, bad check charges, notary public, and website listing, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's General Fund expenses are expected to be \$125,838 higher than anticipated due to admin. Worker's comp, contract work, audit services, engineer services, gas utilities, building repair & maintenance, CERT, returned check charges, publication of legal notices, printing services, office supplies, operating supplies, transfer out; Public Safety worker's comp, FICA/Medicare tax, electric utilities, vehicle repair & maintenance, other repair & maintenance (radio repairs), intergovernmental payments, office supplies, Neighborhood Watch, Camp Courage, gas, oil, etc. for police department; Public Works health insurance, life insurance, dental insurance, FICA/Medicare tax, worker's comp, commercial trash, street lights, and miscellaneous expenses for public works; Park salaries, health insurance, life insurance, dental insurance, FICA/Medicare tax, water and electric utilities, not planned at the time of the preparation of the budget, and,

WHEREAS, the Town's Irrigation Improvement Fund started the year with a healthy beginning balance of \$4,318 and received \$8,300 in unanticipated revenues from tap fees, unmetered water, miscellaneous income, and interest income, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Irrigation Improvement Fund expenses are expected to be \$3,650 higher than anticipated due to attorney services and water rights, not assured at the time of the preparation of the budget, and,

WHEREAS, the Town's Debt Service Fund started the year with a healthy beginning balance of \$162,115 and received \$272,542 in unanticipated revenues from interest income, miscellaneous income, bond refinance proceeds, and transfer in, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Debt Service Fund expenses are expected to be \$56,878 higher than anticipated due to agent fees and debt service payment resulting from refinancing bonds, not assured at the time of the preparation of the budget, and,

WHEREAS, the Town's Economic Development Fund was established during the current year and received \$110,260 in unanticipated revenues from loan proceeds and interest income, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Economic Development Fund expenses are expected to be \$110,200 due to attorney, surveyor, engineer, architect, planning, marketing, and environmental service for predevelopment of the land not assured at the time of the preparation of the budget, and,

WHEREAS, the Town's Gas Fund started the year with a healthy beginning balance of \$84,054 and received \$404,010 in unanticipated revenues from CDoT reimbursement, gas residential sales, gas commercial sales, tap fees, taxes, and miscellaneous income, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Gas Fund expenses are expected to be \$336,535 higher than anticipated due to audit, worker's comp, telephone, travel and meetings, gas, oil, fuel, etc., and bridge construction, not assured at the time of the preparation of the budget,

NOW THEREFORE, be it ordained by the Town Board of Trustees of the Town of Ignacio, Colorado;

Section 1. That the 2004 appropriation for the General Fund is hereby increased from \$1,253,949 to \$1,379,787 for the purpose of admin. Worker's comp, contract work, audit services, engineer services, gas utilities, building repair & maintenance, CERT, returned check charges, publication of legal notices, printing services, office supplies, operating supplies, transfer out; Public Safety worker's comp, FICA/Medicare tax, electric utilities, vehicle repair & maintenance, other repair & maintenance (radio repairs), intergovernmental payments, office supplies, Neighborhood Watch, Camp Courage, gas, oil, etc. for police department; Public Works health insurance, life insurance, dental insurance, FICA/Medicare tax, worker's comp, commercial trash, street lights, and miscellaneous expenses for public works; Park salaries, health insurance, life insurance, dental insurance, FICA/Medicare tax, water and electric utilities. The expenses will be covered by unanticipated revenues and beginning balance.

Section 2. That the 2004 appropriation for the Irrigation Improvement Fund is hereby increased from \$16,790 to \$20,440 for the purpose of attorney services and water rights. The expenses will be covered by unanticipated revenues and beginning balance.

Section 3. That the 2004 appropriation for the Debt Service Fund is hereby increased from \$190,153 to \$247,031 for the purpose of agent fees and debt service payment resulting from refinancing bonds. The expenses will be covered by unanticipated revenue and beginning balance.

Section 4. That the 2004 appropriation for the Economic Development Fund is hereby increased from \$0 to \$110,200 for the purpose of attorney, surveyor, engineer, architect, planning, marketing, and environmental service for predevelopment of the land. The expenses will be covered by unanticipated revenues.

Section 5. That the 2004 appropriation for the Gas Fund is hereby increased from \$558,402 to \$894,937 for the purpose of audit, worker's comp, telephone, travel and meetings, gas, oil, fuel, etc., and bridge construction. The expenses will be covered by unanticipated revenues and beginning balance.

ADOPTED, this 14th day of December, A.D., 2004.

ATTEST Suzanne Valdez  
Town Clerk

Katherine Gurule  
Katherine Gurule, Mayor

DATE 12/14/2004

ORDINANCE # 225

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF IGNACIO, COLORADO FOR THE 2005 BUDGET YEAR.

WHEREAS, the Board of Trustees has made provisions for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purpose described below, so as not to impair the operation of the Town.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO;

Section 1. That the following sums are hereby appropriated from the revenues of each fund, to each fund, for the purpose stated.

|                             |             |
|-----------------------------|-------------|
| GENERAL FUND:               |             |
| Current operating expenses: | \$1,105,578 |
| Transfers:                  | \$ 127,000  |
| Total:                      | \$1,232,578 |

|                           |           |
|---------------------------|-----------|
| CAPITAL IMPROVEMENT FUND: |           |
| Capital projects:         | \$ 7,000  |
| Transfers:                | \$100,000 |
| Total:                    | \$107,000 |

|                                     |           |
|-------------------------------------|-----------|
| IRRIGATION SYSTEM IMPROVEMENT FUND: |           |
| Current operating expenses:         | \$ 35,190 |
| Transfers:                          | \$ 0      |
| Total:                              | \$ 35,190 |

|                             |           |
|-----------------------------|-----------|
| DEBT SERVICE FUND:          |           |
| Current operating expenses: | \$140,909 |
| Transfers:                  | \$ 0      |
| Total:                      | \$140,909 |



ECONOMIC DEVELOPMENT FUND:

Current operating expenses: \$120,450  
Transfers: \$ 0  
Total: \$120,450

WATER FUND:

Operating expenses: \$ 618,747  
Transfers: \$ 0  
Total: \$ 618,747

GAS FUND:

Operating expenses: \$ 511,915  
Transfers: \$ 10,000  
Total: \$ 521,915

CONSERVATION TRUST FUND:

Operating expenses: \$103,000  
Transfers: \$ 0  
Total: \$103,000

ADOPTED THIS 14TH DAY OF DECEMBER A.D. 2004.

