



MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES
Virtual Regular Meeting
Tuesday, April 14, 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 virtual regular meeting of the Board of Trustees was called to order by Mayor Duff Lacy, at 7:00 pm, Tuesday, April 14, 2020 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	Absent
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
Public Works Director Shawn Williams
Recreation Director Earl Richmond

Town Attorney Jeff Parker
Town Treasurer Michelle Stoke
Fire Chief Dixon Villers
Airport Manager Jack Wyles
Town Clerk Paula Barnett

PLEDGE OF ALLEGIANCE

Mayor Lacy led the pledge of allegiance.

AGENDA ADOPTION

MOTION NO. 1:

MOVE TO APPROVE THE AGENDA.

RESULT:	ROLL CALL	CARRIED
MOVER:		Trustee Nyberg
SECONDER:		Trustee Fay
AYES:	Fay, 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 – March 24, 2020
- B. Police Chief Report**
- C. Fire Chief Report**
- D. Chaffee County Office of Housing Activities Update**
- E. Chaffee County Development Services Department Activity Update**
- F. Amendment to a Public Improvement Agreement for Block 41, Town of Buena Vista**

MOTION NO. 2:

MOVE TO APPROVE THE CONSENT AGENDA.

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

SPECIAL PRESENTATION

Mayor Lacy shared a picture of the plaques that will be given to Trustee Jenkins and Trustee Best thanking them for their time, hard work, and dedication to the Town of Buena Vista.

APPOINTMENTS – Swearing in of New Trustees

Amy Eckstein, Norm Nyberg, and Devin Rowe took the oath of office as Trustee for the Town of Buena Vista which they were appointed to in Resolution No. 19, Series 2020, adopted March 10, 2020.

STAFF REPORTS

1. Town Administrator Puckett welcomed and congratulated Trustees Eckstein, Rowe, and Nyberg, and shared that it is an honor to serve the community as an elected official, and Town Staff is looking forward to working with them in the future.

Puckett reviewed with the incoming Trustees the packet of information which was prepared to acquaint them with their role on the Board and provide an update on the current year's budget and projects. Puckett shared the Mayor, seated, and incoming Trustees received the information via email, and the key components of the packet included:

- Introduction to the Town of Buena Vista government
- Policies of the Town of Buena Vista Board of Trustees
- Buena Vista Collective Vision & Key Outcome Areas
- Buena Vista 'Filtering Questions' for decision making
- Town of Buena Vista 2020 Budget
- 2020 Work Plan
- Key Outcome Planning Goals

Puckett stated Staff is recommending the Board revisit and update the Policies of the Town of Buena Vista Board of Trustees (Policy Governance Doctrine) which was adopted in November of 2015. Puckett stated no updates have been made since that time, and staff believes that although many of the Board policies are actively being followed, some content appears to be unnecessary. A date will be scheduled for the Board to review these policies during 2020.

Puckett shared a Board Orientation training session with Kevin Boomer, Executive Director of the Colorado Municipal League (CML) will be scheduled in May, and there are training opportunities available to acquaint or re-acquaint Trustees with their role and responsibilities as a local government elected official. Training resources are also available through CIRSA, the insurance provider for the Town, on liability prevention tools specifically for elected officials.

Puckett reviewed the Colorado Municipal League annual conference will be in Westminster from June 23rd thru June 26th and is an excellent opportunity to network and learn about municipal government issues and policies in Colorado.

Puckett reviewed work sessions are also scheduled to dive deeper into topics the Board is interested in learning more about, which may include updates from

advisory boards, water rights and law, or historic preservation.

Puckett encouraged the Trustees to tour the town facilities, i.e. airport, water treatment plant, Public Works, police and fire stations, and to let him know if they are interested in scheduling a time to visit these sites.

Puckett provided the Board with a COVID19 update. He informed the Trustees that he and several Staff members participate in daily debriefing conference calls hosted by the County Commissioners and staff from Chaffee County Public Health, Emergency Medical Services, the Sheriff's Department, the Coroner's Office, the county Legal and Building Departments, and leadership from the City of Salida and Town of Poncha Springs. Puckett stated he feels Town's participation in the meeting plays a large role in how Buena Vista and the county proceed forward in dealing with the challenges of COVID19.

Puckett reviewed with the Board that the Emergency Response Fund, which the Chaffee County Community Foundation oversees and to which Buena Vista contributed, currently has a balance of \$282,157.00 to be dispersed to those in need of financial assistance.

