



MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES
Virtual Regular Meeting
Tuesday, April 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 at 6:00 PM – Discussion About Goals and Priority Projects for 2021-2025

In attendance for the Work Session were Mayor 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, Principal Planner Mark Doering, Public Works Director Shawn Williams, Code Enforcement Officer Grant Bryans, and Paula Barnett, Town Clerk.

Town Administrator Phillip Puckett reviewed that the work session is a follow up to the Strategic Planning Session which was held March 5, 2020, and is a process intended to set goals and to identify short and long term projects in 2020 through 2025. Puckett stated it is also a tool used for project budgeting/scheduling purposes, is not set in stone, and the Board may review and modify the plan at any time.

Joel Benson, Special Projects Manager reviewed that the Board of Trustees speaks as one Board, with one voice, and strives to set goals that all the Trustees agree on, and which are obtainable and beneficial to the residents and infrastructure of Buena Vista.

Benson reviewed that the 2020 Draft Strategic Plan was developed prior to COVID19 which has impacted the budget and several projects currently in the plan. The draft document encompasses the timeline from 2017 to 2025 and outlines five key areas which include Economic Vitality, Infrastructure, Community, Environment, and Water. Benson stated during the discussion he will capture input from the Trustees, update the chart, and send it out to the Board for review.

Benson stated the Town was not awarded the Great Outdoors Colorado (GOCO) grant funds which were designated for developing Sunset Vista Park. The Board will need to decide if they

want to roll the project into 2021 and apply again, apply for a different project, or use allocated budget funds to cover expenses to develop and maintain a park.

The Trustees and staff had lengthy discussion on an array of topics which included affordable and inclusionary housing, economic development, the airport, recycling, improvements at the Rodeo Grounds, street designs, a new facility for the Fire Department, the Comprehensive Plan, and development of internal Board processes to identify projects that include consideration of costs versus impacts, timelines, and realistic assessments of projects and what is affordable.

A virtual regular meeting of the Board of Trustees was called to order by Mayor Duff Lacy, at 7:00 pm, Tuesday, April 28, 2020 having previously been 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
 Public Works Director Shawn Williams

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.

RESULT:	ROLL CALL	CARRIED
MOVER:		Trustee Swisher
SECONDER:		Trustee Nyberg
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 – April 14, 2020

B. Town Clerk Report

C. Code Enforcement Report – 1st Quarter

- D. Adoption of Resolution No. 26, Series 2020 entitled **“A RESOLUTION EXTENDING THE DECLARATION OF A LOCAL DISASTER EMERGENCY IN AND FOR THE TOWN OF BUENA VISTA, COLORADO THROUGH MAY 31, 2020.”**

Approve extending the Order declaring a local disaster emergency.

MOTION NO. 2:

MOVE TO APPROVE THE CONSENT AGENDA.

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

PUBLIC COMMENT

Rebecca Rice, 851 McDonald Ave., Buena Vista, representing Chaffee County Public Health and the State Tobacco Education and Prevention Program, shared with the Board that she is available to answer questions during the Trustees’ discussion of Business Item A. Ordinance No. 5 amending Section 10-257 related to the tobacco regulations.

Honora Roberts, 33593 Wapiti Circle, Buena Vista, and Taylor Albrecht with the Central Colorado UAS Club reviewed with the Board a brief history of the club which provides outreach and training for unmanned aircraft and drones. The club currently utilizes an area by the Rodeo Grounds, and has been working with Recreation Director Earl Richmond to explore options to create the Buena Vista Drone Flying Park which would have zones for beginners and advanced flyers, and obstacle courses to practice maneuvers which would also be utilized by First Responders and Search and Rescue teams for training.

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 Board that Town Staff will begin Phase 1 of re-opening offices on May 4th which is a limited opening to the public following the State and County directives for "Safer-at-Home". Staff will take steps to minimize social interactions and will use face covers, hand sanitizer and gloves when appropriate to reduce exposure.

Additional actions that will be implemented in May include:

- Limit employees at each site – continue to utilize working from home
- Fire Department, Community Center and Publics Works will remain closed to the public
- Limited opening to public at Town Hall and Police Department
- Continue using phone/email/video conferencing to conduct business
- Trustee meetings will continue to operate virtually through Zoom

Puckett asked the Board if they were interested in contributing funds to support businesses that are requesting financial assistance. Currently the Town does not have funds allocated to support businesses and the expenditure would have to be taken from the General Fund Balance.

Puckett shared that he and Mayor Lacy have been contacted by the Chamber of Commerce requesting financial support. If the Board decides that Town has the ability to provide support, it would be setting a precedent, and Town would need to establish processes for businesses to request financial assistance, and criteria for the Town to award and disburse funds.

