



**MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES
VIRTUAL REGULAR MEETING
TUESDAY, MAY 26, 2020**

MINUTES OF THE MEETINGS OF THE BOARD OF TRUSTEES ARE A TRANSCRIPT OF THE GOVERNING BODY'S ACTIONS RATHER THAN A VERBATIM RECORD OF DELIBERATIONS.

Work Session – Discussion on Housing and Short-Term Rentals

In attendance for the Work Session were Mayor Duff Lacy, Trustees Amy Eckstein, Libby Fay, Norm Nyberg, Devin Rowe, Cindie Swisher, and David Volpe. Also present were Town Administrator Phillip Puckett, Special Projects Manager Joel Benson, Code Enforcement Officer Grant Bryans, Principal Planner Mark Doering, and Town Clerk Paula Barnett.

Town Administrator Phillip Puckett reviewed with the Board that per their request, Special Projects Manager Joel Benson, Code Enforcement Officer Grant Bryans, and he prepared the presentation focusing on Short Term Rentals (STR). Staff approached the topic from a broader perspective which included historical context on housing, code updates, STR regulations, and data related to the number and types of STR's in town.

The Trustees and Staff discussed the positive and negative effects short-term rentals have on the community, the need for multi-family residences, and limiting the number of STR's.

Mayor Lacy stated the Trustees need to take the time required to adequately determine if, and how to increase regulations and restrict the number of STR's. Trustee Volpe stated to ensure the Board has the full picture of the rental market, the number of long-term rentals is needed. Staff will continue to collect data related to short term rentals.

A virtual regular meeting of the Board of Trustees was called to order by Mayor Duff Lacy, at 7:00 pm, Tuesday, May 26, 2020 having been previously noticed in accordance with the Colorado Open Meetings Law.

ROLL CALL

Attendee Name	Title	Status
Duff Lacy	Mayor	Present
Amy Eckstein	Trustee	Present
Libby Fay	Trustee	Present
Norm Nyberg	Trustee	Present
Devin Rowe	Trustee	Present
Cindie Swisher	Trustee	Present
David Volpe	Trustee	Present

Town Staff Present:

Town Administrator Phillip Puckett
Principal Planner Mark Doering
Recreation Director Earl Richmond

Town Attorney Jeff Parker
Town Treasurer Michelle Stoke
Town Clerk Paula Barnett

PLEDGE OF ALLEGIANCE

Mayor Lacy led the pledge of allegiance.

AGENDA ADOPTION

MOTION NO. 1:

MOVE TO APPROVE THE AGENDA.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Volpe
SECONDER:		Trustee Rowe
AYES:	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe	

CONSENT AGENDA

Approval of matters that are routine in nature that require review and/or approval, i.e. minutes and reports. (Professional Service Agreements (PSA) that exceed \$25,000.00 require the Consent Agenda to be approved by a Roll Call vote)

A. Minutes

1. Board of Trustees Regular Meeting – May 12, 2020
2. Recreation Advisory Board Minutes – March 4, 2020
3. Recreation Advisory Board Minutes – April 1, 2020

B. Town Clerk Report

- C. Adoption of Resolution No. 33, Series 2020 entitled “A RESOLUTION EXTENDING THE DECLARATION OF A LOCAL DISASTER EMERGENCY IN AND FOR THE TOWN OF BUENA VISTA, COLORADO THROUGH JUNE 30, 2020.”**

Approve extending the Order declaring a local disaster emergency.

Trustee Fay requested the following amendment to page 2 of the May 12, 2020 Trustee minutes: under the Public Works Director Staff Report, change “ensure there are no risks” to “minimize the risk”.

MOTION NO. 2:

MOVE TO APPROVE THE CONSENT AGENDA AS AMENDED.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Eckstein
SECONDER:		Trustee Fay
AYES:	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe	

PUBLIC COMMENT

Jim Hight, 180 Barnwood Circle, Buena Vista, encouraged the Trustees to reach out to their congressmen/women and senators requesting they support the SMART Bill which will provide emergency COVID-19 relief funding.

STAFF REPORTS

- 1. Town Administrator – Highlights of the report in the packet were reviewed and Puckett responded to Trustee comments and questions.
- 2. Town Treasurer – Highlights of the report in the packet were reviewed and Stoke responded to Trustee comments and questions.
- 3. Principal Planner– Highlights of the report in the packet were reviewed and Doering responded to Trustee comments and questions.

Final Review of Strategic projects and Goals for the Next Five Years

Puckett stated at the Strategic Planning retreat in March, the Trustees made edits to the Collective Vision Statement which have been integrated into the document, and are ready to be adopted by the Board.

