

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

January 26, 2016

WORK SESSION with Planning and Zoning Commission Regarding Land Use Plan 6:00 PM

Present for the work session: Mayor Pro Tem Duff Lacy, Trustees Keith Baker, David Volpe, Phillip Puckett, and Eric Gibb, Town Administrator Brandy Reitter, Town Attorney Jeff Parker, Principal Planner Mark Doering, and Town Clerk Janell Sciacca. Planning and Zoning Commission members present were Trey Shelton, Mark Jenkins, Annie Davis, Preston Larimer, Estes Banks, and Scott Johnson.

Principal Planner gave an overview for the purpose of the work session. He reviewed the goals of the Unified Development Code (UDC) and requested further direction from the Board. The Planning and Zoning Commission members and Board discussed their respective roles and specifically what the Board of Trustees wanted to see from the Planning and Zoning Commission. The Board was in general agreement that the Planning & Zoning Commission should handle all matters allowed within statutory limitations. There was discussion relative to non-conforming uses and the Town's options to restructure or adjust them with a notation that in addition to the already existing non-conforming uses, some could occur with during the upcoming CDOT Highway 24 project. Mixed use zoning districts and restrictions that can be put in place to protect the Town was also a topic. There was concern the UDC discourages some housing and that it should instead encourage housing period, with incentives for more desired or necessary housing types. The work session ended with Doering stating that the Planning Department had a good idea of where the Board wanted to be. He noted that the plan would be submitted to Staff on February 5 and then to the Steering Committee in March with a draft being presented to the Board of Trustees in late April, 2016.

The work session ended at 6.55 PM.

I. CALL TO ORDER :01

A Regular Meeting of the Board of Trustees was called to order at 7:00 PM on Tuesday, January 26, 2016, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Pro-Tem Lacy.

II. ROLL CALL :05

Town Clerk Janell Sciacca proceeded with the roll call and declared a quorum. Present were Trustees Keith Baker, Eric Gibb, Duff Lacy, Phillip Puckett and David Volpe.

Town Staff present were Administrator Brandy Reitter, Attorney Jeff Parker, Principal Planner Mark Doering, Airport Director Jill Van Deel, Public Works Director Greg Maggard, Town Treasurer Mike Hickman, Clerk Janell Sciacca, Assistant to the Town Administrator Emily Katsimpalis and IT Director Larry Deffenbaugh.

III. PLEDGE OF ALLEGIANCE :20

Mayor Pro Tem Lacy led the Pledge of Allegiance.

IV. PROCLAMATION – YOUTH APPRECIATION WEEK :43

Mayor Pro Tem Lacy read the Proclamation and signed it announcing the week of February 1-5, 2016 as Youth Appreciation week in Buena Vista.

V. AGENDA ADOPTION 2:15

Mayor Pro Tem Lacy stated his discomfort with item E due to fact he was not able to read the documents that were transmitted to the Board earlier in the day. He informed the Board that he would like to see the Colorado Center matter tabled to the next meeting. Puckett agreed. Parker noted that his office received information on the change of ownership earlier in the day and scrambled to get the updated documents to the Board so he understood if the Board chose to continue the matter. Gibb felt if the Board did not have sufficient time to review the application materials that the Trustees would be doing the applicant and public a disservice.

Motion #1 by Trustee Lacy, seconded by Trustee Gibb, to continue Item E to February 9, 2016 at 7:00 PM. **Motion carried, 5-0.**

Motion #2 by Trustee Puckett, seconded by Trustee Baker to adopt the agenda as amended. **Motion carried, 5-0.**

VI. CONSENT AGENDA 5:22

I. Minutes

1. Regular Meeting – January 12, 2016
2. Airport Board – November 17, 2015
3. Planning & Zoning – January 6, 2016
4. Recreation Board – December 9, 2015
5. Water Board – November 18, 2015

Motion #3 by Trustee Puckett, seconded by Trustee Volpe to approve the consent agenda as presented. **Motion carried, 5-0.**

VII. PUBLIC COMMENT 5:50

Mayor Pro Tem Lacy opened the floor to public comment at 7:06 PM.

