



MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES
Pinon Room, Community Center 715 E. Main Street
Tuesday, March 10, 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.

A regular meeting of the Board of Trustees was called to order by Mayor Duff Lacy, at 7:00 pm, Tuesday, March 10, 2020 at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado having previously been noticed in accordance with the Colorado Open Meetings Law.

ROLL CALL

Attendee Name	Title	Status
Duff Lacy	Mayor	Present
Lawanna Best	Trustee	Absent
Libby Fay	Trustee	Present
Mark Jenkins	Trustee	Present
Norm Nyberg	Trustee	Present
Cindie Swisher	Trustee	Present
David Volpe	Trustee	Present

Town Staff Present:

Town Administrator Phillip Puckett
Principal Planner Mark Doering
Police Chief Jimmy Tidwell
Recreation Director Earl Richmond
Town Clerk Paula Barnett

Town Attorney Jeff Parker
Public Works Direct Shawn Williams
Fire Chief Dixon Villers
Town Treasurer Michelle Stoke

PLEDGE OF ALLEGIANCE

Mayor Lacy led the pledge of allegiance.

Proclamation

Mayor Lacy read the Census 2020 Proclamation.

Introduction and Swearing in of Firefighters

Fire Chief Dixon Villers introduced to the Trustees the Town’s full-time Firefighters, Brandon Evans, Miguel Class, Christopher Greene, and Nathan Allen. Town Clerk Paula Barnett administered the Oath of Office to the Fire Fighters.

AGENDA ADOPTION

MOTION NO. 1:

MOVE TO APPROVE THE AGENDA.

RESULT:	CARRIED
MOVER:	Trustee Fay
SECONDER:	Trustee Swisher
AYES:	Fay, Jenkins, Nyberg, 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. BoT Regular Meeting – February 25, 2020
 - 2. Tree Advisory Board – January 2, 2020
- B. Police Chief Report**
- C. Fire Chief Report**
- D. Chaffee County Office of Housing Activities Update**
- E. Chaffee County Development Services Department Activities Update**

MOTION NO. 2:

MOVE TO APPROVE THE CONSENT AGENDA.

RESULT:	CARRIED
MOVER:	Trustee Volpe
SECONDER:	Trustee Swisher
AYES:	Fay, Jenkins, Nyberg, Swisher, Volpe

PUBLIC COMMENT

Amy Eckstein, 119 Meadow Lane, Buena Vista, shared with the Trustees her concerns with the snow removal, and the continual freeze/ice that is on the sidewalks on the south side of Main Street. Eckstein stated the melting and refreezing of snow and ice around the benches is an issue, and suggested they be removed during the winter months to make snow shoveling easier. Eckstein also expressed concern with the snow and ice damaging trees, placement of trees, and several of the trees along Main Street having low branches that require you to duck

under or walk around them to avoid being hit. Eckstein suggested the Chamber of Commerce or the Main Street Program could help explore options to resolve the issues.

Rebecca Rice, 851 McDonald Avenue, Buena Vista, met with the Board on behalf of Chaffee County Public Health to encourage the Board to adopt an updated and expanded tobacco ordinance. She suggested that the ordinance address the recent change in federal law raising that the legal age to possess and purchase products from 18 to 21 years of age, that it include local retail licensing requirements, and that it ban flavored tobacco items. Rice stated according to 2017 statistics Chaffee County has a youth vaping epidemic. Rice stated educating the youth is key, and public policy and local licensing also aids awareness on the sale of tobacco products.

STAFF REPORTS

1. Town Administrator - Highlights of the report in the packet were reviewed and Puckett responded to Trustee comments and questions.

Puckett reviewed with the Trustees the Community Grant Fund currently has a balance of \$3,000.00, and asked if the Board would like the fund to receive the full 1% of sales tax collected in 2019, which would add an additional \$4,615.00, increasing the balance to \$7,615.00. Puckett stated if the balance is increased, the Board could amend the budget to increase the funds available in the Community Grant account, and Chaffee County Community Foundation (CCCF) could open another deadline for applications in mid-summer.

