



**AGENDA
FOR THE BOARD OF TRUSTEES
OF THE TOWN OF BUENA VISTA, COLORADO
September 22, 2020**

**Virtual Regular Meeting at 7:00 PM
(Meeting will not be held at the at the Buena Vista Community Center)**

To participate in Public Comment and/or Public Hearings you must connect to the video conference.

Conferencing Access Information: <https://us02web.zoom.us/j/81298265583> **Password: 844688**

Listen via phone at 1-301-715-8592 Meeting ID: 812 9826 5583 Password: 844688

**THE BOARD OF TRUSTEES MAY TAKE ACTION ON ANY OF THE FOLLOWING AGENDA
ITEMS AS PRESENTED OR MODIFIED PRIOR TO OR DURING THE MEETING, AND
ITEMS NECESSARY TO EFFECTUATE THE AGENDA ITEMS**

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. PROCLAMATION – Suicide Prevention and Recovery Month

V. AGENDA ADOPTION

The Board approves the agenda at the start of the meeting including modifications.

VI. 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 – September 8, 2020
2. Board of Trustees Regular Meeting – September 15, 2020
3. Tree Advisory Board – March 5, 2020
4. Historic Preservation Commission – June 4, 2020
5. Historic Preservation Commission – June 11, 2020
6. Historic Preservation Commission – July 2, 2020
7. Historic Preservation Commission – August 6, 2020

B. Police Chief Report

C. Town Clerk Report

D. Chaffee County Development Services Department September 14, 2020 Activity Update

E. Local Business Grant Program

VII. PUBLIC COMMENT

*Citizen participation where the public can sign up prior to the start of the meeting in order to speak up to 3 minutes for matters not on the agenda or for agenda items not scheduled for Public Hearing. Enter your name, address, and subject to be discussed in the Zoom Chat box, or when Mayor Lacy asks for Public Comment, select the More button, click Participants, and raise your hand. By phone press *9 to raise your hand and *6 to mute/unmute your phone, or you may email the information to bvclerk@buenavistaco.gov. Neither Town Board nor Town staff should be expected to respond to matters raised in the Public Comment segment of Board meetings. Nevertheless, Board members will always retain the right to ask questions of the speaker and to respond then or at a later time to remarks made by any citizen.*

This Agenda may be Amended

Posted at Buena Vista Town Hall, Post Office, and www.buenavistaco.gov on Friday, September 18, 2020

VIII. STAFF REPORTS

1. Town Administrator
2. Town Treasurer
3. Principal Planner

IX. BUSINESS ITEMS

A. Chaffee Housing Authority IGA

Should the Board of Trustees approve adoption of Resolution No. 54, Series 2020 entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING THE ESTABLISHING INTERGOVERNMENTAL AGREEMENT FOR THE CHAFFEE COUNTY MULTIJURISDICTIONAL HOUSING AUTHORITY.”?**

The Board will consider adopting a resolution establishing an Intergovernmental Agreement for the Chaffee County Multijurisdictional Housing Authority. (Estimated time - 15 minutes)

B. South Main Exchange Potentials

The Board will consider a proposal to provide control of Front Loop Road to the Surf Hotel/The Town Company, allow a Common Consumption Area in the Town Square Park, and obviate the obligation for a roundabout in exchange for the removal of the Texaco. (Estimated time - 30 minutes)

C. Nuisance Fee Schedule – Ability for Code Enforcement Officer to issue citations

The Board will discuss and consider authorizing the Code Enforcement Officer to issue citations for certain nuisance violations. (Estimated time - 15 minutes)

D. Should the Board of Trustees approve adoption of Resolution No. 55, Series 2020 entitled, **“A RESOLUTION OF THE TOWN OF BUENA VISTA ENTERING AN AGREEMENT WITH WBS COATINGS, INC. FOR THE INTERIOR RECOATING OF A 0.277MG POTABLE WATER STORAGE TANK.”?**

The Board will consider approving a Notice of Award to WBS Coatings, Inc. for the interior recoating of the portable water storage tank located in the Ivy League Subdivision. (Estimated time - 10 minutes)

E. Gallagher Ballot Measure

The Board will receive information on Colorado Amendment B, Gallagher Amendment Repeal and Property Tax Assessment Rates Measure. (Estimated time - 15 minutes)

X. TRUSTEE/STAFF INTERACTION

The Board discusses items with staff and staff can bring up matters not on the agenda.

XI. ADJOURNMENT



#Bethe1To Ask
Keep them Safe--Be There--Help them Connect--Follow Up

SUICIDE PREVENTION AND RECOVERY MONTH

WHEREAS, September 2020 is Suicide Prevention and Recovery Month, when millions of people around the world join their voices to share a message of hope and healing; and

WHEREAS, in these challenging times messages of hope and healing are more needed than ever; and

WHEREAS, recovery and wellness encompass the whole individual, including mind, body, spirit, and community; and

WHEREAS, the benefits of preventing and overcoming mental health challenges, suicide attempts and loss, and substance use are significant and valuable to individuals, families, and our community at large; and

WHEREAS, it is essential that we educate residents about suicide, mental health and substance use problems and the ways they affect all people in the community; and

NOW, THEREFORE I, Duff Lacy, Mayor of the Town of Buena Vista, do hereby proclaim the month of September 2020 as Suicide Prevention and Recovery Month: "Be the One to: Ask, Keep them Safe, Be There, Help them Connect and Follow-Up."

Given under my hand and seal of the Town of Buena Vista on this 22nd day of September, 2020.

Duff Lacy, Mayor



**MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, September 8, 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 – Historic Preservation Commission

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 Historic Preservation Commission (HPC) members John O'Brien, Daniel Courtright, Suzy Kelly, Vic Kuklin, Nancy Locke, and Town Administrator Phillip Puckett, Town Attorney Jeff Parker, Special Projects Manager Joel Benson, Principal Planner Mark Doering, and Town Clerk Paula Barnett.

Puckett reviewed the goal of the Work Session is to seek input from the Board on the proposed Architectural Design Guidelines prior to submitting the document to the Legal Team for review. Daniel Courtright, reviewed HPC was tasked with creating a draft of the Architectural Design Guidelines in September 2018, which included public outreach sessions and regularly scheduled HPC meetings that allowed for public comment. Courtright stated the draft guidelines have been used to frame planning discussions with new development projects which include South Court Social, Liberty Bank, and The Summit.

The Trustees, members of the HPC, and Staff had lengthy discussion on the Architectural Design Guidelines being adopted and as to if they will be used as guidelines for improvements to existing structures and new construction, or be used as a policy document.

Principal Planner Mark Doering recommended having the Legal Team review the document to identify conflicting requirements within the Architectural Design Guidelines and the Unified Development Code (UDC), and which portions of the guidelines should be included in the UDC to ensure compliance.

The Board agreed to have Legal review the Architectural Design Guidelines, identify conflicts with UDC, suggest which aspects should be included in the UDC, and then consider if the document will be guidelines or policy.

A virtual/public regular meeting of the Board of Trustees was called to order by Mayor Duff Lacy, at 7:05 pm, Tuesday, September 8, 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
 Police Chief Dean Morgan
 Public Works Director Shawn Williams
 Ben Eichel, Recreation Assistant
 Special Projects Manager Joel Benson

Town Attorney Jeff Parker
 Town Treasurer Michelle Stoke
 Fire Chief Dixon Villers
 Recreation Director Earl Richmond
 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.