The Board discussed the Town does not charge the Chamber of Commerce rent, pays all utilities, and will be making improvements to the site. The Board agreed due to the Town making budget cuts, and projections indicating that the Town will need to utilize funds from the the Emergency Fund Balance to meet expenditures, assisting the Chamber and business cannot be considered at this time.

Trustee Eckstein asked the Board, rather than providing direct financial assistance, to consider supporting businesses by purchasing hand washing stations, providing masks and gloves, and allowing businesses to encroach on to adjacent sidewalks and parking spaces to provide additional seating for guests, (while waiving permit fees, and fast tracking the permitting process).

The Board and Staff discussed insurance coverage, and the need for the process to be consistent and fair to all businesses regardless of the type of product/service they provide. Town Clerk Barnett stated liquor license premise changes are approved by the Colorado Department of Revenue Liquor Enforcement, fees cannot be waived, and approval time is between 30 and 90 days.

MOTION NO. 3:

MOVE TO HOLD A DISCUSSION ON WAIVING ENCROACHMENT FEES AND FAST TRACKING PERMITTING PROCESSES.

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

Puckett reviewed that staff is opening the boat launch permitting process for the 2020 commercial rafting season. Town normally charges a \$250 permit fee for commercial companies that use our launch site, and Staff is recommending that the fee be reduced to \$150 to help the rafting business.

MOTION NO. 4:

MOVE TO APPROVE A ONE TIME FEE REDUCTION FOR BOAT LAUNCH PERMITS FROM \$250.00 to \$150.00.

Trustee Volpe asked how many boat launch permits are issued. Puckett stated approximately ten permits.

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

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.

Doering reviewed with the Board that when the Unified Development Code (UDC) was adopted it stated minor site plans would be approved by Staff, and major site plans would be submitted to the Planning Commission. The UDC also states the Trustees reserve the right to review and approve site plans. Currently two site plans have been submitted to the Planning Department for review and approval:

- Legacy Bank (430 E. Main St) Minor Site Plan pending submittal for 1,800 square foot bank with drive-through at NE corner of Court Street and Main Street, which will be approved by Staff.
- South Court Social (505 E. Main St) Major Site Plan for 5,500 square feet of commercial and 16 residential units in two three story buildings at SE corner of Court Street and Main Street to be approved by the Planning & Zoning Commission.

Doering asked the Board if they would like to review the plans. The Board agreed to have Staff and the Planning & Zoning Commission review and approve the plans.

Doering requested the Board authorize Mayor Lacy to sign the Public Improvements Agreement with Fading West Factory for the required water, sewer and street improvements at the site location. Town Attorney Jeff Parker has reviewed the agreement.

MOTION NO. 5:

MOVE TO AUTHORIZE MAYOR LACY TO SIGN THE PUBLIC IMPROVEMENTS AGREEMENT WITH FADING WEST FACTORY.

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

Business Items

Consider Approving Changes to Tobacco Regulations

Puckett reviewed with the Board that Town Attorney Parker has revised Ordinance No. 5 to reflect the feedback received from the Trustees at the April 14, 2020 meeting which included increasing the age required to purchase tobacco and vaping products to 21, eliminating the punishment of minors, and increasing the punishment of the seller.

Parker stated Ordinance No. 6 approves changes to the municipal code related to charges that may be filed related to the acts of agents and representatives of a business who violate the municipal code.

MOTION NO. 6:

MOVE TO APPROVE ORDINANCE NO. 5 AMENDING SECTION 10-257 OF THE MUNICIPAL CODE RELATED TO TOBACCO.

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

MOTION NO. 7:

MOVE TO APPROVE ORDINANCE NO. 6 AMENDING SECTION 1-42 OF THE MUNICIPAL CODE RELATED TO ACTS OF AGENTS AND REPRESENTATIVES.

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

Reappointment of Town Officer

Puckett reviewed with that Board that although the April 2020 Municipal Election was canceled, the Trustees are required to consider reappointing/appointing the Town Administrator, Town Attorney, Municipal Judge, Town Clerk, and Town Treasurer within 30 days of the regular municipal election.

MOTION NO. 8:

MOVE TO APPROVE RESOLUTION NO. 27 REAPPOINTING PHILLIP PUCKETT AS TOWN ADMINISTRATOR.

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

MOTION NO. 9:

MOVE TO APPROVE RESOLUTION NO. 28 REAPPOINTING HOFFMAN, PARKER, WILSON AND CARBERRY, P.C. AS THE TOWN ATTORNEY.

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

MOTION NO. 10:

MOVE TO APPROVE RESOLUTION NO. 29 REAPPOINTING MICHELLE STOKE AS TOWN TREASURER.

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

MOTION NO. 11:

MOVE TO APPROVE RESOLUTION NO. 30 REAPPOINTING PAULA BARNETT AS TOWN CLERK.

