



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

July 12, 2016

### **6:00 PM – Work Session on Storm Water Enterprise Fund**

Present for the work session: Mayor Joel Benson, Town Trustees Phillip Puckett, Mark Jenkins, Duff Lacy, David Volpe and Lawanna Best. Also present were Town Administrator Brandy Reitter, Town Clerk Janell Sciacca, Fire Chief Dixon Villers, Principal Planner Mark Doering Public Works Director Greg Maggard and Assistant to the Town Administrator Emily Katsimpalis.

Reitter presented noting this idea was also pitched in 2014. It is timely to bring back with the new Trustees. Town is also in budget process so this is being presented to give the Trustees something to think about. Storm water is any precipitation that falls from the sky in the form of rain, hail, sleet or snow. This enterprise is important in order to fund infrastructure as well as erosion control and mitigation. The Town has completed studies, identified needed improvements, completed some drainage improvements, completed the Source Water Protection Plan and updated FEMA floodplain maps, but also hosted a forum with the community regarding floodplain issues. Benefits are mitigating erosion and property damage, reducing peak flow rates, filtration and removal of pollutants and elimination of competition with general fund projects. This would also reduce life cycle costs of infrastructure and environmental costs and prevent damage to residential and commercial properties.

#### 2017 Proposal

1,601 total utility customers  
1,295 Residential @ \$3.00/month  
306 Commercial at \$12.00/month

There is bonding potential and the Town can also consider implementing impact fees for larger developments. Reitter provided information of other municipalities around the state that have these funds noting one has been in existence since 1969. She also showed a \$1.7 million Capital Improvement Project detail of proposed projects for 2017-2021 noting this would be discussed in detail during the budget process. Puckett asked if monies can be moved into the enterprise fund from the general fund. Reitter replied yes. Jenkins questioned if the Town Code required design to the Urban Drainage Criteria manual. Maggard replied yes, but that the Town needs a regional manual. He stated part of funding would help to create a regional criteria manual for developers to design to. Reitter clarified the fee is the only thing that will support a revenue bond and the General Fund cannot satisfy that. Benson asked if the fee would be in a separate bill. Reitter replied it would be included in the water bills. Benson felt it was important to keep in mind the brunt the commercial properties take on fees and the Town should be sensitive to that. Lacy stated additional fees add up which do get passed on with the consumer ultimately paying the bill. He felt the Town should prioritize use of the General Fund. Jenkins felt it was important to be proactive rather than reactive. Puckett believed the fund would be important for leveraging other monies. Best asked how this helps with the floodplain. Reitter stated that it would allow for installation of proper size culverts and Maggard added this could lower the base flood elevations. After discussion about fee equity issues, Reitter stated Staff could look at impervious surface or square footage which would be more time consuming for Staff. The Board agreed to consider this in the budget and Reitter closed by informing the Board that this type of fund would have to be established by ordinance. The Work Session ended at 6:50 PM.

### **CALL TO ORDER :15**

A Regular meeting of the Board of Trustees was called to order at 6:59 PM on Tuesday, July 12, 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 Lawanna Best, Mark Jenkins, Duff Lacy, 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, Police Chief Jimmy Tidwell, Fire Chief Dixon Villers and Town Clerk Janell Sciacca.

**ROLL CALL :20**

Town Clerk Sciacca proceeded with the roll call and declared a quorum. Benson requested a moment of reflection due to recent events and tragedies around the country.

**PLEDGE OF ALLEGIANCE 02:34**

Mayor Benson led the Pledge of Allegiance.

**PROCLAMATION – Browns Canyon National Monument Week July 16-23, 2016 03:01**

Mayor Benson read the proclamation into the record and signed the document proclaiming July 16-23, 2016 Browns Canyon National Monument Week in the Town of Buena Vista.

**AGENDA ADOPTION 04:45**

Mayor Benson stated the agenda would be amended with Item C being removed from consideration.

**Motion #1** by Trustee Lacy and seconded by Trustee Best to approve the agenda as amended.  
**Motion carried, 5-0.**

**CONSENT AGENDA 05:34**

**A. Minutes**

1. Regular Meeting – June 28, 2016
2. Trails – June 7, 2016

**B. Police Chief Report**

**C. Fire Chief Report**

**Motion #2** by Trustee Puckett and seconded by Trustee Lacy to approve the Consent Agenda as presented. **Motion carried, 5-0.**

**PUBLIC COMMENT 05:59**

Meghan Kingman, 15685 Birdie Lane, complimented the Trustees on being proactive and involved. Would like to see something done about trash on Main Street and would also like to see recycling.