RESULTS	CARRIED
MOVER:	Trustee Volpe
SECONDER:	Trustee Fay
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 – August 25, 2020
2. Planning & Zoning Commission Meeting – February 19, 2020
3. Planning & Zoning Commission Meeting – July 15, 2020
4. Beautification Advisory Board – August 6, 2020

B. Police Chief Report

C. Fire Chief Report

MOTION NO. 2:

MOVE TO APPROVE THE CONSENT AGENDA.

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

PUBLIC COMMENT

No Public Comment was received.

STAFF REPORTS

1. Town Treasurer – Highlights of the report in the packet were reviewed and Stoke responded to Trustee comments and questions.
2. Airport Manager – Highlights of the report in the packet were reviewed and Wyles responded to Trustee comments and questions.
3. Public Works Director - Highlights of the report in the packet were reviewed and Williams responded to Trustee comments and questions.
4. Recreation Director - Highlights of the report in the packet were reviewed and Richmond responded to Trustee comments and questions.

BUSINESS ITEMS**Special Events Application Procedures and Policy to Address Parades and Public Assemblies**

Ben Eichel, Recreation Assistant, reviewed with the Trustees that due to COVID19 many events and gathering have been canceled, and they are now seeing an increase of smaller events for the purpose of exercising the right for personal expression. Many of these events do not fit the Town's current criteria requiring a Special Events permit when 200 or more people will be in attendance.

Eichel stated Town staff would like to refine and update its Special Event Application policies to ensure the protection of citizens' rights to assemble and freedom of expression while maintaining situational awareness and ensuring public safety throughout the Town for its residents, officials, and visitors. Staff has concluded they are not prepared to change the municipal code at this time, and recognizes the need for informing the public of their right to assemble, and the right to freedom of expression on Town property as long as the activities do not violate existing code (i.e. activities should not block the public right of way, streets, and sidewalks, etc).

The Board and Staff discussed that due to the COVID19 pandemic, and the Declaration of a Local Disaster Emergency, Town may decrease the number of people attending an event and require a Special Event Permit without an ordinance change. Staff will explore changing the requirement of attendees from 200 to 150 or 175 people.

Business Support Grant

Trustee Eckstein recused herself from the Town of Buena Vista CARES Business Support Grant Program discussion.

Town Administrator Phillip Puckett reviewed with the Board per the Trustee's direction at the previous meeting, Staff has created a grant application process for businesses to receive a one-time grant of up to \$7,500.00 to help defray some of the costs or losses incurred by the pandemic.

Town Treasurer Michelle Stoke reviewed the Town received \$253,210.00 in CARES Act funding. Staff agreed they did not want to leave dollars on the table and, after reviewing the current expenditures of funds, it has been determined \$130,000.00 should be allocated to the Local Business Grant Program.

Stoke reviewed the eligibility requirements for local businesses, with the grant awards limited to the lesser of \$7,500.00, or the amount of 2.5% town sales tax paid for year of 2019.

The Board held a lengthy discussion related to grant eligibility for businesses that have chosen not to open and agreed to add a "Third Priority" application category to the Local Business Grant Program.

MOTION NO. 3:

MOVE TO APPROVE THE BUSINESS SUPPORT GRANT PROGRAM UTILIZING \$130,000.00 OF THE CARES ACT FUNDS AND THE RELATED BUDGET ADJUSTMENT.

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

Trustee Eckstein rejoined the meeting at 8:21 pm

Amendment to the Buena Vista River Park Site Plan

Recreation Director Earl Richmond reviewed with the Board that in 2013, the Buena Vista Board of Trustees approved the Buena Vista River Park Site Plan that provides a general outline of identified elements and potential new public uses of park spaces. The proposed improvements were identified by the community, town staff, and town advisory boards. Richmond stated that the Recreation Advisory Board has used the document as a reference and guide to continually build out and improve the parks, and over the past 7 years they have completed many of the proposed facilities and upgrades which includes the disc golf course expansion, additional sports fields (BVHS baseball field), River Park well site, special event and RV parking areas, playground replacement at the BV Community Center, the dog park, and pump track improvements.

Richmond reviewed with the Board the proposed short-term (1-4 years out) and long-term (5-8 years out) projects.

Proposed Short-Term Projects (1-4 years out)

- ADA Trail BV Disc Golf Course
- Single Track Trail Disc Golf Course
- Pickleball Courts Construction
- Restrooms at the Multi-Generational Facility
- ADA Courts to Field Connector
- Established Camping in the Day Use Area
- Single Track- Pump Track Area
- Bike Jump Park
- Temp Ice Rink - BV Sand Volleyball Court Area

Proposed Long-Term Projects (5-8 years out)

- South Main Bridge Connector
- Beaver Falls Town Bridge
- Park and Picnic Area
- Permanent Ice Rink Project

Richmond stated all of the projects will have a specific cost associated with it, and each year his team will research the financial impacts of the projects, prioritize them, add the related expenses into each fiscal year budget, and leverage financial resources with grants, donations, and in-kind offerings.

MOTION NO. 4:

MOVE TO APPROVE THE AMENDMENT TO THE BUENA VISTA RIVER PARK SITE PLAN.

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

TEMPORARY MORATORIUM ON MEDICAL MARIJUANA BUSINESS LICENSE

Town Attorney Jeff Parker reviewed that at the previous meeting, the Board requested a moratorium be placed on the acceptances of medical marijuana license applications until after the November 3, 2020 Election. The moratorium ensures that if the voters approve allowing the sale of retail marijuana, applications could be submitted for the second license as outlined in the draft ordinance related to Medical and Marijuana Businesses approved by the Board on August 25, 2020.

MOTION NO. 5:

MOVE TO APPROVE ORDINANCE NO.14 IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF MEDICAL MARIJUANA BUSINESS LICENSES.

RESULTS	ROLL CALL	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.

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 South Main development agreements and the obligations of the Town and the developer.”

“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. 6:

MOVE TO GO INTO EXECUTIVE SESSION.

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

The Board went into Executive Session at 9:02 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, Special Projects Manager Joel Benson, Public Works Director Shawn Williams, Principal Planner Mark Doering, and Town Clerk Paula Barnett.

MOTION NO. 7:

MOVE TO ADJOURN FROM EXECUTIVE SESSION AT 10:05 PM.

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

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

MOTION NO. 8:

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THAT THE MEETING BE ADJOURNED AT 10:06 PM.

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

Respectfully submitted:

Duff Lacy, Mayor

Paula Barnett, Town Clerk



**MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES
SPECIAL MEETING
TUESDAY, September 15, 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/public special meeting of the Board of Trustees was called to order by Mayor Duff Lacy, at 4:00 pm, Tuesday, September 15, 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	Absent
Devin Rowe	Trustee	Absent
Cindie Swisher	Trustee	Present
David Volpe	Trustee	Present

Town Staff Present:

Town Administrator Phillip Puckett
Airport Operations Specialist Chandra Swanson
Town Clerk Paula Barnett

Town Attorney Jeff Parker
Airport Manager Jack Wyles

PLEDGE OF ALLEGIANCE

Mayor Lacy led the pledge of allegiance.

AGENDA ADOPTION

MOTION NO. 1:

MOVE TO APPROVE THE AGENDA.