MOTION NO. 3:

MOVE TO AMEND THE 2020 BUDGET WITH AN INCREASE OF \$4,615.00 TO BE ALLOCATED TO THE COMMUNITY GRANT ACCOUNT, AND TO OPEN A MID-SUMMER APPLICATION PROCESS.

RESULT:	CARRIED
MOVER:	Trustee Fay
SECONDER:	Trustee Jenkins
AYES:	Fay, Jenkins, Nyberg, Swisher, Volpe

Puckett reported after spending several months considering taking over the Main Street program, the Chamber of Commerce Board of Directors has not made a commitment and has asked to revisit the topic in late Spring. Puckett stated he has remained in contact with Gayle Langley from the Colorado Main Street program and she has been understanding about the Town exploring the possibility of the Chamber taking over the program. Puckett stated at some point a determination will need to be made to remain in or exit the program.

2. Town Treasurer - Highlights of the report in the packet were reviewed and Stoke responded to Trustee comments and questions.

Stoke provided the Trustees with information on how sales tax is collected from remote sellers.

3. Airport Manager - Highlights of the report in the packet were reviewed and Puckett responded to Trustee comments and questions.

4. Public Works Director - Highlights of the report in the packet were reviewed and Williams responded to Trustee comments and questions.

5. Recreation Director - Highlights of the report in the packet were reviewed and Richmond responded to Trustee comments and questions.

Richmond reviewed with the Board the Recreation Department was successful in receiving a matching grant from the Colorado Department of Local Affairs, Upper Arkansas Area Council of Government (UAACOG) for the covered bandshell improvements at McPhelemy Park. The UAACOG will provide up to \$3,875.00 for the planning, permitting, building, signing and landscaping for the project. Richmond stated \$5,000.00 has been allocated for the project in the 2020 Capital Improvement Project budget line item. Staff is requesting the Board amend the 2020 budget to reflect the total cost of \$7,750.00 with the understanding the grant funds will cover 50% of the total cost of the project. The funding will be reimbursed after the project is complete.

MOTION NO. 4:

MOVE TO APPROVE AMENDING THE 2020 BUDGET INCREASING THE CAPITAL PROJECT BUDGET LINE ITEM FOR THE BANDSHELL PROJECT FROM \$5,000.00 to \$7,750.00 WHICH INCLUDES UAACOG GRANT FUNDS.

RESULT:	ROLL CALL	CARRIED
MOVER:		Trustee Jenkins
SECONDER:		Trustee Volpe
AYES:	Fay, Jenkins, Nyberg, Swisher, Volpe	

BUSINESS ITEMS

Historic Structure Assessment for St. Rose Chapel Building

Barbara Darden with Scheuber + Darden Architects provided the Board with a structure assessment on the St. Rose Chapel Building which the Buena Vista Visitors Center and Chamber of Commerce occupies.

Darden stated the structure assessment divides the structures deficiencies into three categories; critical: serious, and minor. The estimated cost to complete the repairs is one million dollars, and some of the work can be done by Chamber and Town staff. Darden suggested completing the projects in phases, and applying for State Historical grant funds which have maximum funding of \$250,000.00, and require a 25% match from the Town.

Puckett reviewed with the Trustees that Darden's report concludes the assessment project which began in 2018, and when the final report is received, he will share it with the Trustees and Chamber Board to discuss how to proceed.

South Main Public Improvements Agreement for Pine Street Water Line Project

JJ Kinsfather, 905 Swift Circle, Buena Vista, met with the Trustees to discuss South Main's request for the Board of Trustees to accept public improvements in existing and future portions of Pine Street to allow for the installation of a water line from the intersection of Pine Street and South Beldan Street to the intersection of Pine Street and South Main Street.