Daniel Hamme, 29383 Creek Trail. Hamme addressed the proposed resolution to submit ballot issues on retail marijuana taxation stating he was not opposed to a tax on retail cannabis, but felt the current proposal was excessive. He urged Board to reject the current questions, conduct further research and think it through. He also suggested the Board study what is happening in Pueblo where excess revenues were allowed by the voters to be used to fund college scholarships for the people instead of refunding it back to the taxpayers.

Mayor Pro Tem Lacy closed the floor to Public Comment at 7:08 PM.

VIII. RESPONSE TO PUBLIC COMMENT 8:30

Mayor Pro Tem Lacy thanked Hamme for his comments and noted the Board would be having further discussion on the matter shortly.

IX. BUSINESS ITEMS 8:56

A. Ratification of Ballot Question language approved in Resolution #8 adopted by Board of Trustees January 12, 2016. 9:00

Mayor Pro Tem Lacy introduced item A. Parker reminded the Board that during the last meeting they wanted to make sure the question referenced the Ordinance discussed on December 8, 2015. Lacy clarified that the particular proposed Ordinance could be brought back before them for discussion and consideration. Parker agreed. Gibb asked if the draft of the associated Ordinance could be made available on the website and at Town Hall. Reitter agreed it would be on the website with a hard copy available for review at Town Hall.

Motion #4 by Trustee Baker, seconded by Trustee Gibb, to approve ratification of Resolution #8 as presented. **Motion carried 5-0.**

B. Should the Board approve adoption of Resolution #9, Series 2016 entitled "A RESOLUTION SUBMITTING TWO BALLOT ISSUES REGARDING AN OCCUPATION TAX AND EXCISE TAX ON RETAIL MARIJUANA TO THE REGISTERED ELECTORS OF THE TOWN OF BUENA VISTA AT THE TOWN'S APRIL 5, 2016 REGULAR ELECTION."? 12:18

Mayor Pro Tem Lacy introduced item B. Reitter referenced her Staff Report and briefly reviewed key points. She highlighted information from CML noting that of 51 ballot measures presented across the State, 46 communities have supported taxation of retail marijuana. She also noted that Chaffee County and Salida are currently discussing marijuana taxation. Parker reiterated his comments from previous meetings that he is confident the Town may not do a special tax and can only do an occupation tax due to the Town being statutory. Gibb then asked if those Towns that had special taxes were doing so illegally. Parker replied that he thought they were doing so without authorization. Lacy stated he did not like the proposed occupation tax and thought it was too heavy and didn't make sense. Puckett asked if the occupation tax could be tiered. Parker replied he did not believe it could be progressive. Gibb inquired if a cultivation facility transferred marijuana to its own retail facility, the tax was paid. Parker said yes. Baker said he did not feel the issue should be sent to a vote agreeing with Lacy's comments and he felt taxation was not motivation to send it to the ballot as the Town would benefit from already existing sales tax. Gibb agreed commenting it is about a decision that is right for the community. Puckett stated that he did not mind taxing marijuana, but thought it should be progressive. Baker added that that Town could readdress the tax issue at a later date if legislation changed.

Resolution #9 died for lack of motion.

C. Should the Board approve adoption of Resolution #12, Series 2016, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, APPOINTING MEMBERS OF THE TOWN AIRPORT, BEAUTIFICATION, RECREATION, TRAILS, TREE AND WATER ADVISORY BOARDS."? 22:42

Mayor Pro Tem Lacy introduced item C. Reitter reminded that in 2014 the Town code was revised relative to how advisory board members were appointed and that the Town will make these appointments annually in December with any vacancies occurring being brought to the Board as necessary. Gibb clarified that the resolution also made the Boards consistent with 7 members each and that alternate members were given first shot at vacancies. Reitter agreed stating that vacancies would be advertised if an alternate did not want to fill that vacancy. Gibb encouraged Staff to make sure the Advisory Boards were aware of the policy on appointments for vacancies.