Owen Lentz, 125 South San Juan, present representing BV Community Health Center. Learned Valley-Wide Health Systems requested a letter of support for establishing operations in BV and read a into the record from the BV Community Health Center Board supporting the effort.

Forrest German, 102 Marquette, addressed the proposed RV Ordinances. Felt the Town should focus on the deteriorating sidewalks rather than the electric cord from his RV running across the sidewalk.

Patricia Gail Moffat, 922 West Main Street, asked that the proposed RV ordinance be tabled several months so she could speak with an Attorney. She received a notice to abate and felt that photos taken of her property were an invasion of privacy. Moffat added that the two RVs on her property are licensed and insured.

Melanie Roth, 22705 CR 292B, Nathrop, extended support of the historic preservation ordinance.

Sharon Jahr, 304 Oak Street, would like to be able to continue parking travel trailer on her property. She does not live the trailer, but uses it to travel.

**RESPONSE TO PUBLIC COMMENT 16:18**

Mayor Benson responded that recycling containers are in the budget this year and are forthcoming. He requested Maggard take a look at additional trash cans and Maggard replied three new ones were recently placed in the area. Reitter added that recycling containers are being selected. Benson clarified

the RV ordinance being considered addresses the use of public right-of-way and a separate ordinance regarding private property use will be coming in the future. He also thanked Roth for her comments on historic preservation.

## **BUSINESS ITEMS**

### **Town Treasurer Audit Presentation. 18:53**

Stoke reported Hamblin and Associates were retained by the Town to perform the Audit required under CRS. Two opinions are possible - unmodified and modified. Unmodified is what is strived for and is what the Town received. Stoke stated she will file the report with the State Auditor by July 31 with the Board's approval.

**Motion #3** by Trustee Volpe and seconded by Trustee Lacy to accept the 2015 Audit report as presented. **Motion carried, 5-0.**

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 IN THE PUBLIC RIGHT OF WAY.**"? 24:50

Doering reviewed a PowerPoint presentation providing an overview of the request. He also reviewed the current code noting the regulations are not clear and hard to enforce and then recommended approval of Ordinance #7. Puckett clarified for the audience and viewing public that the current Town code is very restrictive and the proposed code is less restrictive. Benson asked Parker to address the Town's responsibility and liability regarding use of the right-of-way. Parker replied the Town has immunity in most cases, but an exception is a known dangerous situation that is allowed to exist. Benson asked that somewhere the Town be specific about use of the bike lane, sidewalk, etc. Parker stated there are already existing parking regulations, but there can be additional wording tweaks. Jenkins felt the Board was opening a can of worms and he questioned how use of the right-of-way would be enforced. Reitter replied this would be done through a combined effort of the Police Department and Code Enforcement. Doering clarified use of the right-of-way was allowed in residential areas with homeowner approval for up to 72 hours. Lacy stated he drove around Town over the weekend and his issue is that there is no consistency in the Town's streets. Therefore, he didn't feel a blanket policy was appropriate. He agreed the Town should address hazardous issues, but the rest did not make sense to him.

**Motion #4** by Trustee Best and seconded by Trustee Puckett to approve Ordinance #7 as presented. **Motion carried, 3-2** with Lacy and Jenkins voting Nay.

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.**"?

Removed from consideration.

Should the Board approve adoption of Ordinance #14 "**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO ESTABLISHING A HISTORIC PRESERVATION COMMISSION.**"? 55:05

Katsimpalis reviewed the Staff Report and stated Staff was recommending approval of Ordinance #14. Puckett was confused and concerned about language in Section 19-14 of page 12 of the ordinance. He cited the CKS building on Main Street as an example asking what if the property owner was not ok with this and wanted to make a change to the building. Katsimpalis replied properties can opt out of a designated District which requires 75% of property owner approval. Those not approving can petition the Commission to be excluded. Reitter added that a lot of thriving towns have a historic preservation district. Puckett stated for the record he loved the idea, but he felt the Town was again telling property owners what they can and cannot do with their buildings. Volpe felt more time was needed to digest the packet. Best agreed. Katsimpalis requested the Board email her with questions and comments. Jenkins asked for an inventory of buildings. Reitter clarified the ordinance requests the formation a Commission which would then be responsible for designation of any District. Parker added the ordinance also sets forth rules

and regulations. Katsimpalis clarified that once the Commission is established the Town can then request funding for an inventory. Doering added that the Town would not be seeking any "hostile" designations, but does hope to protect properties that are historically significant.