Puckett stated Recreation Director Earl Richmond has taken the lead role in the group of staff members that are ensuring messaging and signage conveys and reflects clear and concise information from the Town and the County.

Puckett shared with the Board that he wanted to take this opportunity for Principal Planner Mark Doering to introduce Doug Tart, the new Planning Technician. Doering introduced Tart who shared he is looking forward to working with the Board and Staff, and gave a brief overview of his previous employment and qualifications.

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

Mayor Lacy asked Williams if a Town Clean-Up day will be scheduled in June for the public to drop off tree limbs and recyclable items at Public Works. Williams stated he is currently communicating with the Bless BV Team to see when that event will be rescheduled, and if a Town Clean-Up day can be tied to that weekend.

5. Recreation Director - Highlights of the report in the packet were reviewed and Richmond responded to Trustee comments and questions. Richmond reported COVID19 messaging has been a big task which is difficult to perfect. Richmond reviewed Town originally started posting the signage Chaffee County Public Health provided at multiple locations and trailheads. Those signs created confusion and didn't convey the message the Town was intending. Town moved to creating our own signage; several state agencies expressed concern when one sign stated the river was closed to out of county residents. Richmond shared that Puckett, Special Projects Manager Joel Benson, Police Chief Jimmy Tidwell, Town Clerk Paula Barnett, and he agreed not to rush into posting signs when new guidance is provided from the county.

The following message will be posted at select locations in Town and at the river park to discourage gathering in large groups, and discourage visitors from out of county:

"Our community kindly requests that visitors refrain from partaking in this region's recreational amenities during this time of crisis. Cooperation will result in a quicker return to normalcy and we look forward to welcoming everyone back to our valley as soon as possible! Like all things, this will pass. And when it does, the rivers, mountains, businesses, and community will be here. Let's all work together during these difficult times... we're almost there!"

Business Items

Mayor Lacy requested that Business Item E - Review and Discuss a Draft Ordinance Related to Tobacco Regulations be moved to Item A to allow for comments from representatives of Chaffee County Public Health; the Board had no objection.

Review and Discuss a Draft Ordinance Related to Tobacco Regulations

Rebecca Rice with Chaffee County Public Health, and the State Tobacco Education and Prevention Program shared she would like to remind the Board that all of us play a role in education and creating public policy in the use of tobacco by minors. Rice encouraged the Board to consider adding a local retail licensing requirement to the ordinance to mirror what is currently in place

for liquor and marijuana retailers, and that could be used to levy fines and/or suspend retailers from selling tobacco products.

Liz Sielatycki, 554 Park Lane, Buena Vista with Family Youth Initiative and Communities, shared with the Trustees that she is available to provide information related to youth tobacco use and prevention, as well as to assist in drafting a local tobacco retailer licensing policy.

Puckett stated the ordinance is on the agenda as a draft which updates the age from 18 to 21 to follow federal regulations and addresses enforcement and punishment of retailers that are found in violation of the code. He requested input from the Board.

Town Attorney Jeff Parker reviewed with the Board the draft document addresses the age requirements to purchase tobacco and vaping products, removes provisions intended to punish the minor for possession of tobacco, and increases the penalties that may be assessed to the retailer which is a code change many municipalities are adopting. Parker stated he understands that Rice and Sielatycki would like the Town to add a local licensing requirement which is an option currently not included in the ordinance since the Board and Staff at previous meetings have expressed concern with the reasons for it, and staff's availability to enforce local licensing regulations.

The Board and Staff discussed at length the assessment of penalties and options to enforce the code.

MOTION NO. 3:

MOVE TO HAVE STAFF BRING AN ORDINANCE TO THE BOARD FOR APPROVAL INCLUDING ITEM F WHICH DEFINES THE PENALTY PROVISIONS.

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

Consider Extending the Order Declaring a Local Disaster Emergency

Puckett reviewed with the Trustees the resolution does not change the current Federal, State, or County regulations and orders related to COVID19. It is a document that Town Staff will use to access FEMA resources to offset expenses that are being incurred as a result of the pandemic.

MOTION NO. 4:

MOVE TO APPROVE RESOLUTION NO. 24 EXTENDING THE DECLARATION OF A LOCAL DISASTER EMERGENCY THROUGH APRIL 30, 2020.

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

Consider Accepting the Notice of Completion of the Water Improvement Project

Shawn Williams, Public Works Director reported that Staff is recommending the Board accept the 2018 Water System Improvements Project as being complete according to the final plans and specifications for construction. Williams stated the Water System Improvements Project utilized funding from the Colorado State Revolving Fund Program to complete the installation of a new storage tank, installation and replacement of water mains, installation of fire hydrants, retrofitting of well #3 for a potable water supply, and updating of the SCADA (supervisory control and data acquisition) components.

