



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

June 28, 2016

WORK SESSION With Colorado Department of Liquor Enforcement Regarding Entertainment District Rules & Regulations 6:00 PM

Present for the work session: Mayor Joel Benson, Town Trustees Phillip Puckett, Mark Jenkins, Duff Lacy, and Eric Gibb. Also present were Town Administrator Brandy Reitter, Town Clerk Janell Sciacca, Fire Chief Dixon Villers, and Assistant to the Town Administrator Emily Katsimpalis.

David Reed, Supervisor/Criminal Investigator II, introduced himself and Marcus Woodward, Criminal Investigator. Sciacca gave a brief overview stating the presentation is timely due to the fact the Entertainment District approved by the Board on May 24 would become effective July 2. Reed reviewed the necessary steps for creation of an Entertainment District stating the Town had taken the first step with passage of an ordinance. He reported there are only five districts in the State of Colorado - Glendale, Greeley, Cripple Creek, Salida, and Blackhawk. Reed informed the Board that if the District is to be functional by the August Vertex Festival there is a lot of footwork to be done including formation and approval of the Promotional Association. He suggested that the Town may want to amend its ordinance to say that events will never go past 2 AM, but otherwise he felt the ordinance looked good. Reed shared that Entertainment Districts were developed so Special Events Permits did not have to be obtained for each separate event. He added that a Special Event Permit can take place in a common consumption area, but the requirement is that the applicant must work with the Promotional Association to be part of the Common Consumption area (CCA). Reed stated that in a CCA any establishment can opt out and they would not be allowed to introduce alcohol into the area. Additionally, there have to be barricades to block off the CCA and no vehicles can enter, short of emergencies. Gibb inquired about an establishment selling on a table on the street. Reed replied an establishment can modify the premises temporarily to allow for that use of the sidewalk/street. There was additional discussion about CCAs and the Board's authority as the local licensing authority for setting the consumption area. Reed recommended going to see the Greeley Go Cup District stating it is a well-functioning Entertainment District. He also informed the Board that the establishments must have preprinted cups and alcohol from one establishment cannot be taken into another establishment. The association can be held responsible for everything that takes place in a CCA as can every attached establishment. Benson inquired about added liability for Town. Reed did not feel he could answer the question, but clarified the Liquor Enforcement Division would not be pursuing the Town for violations. Reed stated that all servers and security in the CCA have to be certified TIPS Responsible Vendors and that Town Clerk Sciacca is submitting an application for approval to provide this training for the local establishments with the Liquor Enforcement Division performing the actual training. The Work Session ended at 6:47 PM.

CALL TO ORDER :00

A Regular meeting of the Board of Trustees was called to order at 6:59 PM on Tuesday, June 28, 2016, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Benson. Present were Mayor Joel Benson, Trustees Eric Gibb, Duff Lacy, Mark Jenkins, Phillip Puckett and David Volpe. Town Staff present were Town Administrator Brandy Reitter, Town Attorney Jeff Parker, Principal Planner Mark Doering, Treasurer Michelle Stoke, Public Works Director Greg Maggard, Assistant to the Town Administrator Emily Katsimpalis, Airport Manager Jill Van Deel and Town Clerk Janell Sciacca.

ROLL CALL :18

Town Clerk Sciacca proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE :38

Mayor Benson led the Pledge of Allegiance.

PROCLAMATION – JULY 2016 GENERAL AVIATION APPRECIATION MONTH 01:07

Mayor Benson read the proclamation into the record and signed the document proclaiming July 2016 General Aviation Appreciation Month in the Town of Buena Vista.

Trustee Best arrived and took her seat at the dais.

AGENDA ADOPTION 03:56

Mayor Benson noted one amendment to the agenda being to strike Item H – Godonis Ground Lease.

Motion #1 by Trustee Puckett and seconded by Trustee Lacy to approve the agenda as amended.
Motion carried, 6-0.