Motion #5 by Trustee Puckett, seconded by Trustee Gibb, to approve Resolution #12 as presented.
Motion carried 5-0.

D. Should the Board approve adoption of Resolution #13 Series 2016, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING AN AMENDED COMPREHENSIVE PLAN."? 27:26

Mayor Pro Tem Lacy introduced item D. Principal Planner Doering presented providing and overview of the plan basics. He reviewed the sections of the plan and what each encompasses. Doering reminded the Board that the Comprehensive Plan is an advisory document and will be used in forming recommendations to the Planning & Zoning Commission and Board of Trustees. Doering highlighted that over the next 15 years approximately 583 more people are projected to enter BV resulting in roughly 39 more residents and 20 new single family homes each year. He advised the Board that the overall plan contains a total of 31 goals, 71 policies, 136 action items, 86 short term goals, and 50 long term goals and that the Planning Department is directly responsible for 102 actions. Doering stated this is a very good and very important plan. Gibb reiterated from the work session held earlier that this advisory document to be used by the Planning and Zoning Commission and Board of Trustees to create priorities. Baker commented there should be a lot of goals and if it is not challenging it is not worth doing. He added that this is putting the Town on course for long term and bridges the gap between what people want and the regulatory documents. Baker also noted this is an update of a 2008 plan and there are constant themes throughout the versions such as community, safety, good schools, clean and safe

environment, good place to raise children and housing and those are the enduring values and big things the Town is working for. Gibb reiterated Baker's comments noting that the budget is also a document that reflects what the Board believes is important. Lacy summed up that the plan is an advisory document and there is more than a bucket full of things to do so it falls on the Board's shoulders to prioritize. Gibb thanked the members of Town for providing input in forming the document. Baker stressed that as the strategic document for the Town, it is something the entire Town should have access to and be familiar with. Reitter advised that there would be a copy available at the library and at Town Hall.

Motion #6 by Trustee Baker, seconded by Trustee Gibb, to approve Resolution #13 as presented.
Motion carried 5-0.

- E. Should the Board approve adoption of Resolution #14, Series 2016, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING AN AMENDED FINAL PLAT FOR FILING 1 OF THE COLORADO CENTER PUD.**" and should the Board approve adoption of Resolution #15, Series 2016, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING A TWO SUBSTANTIAL PLANNED UNIT DEVELOPMENT AMENDMENTS FOR COLORADO CENTER PUD.**" and should the Board approve adoption of Resolution #16 Series 2016, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING AN AMENDED AND REINSTATED SUBDIVISION IMPROVEMENT AGREEMENT FOR THE AMENDED FINAL PLAT FOR FILING 1 OF THE COLORADO CENTER PUD.**"? (CONTINUED TO FEBRUARY 9, 2016)

- F. Should the Board approve adoption of Resolution #17, Series 2016, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AMENDING SECTION 11-112 OF THE BUENA VISTA MUNICIPAL CODE TO AUTHORIZE THE PUBLIC WORKS DIRECTOR TO APPROVE STREET CLOSURES.** 46:48

Mayor Pro Tem Lacy introduced item F. Reitter reminded the Board that this is laced in with conversation being had about the Unified Development Code relative to making things more user friendly for applicants with an administrative process. Maggard added that he would work with Planning and Recreation to form a check list. Lacy noted that there hasn't been a street closure application cross in front of the Board that had not been reviewed by Staff. Puckett stated he was 99.9% behind this but he knew there had been times where the Board added more conversation and suggested changes. Reitter reminded that the majority of street closures were recurring, but Staff would make sure the Board and public were kept informed. Puckett felt a checklist added comfort. Gibb agreed with Puckett, but felt a small risk was worthwhile to allow for more high level policy conversations by the Board.

Motion #7 by Trustee Puckett, seconded by Trustee Volpe, to approve Resolution #17 as presented.
Motion carried 5-0.