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

BUSINESS ITEMS

Consider amending the contract with American Road Maintenance

Town Administrator Phillip Puckett reviewed with the Trustees that American Road Maintenance is in the process of completing the pavement rehab project at the Central Colorado Regional Airport. The project budget of \$388,889.00 (CDOT \$350,000.00, Town \$38,889.00) currently has a surplus of \$42,016.00, and Staff has identified the opportunity to utilize \$37,401.90 of the remaining budget to extend the scope of the pavement rehab project to include section of taxiway A.

Puckett stated Trustee Fay identified an error in the total contract amount, \$271,857.90 should be \$271,587.90, and a correction will be made to the document.

MOTION NO. 2:

MOVE TO APPROVE THE AMENDED CONTRACT WITH AMERICAN ROAD MAINTENANCE EXTENDING THE SCOPE OF THE PAVEMENT REHAB PROJECT TO ADD TAXIWAY A AT THE CENTRAL COLORADO REGIONAL AIRPORT.

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

MOTION NO. 3:

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THAT THE MEETING BE ADJOURNED AT 4:10 PM.

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

Respectfully submitted:

Duff Lacy, Mayor

Paula Barnett, Town Clerk

Buena Vista Tree Advisory Board March 5, 2020

In attendance were: Tom Liverman ,Roy Gertson , Kathy Hoerlein, Patti Clark, Lin Spatcher, Cyndi Swisher Town Trustee, JT Shaver CSFS , Shawn Williams , Public Works Director, Bristlecone Tree Services Dave Ludders & Jeremy Bisher Having a quorum of 5 members, a regular meeting continued at 0910 am.

Agenda approved by President Tom , added discussion of tree issues at residence Mill St & Alsina.

Minutes ; from January 2 , 2020 meeting , a motion to approve with changes by Kathy and 2nd by Patti Motion carried.

Volunteer time ; 2 hrs. Admin

1 hr. Brochure display at library

1 hr. tee shirts

2020 Total to date = 6 hrs.

Annual work plan checked for 2020

Reports;

Public Works ; Shawn will present a contract to retain Bristlecone Tree Services for pruning and tree care in 2020 at our April meeting.

Shawn has started the Railroad street improvements with a new Marquette intersection and sidewalks with a 5 ft wide tree bio-swale. A tree planting design for 12 new trees is being proposed. Tree planting will be later in summer months.

Shawn mentioned on going developments including Heart of Rockies Medical center addition with tree plantings, Boulders at E. Arkansas St., Colorado Center The Factory,& Sunset Development, which all involve tree plantings & landscape.

Colorado State Forest ; JT Shaver presented the Common Grounds project involving fire mitigation. A summer intern has been hired for additional staff. Chaffee County has a tub grinder for brush chipping of fire mitigation tree pruning and other brush.

JT mentioned CSFS would like Buena Vista to host the annual Western Colorado Tree Conference on September 11. Theme will be “Right Tree Right Place”. with several speakers. Public and communities will be invited. We will need to coordinate with CSFS Vince Urbina, & Adam Moore. CSFS will schedule the speakers agenda. Community Center or Sangre de Cristo Electric meeting rooms would good.

All members agreed to proceed with the conference.

JT is still planning a tree trunk resistivity investigation for Salida & Buena Vista. This tests for tree trunk solidity.

JT also discussed the ongoing Western Spruce Budworm and impacts.

Agenda Items :

1. Town Tree license was upgraded requiring liability insurance. Other requirements are being considered. Bryan Grant, Town Code Enforcement is to present a draft at April meeting.

2. Tree Order: Members discussed tree species options and decide to order the adopt a trees from Little Valley Wholesale Nursery. Projects include adopt a tree and S. Railroad Improvement bio-swale plantings (10 trees).. Members decided to order 20 trees for the adopt tree program. If we have trees left over , they could be planted on S. Railroad . Shawn will check budget as the project proceeds for extra tree costs.

Shawn to order; 10 - Spring Snow Crabapple

2 - Autumn Blaze Maple

2- David Elm

2- Lindan

2- Radiant Crabapple

2- Russian Hawthorn

all trees to be 1.5 inch caliper.

3. All Members want to be re-instated , if their membership has expired. Tom to check with Town Hall.

4. 133 Dreamcatcher 6 spruce trees planted along front street easement. Previous homeowner had planted the six trees too close and will eventually become a serious problem. Homeowner wants to have the trees removed. it would be too costly to move, so removal is the best option. Shawn to contact homeowner ,that they can remove at their cost. Members did suggest that 1 spruce on the far south of the row, looked very healthy and could remain.

5. Street trees at Residence corner of Mill St & Alsina. The property is being evacuated for development and the existing Elms are obstructing sidewalk alignment and need pruning or removed. Shawn will contact the Planning Dept. for the plans of re-development.

Other Business;

none

Final comments; none

Next Meeting; April 2 , 2020

Adjourned at 1055 with motion by Patti & 2nd by Kathy

Respectfully submitted,

Roy Gertson

Secretary



**HISTORIC PRESERVATION COMMISSION
TOWN OF BUENA VISTA, COLORADO
MINUTES**

June 4, 2020 3:00 PM

Virtual Meeting via Zoom

I. CALL TO ORDER

Katy called to order the meeting at 3:05pm

II. ROLL CALL

Present: Katy Welter, Dan Cartwright, Nancy Locke, Jo Reese, John O'Brien, Vic Kuklin, Suzy Kelly, Melanie Roth

Staff: Mark Doering

Public: Carol and Allen Kelly, Tim Sabo

III. AGENDA ADOPTION

Motion to adopt was made by John, seconded by Suzy and passed unanimously.

IV. APPROVAL OF MINUTES – May 7, 2020

Motion to approve was made by Suzy, seconded by John and passed unanimously.

V. PUBLIC COMMENT

None

VI. BUSINESS ITEMS

A. 103 S. Court Site Plan Review

Katy thanked the project representatives Allen and Carol Kelly, owner and Tim Sabo project architect for allowing the HPC to meet on their project. Katy noted that the Architectural Design Guidelines, ADG's are in the final draft form and had not been adapted by the town at this point and our comments were advisory only.

Allen Kelly reviewed the history of the project and expressed his desire to provide a project that would meet the needs of the town of Buena Vista and the Historic Preservation Commission – HPC.

Tim Sabo, the projects architect presented the revised project drawings which incorporated the majority of the comments previously made by the HPC. The three comments which the projects owners were not willing to change at this time were the removal of the patios on the North side, the stepping down of the Eastern two doors on

the North elevation to meet the grade of the sidewalk and changing the North building to two stories high resulting in the reduction of the overall height of the building. The HPC discussed the history of the ADG development, its interest and intent to partner with the owners and design team and expressed the HPC's desire to keep the historic integrity of historic East Main. The HPC went thru the reasons for the patio removal, stepping down of the two doors to meet grade and the overall reduction of the height of the building.

All the members of the HPC had an opportunity to express their thoughts on the project and thanked the Kelly's and Tim Sabo for taking the time to meet and discuss the project.