Principal Planner Mark Doering reviewed with the Board that along with the installation of the water line, a portion of Pine Street will be dedicated to the Town in a future subdivision of Block 6, Lot 1 with Phase 1 of the South Main PUD for other public improvements. These improvements include asphalt paving, along with curb, gutter, and sidewalk installation for this portion of Pine Street. The right-of-way needed for the lot was not previously dedicated to Town. Doering stated the subdivision will occur when the Board has given approval of those public improvements to be dedicated to the Town. In addition to the public improvements within that future right-of-way to be dedicated, a water line easement covering the property that has not yet been subdivided will also be dedicated to the Town, which will allow the Town to maintain the new water line until future right-of-way is dedicated.

Doering stated the impact to the Town's budget will be the same as that for maintenance of a water line, paved road, sidewalks, and curb and gutter anywhere else in town. A positive budget impact of the proposal is that South Main will install a needed water line and hydrant in an area of town that has already been subdivided but does not have existing water infrastructure in place to allow other vacant properties outside of South Main along the line to also be developed.

That resulting development along that future water line would not occur until the water line is installed in Pine Street.

MOTION NO. 5:

MOVE TO APPROVE THE FIFTH AMENDMENT TO THE SITE-SPECIFIC DEVELOPMENT PLAN AND SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE SOUTH MAIN PUD, SUBJECT TO THE TOWN ADMINISTRATOR'S APPROVAL OF THE AMENDED FINAL PLAT OF PHASE ONE AND THE PUD MODIFICATION.

RESULT:	CARRIED
MOVER:	Trustee Swisher
SECONDER:	Trustee Nyberg
AYES:	Fay, Jenkins, Nyberg, Swisher, Volpe

Tobacco Ordinance Discussion

Puckett and Town Clerk Paula Barnett reviewed with the Board the possibility of making changes to the Town's tobacco ordinance to mirror the ordinance recently adopted by the City of Salida. The alterations include raising the minimum age requirement for possession and use of tobacco products from 18 to 21 years of age to be consistent with federal law, and requiring local licensing of retailers who sell tobacco products. The City of Salida proposed banning flavored tobacco products but decided not to adopt the ban.

The Board, Staff, and Rebecca Rice with the Chaffee County Department of Public Health had a lengthy discussion on the advantages and disadvantages of requiring retailers to apply for, and be issued a local retailer license to sell tobacco products.

MOTION NO. 6:

MOVE TO MODIFY THE ORDINANCE RELATED TO POSSESSION, USE AND DISTRIBUTION OF TOBACCO AND NICOTINE PRODUCTS TO RAISE THE MINIMUM AGE REQUIREMENT FROM 18 YEARS OF AGE TO 21 YEARS OF AGE, AND TO MAKE FUTURE CHANGES DEPENDENT UPON STATE AND FEDERAL RULES AND REGULATIONS.

RESULT:	CARRIED
MOVER:	Trustee Volpe
SECONDER:	Trustee Nyberg
AYES:	Fay, Jenkins, Nyberg, Swisher, Volpe

Ordinance Amending Chapter 16 of the Buena Vista Municipal Code to Make Minor Corrections to the Code

Principal Planner Doering reviewed with the Trustees that Staff is requesting to amend the Municipal Code to address provisions of the Code that need clarification since the adoption of the Unified Development Code (UDC) in 2018. The proposed provisions address items that conflict with other sections of the code, or that do not clearly address situations that have arisen since the UDC’s adoption. The Planning and Zoning Commission reviewed the proposed amendment at their February 19, 2020 meeting and unanimously recommended that the Board of Trustees approve the proposed changes.

Doering reviewed with the Board the proposed clarifications/changes to the UDC which included the following topics/sections:

- Kennels and outdoor dog runs.
- Veterinarian hospital/clinic.
- Improvement to multimodal circulation for existing and future development areas to increase the effectiveness of local service delivery and emergency service times throughout the Town to minimize vehicular and pedestrian conflicts.
- Restriction of vehicular access on E. Main Street and the use of alleys.
- Public Notice – When an application for an administrative adjustment is deemed complete, Town staff shall notify all property owners within 300 feet of the property via first class mail within 15 days following the date of the submittal notice.