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

MOTION NO. 12:

MOVE TO APPROVE RESOLUTION NO. 31 REAPPOINTING BRIAN GREEN AS MUNICIPAL COURT JUDGE.

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

Selection and Appointment of Mayor Pro Tem

Puckett reviewed the Board is required to appoint a current member of the Board of Trustees to fill the Mayor Pro Tem position for the 2-year term 2020-2022. The Mayor Pro Tem chairs the trustee meetings in the Mayor's absence, facilitates the evaluation of town officers, and performs various tasks assigned by the Board of Trustees. Currently Trustee Fay serves as Mayor Pro Tem.

MOTION NO. 13:

MOVE TO REAPPOINT TRUSTEE FAY AS MAYOR PRO TEM.

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

Advisory Boards and Community Liaison

Puckett reviewed with the Trustees that the Advisory Board and Community liaisons provide connection and insight between the Trustees and members of the Advisory and Community Boards. The Planning and Zoning Commission and Historic Preservation Commission do not have a liaison because they occasionally handle quasi-judicial matters. In addition to the Town and Community Boards, Trustees can consider being a liaison for County and State Boards.

The Trustees agreed to serve as liaison on the following Boards.

- Recreation Advisory Board Trustee Rowe
- Trails Advisory Board Trustee Volpe
- Tree Advisory Board Trustee Swisher
- Beautification Advisory Board Trustee Nyberg
- Airport Advisory Board Trustee Volpe
- Water Advisory Board Trustee Swisher
- Housing Policy and Advisory Committee
/Housing Authority Development Trustee Fay and Trustee Eckstein

Reaffirm the officers of the Town of Buena Vista to remain as authorized signers on the Town Bank and Trust Accounts.

MOTION NO. 14:

MOVE TO APPROVE RESOLUTION NO. 32, SERIES 2020, REAFFIRMING AUTHORIZED SIGNERS ON THE TOWN BANK AND TRUST ACCOUNTS.

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

Improvements on East Main Street

Puckett and Principal Planner Mark Doering reviewed Town staff is requesting direction from the Trustees regarding right-of-way improvements for East Main Street between

Court Street and Beldan Street.

Doering stated Town has developed a guideline for infrastructure improvements based upon the specific context of a property depending upon its location in Town. The properties along East Main Street are located in the Downtown Context, which requires that sidewalks and other public improvements be installed as infill lots develop. Because this block of East Main Street has never developed (other than the apartments at the very east end of the block adjacent to Beldan Street) discussion is needed as to what specific improvements will be required for this block, in order to establish a consistent pattern that future developers will have to adhere to as they develop the infill lots on this block. As such, staff is proposing two options for the Board to consider that will establish the pattern that the new development will follow.

- Option One is proposing to continue the wider sidewalk to match the existing sidewalk to the west in front of the block with the Roastery and House Rock Kitchen. In addition, staff is proposing a raised curb and gutter, with angled parking along the south side of the street, to match those found elsewhere along East Main Street.
- Option 2 as proposed is the same along the southern side of East Main Street, but also proposes to change the parallel parking located along the northern side of the street to angled parking to provide additional parking spaces. With both options, the existing bicycle lane along the east-bound lane is removed.

The Trustees reviewed and discussed maps and information provided by Doering and Public Works Director Shawn Williams. Puckett stated staff will continue to refine the designs for the area for the Board to review at a future meeting.

Town Owned Parcels

Puckett reviewed with the Trustees that Town owns a variety of properties, and needs to provide buildings for its operations and parks on several parcels while other properties have no specific purpose at this time. Some properties are vacant, some are occupied with current uses, others have infrastructure to them to support more immediate goals while some do not have any infrastructure nearby and will involve long-term decisions to allow them to be developed. Staff is seeking the Board's input on how staff should go about any possible development of those in both the short- and long-term.

The properties the town owns:

- Williams Street parcel – Zoned R-1 OT, 17,062 square feet, no utilities, no street, irregular shape.
- Beldan Street parcel – Zoned R-2 OT, 7,360 square feet, vacated right-of-way, street access, adjoining River Park.