- B. Residential survey progress report
The HPC discussed the May 28, 2020 meeting between the consultant Front Range Associates, several historic property owners, HPC members and Mark. All noted that the meeting went well and had good attendance.
- C. Architectural Guidelines Subcommittee
Item tabled to next meeting.
- D. Historic windows discussion
Mark noted that the historic windows were being removed from the Gone to the Dogs building and wanted to know if they should be saved for possible reuse or a window restoration educational opportunity. The HPC thought it was a good idea.
- E. Grants update
It was noted that the Colorado Historical Records project was granted an extension due to the pandemic and Front Range Associates had submitted and invoice.
- F. History Colorado upcoming available webinars discussion and schedule
An email will be sent out with upcoming educational opportunities to be discussed at our next meeting.
- G. Distribute Legacy Bank drawings
The bank drawings will be sent out for review after the meeting. A draft recommendation will be distributed next Tuesday and an owner meeting scheduled next Thursday, June 11th at 3pm via Zoom.
- G. Next meeting date and location: Special Meeting on Thursday, June 11 at 3:00 pm via Zoom followed by Regular Meeting on Thursday, July 2nd at 3:00 pm via Zoom.
- H. Updates from related organizations
None

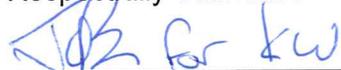
VII. STAFF UPDATES

None

VIII. ADJOURNMENT

Meeting Adjourned at 5:15 pm.

Respectfully Submitted



Katy Welter, Chair



**HISTORIC PRESERVATION COMMISSION
TOWN OF BUENA VISTA, COLORADO
MINUTES**

June 11, 2020 3:00 PM

Virtual Meeting via Zoom

I. CALL TO ORDER

Katy called to order the meeting at 3:05pm

II. ROLL CALL

Present: Katy Welter, Dan Cartwright, Nancy Locke, Jo Reese, John O'Brien, Vic Kuklin, Suzy Kelly, Melanie Roth

Staff: Mark Doering, Phillip Puckett

Public: Dave Reyher, John Desslin, Bobby Hill, Trustee Swisher, Trustee Eckstein

III. AGENDA ADOPTION

Motion to adopt was made by John, seconded by Suzy and passed unanimously.

IV. PUBLIC COMMENT

None

V. BUSINESS ITEMS

A. 112 N. Court Site Plan Review

Katy thanked the project representatives Dave Reyher – Legacy Bank, Bobby Hill - project architect, John Desslin – General Contractor for allowing the HPC to meet on their project. Katy noted that the Architectural Design Guidelines, ADG's are in the final draft form and had not been adapted by the town at this point and our comments were advisory only.

David Reyher reviewed the history of the project and expressed the desire to be a part of the community, part of the down town improvement, and his desire to fit in to down town Buena Vista.

Bobby Hill, the projects architect presented the project drawings and clarified the exterior building materials.

John O'Brien discussed the history of the ADG development and expressed the desire to partner with the owner and project team to get the best project for the

owner and town of Buena Vista. He also noted that all comments were advisory only.

John O'Brien reviewed the HPC's comments on the project, attached and presented two photographic examples of buildings which would conform to the ADG's to illustrate what the comments meant.

The commissioners provided some additional comments and Katy thanked the project team for the opportunity to discuss the project.

VI. STAFF UPDATES

Mark noted that he had the Gone to the Dogs building measured and it was 31'-6" to the top of the parapet. He also asked Vick for access to the Court house so he could measure the roof height.

VII. ADJOURNMENT

Meeting Adjourned at 4:30 pm.

Respectfully Submitted



Katy Welter, Chair

June 11, 2020

Via Electronic Mail to: bvplanning@buenavistaco.gov

Town of Buena Vista
Attn: Mark Doering, Principal Planner
112 N. Court St.
Buena Vista, CO 81211

RE: 112 N. Court Street Site Plan

Dear Mark,

At your request, the Town of Buena Vista Historic Preservation Commission (“HPC”) has reviewed the site plan application submitted for a new construction project located on Lots 15&16 of Block 3 and Lots 112&114 of Minor Subdivision Plat BV 257. HPC provides comments below pertaining specifically to the building on lots 15&16 of Block 3 on East Main.

While the Town of Buena Vista has not yet formally adopted the Architectural Design Guidelines drafted by the HPC, some or all of this project falls within the geographic scope of such guidelines and thus the HPC has reviewed the project through that lens.

Please do not hesitate to contact me or Vice-Chair John O’Brien with any additional comments, questions, or concerns. Thank you for the important opportunity to provide feedback on this project.

Sincerely,

Katy Welter, Chair

Enclosed: Buena Vista Historic Preservation Commission Comments on 112 N. Court Street Site Plan

**Buena Vista Historic Preservation Commission Comments on 112 N. Court Street Plan
June 10, 2020**

Informal review of Legacy Bank project – Lots 15&16 of Block 3 and Lots 112&114 of Minor Subdivision Plat BV 257, Drawings dated April 3, 2020 – Bobby Hill Designs

Proposed building is located on the Northwest corner of E. Main and N. Court Street.

The review is for the building on lots 15&16 which abuts E. Main only.

All comments are based on the use and understanding of the Architectural Design Guidelines (“ADG’s”): <https://www.buonavistaco.gov/DocumentCenter/View/3317/HPC-ADG-Draft-for-Public-Review>

General items conforming to the Architectural Design Guidelines

1. The project includes a number of features consistent with the ADG’s, which are described as follows. The ground floor generally follows the features of a commercial, historic store front using large display windows with transoms above and kick plates below. The use of a recessed entry on the South elevation conforms to the intent of the ADG’s. The size and massing of the building is appropriate as a one story building which preserves the views and sight lines to the Court House and mountains beyond. The building is built out to the property line and sidewalk on E. Main and utilizes a “clipped” or 45-degree angled corner to emulate some of the historic buildings on E. Main such as Town Hall.

General items not conforming to the Architectural Design Guidelines

1. Consider revising the following proposed building materials to be consistent with the ADG’s both in the material selection and use. Smooth metal panel on the parapet on all elevations. Split face block on the building exterior wall on North, East and South elevations. Stone material on all elevations. EIFS or plaster on West elevation.
2. Specific comments for South Elevation.
 - a. Consider revising main entrance to bank to South Elevation utilizing inset door or put main entrance door in the “clipped” or 45-degree angled corner similar to Town Hall. See ADG’s - 5.2 Orient the building containing the primary use toward the street.
 - b. Consider pushing out the East side of the building to the property line and breaking up the 47’-6” wide building elevation into two modules. See ADG’s -

5.6 Larger buildings that occupy multiple lots should be divided into multiple “modules”. These “modules” should be expressed three-dimensionally, by having significant architectural changes throughout the entire building.

- c. Consider reducing the number of primary building materials on the South elevation and utilizing materials that are used traditionally on historic E. Main such as brick or horizontal wood bevel siding. See ADG’s - 5.7 Traditional materials are preferred, primarily brick, wood horizontal bevel or clapboard siding.
 - d. Consider revising exterior wall to include a belt course detail above the transom windows with a continuation of the primary exterior material above. Trim out top of parapet with an ornamental cornice.
3. Specific comments for East Elevation
- a. Consider revising awning to have symmetrical gable roof or inset entry doors and eliminate awning and associated columns.
 - b. Consider reducing the number of primary building materials on the East elevation and utilizing materials that are used traditionally on historic E. Main such as brick or horizontal wood bevel siding. See ADG’s - 5.7 Traditional materials are preferred, primarily brick, wood horizontal bevel or clapboard siding.
 - c. Consider lowering top of parapet on stone panel accent wall to be more consistent with historic architecture on E. Main
 - d. Consider revising hollow metal door to something more traditional with kick plate and transom.
 - e. Consider revising exterior wall to include a belt course detail above the transom windows with a continuation of the primary exterior material above. Trim out top of parapet with an ornamental cornice.
4. Specific comments for West elevation
- a. Consider reducing the number of primary building materials on the West elevation and utilizing materials that are used traditionally on historic E. Main such as brick or horizontal wood bevel siding. See ADG’s - 5.7 Traditional materials are preferred, primarily brick, wood horizontal bevel or clapboard siding.
 - b. Consider revising exterior wall to include a belt course detail similar to the other elevation comments with a continuation of the primary exterior material above. Trim out top of parapet with an ornamental cornice.
 - c. Consider revising wall signage to comply with chapter 6 of the ADG’s and requirements of the UDC.
5. Specific comments for North elevation
- a. Consider reducing the number of primary building materials on the North elevation and utilizing materials that are used traditionally on historic E. Main such as brick or horizontal wood bevel siding. See ADG’s - 5.7 Traditional

materials are preferred, primarily brick, wood horizontal bevel or clapboard siding.