The Board reviewed and discussed the edits to the Collective Vision Statement, and Trustee Fay requested that under Environment, “biotic and abiotic” be changed to “various”.

MOTION NO. 3:

MOVE TO APPROVE THE COLLECTIVE VISION STATEMENT AS AMENDED.

RESULTS	CARRIED
MOVER:	Trustee Nyberg
SECONDER:	Trustee Fay
AYES:	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe

Puckett reviewed the revised Strategic Plan with the Trustees which will be used as a tool when forming the 2021 draft budget, and the effects COVID-19 will have on future projects and the budget.

Mayor Lacy reminded the Trustees the Strategic Plan is a guide, can be changed as necessary to meet the Town needs and financial revenues, and that they, and future Boards are not locked into the projects/goals/timelines.

TEMPORARY USE PROCESS FOR ADDITIONAL SPACE FOR ON-PREMISES LIQUOR LICENSED ESTABLISHMENTS

Puckett updated the Trustees on recent changes coming from the State Liquor Enforcement Division (LED) which allows on-premises liquor licensed businesses to apply for temporary modifications with their local and state licensing authority allowing for temporary outdoor seating areas to support social distancing requirements. Governor

Polis and LED are encouraging businesses and municipalities to work to use both private and public property to temporarily expand liquor serving premises, allowing businesses to be open for guests, maintain physical distancing, and remain viable and sustainable during the pandemic.

Staff is recommending the Board consider allowing all restaurants/food trucks to extend serving areas, and retail businesses to expand their retail space on to private and public property by utilizing the COVID-19 Temporary Use Permit process. Puckett stated since locations and businesses vary throughout town, each application will be evaluated to ensure the change(s) are manageable by Town and the business.

Puckett stated the current fee for a standard Temporary Use Permit is \$150.00 for 180 days, and the Board has the option to reduce or waive the fee for a COVID-19 Temporary Use Permit.

The Board and Staff had lengthy discussion related to the impacts of allowing businesses to expand service onto public/private property, what hours of operation should be permitted, and what noise restrictions should be put in place.

The Board discussed fee options which included Trustee Eckstein recommending the fee be waived.

MOTION NO: 4:

MOVE TO REDUCE THE FEE FOR A COVID-19 TEMPORARY USE PERMIT FROM \$150.00 to \$75.00.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Nyberg
SECONDER:		Trustee Fay
AYES:	Fay, Nyberg, Rowe, Swisher, Volpe	
NAYES:		Eckstein

Puckett and the Board discussed allowing businesses to relocate current handicap parking spaces and expand operations into these areas. Town Attorney Jeff Parker stated current ADA accessible parking should not be reduced. The Board directed Staff to evaluate requests that involve ADA parking on a case by case basis to determine if the space can be relocated.

Puckett reviewed that the state premise change allows a liquor licensed establishment to have servers cross a public sidewalk to deliver food and drinks, as well as serve on a public sidewalk. Puckett stated there are sidewalks in parts of town that would allow for tables, other areas that will not, and if a business requests to use the sidewalk the application will be evaluated to ensure a five-foot wide walkway is maintained to ensure pedestrian access. Puckett stated at this time the temporary premise change does not allow crossing an open public street to serve guests.

Town Clerk Barnett stated the resolution needs to be amended to include "Resort Complex" in Section 2. Definitions, to ensure all liquor license holders in town may apply for a premise change if they choose to.

Parker clarified with the Board amendments to the resolution which include adding resort complex in Section 2 and adding the permit fee of \$75.00 by inserting a Section 7. Parker stated the draft resolution only allows for businesses to use public parking spaces and private property; if utilization of public sidewalks is to be allowed, that verbiage would need to be included in the resolution.

The Board and Staff had lengthy discussion related to allowing businesses to utilize sidewalks as an option for serving and seating, clothing racks, and requirements for sandwich boards/signage.

MOTION NO. 5:

MOVE TO APPROVE RESOLUTION NO. 34, SERIES 2020 ESTABLISHING A COVID-19 TEMPORARY USE PROCESS FOR ADDITIONAL SPACE FOR ON-PREMISES LIQUOR LICENSED ESTABLISHMENTS AND RETAIL BUSINESSES.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Eckstein
SECONDER:		Trustee Swisher
AYES:	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe	

Motion No. 6:

MOVE TO ALLOW SERVING AND RETAIL OPERATIONS ON PUBLIC SIDEWALKS ADJACENT TO BUSINESSES AND PUBLIC RIGHTS OF WAY UPON TOWN APPROVAL.