ATTEST: Georgann McVally  
Town Clerk

Katherine Gurule  
Katherine Gurule, Mayor

## **ORDINANCE NO. 224**

**AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO AMENDING ORDINANCE NO. 215, REGARDING THE POLICY TO SET CERTAIN UTILITY RATES FOR THE TOWN, AND DECLARING AN EMERGENCY.**

WHEREAS, the Board of Trustees adopted Ordinance No. 215 to generally set the policy for the adoption and revision of rates and fees charged by the Town, and

WHEREAS, that Ordinance included utility rates, and required notice prior to amending utility rates, and

WHEREAS, the Town does not have control over rate increases from third parties, and

WHEREAS, it is the policy of the Board of Trustees to pass through such rate increases from third parties to avoid negative impacts to the Town's budget and to assure that the utilities continue to operate as enterprise funds, and

WHEREAS, the policy established in Ordinance No. 215 inadvertently limited the Board's ability to pass through non-discretionary rate increases from third parties, and

WHEREAS, the Town has been notified of rate increases from third parties that would have a severe impact on the Town's budget and that could impact the integrity of the utility enterprise funds if not passed through to the Town's consumers,

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF IGNACIO, COLORADO AS FOLLOWS:**

1. The Board finds that the financial condition of the Town and the inability to pass through rate increases imposed on the Town by third parties constitutes an emergency and the adoption of the provisions of this Ordinance and the provisions making it effective upon adoption are necessary to the immediate preservation of the public health, safety and welfare.
2. The first sentence of paragraph one of Ordinance No. 215 is amended to read as follows:  
  
It shall be the policy of the Town of Ignacio to give at least thirty (30) days public notice of an intention to raise any service fees, license fees, court fines and assessments and for any discretionary increases in utility rates that are not a result of increases in rates charged to the Town by third parties, which changes may be passed through to utility customers without such notice.


3. The second paragraph of Ordinance No. 215 is amended to read as follows:

Any utility rate increases that result from increases charged to the Town by third parties (pass through increases) may be adopted by the Board of Trustees at any special or regular meeting following a motion and approval of such pass through increase by a majority vote of the Board. Otherwise, all utility rate increases will be changed by Ordinance, which will become effective thirty (30) days following publication of the Ordinance.

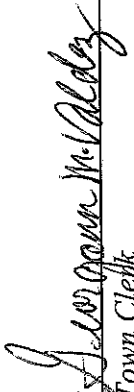
4. Pursuant to C.R.S. 31-16-105, the Board has found that an emergency exists and therefore, the provisions of this Ordinance shall become effective immediately.

APPROVED BY THE BOARD OF TRUSTEES on this 14th day of October 2004.

THE TOWN OF IGNACIO, COLORADO

  
\_\_\_\_\_  
Mayor

ATTEST

  
\_\_\_\_\_  
Town Clerk

**Ordinance 223**

**AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO TO ADOPT A COMPREHENSIVE PLAN, WHICH INCLUDES REVISED LAND USE AND THREE MILE PLANS AND EXISTING BUILDING AND ZONING CODES AND NEXUS 2020 TRANSPORTATION PLAN.**

**WHEREAS**, the Town of Ignacio Board of Trustees desires to continually upgrade its guidelines to benefit the citizens of the town; and

**WHEREAS**, Public Meetings were held throughout 2003 and 2004 and a Public Hearing was held to receive citizen comments and affected agency comments were taken and considered; and

**WHEREAS**, the Planning Commission has approved revisions to the Land Use and Three Mile Plan, including maps and other documentation and is recommending these to become part of the Comprehensive Plan of the Town of Ignacio; and

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of Trustees of Ignacio, Colorado, hereby approves and authorizes the adoption of the revised Land Use and Three Mile Plan to the Comprehensive Plan.

**PASSED AND APPROVED** by the Town Board of Trustees of Ignacio, Colorado on October 12, 2004.

Attest: *Argonne M. Valley* Recording Clerk

*Katherine Gmule*  
Mayor, Board of Trustees

**ORDINANCE NO. 222**

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO ADOPTING THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE AS FURTHER DESCRIBED HEREIN, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPATION AND THE DEMOLITION OF SUCH STRUCTURES IN THE TOWN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AND REPEALING ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES OF THE TOWN IN CONFLICT THEREWITH.

WHEREAS, the Board of Trustees desires to adopt standards for the construction, maintenance and repair of structures within the Town to assure the maintenance of the health and welfare of the citizens of the Town, and

WHEREAS, the Board of Trustees finds that the provisions of the 2003 edition of the International Building Code are suited to the needs of the Town; and

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

- I. Chapter 5, is amended in its entirety as follows:
  - 5-1-1 The following described documents and codes are hereby adopted as the Building Code of the Town of Ignacio, Colorado for the purpose of regulating the erection, construction, enlargement, alteration, repair, occupancy and maintenance of all buildings and structures in the Town of Ignacio, Colorado and establishing fees and permits therefore and each of the following are hereby referred to, adopted and made part hereof as if fully set forth in this ordinance:
    - A. The chapters and appendices of the International Building Code, 2003 edition, as published by the International Code Council, together with Amendments and Deletions as set forth in Exhibit A.
    - B. The Chapters and appendices of the International Residential Code, 2003 edition, as published by the International Code Council, together with Amendments and Deletions as set forth in Exhibit B
    - C. The chapters and appendices of the International Mechanical Code, 2003 edition, as published by the International Code Council, together with

Amendments and Deletions as set forth in Exhibit C.

D. The chapters and appendices of the International Plumbing Code, 2003 edition, as published by the International Code Council, together with Amendments and Deletions as set forth in Exhibit D.

E. The chapters and appendices of the International Fuel Gas Code, 2003 edition as published by the International Code Council, together with Amendments and Deletions as set forth in Exhibit E.

F. The chapters and appendices of the International Energy Code, 2003 edition as published by the International Code Council.

5-1-2 Revisions to Code. The following sections of the International Code Section are hereby revised:

See Exhibits A through E, attached hereto.

5-1-3 Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

5-1-4 Validity. That if any section, subsection, sentence, clause or phase of this ordinance is for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance, and each section, subsection, clause or phase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

5-1-5 Effect on Existing Rights. That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2-1-3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

II. Any other references in the Town Code to the "Uniform Building Code" shall be amended to read "International Building Code".

III. The Town Clerk is hereby ordered and directed to cause this ordinance to be published in compliance with the law.

IV. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 30 days from and after the date of its final passage, adoption and publication.

PASSED, APPROVED AND ADOPTED this 14<sup>th</sup> day of September, 2004.