- Evans Street parcel – Zoned R-2 OT, 20,624 square feet, behind elementary school, no existing access to Main Street, no water/sewer.
- Community Center/Police Station parcels – Zoned MU-MS, MU-2, and OSR, 2.5 acres, some platted lots and some not, lease to own for police station properties, vacant parcels and alley.
- Skate Park parcel – Zoned OSR, 35,400 square feet, part of larger parcel for pump track, no water/sewer.
- River Park parcel – Zoned OSR, 59.9 acres Main Street not platted, area around pump track no water/sewer.
- Collegiate Commons – Zoned MU-2, 3.3 Acres, Town leasing to Urban Inc. on a 75-year lease, 48 affordable multifamily units.
- Right Field parcel – Zoned MU-2, 1.0 Acre, water and sewer available.
- Carbonate Street parcel – Zoned R-2 OT, 1.0 Acre, water and sewer nearby, no alley or Carbonate improvements.
- Town Hall – Zoned MU-MS, 2,500 square feet, Town offices and parking, on National Register.
- Splash Park – Zoned OSR, 3,400 square feet, developed using GOCO grant, developed park facilities.
- Fire Station – Zoned HC, 28,700 square feet, in existing floodplain and floodway, limited growth opportunities, limited space in fire station.
- Public Works – Zoned I-1, 13.4 acres, developed as Public Works building, storage yard, and recycling center.
- Rodeo Road Parcel – Zoned I-1, 38.1 acres, vacant with future drainage pond for Sunset Vista #4, no utilities.
- Sunset Vista Park – Zoned R-1, 30,300 square feet, access to water/sewer, four platted lots awaiting development of neighborhood park facilities, Town seeking GOCO grant to build park.

The Board and Staff had lengthy conversation exploring options to utilize several of the parcels, and agreed to sell the Beldan Street parcel, with determination of the allocation of revenue from the sale to take place at a later day. Staff will continue working with the Chaffee County Boys and Girls Club to utilize the Evans Street parcel as the site for a new facility.

MOTION NO. 15:

MOVE TO DIRECT STAFF TO PROCEED WITH THE SALE OF THE ARKANSAS STREET PARCEL.

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

Mt. Olivet Cemetery

Puckett reviewed with the Board the cemetery is a two faceted process with Deputy Town Clerk Melanie Jacobs and Town Clerk Paula Barnett overseeing the sale of sites and interments, and the Public Works Department maintaining the cemetery.

Jacobs reviewed with the Board staff is requesting to amend Article VIII, Sec. 11 of the Buena Vista Municipal Code to remove ambiguity regarding how Town staff will maintain an orderly and dignified environment at the cemetery and to bring the code language into conformity with current practices. Staff would also like the Board to consider an update to the fees associated with the cemetery.

Williams shared with the Board that Public Works staff generally cleans up and monitors sites as they mow and water, picks up trash as needed, and usually does not do clean up on individual sites. When time allows, they weed and remove old plastic flowers and miscellaneous items from sites, and will continue improving in this area.

Williams stated staff is striving for consistency and taking a common sense-based approach when determining what to clean up and remove. The amount of time spent on individual site upkeep varies. Sites/plots that are grass require very minimal efforts versus sites that have been landscaped with rock or gravel, which over time become more labor intensive...weeding, re-landscaping, etc.

Williams reviewed the 2020 cemetery site improvements/goals include completing the irrigation system replacement project with a completion date of June 1st, reseeding with a drought tolerant grass mix, and grading roads.

MOTION NO. 16:

MOVE TO DIRECT STAFF TO BRING ADDITIONAL INFORMATION TO THE BOARD RELATED TO INCREASING FEES AT MT. OLIVET CEMETERY.

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

2020 Financial Report – 1st Quarter

Treasurer Stoke reviewed with the Trustees the 2020 1st Quarter Financial Report which included Sales Tax Revenues, Remote Sellers Report, Balance Sheet for all funds, Fund Balance Report, Investment Register, and the Budget Report for all departments and funds.

Puckett reviewed with the Board that the Buena Vista School District is applying for the FEMA Safer Grant which requires an Interoperable Communications Grant Memorandum of Understanding between Buena Vista School District and Chaffee County Office of Emergency Management Partners, Chaffee County Sheriff, and Buena Vista Fire and Buena Vista Police Departments, to be signed by Police Chief Tidwell and Fire Chief Villers and included in the grant application.

The Board agreed to have Chief Tidwell and Chief Villers sign the Memorandum of Understanding.

Puckett reviewed with the Board that Dr. Mark Muller with TopoGEN is requesting a Letter of Support from the Trustees to be included in his NIH Grant application packet.

MOTION NO. 18:

MOVE TO AUTHORIZE MAYOR LACY TO SIGN THE LETTER OF SUPPORT FOR TOPOGEN'S NIH GRANT APPLICATION.

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

TRUSTEE/STAFF INTERACTION

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

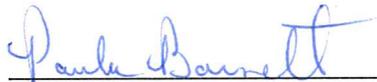
Trustee Rowe shared he would like to have a discussion on allowing the sale of recreational marijuana which would provide financial benefits to the Town as well as local businesses that would benefit from increased consumers in Town. A majority of the Board agreed to discuss the topic at an upcoming meeting.

MOTION NO. 18:

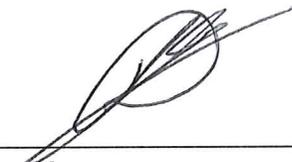
THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THAT THE MEETING BE ADJOURNED AT 10:11 PM.

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

Respectfully submitted:



Paula Barnett, Town Clerk



Duff Leach, Mayor

