

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

February 9, 2016

CALL TO ORDER 00:

A Regular Meeting of the Board of Trustees was called to order at 7:00 PM on Tuesday, February 9, 2016, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Joel Benson.

ROLL CALL :02

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

Town Staff present were Administrator Brandy Reitter, Attorney Jeff Parker, Principal Planner Mark Doering, Police Chief Jimmy Tidwell, Fire Chief Dixon Villers, Public Works Director Greg Maggard, Treasurer Mike Hickman, Clerk Janell Sciacca, and IT Director Larry Deffenbaugh.

PLEDGE OF ALLEGIANCE 18:

Mayor Benson led the Pledge of Allegiance.

AGENDA ADOPTION :42

Mayor Benson advised the Board and viewing public that Item H would be removed from consideration as the Town Attorney needed to conduct further review.

Motion #1 by Trustee Puckett, seconded by Trustee Lacy, to adopt the Agenda as amended. **Motion carried, 6-0.**

CONSENT AGENDA 01:20

A. Minutes

1. Regular Meeting – January 26, 2016
2. Beautification – January 7, 2016
3. Planning & Zoning – January 20, 2016
4. Trails Board – January 5, 2016

A. Police Chief Report

B. Fire Chief Report

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

POLICY DISCUSSION – Development Process 01:44

Mayor Benson introduced the Policy Discussion item noting it was added for more deliberate discussions on policy matters. He distributed a description of the intent to the Board which also contained a list of subjects suggested by the Board, Staff and others. The Board will take a half hour to discuss the evening's subject and then move on to the next subject at the next meeting. Tonight's subject is the Development Process.

Doering gave an overview of the Town's current development processes and indicated he would like feedback from the Board on making the processes more efficient. He reviewed a PowerPoint presentation of what the Town desires versus what builders want. Doering also briefly reviewed current processes for exemptions, minor developments, major developments, appeals, annexations, rezonings and PUDs. Doering felt it was important to talk about more efficient processes such as the Board Hearing

the major issues while Staff and the Planning Commission handle minor or more administrative issues. Puckett asked if Doering felt there were any service duplications between the Building Department and Planning Staff relative to the review process. Doering felt that process was fairly efficient. He then stated his belief that the key was to make a really good code that is easily read and understood. Mayor Benson noted that the real question is at what point do items come to the Board. Doering agreed and stated that in another jurisdiction he worked for something like a variance would have been handled administratively by Staff if the applicant met all the requirements. Doering also noted the time consuming process for public notices for public hearings could be eliminated by an administrative process. Mayor Benson asked if the Board would have to amend the code for each different scenario. Doering replied yes, but noted that the Town's consultant felt the current standards for variances was lax and that if the code was fixed and standards were more defined, Staff could administratively approve applications that could meet the improved and harder to meet standards. Baker inquired about fail safes to keep inexperienced Planners which may come along from making big mistakes while still moving forward. Doering replied that some communities have a "bump up" procedure which move matters to the Board when they were controversial or of a more important nature. Mayor Benson asked how that process works. Doering replied the Town could develop its own process. Reitter added that the Town can develop that process with the Board. Puckett questioned what the Board would discuss on a project brought before them that meets all criteria. Doering replied that a zoning request is more discretionary in nature and approval or denial still has to be based upon criteria in the code. Parker added that some applications are not always clear on whether or not they meet criteria depending upon the type of the application. Gibb felt having a public process was somewhat therapeutic and having a set of criteria for Staff to use along with the fact that the Board could bump up an application added comfort for him in giving some discretion to Staff. Benson wanted to touch on subdivisions noting that the sketch plan step is really essential, but felt it would go the Planning & Zoning with Preliminary Plat and Final Plat being combined so that when they come to the Board the issues have been ironed out. Doering noted that in many communities if the applicant and Town agree the Preliminary Plat and Final Plat can be done at the same time because the applicant is willing to do the final engineering up front to get through the process faster. The Board generally agreed to this concept. Gibb's general marching order was for the Planning Department to balance the planning process making it fair, equitable and clear, but also work with the applicants to get to yes. Doering felt that was a good summarization and he would take the Board's comments back to the consultant.