- b. Consider revising exterior wall to include a belt course detail similar to the other elevation comments with a continuation of the primary exterior material above. Trim out top of parapet with an ornamental cornice.
- c. Consider revising gable roof to be symmetrical to be similar to historic roof structures.



**HISTORIC PRESERVATION COMMISSION
TOWN OF BUENA VISTA, COLORADO
MINUTES**

July 2, 2020 3:00 PM

Virtual Meeting via Zoom

I. CALL TO ORDER

Katy called to order the meeting at 3:05pm

II. ROLL CALL

Present: Katy Welter, Dan Cartwright, Nancy Locke, John O'Brien, Vic Kuklin, Suzy Kelly

Staff: Mark Doering, Doug Tart

Public: Trustee Swisher, Erica Duvic – History Colorado

III. AGENDA ADOPTION

Motion to adopt was made by Suzy, seconded by John and passed unanimously.

IV. APPROVAL OF MINUTES – June 4, 2020 and June 11, 2020

Motion to approve was made by Vick, seconded by Suzy and passed unanimously.

V. PUBLIC COMMENT

None

VI. BUSINESS ITEMS

A. 112 N. Court Site Plan Review Discussion

The plan review from June 11th was discussed with various opinions expressed about the potential design revisions that could be made by the owner. Most commissioners felt that the submitted bank design was not appropriate for historic East Main. No date for the next submittal by the owner is know at this time.

B. 103 S. Court Site Plan Updates

The updated site plan submittal was discussed with it being noted that the owner had incorporated 7 of the 9 HPC suggestions made. The two items not made was the suggested reduction to mass and scale and the elimination of the inset patios on the North elevation.

Katy made a motion to express the HPC's overall support of the submission which was seconded by Vick.

A roll call vote was called for and all commissioners voted yes with the one no vote cast by Suzy. The motion carried. Katy and John will draft a letter in support and submit it to Mark for his action.

- C. Architectural Design Guidelines Subcommittee update
A public outreach meeting will be scheduled for July 29th from 5-7pm. Mark will coordinate the public notice and Pinion Room reservation. Meeting is currently scheduled to be both in person and via Zoom. A future trustee work session will be scheduled some time in the future.
- D. Chair Temporary Resignation
Katy is taking time off for maternity leave. John was nominated as Chair and Dan as Vice Chair in her absence. The motion was carried unanimously.
- E. History Colorado upcoming available webinars
Upcoming education opportunities were discussed with it being agreed the commission will participate in the August 8th, 12 noon webinar on Historic Integrity and the September 9th, 12 noon webinar on Design Review.
- F. Grants update
Front Range Associates have started their research work, remotely and will start on site once the health advisories permit.
- G. Updates from related organizations
Vick highlighted the upcoming BV Heritage events and noted that donations to the organization were needed.

VII. STAFF UPDATES

Mark updated the group on his efforts to save the salvaged historic windows from the Green Parrot remodel. The windows will be stored temporarily in Katy's barn.

VIII. ADJOURNMENT

Meeting Adjourned at 4:33 pm.

Respectfully Submitted



Katy Welter, Chair



**HISTORIC PRESERVATION COMMISSION
TOWN OF BUENA VISTA, COLORADO
MINUTES**

August 6, 2020 3:00 PM

Virtual Meeting via Zoom

I. CALL TO ORDER

John called to order the meeting at 3:05pm

II. ROLL CALL

Present: Suzy Kelly, Joe Reese, John O'Brien, Vic Kuklin, Melanie Roth

Staff: Mark Doering, Doug Tart, Phillip Puckett

Public: None

III. AGENDA ADOPTION

Motion to adopt as amended was made by Suzy, seconded by Vick and passed unanimously.

IV. APPROVAL OF MINUTES – July 2, 2020

Motion to approve was made by Vick, seconded by Suzy and passed unanimously.

V. PUBLIC COMMENT

None

VI. BUSINESS ITEMS

A. 430 E. Main – Legacy Bank - Plan Review Discussion

An informal discussion was held between John, DSI and the Legacy bank architect and with Suzy and the local bank president Dave. General comments and recommendations were presented on how to improve the current design to make it more compatible with the existing architecture on E. Main and consistent with the ADG's. Suzy and John will meet next week again with the local bank president.

B. Residential survey progress report.

Suzy met with Tom Simmons and gave him a large number of assessor cards for the historic property inventory. Tom is still trying to get into the county assessor's office which is closed due to COVID. Mark asked for a percentage complete estimate from Tom and an updated schedule moving forward. Suzy will contact Tom.

- C. Architectural Design Guidelines Subcommittee update
A public outreach meeting was held July 29th from 5-7pm via Zoom. The meeting was attended by the HPC members, Mark D. and Joel Bennison. A future trustee work session will be scheduled on September 8th or October 13th.
- D. Grants update
Suzy updated the commission on the progress of the work digitizing the existing historic photos at the BV Heritage Museum. Mark asked Suzy to get an estimate on the percentage complete of the work.
- E. History Colorado upcoming available webinars
Everyone reviewed the upcoming educational opportunities with the October 7th, 12 noon webinar on "Integrity" being selected for the one for the group to attend. Other opportunities were reviewed and members are also encouraged to attend any that they are interested in.
- F. Next Meeting will be September 3ed, 3pm via Zoom.
- G. Updates from related organizations
Vick highlighted the upcoming BV Heritage events including a Friday night concert series at Turner Farm. The concerts will run through the end of September. Vick stated that donations to the organization were needed. Melanie noted that the St Elmo fundraiser had been canceled and work has started on stabilizing the mine building.
- H. 310 Gold Street
John meet with the owners of 310 Gold Street and discussed possible plans for the property in the future. The original home was built around 1900 and has been extensively modified since then. The owners wanted any historic information available and suggestions on what could possibly be done in the future. The owners were interested in building something that was historically appropriate and fit in to the Buena Vista community. Suzy said she would look for any historic information.

VII. STAFF UPDATES

None

VIII ADJOURNMENT

Meeting Adjourned at 4:10 pm.