CONSENT AGENDA 04:34

A. Minutes

1. Regular Meeting – June 14, 2016
2. Planning & Zoning – June 1, 2016

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

POLICY DISCUSSION – Policy Discussion Process Analysis 05:40

Mayor Benson introduced stating this evening the Trustees and Staff would be talking about how the discussion process is going. He reviewed the overall purpose and process and then inquired of the Trustees' opinions. Gibb felt the process was great and the sessions were informative. He suggested the 30 minutes be used for real policy discussions and that the Trustees speak in broad brushstrokes instead of making specific decisions. Lacy felt that following a discussion that Staff should be given specific direction to put a particular topic on an agenda. Puckett agreed and wanted to know how the loop would be closed when a decision was made and felt it could be part of the annual policy review process. Jenkins felt there should be a little more information and thought given about the topic being discussed. Doering felt the process helped Staff and that it added transparency to proposed policy changes. Reitter added that this is a great thing and she is tasking Staff to be a policy driven organization so the discussions are very helpful. Benson reminded that the Trustees can decide what gets on the list and what is discussed at a particular meeting by requesting a particular topic be added.

PUBLIC COMMENT 20:02

Brett Mitchell, 115 N Hwy 24, thanked the Trustees and the Planning & Zoning commission for moving forward in a positive direction. He questioned if the issue of parking trailers in the right-of-way was a broad problem or the result of a few violations. Mitchell felt there were other ways to address the issues. He felt the housing limitations in Town were contributing to the issue of people living in trailers.

Lyle Haws, 30668 CR 383, voiced opposition to Ordinance 7 and felt it was not appropriate of Town to tell property owners where they can park their RVs on their property.

Mary Beth Urbine, 222 N Pleasant Avenue, distributed a letter that addressed the number of chickens allowed in Town and agreed the code needed to be updated to allow the Code Enforcement Officer to handle violations.

Dennis Hutton, 729 Marquette Avenue, doesn't have a problem regulating trailers on public property, but disagreed with telling a property owner what he can do with his own trailer on his own property.

Cindie Swisher, 100 Baylor Drive, admired the Board for the amount of time they have spent discussing this. She felt Town right-of-way should be marked and that what is done on private property is private.

Elizabeth Sutphin, 112 River Run Drive, owns property adjacent to the park in South Main where there is always a lot of tent camping. She felt camping was fine during special events, but was a nuisance other times.

Richard Fisher, 208 Yale Place, was opposed to Ordinance 7.

Chris Fisher, 208 Yale Place, stated she was all for Town improvements as long as they don't take away the rights of residents.

Dan Hamme, 29383 CR 358, addressed Ordinance 7 and airborne nuisances. He felt 5 complaints was too subjective and the policy should be a more quantitative.

Dan Jensen, 108 Cornell, did not feel it was right to take away the ability to use his RV/Trailer or park it at his house.

Helen Young, 108 Cornell, agreed with all the other comments. She felt having the government tell them what they could do with their property and vehicles was wrong and she agreed camping on someone else's property needed to be dealt with.

Franci Crowder, 702 S Gunnison, agreed with previous RV comments and objected to the way the Ordinance reads now.

Glenn Jacoves, 29 Park Lane, questioned if Ordinance 7 applies to all trailers and stated if necessary he would move his trailer into his driveway and park his vehicles on the street.

Martin Astry, 322 N Railroad Avenue, stated he was already in violation since he is currently living in his camper while remodeling his property. Astry felt the policy should not be so constrictive.

Kathy Cusick, 426 Arizona Street, felt the Ordinance was too constrictive and that the Town does not have the right to tell her what she can do on her property. She also felt the Town was causing problems that don't exist.

RESPONSE TO PUBLIC COMMENT 58:05

Mayor Benson thanked everyone for coming out and expressing themselves. He stated this is the 1st of 4 meetings where there has been such a large public turnout. Benson stated that the code change is a public process and the Board relies on the community to provide input.

BUSINESS ITEMS

Should the Board of Trustees approve adoption of Resolution #61 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO SUPPORTING THE EFFORTS OF SALIDA RESIDENT AND AUTHOR WAYNE IVERSON TO RENAME CHIPETA MOUNTAIN.**"? 1:00:05

Mayor Benson stated this was a request that came to the Board. Both Chaffee County and Salida have submitted resolutions in support of the effort.