G. Review of Policy Goals for First Quarter. 52:45

Reitter noted the spreadsheet in the packet of goals. Per Policy Governance Doctrine, these reports are quarterly on the last meeting of the month. She noted that items would be marked completed as necessary. There are not a lot of big capital projects in 2016 but priorities popping up like Highway 24, Affordable Housing, Water projects. Gibb asked if the Affordable Housing Grant would be brought to the Board again or if it would be an automatic reapplication process. Reitter replied it is a reapplication and the Town is on the waiting list with CHFA. The average wait is 3-4 years and the Board will see the proposal or project under consideration, but the application process will be started in May with a letter of intent. However, Urban, Inc. will provide a presentation to the Board before that letter is sent. Reitter informed the Board it is not the same site as was submitted last year. Gibb reminded the Board that he dissented on that particular location and asked that his colleagues reconsider other opportunities. Reitter stated that there were different opportunities and she will let the Board know them as they become available. Gibb also addressed the proposed \$300,000 infrastructure monies in the 2016 budget and wondered if there was any thought yet on distribution implementation. Reitter replied that the idea is to

implement a proposed set of criteria for funding with updates to the priority list. Public Works will be completing an assessment in the spring and water issues are pretty straight forward. Gibb wanted to see a process for consideration of the options and didn't want to drift too far into the year before putting the money to use. Puckett agreed and felt the money should be used for things that come up including private projects. Gibb felt it would be nice to encourage private projects to consider applying. Lacy inquired about the Highway 24 project costs. Maggard replied around \$80,000 was budgeted for lighting and \$30,000 for water lines. Lacy felt that the available funding should be used for Highway 24 if necessary. He also felt it was important to look at the impact of road construction on taxes and that soliciting projects was important, but they should be cautious about tossing money around. Lacy asked Reitter to provide the Board a list of completed priorities and goals by starting them before moving them off the list the next quarter. He then inquired about the issues in the last affordable housing application. Reitter replied CHFA did not like the location as well as the fact it was next to the prison. Reitter advised that the only property in town that is large enough as an alternative is the School's old baseball diamond off Arizona. Reitter spoke to Superintendent Holmes who was excited and open to the idea. A land swap was proposed and Town could build a diamond for them near the other diamonds as part of River Park. Reitter noted CHFA also wanted the Town to have control of the land. Gibb felt this was a perfect solution and a great project which helped address Town's needs. Reitter noted the Town would have to build the baseball field by March 2017.

H. Chaffee County Regional Housing Authority. 01:14:06

Reitter reminded the Board that Trustee Baker requested this discussion at the last Board meeting. Baker informed the Board that the County is interested in talking about creation of a housing authority with a full time Staff person to work on the items the Board is talking about in order to elevate the matter. Gibb asked if there was a down side to a housing authority. Parker said it depends on the way the entity operates. Lacy asked about the funding base. Reitter supports a housing authority fully and they do programs, policies and strategies plus form relationships with CHFA and the State. Gunnison has a full functioning authority, but it took time. Gibb felt a County-wide authority would have the knowledge on how things work. Lacy reiterated that someone would be dedicated full time on the issues which would keep them from falling on Staff. Lacy felt the Board should give it time and funding and that if it did not evolve, cut it off. Puckett was interested in how housing authorities function with the municipalities and did not want the entity telling the Town what to do. Reitter also noted that a housing authority qualifies applicants for housing and does inspections as well as other administrative duties that the Town is not staffed for. Reitter advised that this matter will be discussed at the February 4, 2016 Chaffee County Intergovernmental Meeting.

X. STAFF REPORTS

Town Administrator 01:22:16

- Town officials met with Chaffee County Staff January 17 to discuss CR 317 improvements and resurfacing will be accomplished in 2016.
- The All Hands meeting for Town Staff is February 9. Town Hall will be shut down briefly to accomplish this and the community will be notified.
- Town officials are meeting with BLM January 27 to discuss Trail System Planning.
- Town Staff met with Mt. Princeton and the Town will be partnering in 2016 with them for one swimming lesson.
- Buena Vista Sportsman's Club is seeking to do another shooting range grant for \$18,000 to replace the existing trap house. The grant is fully funded by the Club with no monies required by Town.
- The Recreation Center Events Feasibility Study was received and will go to Board in February.
- Staff is working on a Substitute Water Supply Plan for McPhelemy Pond to bring it into compliance with laws for water storage.