Mayor Benson announced that the topic for the next meeting will be parking downtown.

PUBLIC COMMENT 30:17

Mayor Benson opened the floor to Public Comment at 7:31 PM.

Tom Rollings, 26490 Range Drive, Buena Vista, encouraged the Board to protect the Town's water shed while doing anything possible to gain and acquire water rights for the Town. He relayed a story from Ordway regarding the devastation the loss of water can have on a community. Rollings stated water is paramount and someone will always be after water rights and you can never have enough of them.

Harley Hamilton, 1518 Windwalker Road, Buena Vista, conveyed the Water Board's support of the proposed source water protection plan. He thanked Roy Gertson for his time working on the plan and requested the Board approve it when it comes up for adoption.

Marcus Trustee, 137 Windwalker Road, Buena Vista, appeared as a business owner and Rec Board member. He commented he felt BV was in a unique situation in that there were no public facilities in the past offering rec programs so the private businesses developed those programs and facilities growing to meet the demands. He put together a report that he mailed out several weeks ago to the Board relative to what happens with existing private business and public competition if the Town decides to enter the recreation realm. He felt some services could be duplicated by a Rec Center and asked the Board to provide the Rec Board guidance on how to go about showcasing or satisfying some of the needs outlined by the study.

Mayor Benson closed the floor to Public Comment at 7:40 PM.

RESPONSE TO PUBLIC COMMENT 40:30

Mayor Benson thanked the public for their comments. He told Rollinger he was right on with water and noted the Town is always looks for good water rights to secure. He thanked Hamilton and the Water Board for working on the Source Water Protection Plan. Benson noted the Recreation Center Feasibility Study was being presented this evening and going to the Rec Board for perusal tomorrow and that he made a note to add the subject to the list of policy discussions. Trustee Baker commended everyone who worked on the Source Water Protection Plan stating it was a good piece of Staff work and a policy document that would steer the community for years to come.

BUSINESS ITEMS

A. Chaffee County Building Department 2015 Year-End Update. 42:36

Dan Swallow, Development Director for Chaffee County, reviewed a year-end report on building permits and the development process. Mayor Benson voiced the Town's appreciation for the County Building Department's work with the Town.

B. Emergency Management Mutual Aid. 48:55

Phil Graham, Chaffee County Emergency Manager presented stating he took over the office in December with 25 years of Firefighter and EMS experience and is also part of the Rocky Mountain Type I Incident Management Team. Graham reported that the agreement has very few changes from the 2015 version. Most relevant are those in Article 3. Verbiage in 3.1 and 3.2 was changed relative to resource control to give an Incident Commander more control over committed resources. Reitter felt the proposed changes made a lot of sense. Fire Chief Villers felt the agreement was very needed. Police Chief Tidwell felt Graham was a blessing to the County and stated he was well qualified. Gibb inquired about economic remuneration. Graham replied that the agreement is non-compensatable by statute. However, there could be another agreement made or if the entity using the equipment is being reimbursed for the use of that equipment then the Town would be reimbursed. Benson noted that 2.1 had the wrong dates. Parker advised it should be December 31, 2016 and the beginning term is January 1, 2017.

Motion #3 by Trustee Baker, seconded by Trustee Gibb, to direct the Town to sign the Emergency Management Mutual Aid Agreement. **Motion carried 6-0.**

Fire Chief Villers asked Graham of his knowledge on a rumored Mumford & Sons concert. Graham replied that the County had received an application for concerts to be held on the north end of Buena Vista for Aug 4-7, 2016. The applicant is estimating 20,000 people and Graham felt discussions were necessary to discuss the potential impacts.