Respectfully Submitted

John O'Brien, Chair



Buena Vista Police Department



713 E. Main St. / P.O. Box 1310 Buena Vista, CO 81211
(719) 395-5457 (office), (719) 395-8655 (fax)

Chief's Report for Town Council Meeting on September 22, 2020

09-17-2020

- Finished our testing process and made a job offer to a police officer candidate. We're still actively engaged in the hiring process with this applicant, scheduling the next phases of his hiring to include physical exam, psychological exam, drug screen, etc.
- We've been busy with a variety of calls and we're still trying to engage in traffic enforcement when we're able. Officers have been taking enforcement action in the school zone and the town crosswalks especially, areas we commonly receive complaints. We're trying to target other problem areas when we're able.
- We had driving training on September 16th at the law enforcement driving track in Alamosa, and we'll be doing more driving training at the same location on September 23rd. This is a critical, perishable skill for officers, and is mandated by Colorado POST. Excellent training, and we were able to cross train with Salida PD and the Chaffee County Sheriff's Office, which is important.
- We'll be doing firearms qualifications and training at the end of the month.
- I met with the school principals the morning of September 17th, to maintain on-going dialogues with the schools.
- SRO DiGirolamo and I met with Public Library personnel the morning of September 11th, and we read stories to local kids via Zoom, which was a really good time.
- Our officers are working very hard and doing excellent work on a variety of cases.

--Dean Morgan,
Chief of Police

**TOWN OF BUENA VISTA**

P.O. Box 2002
Buena Vista, CO 81211
Phone: (719) 395-8643
Fax: (719) 395-8644

DATE: September 22, 2020
TO: Mayor and Board of Trustees
FROM: Paula Barnett, Town Clerk
RE: August Clerk's Office Activities

LIQUOR LICENSES**SPECIAL EVENTS PERMITS**

- **Buena Vista Welcome Center and Chamber of Commerce** - Business After Hours
August 20, 2020 – Columbine Park next to the Buena Vista Welcome Center and Chamber of Commerce

LICENSES RENEWED - None

BUSINESS LICENSES**NEW LICENSES ISSUED**

- **Advantage Solar, LLC dba Solarise Solar** – Colorado Springs/Shan Whittaker (Utilities)
- **Tate Custom Homes** – 120 Redtail Blvd, Buena Vista /Travis & Stan Tate (Construction)
- **Out On A Limb** – 16730 Allen Drive, Buena Vista/Sean Shaffer (Tree Trimming)
- **Valley Wide Health Systems, Inc.** – 707 Hwy 24 N, Buena Vista, Jania Arnoldi (Health Care)
- **Ardis Construction, LLC** – 34515 Hwy 24 N/Devin Bentley (Construction)
- **Mountain Tie Dye** – Vendor Cart/Pamela Slater (Shopping Retail)
- **Colorado Mountain Lavender** – Special Events/Tandy & Melanie Key (Shopping Retail)

LICENSES RENEWED – 3

CEMETERY

- 2 Site Sales
- 1 Interments

NOTARY SERVICES

- 18 Notarizations Performed



CHAFFEE COUNTY
DEVELOPMENT SERVICES DEPARTMENT

104 Crestone Ave., Room 125
P.O. Box 699
Salida, Colorado 81201
(719) 539-2124 FAX: (719) 530-9208
bdepartment@chaffeecounty.org

**September 14, 2020 Board of County Commissioners Work Session Report
and Activity Update**

I. Building Inspection:

A. Permit Activity

- **Permits** issued in August 2020: 297 (BMEP only)
2019: 374 (BMEP only)
 - * BMEP = Building, Mechanical, Electrical, & Plumbing permits
- **Total Revenue** collected in August 2020: \$119,589.97 (all divisions)
2019: \$170,749.46 (all divisions)
- **Total Revenue** collected year-to-date 2020: \$891,730.98 (all div.s)
2019: \$1,160,147.90 (all div.s)
- % of Total budgeted revenue (original) collected by year end: 74.31%
 (\$1.2 M)
- % of Total Covid amended revenue collected by year end: 89.17% (\$1 M)
- **SFDs** issued in August 2020: 24
 Salida: 1 BV: 10 Poncha: 4 County: 9
- **2020 year-to-date permit totals:**

Salida:	481	23 SFDs
Buena Vista:	310	39 SFDs
Poncha Springs:	227	23 SFDs
Unincorporated County:	<u>1,186</u>	<u>67 SFDs</u>
Total Number of Permits Issued:	2,204	*152 SFDs
- **2019 year-to-date permit totals:**

Salida:	774	23 SFDs
Buena Vista:	410	62 SFDs
Poncha Springs:	289	38 SFDs
Unincorporated County:	<u>1,185</u>	<u>95 SFDs</u>
	2,658	*218 SFDs

*SFDs include only new detached single-family dwellings and do not include duplexes, ADUs, townhouses, apartment units etc.

B. New Commercial Projects

Salida:

- **142 Old Stage Road:** A permit was issued for a restaurant tenant finish.
- **1108 J Street:** A change of use was approved for the Montessori School building.

Poncha Springs:

- **333 Burnett Ave:** A permit was issued for an addition to the Poncha Springs shop building.

Buena Vista

- **301 E. Main Street:** A permit was issued for a change of use and remodel of this building.

Chaffee County:

- **7749 CR 150:** A permit was issued for a storage building at this address.
- **12916 Hwy 24/285:** a permit was issued for an alternation at the Dominos building in Johnson Village.

C. Inspection Totals

- We performed 970 field inspections in the month of August.
- We issued 44 certificates of occupancy in August.

D. Legislative Update

- Nothing to report.

II. Planning & Zoning

A. Land Use Code: The August 25 Planning Commission work session included discussion on the update to LUC Article 7.7.2, the Airport Overlay District and an overview of the Housing + Health Speaker Series given by Becky Gray. The following Land Use Code items are pending discussion:

- An amendment to the definition of Outfitting Facility in Article 15 of the LUC was discussed in work sessions on November 26, 2019, January 28, 2020 and February 25, 2020. Changes to the code will be heard by the PC at a date to be determined.
- A citizen-initiated amendment to Article 7.8.22.B.2.e to reduce the setback to existing residences from 500 feet to 100 feet. This was heard in work session on January 28, 2020 and was discussed in a joint work session agenda on February 25, 2020. A hearing has yet to be scheduled.
- An amendment to Article 15, Definitions to add definitions of Central Water System and Central Sewer System. This was discussed by the Planning Commission in work session on January 9, 2019. Planning Commissioner Curgus has research to share with the Planning Commission and this will be discussed at a future work session.

B. Buena Vista Intergovernmental Agreement: A joint work session with the County and Buena Vista Planning Commissions was held on June 9, 2020. Further discussion and a recommendation to approve the plan was heard at the June 30, 2020 Planning Commission meeting. The Chaffee County BoCC approved the plan on July 21, 2020. The Town of Buena Vista Trustees approved the plan on July 28, 2020. **A formal signing of the document by both parties is being scheduled.** Article 1.1.8 of the LUC was amended to adopt the IGA.

C. Comprehensive Plan: Staff continues to meet with Cushing Terrell on a bi-weekly basis on the comp plan project. The plan is currently available for public review.