Williams stated project management provided to the town by RG and Associates and Public Works Staff has determined the 2018 Water System Improvements Project is complete, the project closeout advertisement has been published, and the 5% retainages for all contractors and contract work should be released.

MOTION NO. 5:

MOVE TO APPROVE RESOLUTION NO. 25 ACCEPTING INFRASTRUCTURE IMPROVEMENTS INCLUDED IN THE PROJECT SCOPE OF THE 2018 WATER SYSTEM IMPROVEMENTS COLORADO STATE REVOLVING FUND LOAN.

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

Letter requesting extension of DOLA REDI grant for Central Colorado Regional Airport

Puckett reviewed with the Trustees a request for Mayor Lacy to sign a letter to the Department of Local Affairs (DOLA) asking that the REDI Grant deadline be extended into the next fiscal year ending June 30, 2021, and that the grant funds be reallocated for improvements to the airport facility for office space rental.

The REDI Grant is awarded to support business development on publicly owned property, and was originally awarded to TopoGEN, Inc. to expand their biotechnology company currently

located at the Central Colorado Regional Airport. TopoGEN is exploring options to relocate to the Colorado Mountain College building and has agreed to relinquish the REDI grant funds to the Town if allowed to do so by DOLA.

MOTION NO. 6:

MOVE TO AUTHORIZE MAYOR LACY TO SIGN THE LETTER REQUESTING AN EXTENSION OF THE DOLA REDI GRANT FOR THE CENTRAL COLORADO REGIONAL AIRPORT.

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

Review 2020 Budget

Puckett reviewed with the Board this is a follow up to previous discussions related to COVID19 and the impacts it will have on the 2020 Budget and projected revenues. Puckett stated sales tax revenues will incur a significant hit, and he and Treasurer Stoke have been reviewing detailed data on businesses impacted by the pandemic to create projections of loss of revenue, and to estimate the degree to which this will affect the budget. Puckett stated Staff is looking at a phased approach to budget reductions since we do not know what the future holds. Department Heads have been consulted to identify expenditures that can be reduced, postponed, or eliminated.

Puckett reviewed Phase One looks at reducing the planned expenses, and using funds from Emergency Reserves in the General Fund. Puckett shared that when he and Stoke began reviewing cuts to the budget, he was very reluctant to pull from Emergency Reserves since Trustees and Staff have been diligent to build it up. Puckett stated he and Stoke have attended trainings with other Administrators and Treasurers across the state, and the theme that was shared is if your municipality was disciplined enough to build up an emergency fund balance, this is a time to use it if needed. Staff is not proposing to spend the Emergency Reserves down completely, but to use a good portion of it.

Stoke reviewed the new revenue forecast was derived based on 2019 actual monthly figures to which Staff applied a reduction for each month after February. Staff estimates an approximate 21.5% reduction of previously budgeted revenues (sales tax, recreation fees, increased sales tax rebate) resulting in a \$786,451 revenue shortfall for all of 2020. An adjustment will be made to the Budget mid-year after the actual figures for the 1st and 2nd quarters are compiled, and the 3rd and 4th quarter projections are reviewed. Stoke stated Staff is recommending a two-phased approach. Phase one consists of Department Heads identifying items and capital improvement projects which will be reduced or postponed. If

these adjustments are not sufficient, Staff will bring forward Phase two which may involve personnel reductions.

The projected modifications to the 2020 budget include:

General Fund

- Reduce Various Travel and Training budgets
- Postpone previously budgeted new hires (Police Officer & Parks Maintenance)
- Reduce or eliminate paid seasonal positions
- Reduce Various Legal fees
- Reduce Various Professional fees
- Reduce Recreation Program expenses
- Reduce Building Maintenance & Repairs at Town Hall
- Savings in Court department due to transition of Judge & Prosecutor
- Reduce Election expenses
- Reduce Various Marketing fees
- Reduce Recording fees
- Eliminate transfer to Airport Fund
- Reduce transfer to Capital Improvement Fund
- Postpone Benches and Sculpture planned by Beautification