C. PUBLIC HEARING – CONTINUED FROM JANUARY 26, 2016 – 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 TWO SUBSTANTIAL PUD MODIFICATIONS FOR THE 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.”? 58:35

Mayor Benson introduced Item C. Doering presented reviewing a PowerPoint presentation of the proposed requests along with the project analysis. The Planning & Zoning Commission recommended approval of the amended Plat with three conditions, the PUD modifications with one condition and the associated subdivision improvement agreement.

Syd Schieren, Landmark Surveying, was present representing the applicant and stated some of the lot consolidations were being requested to accommodate potential buyers and he worked with Staff on the

process to arrive at this proposal which makes the most sense. There was discussion amongst the Board and Staff relative to development requirements of the previous SIA being included in the current SIA. Parker commented that everything that was in the previous agreement should have been incorporated in the current one including any new obligations related to the new plan. Benson asked if the changing of lots lines affected density in other areas. Doering replied No. Benson asked Staff to keep track of how many EQR are starting to being used. Maggard advised that he is keeping a running tally and could provide that to the Board. Puckett inquired about condition 9 and who determines the estimate for infrastructure costs. Maggard indicated the applicant makes that determination, but he reviews the information to ensure it makes sense and is in reason with his cost estimates. Benson asked about the letter of credit timeline. Parker indicated the Town has the list and cost estimates and the letter of credit remains in effect until the developer finishes and the warranty period is over. Most letters are for a one year time period and the Town will need to track this one for renewal and not let it expire.

Mayor Benson opened the Public Hearing at 8:19 PM and there being no comment, the Public Hearing was closed.

Motion #4 by Trustee Puckett, seconded by Trustee Lacy, to approve Resolution #14 as presented with the three conditions. **Motion carried 6-0.**

Motion #5 by Trustee Baker, seconded by Trustee Lacy, to approve Resolution #15 as presented with the recommended condition. **Motion carried 6-0.**

Motion #6 by Trustee Baker, seconded by Trustee Volpe, to approve Resolution #16 as presented. **Motion carried 6-0.**

- D. Should the Board approve adoption of Resolution #18, Series 2016, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, APPOINTING ESTES BANKS, ANNIE DAVIS AND PRESTON LARIMER VOTING MEMBERS OF THE PLANNING AND ZONING COMMISSION.**"? 01:22:10

Mayor Benson introduced Item D.

Motion #7 by Trustee Puckett, seconded by Trustee Lacy, to approve Resolution #18 as presented. **Motion carried 6-0.**

E. PUBLIC HEARING – Source Water Protection Plan. 01:23:08

Mayor Benson introduced Item E. Maggard presented an overview noting this was an expansion of the current Source Water Protection District that allows review of plans going on in the watershed and to provide comments or requirements to mitigate any potential problems. It is a multi-jurisdictional multi-governmental document which includes best management practices to be incorporated for the water shed. Gibb asked for clarification on required or expected cooperation between agencies. Jeff Hollinger, Water Quality Planner with the Upper Arkansas Area Council of Governments (COG) indicated this plan is risk management and provided information on the subject area of the narrative. He distributed a copy of a regional letter Buena Vista submitted in June 2011 asking to be involved in the project which was started by the COG. Hollinger reviewed and addressed the plan priorities and best management practices on pages 17-21. Benson and Gibb wanted to know where the "teeth" are. Maggard replied the "teeth" is that the Town gets the opportunity to review plans and provide comments or stop building permits within any area contained in plan. If the Town deems a project to be in a high susceptible area it can require engineering of septic systems and the like which is in the code now. Hollinger added that the plan establishes a foundation for the Town's Water Supply Protection District Ordinance of 1999. Mayor Benson thanked Hollinger for his presentation and for being part of the process.

