



**MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, July 28, 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 – Water 101/Projects**

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 Trish Flood and Adam Kremers with Wright Water Engineers Inc. and Town Administrator Phillip Puckett, Public Works Director Shawn Williams, Town Engineer Al Smith, Special Projects Manager Joel Benson, Principal Planner Mark Doering, Planning Tech Doug Tart, and Town Clerk Paula Barnett.

Trish Flood reviewed with the Board the water rights the Town presently holds, and current and future water supply. Adam Kremers discussed the water rights and the relationship that the Town currently has with the Upper Arkansas Water Conservation District.

The Trustees, Staff, Flood, and Kremers discussed current and future use of existing wells, projected new wells, water rights and usage, and impacts a long-term drought could have on the town's water supply.

Public Works Director Shawn Williams and Town Engineer Al Smith reviewed with the Trustees the water projects that have been completed, as well as ongoing and future improvements to existing infrastructure, water treatment plant, tracking of water use, number of active and inactive taps, and housing and business developments which directly impacts the water system and supply.

A virtual/public regular meeting of the Board of Trustees was called to order by Mayor Duff Lacy, at 7:00 pm, Tuesday, July 28, 2020 having been previously noticed in accordance with the Colorado Open Meetings Law.

**ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
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  
Public Works Director Shawn Williams  
Special Projects Manager Joel Benson  
Recreation Director Earl Richmond

Town Attorney Jeff Parker  
Town Treasurer Michelle Stoke  
Sergeant Dean Morgan  
Town Clerk Paula Barnett

**PLEDGE OF ALLEGIANCE**

Mayor Lacy led the pledge of allegiance.

**OATH OF OFFICE**

Police Chief Dean Morgan read a brief speech sharing that it was an honor to stand here tonight in front of the Board of Trustees to take this oath of office, and a privilege to join his brothers and sister in blue as they advance in their career...men and women who have held the line with him and have shown that they represent the ideals and values of the Buena Vista Police Department (BVPD).

Morgan stated the men and women of the BVPD are highly trained and serve with integrity and honor, and the path of a police officer has never been an easy one. They sometimes deal with people at their worst, and often enter into people's lives when they are in the midst of tragedy. They are called on to not just enforce the law, investigate crimes, or make arrests, but are also put in situations where they must be counselors, a shoulder to cry on, or a friend in someone's darkest hour. They are expected to make split-second decisions in situations and circumstances that will be debated at length by legal experts. They must be able to recognize those suffering with mental illness and provide appropriate support. They try to resolve civil disputes between neighbors, playing the role of peacekeeper, work with our youth in the schools, and train and prepare to keep our schools a safe environment for learning. They see the best and worst in our community, sometimes the things they see and deal with are difficult, and at times, people fight and try to hurt them. Today, perhaps more than any other time in history, police are facing increasing hatred toward our profession and at a time when more and more is being asked of us.

Morgan stated that he and his officers know that the road forward will be difficult at times, but take heart in the support of the Buena Vista community and in the fraternity of police, and quoted Theodore Roosevelt: "Far better is it to dare mighty things, to win glorious triumphs even though checkered by failure, than to rank with those poor spirits who neither enjoy much nor suffer much because they live in the grey twilight that knows neither victory nor defeat."

Town Clerk Paula Barnett administered the following Oaths of Office: Chief of Police Dean Morgan, Sergeant Ben Adair, Sergeant Shane Garcia, Corporal Jesse Mitchell, and Investigator Amber Lee.

**PROCLAMATION**

Mayor Lacy read the Proclamation declaring August 9<sup>th</sup> thru the 15<sup>th</sup> as National Health Care Week.

Tanah Wagenseller, Director of Operations at the new Buena Vista Valley-Wide Health Systems Center reviewed with the Trustee’s the services Valley-Wide Health Systems will offers, and extended the invitation to the Trustees to tour the center.

**AGENDA ADOPTION**

**MOTION NO. 1:**

MOVE TO APPROVE THE AGENDA.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Nyberg
<b>SECONDER:</b>	Trustee Fay
<b>AYES:</b>	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 – July 7, 2020
2. Beautification Advisory Board – June 4, 2020
3. Recreation Advisory Board – June 3, 2020
4. Planning & Zoning Commission – April 1, 2020
5. Planning & Zoning Commission – May 20, 2020
6. Airport Advisory Board Minutes – June 16, 2020

**B. Town Clerk Report**

**C. Chaffee County Development Services Department Activity Update**

**D. Adoption of Resolution No. 42, Series 2020 entitled “A RESOLUTION EXTENDING THE DECLARATION OF A LOCAL DISASTER EMERGENCY IN AND FOR THE TOWN OF BUENA VISTA, COLORADO THROUGH DECEMBER 31, 2020.”**

*Approve extending the Order declaring a local disaster emergency.*

Trustee Eckstein requested the wording “in collecting tax revenue to complete much needed improvements and projects” be deleted from her comment on page 5 of the minutes.

