

STATE OF COLORADO }
County of Saguache } ss.
Town of Moffat }

At a regular meeting of the Board of Trustees for the Town of Moffat, Colorado, held in the Moffat Consolidated School Building in Moffat on Tuesday, the 5th day of April, 2005, there were present:

Tina F. Graham , Mayor
Earl LeRoy , Mayor Pro Tem
Eva Kaess , Trustee
Margie Lewandowski, Trustee
John Hussey , Trustee
Joe Mangano , Trustee
Melinda Myers , Trustee

When the following proceedings, among others were had and done, to wit:

Resolution Number 1 – 2005

A RESOLUTION ESTABLISHING THE TOWN OF MOFFAT HISTORIC PRESERVATION BOARD, PROVIDING FOR THE DESIGNATION OF HISTORIC LANDMARKS, HISTORIC BUILDINGS, HISTORIC SITES AND DECLARING AN EFFECTIVE DATE FOR THIS RESOLUTION.

WHEREAS, the Board of Trustees for the Town of Moffat find that the economic, cultural and aesthetic standing of Moffat cannot be maintained if the heritage of the Town is disregarded; and

WHEREAS, the Board of Trustees find and declare that the protection, preservation, and enhancement of the Town's cultural, historic, and architectural heritage is essential to the public health, safety, and welfare; and

WHEREAS, the Board of Trustees has determined that the adoption of this resolution would be in the best interest of the citizens of the Town of Moffat.

NOW THEREFORE, it is hereby resolved as follows:

Section 1. Purpose:

The purpose of this resolution is to promote the public health, safety and welfare through:

- (a) the protection and preservation of the historic and cultural heritage of the Town of Moffat by providing for the designation of historic buildings, landmarks, sites (collectively referred to hereinafter as "historic sites") in accordance with this resolution; and
- (b) the enhancement of property values, and the stabilization of historic neighborhoods, sites of historical events, etc.; and
- (c) the increase of economic and financial benefits as a result of the attraction of tourists and visitors to the Town of Moffat; and
- (d) the provision of educational opportunities to increase public appreciation of the Town of Moffat's unique heritage.

Section 2. Board Established:

A Historic Preservation Board is hereby created to be known as the Moffat Historic Preservation Board (the "Board") which shall have principal responsibility for matters of historic preservation.

- (a) Membership: The Board shall consist of the six members of the Town Board of Trustees
- (b) Appointments and terms of office: Members of the Board shall be concurrent with the members' terms on the Town Board of Trustees.
- (c) Quorum and voting: A quorum for the Board shall consist of a majority of the members of the Board excluding vacant seats. A quorum is necessary for the Board to hold a meeting or to take official action. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed denial of the motion or recommended action.
- (d) Officers: The Board shall, by majority vote, elect one (1) of its members to serve as chairperson to preside over the Board's meetings and one (1) member to serve as vice-chairperson. The members so designated shall serve in these capacities for terms of one (1) year, and may serve successive terms.
- (e) Meetings: The Board shall hold at least one regularly scheduled meeting per calendar quarter. Said meetings may be held in conjunction with regularly scheduled meetings of the Board of trustees. Minutes shall be kept of all Board meetings. The Board shall comply with all requirements of the Open Public Meeting Act, (C.R.S. 24-6-401 et seq) applicable to "local public bodies" as defined in that Act.
- (f) Powers and Duties: The board shall:
 - (1) As soon as reasonably possible after the appointment of the initial members of the Board and from time to time thereafter, review the criteria for designation of historic sites set forth in Section 3 hereof.
 - (2) Review applications for designation of sites as being historic pursuant to this resolution.
- (g) Rules and procedures for Board: The Board may establish additional rules of operation that are consistent with their duties.

Section 4. Designation of Historic Sites:

- (a) Recommendations for designation of historic sites. Pursuant to the procedures hereinafter set forth in this section, the Board may propose the designation as an historic site any building, landmark, site or district meeting the criteria set forth in Section 3 hereof, as amended from time to time.

The site included in any such designation shall be subject to the notification requirements set forth in Section 7 hereof.

- (b) Procedures for designation historic sites for preservation. Applications for designation must be made to the Board. The Board may require that such application be made in such applications be made in such for as specified by the Board. Application shall be made only by the owners of one hundred percent of the historic site for which an application is submitted.
- (1) Staff Review. The staff shall review the application for conformance with the criteria for designation established in Section 3 hereof, as it may be amended, and with the purposes of this Section. Such review shall be concluded no more than thirty (30) days after filing the application for designation. The Staff shall forward the application and its recommendation to the Board.
 - (2) Board Review. The Board shall consider the application at a regularly scheduled or special meeting after the completion of the staff review. The Board shall either approve, modify and approve, or disapprove the application. The Board shall notify the Board of Trustees immediately following any decision approving or disapproving an application.
 - (3) Board of Trustees Action. Unless an application is withdrawn by the applicant within sixty (60) days of the date on which the Board of Trustees are advised of any decision of the Board recommending approval or disapproval of an application, the Board of Trustees shall approve, modify and approve, or disapprove the proposed designation. The Board of Trustees shall affix the Board in writing of their decision regarding the designation.

Section 5. Limitation on Resubmission and Reconsideration of Proposed Designation:

Whenever the Board of Trustees disapproves an application for designation of an historic site, no person shall submit an application that is the same or substantially that is the same or substantially the same for at least six (6) months from the effective date of the final action on the original application.

Section 6. Amendment of Designation:

Designation of an historic site may be amended to add features or property to the site under the procedures prescribed in Section 4 for initial designation.

Section 7. Notification:

Any owner filing an application for designation of property under this resolution shall, as a part of the application, agree to notify the Board of the owner's intention to alter, demolish, move or remove the site subject to the application at least fifteen (15) days prior to undertaking any such work. Any such owner shall

be responsible for notifying any subsequent purchaser of the property of this notification requirement and the Board may revoke the designation of the site hereunder unless the subsequent purchaser agrees in writing to the provisions of this Section 7.

Section 8. Revocation of Designation:

Upon receipt of an application from the then-current owner of a site which has been designated as historic pursuant to this resolution for revocation of that designation, the Board shall advise the Board of Trustees of such application and the Board of Trustees shall remove the designation. In addition, upon learning of the alteration, demolition, movement or removal of a site which has been designated as historic pursuant to this resolution, or a violation of Section 7 of this resolution, the Board shall, following at least fifteen (15) days written notice to the then-current owner of the site subject to the designation and following staff review. Conduct a hearing to determine whether it should recommend to the Board of Trustees that the historic designation of the site involved be removed. Following such hearing, the Board shall transmit its written recommendation to the Board of Trustees who shall, within sixty (60) days thereafter, determine whether to accept the recommendation and remove the designation. The Board of Trustees shall notify the Board of their decision regarding revocation of the designation.

Section 9. Effective Date:

This resolution shall be effective immediately upon its execution and recordation in the minutes of the Moffat Board of Trustees.

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

_____	Aye, Eva Kaess
_____	Aye, Earl LeRoy
_____	Aye, Joe Mangano
_____	Aye, John Hussey
_____	Aye, Margie Lewandowski
_____	Aye, Melinda Myers

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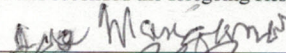

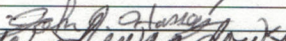
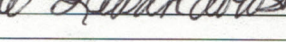
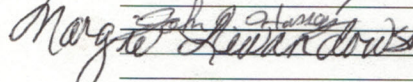

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