Mayor Benson opened the Public Hearing at 8:41 PM and there being no comment, the Public Hearing was closed. Maggard stated that no motion was required this evening and that the next step is to send the plan out to the agencies named in the document for comment, then to the Water Advisory Board and

back to the Board of Trustees for final approval. Reitter added that when this matter comes back to the Board it will have an associated MOU for their review.

F. BLM Trails Management Planning & Coordination. 1:45:00

Mayor Benson introduced Item F and turned it over to Trustee Volpe for an overview. Volpe stated that the BLM Fourmile Trails proposal would not be moving forward as it was a bit more contentious than first thought plus the BLM has many other mandated priorities it is working on. It would be years out before BLM can address the proposal put forth and in light of that the Barbara Whipple system took a big hit with storms and has been deteriorating due to lack of resources and management. Staff and BLM discussed expanding the Cooperative Management Agreement (CMA) and how to take care of the Whipple system as well as bring in additional trails from the Midland Hills Bridge access that was recently obtained. Benson added that the Trails Board motioned to encourage the Board of Trustees to work with BLM to expand the CMA area. Gibb inquired about what the current CMA requires relative to responsibility and what the new one would say. Volpe replied it says the entities will work together. Puckett felt the trail system is an amazing resource for the Town and the Board could not let it erode. Reitter said that BLM has priorities on the trail systems across the river and would do some things but due to their priorities and limited resources they were looking to Town to be more proactive and prioritize. She felt the Ramsour Bridge was a priority and the Town might consider doing it sooner rather than later which would require an amendment to the CMA. Puckett inquired if the Town was letting BLM off the hook by taking ownership. Reitter replied she did not believe so as BLM has plenty to do. Benson felt it was an opportunity to take care of an asset. Gibb asked if the Town was allowed to put Town money into a federal property. Parker said it could be justified legally as a Town benefit. Reitter felt the Town should prioritize first, approach BLM to determine their priorities and then pool/coordinate resources to get things done. Gibb felt the Town should figure out where it wants to go first. Reitter reminded that the scope was really broad and included many different trail user areas so Town should focus on the critical ones which could be identified by the Trail Board. Volpe felt this all depended on CMA maneuverability. Lacy felt the Trail Board should be brought in to designate what the Board should work on.

Motion #8 by Trustee Puckett, seconded by Trustee Lacy, to direct Staff to work with the Trails Board and BLM on setting priorities and coming up with expansion potential for a Cooperative Management Agreement. **Motion carried 6-0.**

G. Recreation Events Center Feasibility Study. 01:58:05

Mayor Benson introduced Item F noting there was a long process to create the study. He noted there was a presentation of the draft not too long ago and the feasibility study is being brought to Board for perusal with the Rec Advisory Board seeing it the next morning. The study was commissioned with Ohlson Lavoie (OLC) after years of discussions and there will be no decisions made at this point.

Reitter presented highlighting important areas of her Staff Report. There were two processes that happened. Meetings were held with the public and Staff and OLC did a survey sample sending out 1,100 surveys and receiving 319 responses. The desired amenities are a pool, exercise floor, walking track, gym and multipurpose rooms. Town cannot afford to build it all at once. OLC recommended a Recreation District. Phase I is 31,500 s.f. at \$8.1 million. Phase II is 16,800 s.f. Operations suggest 4 FTE and Town would support 2 of them which would be part of the Recreation Department. Reitter stated she wanted everyone to have the information and the study is accessible on the Town website. She also commented that OLC did a phenomenal job putting the study together laying out the costs and steps.

Mayor Benson reiterated this is a feasibility study with tonight being the first presentation to the Board. He added that it was important for the public and Recreation Board to digest it. He felt the study was a nice piece of work and very thorough. Lacy stated that this is a very big project with big numbers. Gibb who sits on the Rec Board has a lot of questions but felt the Rec Board needed to digest it and then provide the Trustees good direction to start with. Benson thanked the Staff and public for working on the study.