**MOTION NO. 2:**

MOVE TO APPROVE THE CONSENT AGENDA AS AMENDED.

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

## **PUBLIC COMMENT**

Liz Sielatycki, 554 Park Lane, Buena Vista, stated that she coordinates the countywide coalition to prevent youth substance abuse through a partnership with Chaffee County Family and Youth Initiatives (FYI) and Chaffee County Public Health. Sielatycki stated the state and national numbers on youth using drugs does not accurately reflect the use in Chaffee County which is at 31%, or 1 out of 3 teenagers having tried or regularly using marijuana. Sielatycki stated the coalition works with the Buena Vista and Salida School districts, and Chaffee County High School to provide robust education and training to students and staff on the impacts of drug use, as well as with law enforcement on drug intervention programs for youth charged with the possession of alcohol and/or drugs.

Sielatycki stated youth will be receiving conflicting messages when at school they are being told of the dangers and harmful effects of drugs, and in the community setting it is being stated that it is acceptable. Sielatycki stated FYI would like the ordinance to address drug abuse prevention and education.

Tom McConaghy, 114 Linderman, Buena Vista, Community Prevention Specialist with Chaffee County Family and Youth initiatives (FYI) reviewed with the Board the signs of marijuana use and its impacts on brain development. McConaghy stated he feels the main issue regarding retail cannabis in Buena Vista is access, and having the product available in town makes it easier for the youth to have a buyer purchase marijuana locally versus driving to nearby towns.

## **BUSINESS ITEMS**

### **Multijurisdictional Housing Authority (MJHA)**

Becky Gray, Chaffee County Director of Housing provided the Trustees with an update on the history and creation of the MJHA, which has a nine-members Board of Directors comprised of three representatives from Chaffee County, and two representatives from each municipality, and one alternate per jurisdiction.

Gray reviewed the next steps of the Multijurisdictional Housing Authority that include:

- Approval of IGA document by each of the jurisdictions that creates the MJHA
- Jurisdictions appoint Board members
- Authority convenes and elects Board officers (Fall 2020)
- Approval of Related Funding Agreement by jurisdictions (3 years)
- Authority creates Strategic Plan for 2021 and forward (Fall 2020)
- MJHA Contract with County for staff and administration (Fall 2020 to begin January 1, 2021)

### **Retail Cannabis**

Mayor Lacy reviewed that Staff has provided the Board with a revised draft ordinance and ballot question for a special use tax on retail cannabis, and is seeking input to proceeding forward with adopting an ordinance allowing retail cannabis, and presenting voters with a special sales tax question in November.

Marjorie Fahrney, 211 S. Railroad Street, Buena Vista, requested permission from Mayor Lacy to speak since she was unable to comment during Public Comment due to technical issues, Lacy granted the request. Fahrney stated that she feels the motive to sell retail marijuana in Buena Vista is money to the businesses and promised tax revenues. Fahrney stated in 2016 the people voted down allowing retail marijuana, it should not be a decision of the Trustees in 2020, an election should be held to let the residents decide, and if necessary, a Recall of Trustees should take place.

The Board and Staff reviewed the 2016 draft ordinance with annotation of considerations, policy questions, and maps regarding to retail cannabis, and after lengthy conversation, the Board directed Staff to revise the draft ordinance and maps to encompass the following discussion points for review at the August 11, 2020 Trustee meeting:

- Create a new 2020 draft ordinance with applicable statute references and Trustee comments/recommendations
- Only retail (no other operations such as cultivation, testing, manufacturing, or hospitality areas)
- No delivery
- Limit to 2 active retail licenses. Both can be dual operations with Medical (but not required)
- Six month initial application period -Ensure Ascend Cannabis has an opportunity to secure a retail cannabis license
- Hours of operation between 8:00 am – 9:00 pm
- Sign and color limitations - Discreet, aligning with surrounding buildings, minimal signage
- Adjust the distance buffers on maps: 1,000 feet from other retail cannabis stores, no buffer from playgrounds and hotels, 1,000 feet from schools, 500 feet from alcohol/drug rehab centers
- Update ballot language for an additional special sales tax
- Research if the Town could acquire Bonds against a special sales tax
- Research application and licensing process

### **Intergovernmental Agreement with Chaffee County**

Puckett reviewed with the Board that the County Commissioners approved the IGA that has been in the works for nearly 20 years which will direct and manage the growth in the Town's Municipal Services Area and Area of Designated Growth.

Joel Benson, Special Projects Manager reviewed with the Trustee's as per state statute, the Town of Buena Vista annually adopts a 3-Mile Growth Plan that identifies three basic areas:

- The boundary for potential growth of Buena Vista, extending up to three miles from town limits.
- The Area of Desired Growth, namely that portion of the 3-Mile Growth Plan where Buena Vista would advantageously grow over time.
- The Municipal Services Area, which are the areas abutting Town's boundary where

water service lines are available and annexation could take place immediately.