Town Treasurer 01:36:35

- One large expenditure of \$41,334.57 for semi-annual payment on water bond. 5 payments left and remaining balance is \$211,946.34.
- Police Department is considering a new security system which is in the budget for \$12,000. A \$18,565 quote was received for the desired system which would require a potential budget amendment at the end of the year. Sgt. Livingston made a presentation to the Board on the proposal.

Motion #8 by Trustee Gibb, seconded by Trustee Puckett, to allow sole sourcing for the purchase of the equipment described by Sgt. Livingston and approve the additional expenditure for said equipment. **Motion carried 5-0.** Trustee Baker, aye; Trustee Gibb, aye; Trustee Lacy; Trustee Puckett, aye; and Trustee Volpe, aye.

- October sales tax number dropped below two previous years and in November the numbers shot up. Sales tax is up county-wide \$240,000 with one month to go.

Town Clerk

- One liquor license was renewed in December.
- Five new business licenses were issued and 154 licenses were renewed.
- Staff has been busy working on the upcoming election.
- There are four (4) valid candidates for Town Trustee.

Principal Planner 01:51:19

- Planning Tech position will be advertised.
- Scott Reynolds is now Planner I.
- 2nd Module of Unified Development Code goes to Staff February 5 and then to Steering Committee in March.
- In last 4 years there has been an average of 17 new homes built each year in BV.

Airport Manager 01:55:54

- Hangar Floor will be resurfaced by Town Staff with a kit at a cost of \$15,000 instead of \$75,000 by a private vendor. Process can be done at other Town facilities once Staff is trained.
- Reach Air is still underway with service to Buena Vista and Town will have to trench sewer lift station approximately 200 feet, but Town will be allowed to use a low grade system until Spring with hook up to a regular system by end of May.
- The fulltime Airport Assistant is on Board and has worked for Town for 3 years so is able to do a lot of things at Airport.
- Boeing is developing a user contract with Town Attorney on for testing at the airport.
- Korea has approached Airport to bring a twin-engine helicopter to Town for testing in March.
- New fuel truck will arrive at end of February.
- Improvements to Carpenter Hangar have been considered with project to be completed in early spring utilizing prison labor.

XI. DISCUSSION 02:06:38

Gibb inquired if planning in the BV Square was being approved by Staff. Doering replied the owner is exploring the building to see how bad it is and what repairs are needed. Staff met with owner and they are diligently working on exploring what needs to be done and are looking at moving forward this spring on some items. Gibb inquired if there were any new developments on the BV Fire Pit. Maggard replied that he had contacted a couple colleges to see if they want to do a sponsorship or field school, but has not had any responses. He will continue to contact schools and will soon bring the Board the costs of moving the well house 10 feet.

Motion #9 by Trustee Puckett, seconded by Trustee Gibb to waive the facility rental fee for Full Circle Restorative Justice for use of the Community Center. **Motion carried 5-0.**

XII. EXECUTIVE SESSION 02:11:34

XIII. EXECUTIVE SESSION 02:11:34

Mayor Pro Tem Lacy read the purpose of the Executive Sessions for the record and requested a motion.

Motion #10 by Trustee Puckett, seconded by Trustee Baker to go in to Executive Session. **Motion carried 5-0.**

Motion #11 by Trustee Puckett, seconded by Trustee Volpe to adjourn from Executive Session. **Motion carried 5-0.**

The Board returned to Regular Session at 10:29PM.

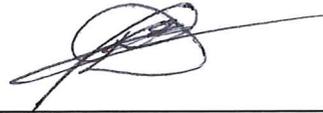
XIV. ADJOURNMENT

Motion #12 by Trustee Gibb, seconded by Trustee Baker noting that there being no further business to come before the Board, declared that the meeting be adjourned at 10:30 PM. **Motion carried, 5-0.**

Respectfully submitted:



Janell Sciacca, CMC
Town Clerk



Duff Lacy, Mayor Pro Tem