MAYOR:

Katherine Guide

ATTEST:

Sharon M. Valdez  
Town Clerk

## EXHIBIT A

### Amendments, additions and deletions to the International Building Code.

#### Section 101 General

Delete Section 105.2 and substitute the following:  
**105.2 Exempted work.** A building permit will not be required for the following:

##### Building:

1. One-story, detached accessory buildings used as tool and storage sheds, play houses, and similar uses, provided the floor area does not exceed 120 square feet and the height does not exceed 6 feet.
2. Oil derricks.  
Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter does not exceed 2 to 1.
- 3.
4. Painting, papering, tiling, carpeting, cabinets, counter-tops and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Window awnings supported by an exterior wall of Group R, Division 3, and Group U occupancies when projecting not more than 54 inches.
7. Movable cases, counters and partitions not over 5 feet 9 inches in height.

Work that requires any excavation or digging, including digging for post or piers requires a permit.

Unless otherwise exempted by this Code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items.



Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or resolutions of this jurisdiction.

**Gas:**

Portable heating appliance.  
Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

**Mechanical:**

Portable heating appliance;  
Portable ventilation equipment;  
Portable cooling unit;  
Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code;  
Replacement of any part which does not alter its approval or make it unsafe;  
Portable evaporative cooler;  
Self-contained refrigeration system containing 10 pound (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

**Plumbing**

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain-pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this Code.  
The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

## EXHIBIT B

Amendments, additions and deletions to the International Residential Code.

Add the following Table:

**TABLE 301.2(1)  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

|  |
|--|
| Required minimum roof live load (Snow Load) 40 psf       |
| Wind speed- 90 MPH (3 sec. gust) Exposure B or C applies |
| Seismic Design Category - C                              |
| Weathering-Severe  |
| Frost depth - 32 inches                                  |
| Termite - Moderate                                       |
| Decay - None to slight                                   |
| Winter design temperature 4 degrees F.                   |
| Air freezing index-2000                                  |
| HDD - 6930   |
| Climate Zone 15  |

**R311.5.3.3 Profile.** Delete the last sentence. Delete exception No. 2.

**R312.2 Guard opening limitations.** Delete in its entirety and substitute the following:

Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 inches or more in diameter.

**Exceptions:**

1. The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of stairways are permitted to be of such a size that a sphere 6 inches in diameter cannot pass through.
2. The openings between stair treads (open risers) do not require guard protection.

**R318 Moisture vapor retarders.** Delete in its entirety.

**R402.2 Concrete.** Delete in its entirety.

**R403.1.1 Minimum size.** Delete R403.1.1 Minimum size. And substitute the following:

The minimum size for concrete footings will be as approved by the Building Official or as designed by a licensed design professional.

**Table R402.2** Delete in its entirety.

**Table R403.1** Delete in its entirety.

**Figure R403.1(1)** Delete in its entirety.

**R403.1.8** amend by the addition of a second exception as follows:

Exception 2): Foundations for mobile homes, garages, barns and other outbuildings.

**R404.1.1 Masonry foundation walls.** Delete in its entirety. Substituting as follows:

Concrete masonry foundation walls shall be constructed in accordance with standards as approved by the Building Official, or as designed by a licensed design professional.

**R404.1.2 Concrete foundation walls** Delete in its entirety. Substituting as follows:

Concrete foundation walls shall be constructed in accordance with standards as approved by the Building Official, or as designed by a licensed design professional

**Table R404.1.1(1)** Delete in its entirety.

**Table R404.1.1(2)** Delete in its entirety.

**Table R404.1.1(3)** Delete in its entirety.

**Table R404.1.1(4)** Delete in its entirety.

**Table R404.4(1)** Delete in its entirety.

**Table R404.4(2)** Delete in its entirety.

**Table R404.4(3)** Delete in its entirety.

**Table R404.4(4)** Delete in its entirety.

**Table R404.4(5)** Delete in its entirety.

**R404.4.1** Delete in its entirety.

**R404.4.2** Delete in its entirety.

**R404.4.3** Delete in its entirety.

**R404.4.6.2** Delete in its entirety.

**R404.4.6.3** Delete in its entirety.

**R802.10.3 Bracing** Add a second paragraph as follows:

All trusses shall be supported laterally at all points of bearing by either solid blocking, sheathing, bridging or other approved methods.

**Exception:** Where the truss heel height is less than 4 inches.

**N1102.1 Detached one and two-family dwellings.** Delete item 1. And replace with the following:

1. Meeting the requirements of this chapter; for buildings with a glazing area that does not exceed 20 percent of the gross area of exterior walls; or

**N1101.2.2 Townhouses.** Delete item 1. and replace with the following:

1. Meeting the requirements of this chapter for buildings with a glazing area that does not exceed 30 percent of the gross area of exterior walls; or

**N1102.1 Thermal performance criteria.** Delete the second paragraph, and replace with the following:

Detached one-and -two family dwellings with greater than 20 percent glazing area; and townhouses with greater than 30 percent glazing area; shall determine compliance using building envelope requirements of Chapter 4 or 5 of the *International Energy Conservation Code*.

**N1102.1.4 Floors.** Delete in its entirety.

**N1102.4 Replacement fenestration.** Delete in its entirety.

**TABLE N1102.1** Delete in its entirety and substitute the following:

**TABLE N1102.1A**

|              |                     |                              |                                  |   |  |   |
|--------------|---------------------|------------------------------|----------------------------------|---|--|---|
| Maximum<br>m | Minimum<br>m        | Minimum<br>m Wall<br>R-Value | Minimum<br>m<br>Floor<br>R-Value | Minimum<br>m<br>Basement<br>Wall<br>R-Value | Minimum<br>m Slab<br>Perimeter<br>R-Value<br>and depth | Minimum<br>Crawl<br>space<br>wall R-<br>Value |
| U-Factor     | Ceiling<br>R-Value. |                              |                                  |   |  |   |
| U-.40        | R-38                | R-19                         | R-19                             | R-11  | R-9, 4 ft.   | R-19  |

### Residential Mechanical Code

Add the following Sections.

**M1307.7 Securing appliance.** Appliances designed to be fixed in position shall be securely fastened in place.

**M1307.1.1 LPG appliances.** LPG appliances shall not be installed in a pit or an underfloor space which forms a pit.

**M14.1.1 Unvented room heaters.** Unvented room heaters must be installed in accordance with Section G2406.

### Residential Fuel Gas Code

Add the following:

**G2406.2 Prohibited Locations.** Add item number 5. LPG appliances.

LPG appliances shall not be installed in a pit or an underfloor area which forms a pit.