**Motion #5** by Trustee Volpe to table Ordinance #14 to July 26, 2016. The motion died for lack of second.

**Motion #6** by Trustee Lacy and seconded by Trustee Best to approve Ordinance #14 as presented.  
**Motion carried, 4-1** with Volpe voting Nay.

Should the Board of Trustees approve adoption of Resolution #65 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO DESIGNATING INITIAL PROPERTIES LICENSED TO SELL ALCOHOL FOR INCLUSION IN THE TOWN OF BUENA VISTA EAST MAIN STREET DOWNTOWN ENTERTAINMENT DISTRICT.**"? 01:19:44

Sciacca presented reviewing the Staff Report. Benson thought that during the work session prior to the last meeting Senior Investigator Reed indicated no further steps were necessary other than the formation of a Promotional Association. Sciacca clarified that Reed did have a copy of the ordinance but may not have seen this requirement. She added that the BV ordinance was different than those in other jurisdictions and that in a conversation with Parker he had agreed this was a necessary step. Parker stated he did not recall that specific conversation, but saw no harm in passage of the resolution to clarify that these are the licensed establishments within the District. Sciacca added that future establishments would be included in the District by separate resolution and also that any establishment can request exclusion by resolution.

**Motion #7** by Trustee Puckett and seconded by Trustee Jenkins to approve adoption of Resolution #65 as presented. **Motion carried, 5-0.**

Should the Board of Trustees approve adoption of Resolution #66 "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH THE FRONTERRA GROUP FOR DESIGN SERVICES FOR FOUR COMMUNITY PARKS.**"? 01:30:50

Reitter presented reviewing the Staff Report and advised Staff was recommending FronTerra Group as the most qualified.

**Motion #8** by Trustee Best and seconded by Trustee Puckett to approve adoption of Resolution #66 as presented. **Motion carried, 5-0.** Trustee Best, aye; Trustee Jenkins, aye; Trustee Lacy, aye; Trustee Puckett, aye; and Trustee Volpe, aye.

Should the Board of Trustees approve adoption of Resolution #67 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO TEMPORARILY CHANGING THE DATE OF THE BUENA VISTA BOARD OF TRUSTEE MONTHLY MEETINGS.**"? 01:37:04

Benson reminded everyone of the purpose for the resolution. Parker reported he has a conflict with the 2<sup>nd</sup> Wednesday as he represents a 13 year client on that particular night. However, Kathryn Sellars will attend on the 2<sup>nd</sup> Wednesdays and he will attend those meetings on the 4<sup>th</sup> Wednesdays.

**Motion #9** by Trustee Puckett and seconded by Trustee Volpe to approve adoption of Resolution #67 as presented. **Motion carried, 5-0.**

**Madison House Presents License Agreement. 01:41:30**

Reitter presented reviewing the Staff Report. There was discussion regarding several clarifications and Reitter will send a revised contract to Madison House representatives for their review and approval.

**Motion #10** by Trustee Puckett and seconded by Trustee Lacy to approve the Madison House Presents License Agreement as amended. **Motion carried, 5-0.**

**Letter of Support Request from Valley-Wide Health Systems, Inc. for New Access Point Application. 02:00:18**

Reitter presented reviewing the Staff Report.

**Motion #12** by Trustee Best and seconded by Trustee Lacy to approve the Mayor signing the letter of support for Valley-Wide Health Systems, Inc. **Motion carried, 5-0.**

The Board took a break at 9:00 PM and returned to session at 9:06 PM.

**CDOT Memorandum of Agreement for Permanent Easement Offer. 02:07:45**

Reitter presented reviewing the Staff Report.