Motion #3 by Trustee Puckett and seconded by Trustee Gibb to approve Resolution #61 as presented. **Motion carried, 6-0.**

PUBLIC HEARING – Should the Board of Trustees approve adoption of Resolution #62 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO APPROVING A MINOR DEVELOPMENT FOR PROPERTY LOCATED AT 226 S SAN JUAN AVENUE.**"? 01:01:28

Jenkins recused himself stating the property neighbors his and he has participated in many conversations regarding the matter. He left the dais. Merrill Mann, 226 S San Juan, current President of Woodland Brook Cabins provided a brief history on the property. The goal is to separate out the Lodge on Lot #1 because right now no building permit can be obtained as the plat currently exists. Doering reviewed a PowerPoint presentation providing an overview and a project analysis. He noted one letter had been received since the packet was distributed requesting the building be completed or torn down prior to the

plat. Doering stated that Staff and Planning & Zoning Commission both recommended approval with conditions.

Mayor Benson opened the Public Hearing. Roger Hughes, 226 S. San Juan #1, purchased Cabin 1 that is immediately south of the lodge. He thanked the Staff and Trustees and asked that the current issues be addressed. There being no further comments Mayor Benson closed the floor to public comment and closed the Public Hearing.

Benson asked for clarification on what authority the Town has to resolve this issue. Parker replied the Town has a nuisance code in effect right now for blighted structures and dangerous buildings that allows for abatement action. Gibb asked if the Board has the right to consider particular actions that would be good for the Town as criteria. Parker stated the Board needed to look at the criteria in the code and apply that criteria that currently exists and the Board has to weed out what is and what is not relevant to the criteria. Gibb felt a majority of Town is concerned about this particular lodge structure and he questioned that the Board could not hold the subdivision process hostage in order to address other issues. Parker agreed they could not. Doering added that the current structure is taller than the code allows and he clarified that to correct that they need a building permit and to get a building permit they need a legally platted lot. He stated that this has to happen first to clear the title issues and then the structure can be fixed.

Motion #4 by Trustee Best and seconded by Trustee Lacy to approve Resolution #62 as presented with conditions. **Motion carried, 5-0.**

Trustee Jenkins returned to the dais.

Should the Board of Trustees approve adoption of Ordinance #7 **"AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO AMENDING CERTAIN SECTIONS OF CHAPTERS 16 AND 18 OF THE BUENA VISTA MUNICIPAL CODE REGARDING THE OCCUPANCY, PARKING AND STORAGE OF RECREATIONAL VEHICLES; CAMPING ON PRIVATE PROPERTY AND STORAGE OF TRAILERS."**? 01:26:08

Doering reviewed a PowerPoint presentation providing an overview of the request. He showed multiple slides of some of the current issues around Town noting there were at least 60 different potential violations. Doering also reviewed slides detailing the current code provisions compared to the proposed code provisions. The Board discussed the need for permitting to address actual issues versus normal everyday circumstances. Lacy reported that he looked at multiple other codes across Colorado and did not find these types of regulations. He did find that RVs were required to be on improved surfaces and were not allowed to be parked in the right-of-way. Lacy felt the issue somehow got stretched out from people living in them and parking in the right-of-way. He agreed citizens should be able to plug in their RVs in their back yards and use them for temporary living arrangements on their private property. Gibb generally agreed with Lacy's comments, but questioned the possibility of someone starting an RV park in Town given the current housing issues. He felt allowing someone to plug in from of the house for 72 hours was good and leaned toward not restricting what people can do on their private property with the exception of not going to an extreme. Gibb stated he was not ok with storage or living in RVs in the right-of-way. The Board generally agreed with no use of right-of-way for storage or living.

The Board took a break at 9:20 PM and returned to session at 9:25 PM. **02:23:15**

Volpe stated his belief that due to the private property and numbers of trailer issues that the Board settle on the right-of-way regulations this evening and postpone the other matters. Gibb felt the Board should instruct Staff to isolate the parts that control use in the right-of-way and put the remainder off for consideration at a later date. Benson stated that the Trustees need to talk to citizens and bring back comments and ideas. Gibb felt the Board should carve out the right-of-way issue and move forward on that matter while continuing to work on the remainder of the issues. Puckett agreed stating he hadn't seen a problem or the answer to the private property matter. Parker clarified he would have to draft an Ordinance for the next meeting. Gibb thanked Staff for their patience with the democratic process.