**G2416.4.1 Test pressure.** Delete Section G2416.4.1 and substitute as follows.

The test pressure to be used shall be not less than one and one-half times the proposed maximum working pressure, but not less than 10 psig (69 kPa gauge,) irrespective of design pressure.

### Residential Plumbing Code

**P2501.1 Scope.** Add a second paragraph:

The intent of this Code is to meet or exceed the requirements of the State of Colorado Plumbing Code. When technical requirements, specifications or standards in the Colorado Plumbing Code conflict, the more restrictive shall apply.

**Chapters R33 through R42** Delete in their entirety.

The following Appendix Chapters of the International Residential Code are hereby adopted and enforced by the Town of Ignacio, Colorado.

**Appendix Chapter A : Sizing and Capacities Of Gas Piping.**

**Appendix Chapter B: Sizing of Vent Systems**

**Appendix Chapter C: Exit Terminals of Mechanical Draft Systems.**

**Appendix Chapter D:** Deleted in its entirety.

**Appendix Chapter E: Manufactured Homes Used As Dwellings.**  
Deleted in its entirety and replaced with the following:

**Appendix Chapter E: Manufactured Homes.** Manufactured homes are subject to installation permits and standards developed by the building official.

**Appendix Chapter F: Radon Control Methods.** Delete in its entirety.

**Appendix Chapter G: Swimming Pools, Spas and Hot Tubs.**  
Delete in its entirety.

**Appendix Chapter J: Existing Buildings and Structures.**  
Delete in its entirety.

**Appendix Chapter K: Sound Transmission.**  
Delete in its entirety.

**Appendix Chapter L: Electrical Provisions.**  
Delete in its entirety.

**EXHIBIT C**

**Amendments Additions and Deletions to the International Mechanical Code:**

Add the following sections:

**301.17 Securing appliance.** Appliances designed to be fixed in position shall be securely fastened in place.

**303.3.1 LPG appliances.** LPG appliances shall not be installed in a pit or an underfloor space which forms a pit.

**303.9 Unvented room heaters.** Unvented room heaters must be installed in accordance with Section 620 of the International Fuel Gas Code.

**EXHIBIT D**

**Amendments, Additions and Deletions to the International Plumbing Code:**

**101.2 Scope.** Add second paragraph as follows:

The intent of this Code is to meet or exceed the requirements of the State of Colorado Plumbing Code. When technical requirements, specifications or standards in the Colorado Plumbing Code conflict, the more restrictive shall apply.

**EXHIBIT E**

Amendments Additions and Deletions to the International Fuel Gas Code:

**Add the following.**

**406.4.1 Test pressure.** Delete Section 406.4.1 And substitute as follows.

**406.4.1 Test pressure.** The test pressure to be used shall be not less than one and one-half times the proposed maximum working pressure, but not less than 10 psig (69 kPa gauge,) irrespective of design pressure.

Appendix Chapters A, B, and C of the International Fuel Gas Code are hereby adopted.

## Town of Ignacio

### ORDINANCE NO. 221

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO ESTABLISHING THE ECONOMIC DEVELOPMENT ENTERPRISE OF THE TOWN OF IGNACIO, COLORADO AND RATIFYING CERTAIN ACTIONS PREVIOUSLY TAKEN BY THE BOARD OF TRUSTEES OF THE TOWN;

WHEREAS, the Town of Ignacio, Colorado (the Town) is a Statutory Town; and

WHEREAS, the Board of Trustees of the Town (the Board) has determined and hereby determines that it is in the best interests of the Town and its inhabitants to establish an activity enterprise to known as the Town of Ignacio Economic Development Enterprise (the Enterprise) that shall be operated as an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution (the Amendment); and

WHEREAS, the Board has determined that the establishment of the Enterprise will be in the best interest of the Town's inhabitants and promote the health, safety, prosperity, security and general welfare of the Town's inhabitants; and

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

Section 1. Enterprise Declaration and Creation. The Board hereby finds and determines that the Enterprise will and provide economic development, affordable and other housing in the Rock Creek II Addition and other parts of town in conformity with all applicable Colorado laws. The Board further (i) recognizes and confirms that the Enterprise in an "enterprise" with the meaning of the Amendment, and (ii) declares its intent that the Enterprise be operated and maintained so as to exclude its activities from the application of the Amendment. Therefore, the Board hereby creates the "Town of Ignacio Economic Development Enterprise." The Town shall take all actions on behalf of the Enterprise as hereinafter further provided.

Section 2. Governing Board. The Board of Trustees of the Town shall constitute the governing board of the Enterprise (the Governing Board). The Governing Board shall conduct the business of the Enterprise in the same manner and follow the same procedures as the Board of Trustees of the Town. All official business of the Enterprise shall be conducted at regular scheduled or special meetings of the Board of Trustees. The record of the proceedings of the Governing Board may be incorporated in the minutes of the Town and shall not required to be recorded separately. No additional oath of office, qualification or procedure shall apply with respect to service as a member of the Governing Board. All business and actions of the Governing Board shall be governed by and made subject to all



requirements, privileges, immunities, protections, limitations and other provisions of law.

Section 3. Enterprise Powers. The Enterprise shall exercise the powers of an Enterprise under the laws of the State of Colorado, including, without limitation, the power to enter contracts, to issue or reissue bonds, notes, or other obligations, without voter approval payable from the revenues derived or to be derived from its provision of services or otherwise from Enterprise property.

Section 4. Assets. Assets to be operated and maintained by the Enterprise shall either remain in the ownership of the Town or be owned by the Enterprise, as the Board determines. The Town hereby assigns the use and management of the real property known as the Rock Creek II Addition owned by the Town, and associated assets whether real or personal, to the Enterprise.


Section 5. Enterprise Fund. An Enterprise fund shall be established to separately account for all revenues and expenditures incurred by the Enterprise. The Enterprise shall prepare an annual budget which may be included in the budget prepared for the Town. All budgets, reports audits and financial operations of the Enterprise shall conform to and be prepared in accordance with generally accepted accounting principles applicable to governmental units and other requirements of law.

Section 6. Action. All actions not consistent with this Ordinance that have heretofore been taken by the Town or its officers in support of the operation of this Enterprise or its formation is hereby approved and ratified.

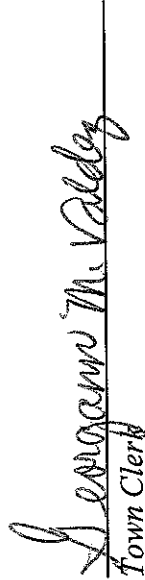
Section 7. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined in valid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

APPROVED BY THE BOARD OF TRUSTEES on this 7th day of September, 2004.