- H. Should the Board approve adoption of Resolution #19, Series 2016, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING THE EXECUTION OF A LEASE AGREEMENT FOR A JET A FUEL TRUCK WITH WORLD FUELS, INC.**"? REMOVED FROM CONSIDERATION

The Board took a 5 minute recess at 9:08 PM and returned to regular session at 9:13 PM.

I. Branding Discussion. 02:13:23

Mayor Benson introduced Item I. He advised that the Board met last week for a breakfast discussion on this matter and a proposal was submitted by the Wayfinding Committee to take the existing designs and tweak them working with local artists to make them more directly applicable to the Town's existing and future needs. The committee will bring back their plan to the Board of Trustees in March. The idea is that the Wayfinding Committee will work with local artists and anyone interested in participating should contact Lenny Eckstein at the Deerhammer Distillery. Puckett clarified the Town is not starting over and the target date is the 2nd meeting in March. Carey was glad to hear it. Gibb felt it appropriate to give a solid date so the matter doesn't go on forever and he appreciated the opportunity for the committee to go further and get to a more clear space. Reitter voiced the hope that the committee would communicate with the Town. The Board agreed that was made clear to the committee and Benson suggested a motion. Lacy reiterated this is not a start over and he did not want to make a habit of this type of scenario that when something comes through on a process and there is dislike of the product that the Board extends it trying to make everyone happy. He felt the Board needed to deal with it and either shoot it down or go with it as outside influences could lead to extending a decision forever.

Motion #9 by Trustee Gibb, seconded by Trustee Lacy, to direct the Wayfinding Advisory Committee to work with Staff to tie up loose ends and create a presentation to the Board for its second meeting in March outlining those things they suggest be changed for the Board's consideration. **Motion carried 6-0.**

J. Affordable Housing Discussion. 02:20:53

Mayor Benson introduced item J and reviewed the history. He noted discussions were held on February 4 during the Intergovernmental Meeting relative to an updated housing assessment for leveraging grants but also the formation of a housing task force. Each municipality was to hold public meetings to discuss setting aside money in proportion to their population for an updated housing assessment. The Town's share would be around \$5,000. The Town is to also consider whether or not to pursue an Interagency Working Group on housing.

Gibb inquired how a housing authority gets considered in the future. Reitter replied the interagency committee proposed last week would make recommendations to each of the entities in the County on the structure based on feedback received. That would then result in an IGA by the end of the year to take the effort from a local effort to a regional one. The second thing the committee would be working on is an updated housing needs assessment to replace an outdated assessment completed years ago. She reminded the Board that the last assessment did recommend a regional housing entity. A housing authority is important as it raises additional resources for affordable housing. Gibb supported a working group but he was not sold on a housing authority yet. Reitter replied the matter would be brought back to the Board on February 23 for an official motion supporting the committee and housing needs assessment.

Motion #10 by Trustee Lacy, seconded by Trustee Baker, to give a commitment to the Town's percentage of funding up to \$5000 for the housing needs assessment. After additional discussion, **Motion carried 6-0. Roll call vote:** Trustee Baker, Aye; Trustee Carey, Aye; Trustee Gibb, Aye; Trustee Lacy, Aye; Trustee Puckett, Aye; Trustee Volpe, Aye.

Motion #11 by Trustee Baker, seconded by Trustee Puckett to vote to indicate the Town's support for forming an interagency group to examine a Chaffee County Housing Authority. **Motion carried 6-0**

STAFF REPORTS

Town Administrator 02:35:25

- 2nd Annual All Hands Staff meeting was held earlier in the day with the first Employee of the Year Award being given to Public Works employee Justin Case.
- Working on water and making progress on St. Charles Mesa.
- Town will be dredging the lake in March and it will be refilled.
- Board will hold a meeting February 16 at the Airport at 6PM.