Benson stated County regulations for development are different from the Town's resulting in creating the IGA to work together so development in the various parts of the 3-Mile Growth Area can happen in conjunction with future development patterns of Buena Vista, in line with the Town's Comprehensive Plan and the upcoming County Master Plan. Benson stated the Town's and County's legal teams and staff have worked on the IGA which the Board of County Commissioners approved and signed July 21, 2020, and the final step is approval by the Trustees.

**MOTION NO. 3:**

MOVE TO APPROVE ADOPTION OF RESOLUTION NO. 43, SERIES 2020 APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF BUENA VISTA AND CHAFFEE COUNTY CONCERNING DEVELOPMENT WITHIN THE 3-MILE GROWTH AREA OF BUENA VISTA.

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

**GOCO (Great Outdoors Colorado) Resilient Communities Grant Application**

Recreation Director Earl Richmond discussed with the Trustee opportunities and strategies to obtain potential grant funding to support the development of trails, pickleball courts, and additional restroom facilities in the River Park region. Richmond stated after attending a GOCO training webinar, and speaking with the Senior Project Officer and the Parks and Planning Program Officer, staff feels they have a good understanding of the grant application process for 2021. This year Town will submit a collaborative Request for Proposal (RFP) for the Resilient Communities Grant by the October 16<sup>th</sup> deadline to support upgrades and additions to town park facilities.

Richmond stated that Staff will be working with the Peak to Peak Pickleball Club and Buena Vista Trails Advisory Board to gather the information and data needed to support the grant writing process. This team approach will give support towards our collaborative grant and inform the GOCO review panel that we are all very interested in improving this sector of BV Recreation for everyone.

The Board agreed to have Staff move forward in applying for the Great Outdoors Colorado (GOCO) Resilient Communities Grant to support the development of trails, pickleball courts, and additional facilities in the River Park region.

**2<sup>nd</sup> Quarter 2020 Financial Report**

Treasurer Michelle Stoke reviewed with the Trustees the 2020 2<sup>nd</sup> Quarter Financial Report which included Sales Tax revenues, Remote Sellers Chart, Balance Sheet for all funds, Fund Balance report, Investment Register, and the Budget Reports for all departments and funds.

**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.

**TRUSTEE/STAFF INTERACTION**

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

Trustee Swisher stated the Trustees received numerous emails from individuals requesting the opportunity to vote on allowing retail marijuana, and asked how the Board should proceed in response to the emails. Mayor Lacy stated it is up to Trustee Swisher how she chooses to respond to the emails.

Puckett reviewed with the Board that the Salida and Buena Vista School Districts have worked very hard preparing to open school this fall, and have requested a Letter of Support from the municipalities and the county supporting that decision. Puckett stated the Letter of Support had to be signed by Mayor Lacy, and submitted on or before July 27<sup>th</sup>. The Trustees discussed the opening of the schools, and all the Trustees except for Trustee Rowe agreed with supporting the opening of the schools in the fall.

**EXECUTIVE SESSIONS**

An executive session 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), concerning the potential future annexation of Meadows Property.

An executive session 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), concerning water rights.

**MOTION NO. 4:**

MOVE TO GO INTO EXECUTIVE SESSION.

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

The Board went into Executive Session at 10:54 pm. Present for the Executive Session were Mayor Duff Lacy, Trustees Amy Eckstein, Libby Fay, Norm Nyberg, Devin Rowe, Cindie Swisher,

and Dave Volpe, as well as Town Administrator Phillip Puckett, Town Attorney Jeff Parker, and Special Projects Manager Joel Benson.

**MOTION NO. 5:**

MOVE TO ADJOURN FROM EXECUTIVE SESSION AT 11:26 PM.

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

Mayor Lacy announced that he, and Trustees Eckstein, Fay, Nyberg, Rowe, Swisher, and Volpe, the Town Administrator Phillip Puckett, Town Attorney Jeff Parker, and Special Projects Manager Joel Benson were present for the Executive Session.

**MOTION NO. 6:**

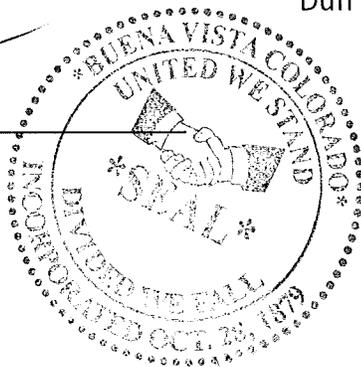
THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THAT THE MEETING BE ADJOURNED AT 11:27 PM.

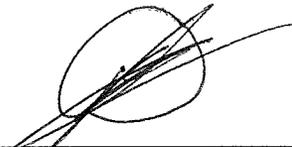
RESULTS	CARRIED
MOVER:	Trustee Volpe
SECONDER:	Trustee Rowe
AYES:	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe

Respectfully submitted:



Paula Barnett, Town Clerk



  
Duff Lacy, Mayor