THE TOWN OF IGNACIO, COLORADO

  
By: Katherine Gurnle      Town Mayor

ATTEST

  
Town Clerk

ORDINANCE 220

CERTIFIED RECORD

OF

PROCEEDINGS OF THE

BOARD OF TRUSTEES OF

THE TOWN OF IGNACIO, COLORADO

RELATING TO AN ORDINANCE

AUTHORIZING THE ISSUANCE OF ITS

SALES TAX REVENUE REFUNDING BONDS SERIES 2004A

AND TAXABLE SALES TAX REVENUE REFUNDING BONDS SERIES 2004B

IN THE PRINCIPAL AMOUNT OF \$1,165,000

STATE OF COLORADO )  
 )  
COUNTY OF LA PLATA ) ss.  
 )  
TOWN OF IGNACIO )

The Board of Trustees of the Town of Ignacio, Colorado, held a special meeting open to the public at 540 Goddard, Ignacio, Colorado on Tuesday the 13th day of April 2004, at the hour of 6:30 p.m.

The following members of the Board of Trustees were present:

|                            |              |
|----------------------------|--------------|
| Katherine Gurule           | Mayor        |
| Kasey Correia              | Mayor ProTem |
| Kirk Allen                 | Trustee      |
| Lawrence Bartley           | Trustee      |
| Elizabeth "Cindy" Gallegos | Trustee      |
| Leroy Herrera              | Trustee      |
| Anna Marie Quintana        | Trustee      |

The following members of the Board of Trustees were absent:

None

The following persons were also present:

Town Manager Jose B. Quintana  
Treasurer Yolanda T. Duran  
Town Counsel Dirk W. Nelson

Trustee Correia introduced and moved the adoption of the following Ordinance, which was read by title, copies thereof having previously been made available to the public and members of the Council, as an emergency ordinance:

\$813,000

TOWN OF IGNACIO, COLORADO  
LA PLATA COUNTY, COLORADO  
SALES TAX REVENUE REFUNDING BONDS  
SERIES 2004A

AND

\$352,000

TOWN OF IGNACIO, COLORADO  
LA PLATA COUNTY, COLORADO  
TAXABLE SALES TAX REVENUE REFUNDING BONDS  
SERIES 2004B

WELLS FARGO BROKERAGE SERVICES, LLC

\$813,000  
TOWN OF IGNACIO, COLORADO  
LA PLATA COUNTY, COLORADO  
SALES TAX REVENUE REFUNDING BONDS  
SERIES 2004A

AND

\$352,000  
TOWN OF IGNACIO, COLORADO  
LA PLATA COUNTY, COLORADO  
TAXABLE SALES TAX REVENUE REFUNDING BONDS  
SERIES 2004B

### CLOSING MEMORANDUM

Date of Closing:

April 22, 2004

Place of Closing:

Offices of:  
Brownstein Hyatt & Farber, P.C.  
410 17<sup>th</sup> Street, 22<sup>nd</sup> Floor  
Denver, Colorado 80202-4437

#### A. Basic Documents

1. Bond Ordinance
2. Bond Purchase Agreement dated as of April 21, 2004
3. Registration and Paying Agency Agreement dated April 1, 2004
4. Escrow Deposit Agreement dated as of April 1, 2004

#### B. Town Documents

5. General and No-Litigation Certificate
6. Tax Certificate
7. Delivery Certificate
8. Specimen Bonds
  - a. Series 2004A
  - b. Series 2004B

9. I.R.S. Form 8038-G

C. Opinions

- 10. Opinion of Bond Counsel
- 11. Supplemental Opinion of Bond Counsel
- 12. Opinion of Town Counsel

D. Miscellaneous Documents

- 13. Certificate of Paying Agent
- 14. Certificate and Receipt of Escrow Agent
- 15. Initial Purchaser's Certificate
- 16. Closing Memorandum
- 17. Escrow Verification Report

Originals or copies of each of the foregoing documents are being provided to the following persons or firms:

Town of Ignacio, Colorado  
Wells Fargo Brokerage Services, LLC  
Dirk W. Nelson, Esq.  
Brownstein Hyatt & Farber, P.C.  
Clifton Gunderson LLP

ORDINANCE NO. 220

AN EMERGENCY ORDINANCE RELATING TO THE ISSUANCE OF THE TOWN OF IGNACIO, COLORADO, SALES TAX REVENUE REFUNDING BONDS, SERIES 2004A, IN THE PRINCIPAL AMOUNT OF \$813,000, AND TAXABLE SALES TAX REVENUE REFUNDING BONDS, SERIES 2004B, IN THE PRINCIPAL AMOUNT OF \$352,000, FOR THE PURPOSE OF REFUNDING THE TOWN OF IGNACIO, COLORADO, SALES TAX REVENUE REFUNDING BONDS, SERIES 1997, SUBORDINATE LIEN SALES TAX REVENUE BONDS, SERIES 2000, AND LEASE AND PURCHASE OPTION AGREEMENT DATED JUNE 19, 2003; PROVIDING FOR THE PLEDGE OF THE TOWN'S SALES TAXES, AND OTHER REVENUES; PROVIDING FOR THE FORM OF BOND AND OTHER DETAILS AND COVENANTS WITH RESPECT THERETO; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; RATIFYING ALL ACTION HERETOFORE TAKEN IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY

THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO, ORDAINS:

SECTION 1. DEFINITIONS AND CONSTRUCTION.

A. Definitions. In this Ordinance the following terms have the following respective meanings unless the context hereof clearly requires otherwise:

Act: Part 1 of Article 56 of Title 11, Colorado Revised Statutes, as amended.

Bank: any depository permitted by law of the State to receive public funds for deposit.

Board of Trustees or Board: the governing body of Town of Ignacio, Colorado.

Bond Fund: the special fund referred to in Section 5D hereof.

Bonds or Bond: those securities issued hereunder and designated as the "Town of Ignacio, Colorado, Sales Tax Revenue Refunding Bonds, Series 2004A" (the "Series 2004A Bonds"), in the aggregate principal amount of \$813,000, and "Taxable Sales Tax Revenue Refunding Bonds, Series 2004B" (the "Series 2004B Bonds") in the aggregate principal amount of \$352,000.

Bond Purchase Agreement: the agreement between the Purchaser and the Town for the purchase and sale of the Bonds.

Bond Register: the register maintained by the Registrar pursuant hereto.