Motion #5 by Trustee Lacy and seconded by Trustee Puckett to table the matter for two weeks and have Staff bring back an ordinance on parking in the public right-of-way. **Motion carried, 6-0**

Motion #6 by Trustee Lacy and seconded by Trustee Best to table the remainder of the Ordinance to August 9, 2016. **Motion carried, 6-0.**

Should the Board of Trustees approve adoption of Ordinance #9 "**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO, REPEALING ARTICLES I, II, III, IV, V, VI, AND VII OF CHAPTER 7 AND REINSTATING ARTICLES I, II, III AND IV OF CHAPTER 7 OF THE BUENA VISTA MUNICIPAL CODE REGARDING NUISANCES AND NUISANCE ABATEMENT.**"? 02:37:15

Doering reviewed a PowerPoint presentation providing an overview of the request. He also reviewed slides detailing the current code provisions compared to the proposed code provisions. Puckett questioned intent of the ordinance and what problem the Town is trying to fix. Specifically, he wondered why Staff is looking at a maximum number of fowl stating he was not aware of any issue. Reitter replied the welfare of the animals is an issue but also nuisance complaints received by the Town. Lacy agreed with Puckett and questioned why some of this was necessary and felt 20 chickens was an acceptable number. The Board generally agreed with 20 fowl as an acceptable limit. Benson requested Doering add back language to ensure that chickens and livestock would not be allowed to run at large. Lacy felt 7-16(b)(2) should be dropped as it was too subjective. Benson felt the odor was related to dogs and livestock. After a brief discussion about quantifying odors, Reitter stated the Town would buy necessary equipment to quantify these nuisances. Doering stated the regulation is not just for animals and it also relates to businesses. Parker clarified that in 7-16(a) there has to be an unreasonable situation and the measuring device is one technique to measure the nuisance, but testimony in Court is another and the Town has discretion on handling of complaints. After further discussion, the Board agreed to amend section (b) to state these are the factors to be considered when determining a nuisance odor. Lacy then questioned requiring a frame for stacking of firewood in section 7-18(a). Benson requested to remove "protected from bare sole or ground on a well supported, non-rotting base." Doering agreed that was acceptable. Lacy also requested to see acres and feet in the animal pen size descriptions instead of one or the other for consistency.

Motion #7 by Trustee Jenkins and seconded by Trustee Lacy to table Ordinance #9 to July 12, 2016. **Motion carried, 6-0.**

Should the Board of Trustees approve adoption of Resolution #63 "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AMENDING THE TOWN OF BUENA VISTA FEE SCHEDULE.**"? 03:05:38

Reitter presented the Staff report and proposed changes reminding the Trustees that this is done throughout the year as necessary when fees are in need of updating. The Board agreed to increase the bulk water station sale fee to \$5.00 and remove the camping permit fee.

Motion #8 by Trustee Lacy and seconded by Trustee Puckett to approve Resolution #63 as amended. **Motion carried, 6-0.**

Should the Board of Trustees approve adoption of Resolution #64 "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AMENDING THE TOWN OF BUENA VISTA EMPLOYEE HANDBOOK.**"? 03:19:08

Benson thanked Staff for putting this together. Reitter presented noting some key areas and Parker highlighted some of the main changes.

Motion #9 by Trustee Lacy and seconded by Trustee Gibb to approve Resolution #64 with a corrected Table of Contents. **Motion carried, 6-0.**

Town Treasurer Sales Tax Presentation. 03:31:50

Stoke presented reviewing the Staff Report. She noted the sales tax issue goes back to the 1980's when the Airport Fuel Sales account was established, but Colorado Revised Statutes only allow the Department of Revenue to go back three years to collect deficiencies unless there is fraud. The Town Auditor wants

this booked into 2015 which will reduce the revenue. Parker suggested approving paying the amount and then making any budget adjustment(s) as necessary at a later date.