D. Land Use Current / Pending / in progress:

Applications Scheduled for Public hearing:

- The North Fork Ranches Major Subdivision Preliminary/Final Plat at the entrance to Weldon Creek on W. Hwy 50 proposes to divide 150 acres into 16 Lots. This application was before the Planning Commission on June 30, 2020 and was recommended for approval. The application was before the BoCC on July 14, 2020 and continued to August 4, 2020 with the understanding that a new title report would be delivered to planning staff at least 1 week prior to the meeting. The title report was received by staff on Monday, August 3, 2020 and the applicant's representatives agreed to continue the August 4 hearing to August 11, 2020 and then to **September 15, 2020** to allow negotiation with the northerly neighbors. As of September 9, 2020 the applicants are proposing to quit claim the land in question to the Lionelle's and Post's
- The Aspire Tours application for Limited Impact Review at 11302 CR 190W proposes an Outfitting Facility, a Commercial Campground and a Seasonal Employee Campground on a 44-acre parcel. This application was to be heard by the Planning Commission on February 25, 2020 but was continued to March 31, 2020 at the applicant's request. The application was before the Planning Commission on July 7, 2020 and further **continued to a date uncertain** to allow the applicant to provide a water supply study and traffic study of the property.
- Lark's Perch Major Subdivision preliminary plan, located south of Hutchinson Lane and east of the Canyons ROSI, proposes the division of a 37-acre parcel into 13 lots. This application was before the PC on January 29, 2019 and recommended for Approval. The application was before the BoCC on February 12, 2019 and approved. After agency review the application was before the Planning Commission on November 5, 2019 and continued to January 14, 2020 to allow the applicant to prepare additional materials and then additionally continued to March 3, 2020 at which time the application was denied. The BoCC heard an appeal on May 19, 2020 and this was continued to July 7, 2020 at which time the applicant's representative requested continuance to a face-to-face meeting. The BoCC met with the applicant's on August 4, 2020 to consider a date for further continuance and a date of **October 13, 2020** was set for a meeting at the fairgrounds.

Recently Approved, Denied or Withdrawn Applications:

- The High Country Village Major Subdivision Planned Development at the intersection of CR's 313 & 314 in Johnson Village proposes the conversion of the manufactured home spaces created by the Swisher Manufactured Home Park into Lots served by a private water system and BV Sanitation District sewer. This application was heard by the PC on July 28, 2020 and was recommended for approval. The application was before the BoCC on August 11, 2020 and approved.
- Rio Frio Minor Subdivision Final plat on CR 300 proposes division of the 27-acre Parcel 1 of the Nestle Water/Jacobson Boundary Line Adjustment into 4 residential lots, 2 common use outlots and Rio Frio Lane. The application was before the Planning Commission on September 24, 2019

and was recommended for approval. The application was before the BoCC on October 10, 2019 and approved. The final plat was before the PC on August 25, 2020 and approved. The application was before the BoCC on August 11, 2020 and approved.

- An amendment to LUC Article 1.1.8 to include the Buena Vista Intergovernmental Agreement was heard by the Planning Commission on July 28, 2020 and recommended for approval. The item was before the BoCC on August 11, 2020 and approved.

Applications Requiring Applicant Action:

- The DAO Minor Subdivision sketch plan on CR 270, North of the Kalivoda ROSI, proposes the division of 13.6 acres into 3 Lots. This application was before the PC on July 28, 2020 and approved for agency review.
- The Morrison Heritage Water Subdivision Exemption at 15974 CR 306 proposes the creation of one lot and one outlot in conjunction with a Minor Subdivision. The HWSE was heard by the BoCC on November 19, 2019 and approved. The Minor Subdivision was heard by the PC on November 19, 2019 and was recommended for approval.
- Ruby Mountain Minor Subdivision sketch plan, located east of the Arkansas River adjacent to the Ruby Mountain campground, proposes to divide a 19.7-acre parcel into two lots. This application was before the PC on January 29, 2019 and recommended for approval. The application will be sent for agency review upon receipt of the final submittal.
- El Rancho Vaquero Minor Subdivision north of the Buena Vista rodeo grounds proposes to divide the outlot created by the Heritage Water Subdivision into 3 lots of 9.6 to 9.8 acres. The Minor Subdivision was before the Planning Commission on February 26, 2019 and recommended for agency review.
- Whispering Pinons Acres Major Subdivision Sketch Plan at 11341 CR 206, west of the Poncha Springs Cemetery, proposing 12 lots on 40 acres was heard and approved by the BoCC on March 13, 2018. Staff granted a 6-month extension to submit the preliminary plat through September 13, 2019.

Out of Compliance Applications:

- Estates at Mt. Princeton Phase II & III (OLD) are required to be completed by 06/08/2015 (sketch plans for multiple filing subdivisions are valid for a maximum of 5 years under the old regulations). The PUD development agreement also refers to a five-year term, requiring that all phases have final approval within 5 years. Staff had a pre-application meeting with the applicant on 6/4/15. This subdivision is out of compliance. Staff met with representatives of Mt. Princeton Holdings and Phelps Engineering on September 30, 2019 and it was agreed that Phases II & III will need to be considered as a new application. A replat of lots in Phase I was also discussed. No application has been submitted to date.

E. Nestle Waters: Staff continues to work with Nestle Waters in anticipation of a permit amendment and renewal of the 1041 permit. The 2018 Annual Report was received by staff on May 1, 2019. Staff met with Larry Lawrence on August 6, 2019 to review renewal submittal requirements. Nestle has submitted an application for

extension of the permit without amendment. The resolutions and yearly reports are currently published on the County website. The BoCC considered a continuance of this hearing on April 7, 2020, and a hearing date of **October 20, 2020** was set. Subsequent discussions moved this hearing from the Buena Vista Community Center to the Chaffee County Fairgrounds.

F. Subdivisions subject to SIA with Lot Sales Restrictions:

1. Estates at Mt. Princeton: LSR on Phase 1, Lots 10 and 16-27; was extended through June 27, 2019. Staff met with the applicant on September 30, 2019, see out of compliance applications.
2. Lakeside Preserve: The BoCC granted a final extension to the Lot Sales Restriction through November 01, 2019. The BoCC accepted escrow for the completion of Teal Ct. on February 18, 2020. Teal Ct. has been completed and inspected and the escrow funds have been approved for release.
3. River Meadow Estates Addition, Fil. 1-4; LSR was extended through October 20 2029
4. Shikoba Acres Fil. 2: LSR was extended through July 6, 2023.
5. Westwinds: LSR Lots 35-45 Filing 3 & Lots 47-49 and 52-55, Filing 4. Developer has entered into an escrow agreement with the County (\$3520) for completion of road grading and road swales.
6. Bos Minor Subdivision: LSR on all 4 lots through November 11, 2019. This will require extension.
7. Chipeta Meadows Minor Subdivision: LSR on Lot 1 through July 13, 2019. This requires extension
8. Longhorn Ranch: Chaffee County holds an escrow account of \$10,000 for completion of improvements.
9. Oak Leaf Solar Farm: Improvements and Maintenance Agreement through July 27, 2019. The applicant has submitted the funds required by the Improvements Agreement and has submitted an application for the building permit. Construction is complete. The landscaping of the property has been completed and staff inspected the improvements on July, 16 2020 at which time it was noted that the irrigation system was not functional and that some of the plantings did not look healthy or were dying. The release of funds was before the BoCC on July 21 and this item was continued to August 11, 2020 and then September 8, 2020 to allow the applicant to repair the irrigation system, attend to the plantings and allow staff to do another site visit. Staff visited the site again on September 4, 2020 and found the plantings to be taking hold and the irrigation system to be functional. At the September 8 hearing the BoCC approved release of one-half of the escrow funds and set another review of the landscaping at the first meeting in May of 2021.
10. Rafter's Roost: Improvements and Maintenance Agreement through October 31, 2021 for Phase I and through October 31, 2024 for Phase II.
11. Strother Minor Subdivision: LSR through July 7, 2023.

G. Violation Investigations

1. Planning Staff is working with a landowner in Johnson Village regarding a junk and waste tire complaint. Public Health is working with the CDPHE to see if funds for the tire clean-up are available.