Bond Year: for the purpose of this Ordinance, the twelve (12) months commencing on the 1st day of January of any calendar year and ending on the last day of December of the same calendar year, provided that the first Bond Year shall begin on the date of issue of the Bonds and end on the last day of December 2004.

Clerk: the de jure or defacto Town Clerk of the Town or his or her successor in function, if any.

Code: means the Internal Revenue Code of 1986, as the same may be hereafter amended and supplemented.

Combined Maximum Annual Principal and Interest Requirements: means with regard to any two or more particular issues of bonds or other obligations, the maximum annual payments of principal of and interest on all of said issues to become due during any Fiscal Year while such issues are outstanding; provided that such computation shall assume the redemption and payment of bonds or other obligations subject to mandatory redemption, but shall be without regard to optional redemption.

Commercial Bank: means any depository for public funds permitted by the laws of the State for political subdivisions of the State which has a capital and surplus of \$10,000,000 or more, and which is located within the United States.

Comparable Bond Year: in connection with any Fiscal Year, the Bond Year which ends in such Fiscal Year.

County: La Plata County, Colorado.

County Sales Tax: the 2% county-wide sales tax imposed on the sale or purchase of tangible personal property at retail or the furnishing of services pursuant to the County Sales Tax Resolutions.

County Sales Tax Resolutions: the resolutions of the Board of County Commissioners of the County imposing the County Sales Tax.

Debt Service Requirements: the principal of, interest on, and any premiums due in connection with the redemption of, the Bonds and any other securities payable from the Pledged Revenues or any part thereof and heretofore or hereafter issued, if any, or such part of such securities as may be designated, as such principal, interest and premiums become due, whether at maturity or by reason of mandatory sinking fund redemption.

Escrow Agent: the Commercial Bank named as Escrow Agent under the Escrow Agreement.

Escrow Agreement: that certain Escrow Deposit Agreement between the Town and the Escrow Agent, dated as of April 1, 2004.

Escrow Fund: that special account referred to in Section 5B hereof.



Event of Default: each of the events stated in Section 10 hereof.

Federal Securities: bills, certificates of indebtedness, notes, bonds or similar securities which are direct obligations of, or the principal and interest of which obligations are unconditionally guaranteed by, the United States of America, and which are not subject to call by the issuer thereof prior to their maturity dates. If the Federal Securities are to be placed in escrow for the purpose of defeasing the Bonds as provided in Section 9 hereof, then such Federal Securities shall also meet the requirements of Section 9.

Fiscal Year: the twelve (12) months commencing on the first day of January of any calendar year and ending on the thirty-first day of December of such calendar year or such other twelve (12) month period as may from time to time be designated by the Board as the Fiscal Year of the Town.

Independent Accountant: any certified public accountant, or any firm of such accountants, duly licensed to practice and practicing as such under the laws of the State, appointed and paid by the Town, who (a) is, in fact, independent and not under the domination of the Town or the Board, (b) does not have any substantial interest, direct or indirect, in any of the affairs of the Town, and (c) is not connected with the Town as a director, officer or employee of the Board or the Town, but who may be regularly retained to make annual or similar audits of any books or records of the Town.

Interest Payment Date: a date on which interest is due on any Bonds.

Mayor: the de jure or de facto Mayor of the Town, or his or her successor in function, if any.

Net Pledged Revenues: the amount of the Pledged Revenues to be deposited to the Net Pledged Revenue Account and the Reserve Account pursuant to Ordinance No. 87 of the Town.

Net Pledged Revenue Account: the account of the Capital Improvement Fund to be funded with Net Pledged Revenue in the manner and the amounts set forth in Ordinance No. 87 of the Town.

Ordinance: means this Ordinance of the Town, which provides for the issuance and delivery of the Bonds.

Outstanding or outstanding: when used with reference to the Bonds or any other designated securities of the Town and as of any particular date, means all the Bonds or any such other securities payable in whole or in part from the Pledged Revenues, as the case may be, in any manner theretofore and thereupon being executed and delivered, except the following:

- (a) Any Bond or other security canceled by the Town, by the Paying Agent, or otherwise on the Town's behalf, at or before such date;
- (b) Any Bond or other security held by or on behalf of the Town;

(c) Any Bond or other security of the Town for the payment or the redemption of which moneys or Federal Securities sufficient to meet all of the payment requirements of the principal of, the interest on, and any prior redemption premiums due in connection with such Bond or other security to the date of maturing or any redemption date thereof, shall have theretofore been deposited in escrow or in trust with a Trust Bank for that purpose, as provided in and required by Section 9 hereof; and

(d) Any lost, apparently destroyed, or wrongfully taken Bond or other security of the Town in lieu of or in substitution for which another bond or other security shall have been executed and delivered pursuant to this Ordinance.

Paying Agency Agreement: that agreement between the Town and the Paying Agent providing for the payment of the Bonds.

Paying Agent: Wells Fargo Brokerage Services, LLC, which is the agent of the Town for the payment of the Bonds.

Permitted Investments: Permitted Investments as defined in Section 12F hereof.

Person: any individual, firm, partnership, corporation, company, association, joint-stock association, or body politic; and the term includes any trustee, receiver, assignee, or other similar representative thereof.

Pledged Revenues: the proceeds derived by the Town from the Sales Tax (including, without limitation, interest and penalties paid to the Town on delinquent collections of the Sales Tax but excluding vendor's fees and amounts required to be refunded by the Town pursuant to the Sales Tax Ordinance) and the proceeds derived by the Town from any legally available tax or taxes or fees (other than a general ad valorem tax) which replace or supersede the Sales Tax, regardless of whether such tax or taxes or fees are imposed by the Town or the State or other political subdivision thereof; and all of the proceeds of the Town's 3.55% share of the County Sales Tax.

Purchaser: Wells Fargo Brokerage Services, LLC, of Denver, Colorado, and its associates, if any.

Record Date: the fifteenth day of the month prior to the applicable Interest Payment Date (whether or not a business day).

Redemption Date: the date fixed for the redemption prior to their maturity of any Bonds or other designated securities payable from the Pledged Revenues in any notice of prior redemption authorized by the Town, or otherwise fixed and designated by the Town.

Redemption Price: when used with respect to a Bond or other designated security payable from the Pledged Revenues, the principal amount thereof plus the applicable premium, if any, payable upon the redemption thereof prior to the stated maturity date of such Bond or other security on a Redemption Date in the manner contemplated in accordance with the terms of the Bond or other security.

Refunded Obligations: the Refunded Bonds and the Refunded Lease, being refunded with proceeds of the Bonds.