**Motion #11** by Trustee Lacy and seconded by Trustee Puckett to approve the Memorandum Of Agreement with CDOT as presented. **Motion carried, 5-0.**

**STAFF REPORTS**

**Town Administrator 02:12:48**

- HAAT BBQ at Airport is July 13 at 11AM
- Memorandum of Understanding was discussed with BVSD July 5
- Electrical Vehicle Charging Stations were installed last week
- Staff met with the stakeholder group for the CBS commercial being filmed for the TransRockies Run
- Recreation Board is working on revisions to the Rec Master Plan
- Miracle on Ice Hockey Rink fundraising continues
- 1st Annual Summer Town Employee BBQ will be July 31
- Trail construction has begun on Bacon Bits
- Town Staff will be presenting to CHFA August 22 in Denver
- County-wide housing needs assessment is near completion
- Proposed MOU with BVSD is in packet and there are three parts; 1. BVSD will deed baseball field to the Town; 2. Town provides lease on River Park parcel where ballfields will be constructed by the Town no later than spring of 2017; and 3. April 4, 2017 Town will conduct election requesting permission to convey River Park parcel to BVSD

**Motion #12** by Trustee Lacy and seconded by Trustee Best to approve the Memorandum of Understanding with amendments. **Motion carried, 5-0.**

**Town Treasurer 02:29:08**

- Pickleball instructor check question raised at the last meeting was explained and per agreement the instructor received 75% of registration fees while Town realized 25% revenue.

**Public Works Director 02:31:01**

- Column added for water loss and Board input requested on proposal to start billing for this – Board agreed to have Staff bring back a proposal to them
- Town Street Staff completed equivalent of \$20,000 in private contractor work in 2 days which included a lot of striping with the newly purchased machine approved by the Board
- Materials and volunteers are being sought to construct Dog Park shade structures
- Rodeo Road Trail paving should be finished this week and will be striped
- CDOT awarded the local Highway 24 project and construction will start July 25 with completion scheduled the first week of May 2017
- Preconstruction meeting will be held July 19 and update will be provided at an upcoming meeting

**Motion #13** by Trustee Best to deny the fee waiver requests from the UAACOG and Chaffee County Family & Youth Initiatives. Motion died for lack of second.

**Motion #14** by Trustee Lacy and seconded by Trustee Puckett to approve the fee waiver requests from the UAACOG and Chaffee County Family & Youth Initiatives. **Motion carried, 5-1 with Best voting Nay.**

**TRUSTEE/STAFF INTERACTION 02:47:03**

Volpe reported BV Peaks is presenting their budget and implications to the BVSD School Board Monday, July 18. Volpe asked Chief Tidwell if it is legal to turn across a double yellow line and turn back into a parking space. This is causing congestion downtown. Tidwell replied law says you are not supposed to cross a double yellow line. If the Police try to enforce it there will be further congestion. Benson added there were also citizens who felt another stop sign was needed at East Main and Colorado. Benson asked about the status of \$30,000 project approved in South Main. Maggard replied that he spoke with JJ who is trying to get drawings so it appears to be in process. Benson reported the property at Arkansas and Colorado changed hands and he questioned renewed potential for clean-up. Doering replied the Town is in discussion with the new owner who did move the trailer that was in the right-of-way. Town Staff will be letting the owner know about upcoming yard waste cleanup days this fall. Benson reported Mason Finley will be competing in discus in the Olympics and a request for funding is possibly forthcoming. Puckett complimented Staff on the Madison House contract. He questioned why the Town Lake indicates no swimming when there is Paddle Boarding occurring all the time. Parker felt an evaluation was necessary to determine if it was safe to swim in the lake. Lacy questioned the need for signs that limit parking on Main Street when there is no enforcement. Lacy also inquired when the matter of use of parking spaces for parklets would be addressed. Reitter replied it would be discussed at the next Trustee meeting. Lacy then asked about the status of resolutions regarding emergency meetings within 24 hours or by phone and the designation of emergency funds. Reitter replied Staff could try to address this as well at the next meeting. Benson asked Lacy which he felt was priority. Lacy replied the emergency matters were more important. Lacy also inquired when the Board would see an Executive Session. Reitter replied she was working on it and Benson added he would be having a necessary conversation on the subject tomorrow. Benson thanked the Staff for keeping the Town going throughout the summer.

**ADJOURNMENT 02:59:11**

**Motion #14** 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 9:58PM. **Motion carried, 5-0.**

Respectfully submitted:

  
\_\_\_\_\_  
Joel Benson, Mayor

  
\_\_\_\_\_  
Janell Sciacca, CMC  
Town Clerk