Capital Improvement Fund

- Reduce transfer from General Fund
- Remove revenue for Sunset Vista Park (GOCO, Park fee-in-lieu savings)
- Remove Whitewater Park donation
- Lease the new Police vehicles rather than purchasing them
- Postpone Recycle Center Improvement
- Postpone Circuit Workout improvements
- Postpone Whitewater park improvements
- Remove Sunset Vista Park
- Keep in place projects funded by Conservation Trust Fund Transfer (Youth Baseball Scoreboard, McPhelemy shade structure, Disc Golf improvements, Trail construction & maintenance, BV Square seating, Rodeo Grounds outbuildings, Pump Track rehab)
- Keep in place carryover projects (Arizona Trail, Skate Park border, outdoor volleyball rehab, Safe Routes, postpone Wayfinding)

Airport Fund

- Removal of transfer from General Fund
- Eliminating paid seasonal positions
- Postpone hangar pavement maintenance
- Postpone snowplow purchase
- Reduce other smaller budgeted expenses like marketing, meeting food and uniforms

Street Fund

- Reduce Sales Tax Revenue
- No Expense reductions due to sufficient fund balance

Water Fund

- No changes

Stormwater Fund

- No Changes

Conservation Trust Fund

- No Changes

The Street Fund and Airport Fund unrestricted fund balances will also be reduced by the end of 2020.

Stoke stated that while staff has put together a viable plan, there will be negative impacts to service levels and capital/maintenance plans that the Board needs to be aware of. Postponing the addition of the patrol/traffic officer and parks maintenance tech will leave teams thin and will put extra burden on existing staff, and if activity picks up later in the summer, Town will likely struggle.

With the estimated reduction in revenue and the proposed reductions in expenses, staff recommends the remaining \$333,508 shortfall in the General Fund be taken from the 27% Emergency Reserve established by the Board. This plan would bring the 2020 General Fund Emergency Reserve balance down to \$779,013 or 18.9% by the end of 2020, and Town will prioritize building this fund back up to 27% in future years.

The Board and Staff discussed the changes to the budget.

PUBLIC COMMENT

No Public Comment

TRUSTEE/STAFF INTERACTION

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

Trustee Swisher reported in response to the email she received from Mayor Lacy regarding recommendations for improvements at the Mt. Olivet Cemetery, she has the following suggestions: plant natural grass seed, utilize individuals needing to complete community service hours for maintenance, plant small flowering shrubs in the planters, and give staff the authority to remove faded or deteriorated items from gravesites to maintain a cleaner cemetery.

Trustee Eckstein shared the Governor has asked everyone to wear a face covering in public, and anticipates this will continue after the Shelter in Place order has been lifted or relaxed. Eckstein shared that the most effective methods of fighting COVID19 are hand washing, social distancing, and wearing masks which led her start the BV Community Face Mask Project to provide masks to those who want/need them. The Project has delivered 1,000 masks to people in the north end of the county. Eckstein stated as the demand for masks increases, she will work with Chaffee County Public Health to take over distribution of masks in Buena Vista.

Puckett reported although COVID19 is a top priority, Staff is continuing to work on other projects including the BV Safety Core Committee which is exploring options to replace and/or remodel the fire, police, and town hall facilities, identifying possible sites for new facilities, and creating design plans. Staff does not want to stop working on the project and will continue moving forward in phases to have plans in place when the time is right to proceed with construction.

The Trustees and Staff discussed options for funding the project which included a proposed sales tax ballot question in November, and agreed not to proceed forward with a tax question at this time. Staff will schedule a Work Session to discuss alternative funding options.

Mayor Lacy shared he feels the rules related to the maintenance and appearance of Mt. Olivet Cemetery need to be reviewed, and believes the Department of Corrections should be required to clean and maintain their section of the cemetery.

EXECUTIVE SESSION

An executive session to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b), concerning Lazzaro v. Garcia, U.S. District Court Civ. Action No. 2019-cv-1934-REB-SKC.

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 Police Chief hiring process.

MOTION NO. 7:

MOVE TO GO INTO EXECUTIVE SESSION.

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

The Board took a 10 minute recess.

The Board went into Executive Session at 10:00 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, Police Chief Jimmy Tidwell, and Town Attorney Jeff Parker.

MOTION NO. 8:

MOVE TO ADJOURN FROM EXECUTIVE SESSION AT 10:39 PM.

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

Mayor Lacy announced that he, and Trustees Eckstein, Fay, Nyberg, Rowe, Swisher, and Volpe, the Town Administrator, Police Chief, and the Town Attorney were present for the Executive Session.

MOTION NO. 9:

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THAT THE MEETING BE ADJOURNED AT 10:41 PM.

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

Respectfully submitted:



Paula Barnett, Town Clerk


Duff Lacy, Mayor