Refunding Project: the payment of (i) principal and interest as they come due on the Town's outstanding Sales Tax Revenue Refunding and Improvement Bonds, Series 1997 and Subordinate Lien Sales Tax Revenue Bonds, Series 2000 (collectively, the "Refunded Bonds"), and (ii) all outstanding amounts owed to Wells Fargo Bank West, N.A., pursuant to a Lease and Purchase Option Agreement dated June 19, 2003, as amended (the "Refunded Lease") which payment shall be made on the date of issuance of the Bonds.

Registered Owner: the Person in whose name a Bond is registered in the Bond Register.

Registrar: the Commercial Bank named in the Paying Agency Agreement as the agent of the Town for maintaining the Bond Register and for registering and transferring the Bonds.

Sales Tax: the municipal sales tax imposed by the Sales Tax Ordinance, and any municipal sales and use tax which hereafter may be imposed by the Town in substitution therefor.

Sales Tax Ordinance: collectively, Ordinance No. 54 and Ordinance No. 120 of the Town, as amended, which provide for the imposition of the Sales Tax within the Town, as the same may hereafter be amended or supplemented from time to time.

Security or securities: when used with reference to securities of the Town, any bond issued by the Town or any other evidence of the advancement of money to the Town.

State: the State of Colorado.

Subordinate Bonds or Subordinate Securities: bonds or securities payable from the Pledged Revenues or any part thereof having a lien thereon subordinate or junior to the lien thereon of the Bonds.

Superior Bonds or Superior Securities: any bonds or securities payable from the Pledged Revenues or any part thereof having a lien thereon superior or senior to the lien thereon of the Bonds.

Town: the Town of Ignacio, Colorado.

Trust Bank: a Commercial Bank authorized to exercise and is exercising trust powers.

B. Construction. This Ordinance, except where the context by clear implication herein otherwise requires, shall be construed as follows:

(1) Words in the singular number include the plural, and words in the plural include the singular.

(2) Words in the masculine gender include the feminine and the neuter, words in the feminine gender include the masculine and the neuter, and when the sense so indicates words of the neuter gender refer to any gender.

(3) Articles, sections, subsections, paragraphs and subparagraphs mentioned by number, letter, or otherwise, correspond to the respective articles, sections, subsections, paragraphs and subparagraphs of this Ordinance so numbered or otherwise so designated.

(4) The titles and headlines applied to articles, sections and subsections of this Ordinance are inserted only as a matter of convenience and ease in reference and in no way define, or limit the scope or intent of, any provisions of this Ordinance.

## SECTION 2. RECITALS: AUTHORITY.

A. Necessity. The Town has heretofore duly authorized, issued and delivered the Refunded Obligations. Market interest rates are currently favorable and provide the Town an opportunity to refinance the Refunded Obligations at a lower interest rate; accordingly, it is necessary and in the best interest of the Town to issue the Bonds in order to provide funds for the purpose of financing the costs of the Refunding Project.

B. Authority For Bonds. The Town is authorized by the Colorado Constitution and the laws of the State of Colorado to borrow money and issue revenue bonds to evidence such borrowing, maturing within such period as shall be determined by the Board of Trustees of the Town, and to issue refunding revenue securities to pay and discharge all or any part of its outstanding revenue bonds and obligations. A proposal has been received showing a comparison of annual debt service requirements before and after refunding, and showing a present value of differences in such debt service requirements, using as a discount factor the net effective interest rate on the Bonds.

## SECTION 3. THE BONDS.

A. Authorization. The Town of Ignacio, Colorado, Sales Tax Revenue Refunding Bonds, Series 2004A, in the aggregate principal amount of \$813,000, and Taxable Sales Tax Revenue Refunding Bonds, Series 2004B, in the aggregate principal amount of \$352,000, payable as to all Debt Service Requirements solely out of Net Pledged Revenues, are hereby authorized to be issued pursuant to the Colorado Constitution and the terms of this Ordinance, and the Town assigns and pledges irrevocably, but not necessarily exclusively, the Pledged Revenues to the payment of the Debt Service Requirements for the Bonds, the proceeds of the Bonds authorized herein to be used solely to pay and discharge the Refunded Obligations.

### B. Bond Details.

(1) Generally. The Bonds shall be issued as fully registered bonds only without coupons, dated as of the date of delivery of the Bonds, in the denomination of \$5,000 or any integral multiple of \$1,000 in excess thereof, each numbered consecutively beginning with Bond No. R-1, payable to the Registered Owner.

The Bonds shall bear interest from their delivery date to their respective maturity dates, except if redeemed prior thereto, at the per annum interest rates shown on Exhibit C hereto. Interest shall be payable June 1, and December 1 of each year shown on Exhibit C hereto (the "Interest Payment Dates").

If upon presentation at maturity payment of any Bond is not made as herein provided, interest shall continue thereon at the interest rate designated in the Bond until the principal thereof is paid in full.

The Bonds shall mature on the dates and in the principal amounts and years, as shown in Exhibit C.

The principal of and premium, if any, and interest due in connection with the Bonds shall be payable in lawful money of the United States of America, without deduction for exchange or collection charges, solely out of the Bond Fund and the Capital Improvement Fund. The principal of and any premium are payable upon presentation and surrender of the Bonds when they are due at the principal operations center of the Registrar or any successor thereto.

The payment of interest on each Bond shall be made to the Registered Owner of such Bond and shall be paid by the Registrar on behalf of the Town by check or draft of the Registrar mailed on each Interest Payment Date (unless such date is not a business day, whereupon mailing shall occur on the next succeeding business day) to the Registered Owner at his address as it appears on the Bond Register of the Registrar maintained pursuant to the Paying Agency Agreement. Interest on each Bond shall be payable to the Registered Owner thereof as set forth on such Bond Register as of each Record Date (whether or not a business day) regardless of any transfer or exchange of a Bond subsequent to such Record Date and prior to such Interest Payment Date. The Town may, in its discretion, appoint one or more successor or additional paying agents or registrars for the Bonds in accordance with the Paying Agency Agreement.

Pursuant to the Paying Agency Agreement, the Town shall cause books for the registration and for the transfer of Bonds to be kept by the Registrar. The Registrar is hereby constituted and appointed the paying agent, transfer agent and bond registrar of the Town with respect to all Bonds and the Paying Agency Agreement is hereby authorized and approved. In addition to the provisions of this Ordinance, the Bonds shall be subject to registration, transfer and exchange in the manner, and subject to the terms and conditions, set forth in the Paying Agency Agreement.

(2) Redemption of Bonds Prior to Maturity.