RESULTS	ROLL CALL	FAILED
MOVER:		Trustee Eckstein
SECONDER:		Trustee Rowe
AYES:		Eckstein, Rowe Volpe
NAYES:		Fay, Nyberg Swisher
TIE VOTE:		Mayor Lacy: No

Motion No. 7:

MOVE TO AMEND RESOLUTION NO. 34 TO ADD RESORT COMPLEX IN SECTION 2, AND INSERT SECTION 7 RELATED TO THE \$75.00 PERMIT FEE.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Nyberg
SECONDER:		Trustee Volpe
AYES:	Eckstein, Rowe Volpe Fay, Nyberg Swisher	

TRUSTEE/STAFF INTERACTION

Trustees and Staff reported on or commented about recent and upcoming events, activities and topics.

Puckett reviewed with the Trustees that Bill Redmon with The Christian Mission Free Lunch program has requested that the not-for-profit Christian Ministry be permitted to reserve the Forest Square Pavilion every Thursday from 11:00 to 1:00 during the months of June through August, and that the fee for use be waived. Puckett stated Mr. Redmon and associates have been providing the free lunches during the summer months for years, presumably with the approval of the Town Trustees. Staff has reviewed the application, and determined the request does not meet the criteria for a fee waiver under the current Fee Waiver Policy due to the organization not being registered with the State of Colorado as a non-profit.

Puckett stated that Redmon and the Board have several options to proceed forward with the Free Lunch program.

- The Christian Mission does not reserve the Forest Square Pavilion but has the option of utilizing the facilities for free if the space is available and not reserved by another party.
- Mr. Redmon registers his organization (or provides proof of status) with the State of Colorado as a nonprofit organization. This will allow him under the current policy to reserve Town Facilities for free (\$500 max in rental fees per year can be waived to each Non-Profit)
- The Christian Mission reserves the facilities as a private citizen. The fees for the requested times would be \$420.00
- The Town Trustees evaluate the Christian Mission’s request and decide not in accordance with the current Fee Waiver Policy.

Puckett stated while this is a long standing and well received event in the community, exempting the Christian Mission from the Fee Waiver Policy could create a precedent for other private citizens and groups to request fee waivers for other activities.

The Board discussed at length the positive benefits of the program, and expressed concern about making an exception to the current policy. The Board was willing to grant the fee waiver this one time for 2020 but requested that the applicant either become a non-profit through the state or partner with a local non-profit such as a church to align with the Fee Waiver Policy for future years.

MOTION NO. 8:
 MOVE TO WAIVE THE 2020 PARK RENTAL FEES FOR THE CHRISTIAN MISSIONS FREE LUNCH PROGRAM.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Eckstein
SECONDER:		Trustee Swisher
AYES:		Eckstein, Fay, Swisher
NAYES:		Nyberg, Rowe, Volpe
TIE VOTE:		Mayor Lacy: Yes

Trustee Eckstein shared with the Board that she would like to continue the discussion of allowing the sale of recreational marijuana, along with the possibility of holding an election in November 2020 with a ballot question related to approving an additional town sales tax on the purchase of the product. Eckstein would like the sales tax revenue to be designated for construction of a fire station. Eckstein stated an ordinance outlining the town rules/regulations/requirements for recreational marijuana businesses could be adopted at a later date. Town Attorney Parker advised the Board against holding an election prior to specifically outlining Town regulations and requirements. Asking residents to vote for or against an issue that they don't have all the details on increases the chances of the question failing.

Puckett discussed with the Trustees that when they would like to schedule a work session or would like additional information on a topic, they should make the request in the form of a motion to ensure Staff fully understands their intent and can provide applicable information to the Board.

Puckett reviewed with the Board a fee waiver request in the amount of \$300.00 from Achieve Inc. aka Little Engine Eatery food truck for a Temporary Vendor Permit. Puckett reviewed Achieve Inc. is a non-profit entity, received a waiver in 2019, was awarded \$1,750.00 from the Community Grant Fund, and in the grant application stated they would be requesting a fee waiver for the Town Temporary Vendor Permit.

MOTION NO. 9:

MOVE TO APPROVE FEE WAIVER REQUEST FOR ACHIEVE INC. - LITTLE ENGINE EATERY.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Eckstein
SECONDER:		Trustee Nyberg
AYES:	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe	

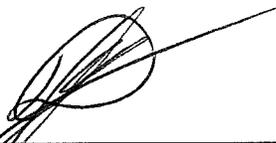
MOTION NO. 10:

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THAT THE MEETING BE ADJOURNED AT 9:20 PM.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Nyberg
SECONDER:		Trustee Volpe
AYES:	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe	

Respectfully submitted:


 Paula Barnett, Town Clerk


 Duff Lacy, Mayor