MOTION NO. 7:

MOVE TO APPROVE ORDINANCE NO. 3 CLARIFYING AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC)

RESULT:	CARRIED
MOVER:	Trustee Swisher
SECONDER:	Trustee Jenkins
AYES:	Fay, Jenkins, Nyberg, Swisher, Volpe

Fee Waiver Policy Discussion

Recreation Director Earl Richmond reviewed with the Board the Town continues to receive requests for fee reductions and fee waivers for both special event permitting fees and park and facility rentals. The current Fee Waiver Policy lacks a definition section and contains verbiage that is considered by many to be confusing and lacking specificity.

Richmond stated the revised Fee Waiver and Reduction Policy contains a section to define “free and open to the public” events, and is more specific as to which organizations qualify for

a reduction or waiver of fees, and under what conditions. The updated policy defines each fee as either eligible or ineligible for a reduction or waiver.

MOTION NO. 8:

MOVE TO APPROVE THE UPDATED FEE WAIVER POLICY FOR FACILITIES AND SPECIAL EVENTS.

RESULT:	CARRIED
MOVER:	Trustee Nyberg
SECONDER:	Trustee Jenkins
AYES:	Fay, Jenkins, Nyberg, Swisher, Volpe

Public Art Policy

Barnett reviewed with the Board that Staff and the Beautification Advisory Board have been working on creating a Public Arts Policy that ensures consistent polices and guidelines related to sites and types of projects allowed, along with the process for review, maintenance, and removal of public art. The policy also includes submission requirements, and a Town evaluation checklist.

Trustee Fay requested Section 5.3 include the criterion “Artwork conveying commercial messages will not be accepted”.

MOTION NO. 9:

MOVE TO APPROVE THE PUBLIC ART POLICY AS AMENDED

RESULT:	CARRIED
MOVER:	Trustee Fay
SECONDER:	Trustee Jenkins
AYES:	Fay, Jenkins, Nyberg, Swisher, Volpe

Adoption of Resolution No. 19, entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, CANCELING THE APRIL 7, 2020 ELECTION.”

MOTION NO. 10:

MOVE TO APPROVE RESOLUTION NO. 19 CANCELING THE APRIL 7, 2020 ELECTION.

RESULT:	CARRIED
MOVER:	Trustee Fay
SECONDER:	Trustee Jenkins
AYES:	Fay, Jenkins, Nyberg, Swisher, Volpe

TRUSTEE/STAFF INTERACTION

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

EXECUTIVE SESSION

“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. 11:

MOVE TO GO INTO EXECUTIVE SESSION.

RESULT:	CARRIED
MOVER:	Trustee Fay
SECONDER:	Trustee Swisher
AYES:	Fay, Jenkins, Nyberg, Swisher, Volpe

The Board took a 10-minute recess.

The Board went into Executive Session at 9:39 pm. Present for the Executive Session were Mayor Duff Lacy, Trustees Libby Fay, Mark Jenkins, Norm Nyberg, Cindie Swisher, and David Volpe, as well as Town Administrator Phillip Puckett, Special Projects Manager Joel Benson, and Town Attorney Jeff Parker.

MOTION NO. 12:

MOVE TO ADJOURN FROM EXECUTIVE SESSION AT 9:59 PM.

RESULT:	CARRIED
MOVER:	Trustee Fay
SECONDER:	Trustee Jenkins
AYES:	Fay, Jenkins, Nyberg, Swisher, Volpe

Mayor Lacy announced that he and Trustees Fay, Jenkins, Nyberg, Swisher, and Volpe, the Town Administrator, Special Project Managers, and Town Attorney were present for the Executive Session.

MOTION NO. 13:

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THAT THE MEETING BE ADJOURNED AT 10:02 PM.

RESULT:	CARRIED
MOVER:	Trustee Nyberg
SECONDER:	Trustee Jenkins
AYES:	Fay, Jenkins, Nyberg, Swisher, Volpe

Respectfully submitted:



Duff Lacy, Mayor



Paula Barnett, Town Clerk