The Series 2004A Bonds shall be subject to redemption prior to maturity at a price equal to 100% of the principal amount redeemed plus accrued interest to the redemption date. The Town shall give the Paying Agent at least 30 days notice of any redemption of the Series 2004A Bonds.

The 2004B Bonds are not subject to optional redemption prior to their respective maturities.

The Series 2004A Bonds are subject to mandatory sinking fund redemption at a price equal to the principal amount thereof plus accrued interest to the redemption date. Series 2004A Bonds subject to mandatory sinking fund redemption shall be selected by lot in such manner as the Registrar shall determine (giving the proportionate weight to the Series 2004A Bonds in denominations larger than \$5,000).

As and for a sinking fund for the redemption of the Series 2004A Bonds maturing on June 1, 2016, the Town will deposit in the Bond Fund on or before June 1, of each year set forth below, a sum which together with other moneys available in the Bond Fund is sufficient to redeem (after credit as provided below) the following principal amounts of the Series 2004A Bonds maturing on June 1, 2016:

| <u>Year</u> | <u>Principal Amount</u> |
|-------------|-------------------------|
| 2009        | \$65,000                |
| 2010        | 95,000                  |
| 2011        | 98,000                  |
| 2012        | 102,000                 |
| 2013        | 107,000                 |
| 2014        | 111,000                 |
| 2015        | 115,000                 |
| 2016        | 120,000                 |

On or before the thirtieth day prior to each such sinking fund payment date, the Registrar will proceed to call the Bonds indicated above (or any Bond or Bonds issued to replace such Bonds) for redemption from such sinking fund on the next June 1, and give notice of such call. The Town is entitled to certain credits against its sinking fund redemption obligation in the manner and upon the conditions provided in the Bond Ordinance.

The Series 2004B Bonds are subject to mandatory sinking fund redemption at a price equal to the principal amount thereof plus accrued interest to the redemption date. Series 2004B Bonds subject to mandatory sinking fund redemption shall be selected by lot in such manner as the Registrar shall determine (giving the proportionate weight to the Series 2004B Bonds in denominations larger than \$5,000).

As and for a sinking fund for the redemption of the Series 2004B Bonds maturing on June 1, 2009, the Town will deposit in the Bond Fund on or before June 1, of each year set forth below, a sum which together with other moneys available in the Bond Fund is sufficient to redeem (after credit as provided below) the following principal amounts of the Series 2004B Bonds maturing on June 1, 2009:

| <u>Year</u> | <u>Principal Amount</u> |
|-------------|-------------------------|
| 2005        | \$73,000                |
| 2006        | 81,000                  |
| 2007        | 84,000                  |

2008  
2009

88,000  
26,000

On or before the thirtieth day prior to each such sinking fund payment date, the Registrar will proceed to call the Bonds indicated above (or any Bond or Bonds issued to replace such Bonds) for redemption from such sinking fund on the next June 1, and give notice of such call. The Town is entitled to certain credits against its sinking fund redemption obligation in the manner and upon the conditions provided in the Bond Ordinance.

(3) Interest Rates. The maximum net effective interest rate for the Series 2004A Bonds is hereby determined to be 4.00% and for the Series 2004B Bonds is hereby determined to be 4.00%.

(4) Execution and Delivery. The Bonds shall be signed and executed by and on behalf of the Town with a manual or facsimile signature of the Mayor, shall bear a manual or facsimile of the seal of the Town and shall be attested by the manual or facsimile signature of the Clerk and shall be authenticated by the manual signature of the Registrar in the manner set forth in the Paying Agency Agreement. Should any officer whose signature or facsimile signature appear on the Bonds cease to be such officer before delivery of the Bonds to any Registered Owner, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes.

The Mayor and the Clerk are hereby authorized and directed to prepare and to execute the Bonds as herein provided. When the Bonds have been duly executed and sold, the officers of the Town are authorized to, and shall, deliver the Bonds to the Purchaser thereof on receipt of the agreed purchase price.

(5) Lost, Destroyed or Taken Bonds. In the event any Bond is mutilated, lost, stolen or destroyed, the Town shall execute and the Registrar shall authenticate a new Bond of like date, maturity and denomination to that mutilated, lost, stolen or destroyed, provided that, in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed Bond, there first shall be furnished to the Town and the Registrar evidence of such loss, theft or destruction satisfactory to the Town and the Registrar, together with an indemnity satisfactory to them. In the event any such Bond shall have matured, instead of issuing a duplicate Bond, the Registrar may pay the same without surrender thereof, making such requirements as it deems fit for its protection, including a lost instrument bond. The Town and the Registrar may charge the Registered Owner of such Bond for their reasonable fees and expenses for such service.

(6) Recitals in Bonds. Each Bond shall recite in substance that the Bond is payable solely from the Net Pledged Revenues (except to the extent paid from proceeds of the Policy), that the Bond does not constitute a debt of the Town within the meaning of the Colorado Constitution or any statutory limitations, that the Bond is not payable in whole or in part from the proceeds of general property taxes and that the full faith and credit of the Town is not pledged to pay the principal of or interest on such Bond. Each Bond shall further recite that it is issued under the authority of, pursuant to and in strict conformity with the Constitution and the

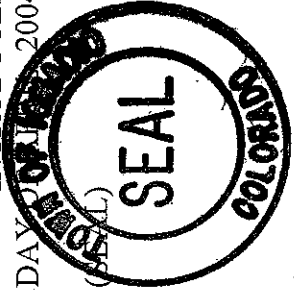
laws of the State, including without limitation, part 1, article 56, title 11, Colorado Revised Statutes, as amended, and pursuant to the Ordinance. The Board hereby determines that the provisions and limitations of the Act and any other applicable law have been met.

(7) Authentication. No Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Ordinance unless and until a certificate of authentication on such Bond, substantially in the form set forth in the form of Bond herein, shall have been duly executed by the Registrar in the manner set forth in the Paying Agency Agreement. The executed certificate of authentication of each Bond shall be conclusive evidence that it has been authenticated and delivered under this Ordinance.

(8) Form of Bond. Subject to the provisions of this Ordinance, each Bond shall be in substantially the following form, with such modifications or omissions as are authorized or permitted by this Ordinance, and as may be otherwise necessary or appropriate to carry out the purpose of this Ordinance:



INTRODUCED AND APPROVED AS AN EMERGENCY ORDINANCE THIS 13th  
DAY OF            2004.



TOWN OF IGNACIO, COLORADO

By: *Harold Con*  
Mayor ProTem

Attest:

*Geragann M. Valdez*  
Town Clerk