Motion #10 by Trustee Lacy and seconded by Trustee Best to approve the expenditure of \$40,000+ not to exceed \$50,000 with approval of the a budget amendment at a later date. **Motion carried, 6-0.** Best, aye; Gibb, aye; Jenkins, aye; Lacy, aye; Puckett, aye; and Volpe, aye.

Godonis Ground Lease – Item was struck from agenda.

STAFF REPORTS

Town Administrator **03:40:22**

- Town is in budget process and Staff is working on requests for Capital Improvements
- Staff met with Upper Arkansas Water Conservancy District on Forest Service permit renewal today that will allow for increased capacity on Cottonwood Lake
- Lacy asked if the RFP included the Ballfield and what point the school gets involved and Reitter replied it did and the school gets involved after the vendor and consultant are approved

Town Treasurer **03:43:40**

- Clarified the Fund Balance question from the June 14 meeting
- Detailed Town expenditures since June 14, 2016

Town Clerk **03:53:05**

- Issuing routine Special Events Permits and other Liquor license related changes
- Performing quite a few notarizations as there are now 3 notaries in Town Hall

Principal Planner **03:53:49**

- Held UDC Steering Committee for Module II and needs all comments back by July 15

Code Enforcement **03:55:00**

- Report will be done on a quarterly basis
- Moving forward getting issues addressed and Junker is doing a good job getting matters resolved without need to take to Court
- Lacy requested the Town promote Code Enforcement efforts so citizens know Junker is out there

Airport Manager **03:58:07**

- Three recent incidents at the airport - one local pilot crash, a microburst flipped the totaled plane several days later and super extend the nose of another plane; and a plane that took off for Creed crashed outside the Creede airport killing all passengers
- Arranging for Staff to receive fuel management and fire safety training
- HAATS will be holding a BBQ on July 13 at the Airport
- Has had inquiries for hangars for larger aircraft and will have to look at increasing the size of the current hangar doors.

Motion #11 by Trustee Lacy and seconded by Trustee Puckett to approve the Fee Waiver requests for the Boys & Girls Club, USFS and Chaffee County Council on the Arts. **Motion carried, 6-0.**

TRUSTEE/STAFF INTERACTION 04:07:10

Benson noted an invitation from the Buena Vista Chamber of Commerce for the Trustees to ride in the 4th of July parade. He also noted the car show on Saturday and thanked the Police, Fire and Public Works and other Departments in advance for all their efforts.

Puckett announced that he talked to most of the Board members about Mayor Benson's fall schedule which conflicts Tuesday night meetings. The Board is looking at temporarily moving its meetings to Wednesday nights for the fall.

Motion #12: Puckett motioned and Lacy seconded to ask Staff to draw up an Ordinance to temporarily move the Trustee meetings to the 2nd and 4th Wednesday nights of each month starting in August. **Motion carried, 6-0.**

Lacy presented a paper to Reitter on a fee schedule from the City of Loveland regarding parking lot fees which he thought might apply to Main Street.

Gibb inquired about asphalt on Beldan. Puckett asked him to look at that street as a complete streets example. He has been looking at the alignment and talked to Miles Construction so hopefully it will be done in the next 30 days. He requested the Board give him an idea of what they want to see and then stated he would put it on the next agenda.

Volpe invited everyone to help build 1.8 miles of trail starting at the Gentleman's Loop over the weekend.

Benson asked Maggard to talk with the owner of the VRBO at East Main and Beldan about temporary tenants parking on the Town sidewalks. Maggard will reach out to them.

Doering stated that the Town is hoping to authorize Certificate of Occupancy for The Jailhouse Craft Beer Bar tomorrow.

ADJOURNMENT 04:15:38

Motion #13 by Trustee Lacy and seconded by Trustee Puckett, noting that there being no further business to come before the Board, declared that the meeting be adjourned at 11:18PM. **Motion carried, 6-0.**

Respectfully submitted:

Janell Sciacca, CMC
Town Clerk

Joel Benson, Mayor