Town Treasurer 02:38:33

- Two big expenditures for period are Police Investigator Unit and Lake Placid Hockey Rink.
- December sales tax number is not in yet and will be in the next report.
- December Unaudited Financial Statements are in packet.
- Received a request for fund balance calculation, availability and reserve which will be emailed out to the Board.
- Notes to Financial Statements highlighting the major expenses also included in packet.

Mayor Benson noted several fee waiver requests in the packet.

Motion #12 by Trustee Lacy, seconded by Trustee Puckett to approve a fee waiver for Optimists Club for multiple events. **Motion carried 5-0.** Gibb abstained.

Motion #13 by Trustee Lacy, seconded by Trustee Volpe to approve a fee waiver for the League of Women Voters for use of the Community Center. **Motion carried 6-0**

Motion #14 by Trustee Baker, seconded by Trustee Lacy to approve a fee waiver for the Stampede Rodeo for the Collegiate Peaks Rodeo. **Motion carried 6-0**

DISCUSSION 02:44:35

Baker reported that he and Maggard attended the Transportation Planning Region Meeting last week and Region 5 Transportation Director Karrie Neet is retiring in a few weeks. Highway 24 River Bridge might be widened instead of replaced, but it will eventually have to be replaced. Highway 24 advertisement date for bids is April 24, but right-of-way issues must be resolved before the bid notice will be done. CDOT was not aware of the proposed concert and they have expressed concerns to the Town Administrator. The passing and turning lanes at Fisherman's Bridge on 301 along with an animal underpass and wildlife fencing will be done next year.

Carey inquired about allowing Staff to handle fee waiver requests. Reitter advised the Board they could adopt a policy to waive fees for non-profits. Staff does keep track of all the fee waivers on an annual basis. Lacy felt it didn't take a large amount of time to handle the requests and it gets the information out to the public as well as shows the Board supports the causes. Benson agreed and felt it helped the Board be better informed about events.

Mayor Benson reported he is going to the CML Policy Committee Meeting in Denver on Friday. Benson also stated he would like to add direction for the Rec Board on the role of private and public business to the policy discussion list.

Lacy stated his appreciation of Doering's report on the Colorado Center and it being precise and to the point. He stated this Board is not afraid to let the Planning Department make decisions, but they have been in the past and this will change from Board to Board.

EXECUTIVE SESSION – An Executive Session to consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a), and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. §24-6-402(4)(e). **02:52:58**

Mayor Benson read the purpose of the Execution Session and requested a motion at 9:52 PM.

Motion #15 by Trustee Baker, seconded by Trustee Puckett, to move into Execution Session. **Motion carried, 6-0.**

Executive Session was held from 9:53 PM to 10:17 PM. Those present for Executive Session were Mayor Joel Benson, Trustees Keith Baker, Carrie Carey, Eric Gibb, Duff Lacy, Phillip Puckett, David Volpe and Town Administrator Brandy Reitter, Town Attorney Jeff Parker and Town Public Works Director Greg Maggard.

Motion #16 by Trustee Carey, seconded by Trustee Baker, to adjourn from Executive Session. **Motion carried, 6-0.**

The Board returned to regular session at 10:17 PM.

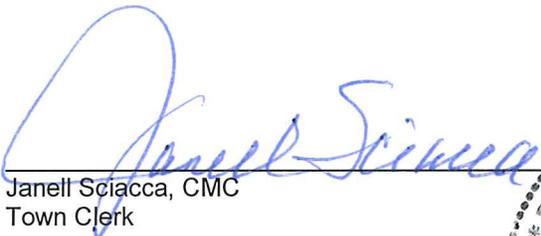
ADJOURNMENT

Motion #17 by Trustee Lacy, seconded by Trustee Volpe, noting that there being no further business to come before the Board, declared that the meeting adjourned at 10:18 PM. **Motion carried, 6-0.**

Respectfully submitted:



Joel Benson, Mayor



Janell Sciacca, CMC
Town Clerk