2. Staff received a report of a cabin being constructed without building permits and possibly on National Forest lands. This site is close to the northerly boundary of Chaffee County and staff is in contact with the reporter to determine the exact location and access to the property.

III. Engineering

A. Road and Bridge

1. Staff has approved Centerville Phase 2 and 3 and the emergency secondary access road.
2. Granite Bridge: See section E. Engineering projects.

B. Plan Review

1. Staff reviewed the following plans:
 - a. Rio Frio minor subdivision road design.

C. OWTS Program

1. In August staff reviewed 23 OWTS designs. Issued 20 OWTS permits and 4 are on hold.
2. Staff received a concern about the Comanche Drive-in Septic system. Staff has contacted the owners but staff has not succeeded in scheduling a time to do a site-investigation.

D. Regional engineering plan review and inspection

1. Army Corp Of Engineers, "Waters of the USA", violations:
 - a. Cr 221- the owner is working with the ACOE to resolve the violation and has started remediation of the damaged area. The temporary bank stabilization has been completed. The next step will be for the owner to apply for the actual ACOE permit and submit the final remediation design. On August 28, 2020 staff and ACOE performed a site visit to confirm the stabilization work. Staff discovered that the owner backfilled wet lands on the westerly property creating a new violation. The owner was originally informed that no work was to be performed in any area of the property until the wetlands were delineated. The ACOE will add this to the violation and will require remediation of the area.



Stabilized river bank
to the river



Backfilled wetlands that lead

- b. 30450 CR 371; No new news.

2. Buena Vista High School: Phase 2 and 3 is under construction.
 - a. Phase 1: 100% complete
 - b. Phase 2 and 3:
 - i. The existing school is 100% demolished,
 - ii. The foundations are 100% complete,
 - iii. Prefab concrete walls are 100% complete,
 - iv. Steel structure is 100% complete,
 - v. CMU walls are 100% complete,
 - vi. Steel stud framing is 100% complete,
 - vii. Drywall is 100% complete,
 - viii. Road/parking is 99% complete,
 - ix. Finishing is 60% complete,
 - x. Existing Gym is 100% complete, (TCO)
 - xi. New Gym is 80% complete,
 - c. Staff has performed approx. 262 different inspections to date.

E. Engineering Projects

1. Salida Airport Beacon Tower:
 - a. Staff wrote and published an RFP for the construction, repair and installation of the airport beacon tower. Submittals were due August 3, 2020, but no submittals were received. Staff extended the due date to September 1, 2020. Staff performed 1 site-visit with a potential contractor. Staff was also in contact with another potential contractor.
2. Fair grounds North building, heating/cooling:
 - a. Staff was present at the project Kick-off. The following items were discussed:
 - i. Adding filters to the RTU's that are acceptable in a hospital situation.
 - ii. Extending the sewer and water lines to the North Building.
 - b. Atmos started the installation of the new gas main, the expected completion date is early September.
3. Chaffee County Administration Building:
 - a. Preliminary design is 100% complete,
 - b. DD (Definite Design) has been given approval to continue,
 - c. A public open house will be organized in the next few months. For this open house a rendering is being made to better inform the public.
4. Public safety Building:
 - a. On HOLD
5. Granite Bridge rehabilitation:
 - a. Structural steel analysis:



- i. Preliminary analysis has been performed and the design has been sent to CDOT and to SME (historical approval) for approval. The most cost-effective solution will be to add a temporary bridge on the existing abutments allowing local traffic and emergency vehicles to cross while the bridge will be put to the side for rehab. This is the solution that OTAK is pursuing. (Sept 1, CDOT is positive over the chosen approach.)
 - b. Abutments:
 - i. Preliminary analysis shows that the existing abutments may stay in place. The wingwalls will need to be reconstructed and the entire abutments will need to be anchored to the soil behind the abutments.
 - c. ROW (Right of Way):
 - i. No new news.
 - d. Estimate:
 - i. Staff received the first preliminary construction estimates, after some fine tuning the estimate is approx. 1.4 million including engineering. This amount is within the county budget of, 1.2 million construction and 240k engineering = 1.44 million. Otak confirmed that their estimate is very conservative.
- 6. Dekker Fire recovery:
 - a. The surveying of the site locations is complete.
 - b. Construction started on June 22, 2020,
 - c. Site specific status:
 - i. The Hosman property: NRCS approval, contract signed, construction 100%,
 - ii. The Short property: NRCS approval, contract signed, construction 100%,
 - iii. The Fontana property: NRCS approval, contract signed, construction 100%,
 - iv. The Ricci property: NRCS approval, construction 0% complete, awaiting signature of new construction agreement.
 - v. The Graves/Stables property: NRCS approval, No contract is needed, construction 0% complete,
 - vi. The Byars property: NRCS approval, the Byars have chosen to not participate in the EWP program.
 - vii. The Chick property: NRCS approval, contract signed, construction 0% complete.
 - viii. The Speaker property: NRCS approval, construction 0% complete, Mr. Speaker has chosen to remove a section to the design. A new design will be sent to him with the changes.



SURROUND YOURSELF
WITH WHAT MATTERS

Local Business Grant Program

Overview:

The Town of Buena Vista highly values the variety of businesses in our community which drive our local economy.

The Town has allocated \$130,000 of its Cares Relief funding to help our local businesses navigate the slower off season. These funds will be distributed on a first-come, first-serve basis. The grant award range under this program is between \$3,500 and \$7,500.

Program Eligibility:

- Your business must have a storefront physically located within the city limits (no mobile, homebased, or e-commerce vendors)
- Be able to provide their COVID-19 Safe Business Certificate issued by Chaffee County Public Health or detail why one is not available
- Owner(s) of the business must reside within Chaffee County
- Your business must be in good standing with the Town of Buena Vista which includes current sales tax remittances and a current business license
- Awards are limited to the lesser of the grant floor of \$3,500, the maximum grant of \$7,500 or the amount of the 2.5% town sales tax paid during the year of 2019
- Businesses that are not sales tax based may qualify for a grant of at least \$3,500
- There must be a reasonable expectation that the business will remain open with no evidence of eviction or foreclosure
- Provide a narrative of how COVID-19 has impacted your business and how you intend to use the grant funds to help ensure stability during the unpredictable off-season
- Your business has been open for at least 2 years
- Seasonal and businesses that have been open less than two years will have secondary priority to businesses open year-round and more than two years
- The Town of Buena Vista reserves the right to alter, cancel or discontinue this program at any time. The CARES funding grant ends on December 31, 2020.

Application and Award Process:

- A completed application plus pertinent attachments should be emailed to the Town of Buena Vista Finance department at BVFinance@buonavistaco.gov or mailed/dropped off to:

Buena Vista Town Hall
P.O. Box 2002, 210 East Main St.
Buena Vista, Colorado 81211

- Applications will be processed in the order which they are received. Each application will be reviewed for eligibility and grant funds will be issued in the form of a check until December 31, 2020 or funds are exhausted.

- On October 15th, (providing there are funds remaining) the “Secondary priority” applications (Seasonal or in business less than 2 years) will be funded in the order in which they were originally received.

Required Attachments:

- COVID-19 Safe Business Certificate or application or detail as to why one is not available
- Signed W-9 (can be located at: <https://www.irs.gov/pub/irs-pdf/fw9.pdf>)
- Copy of Colorado Sales Tax License (if applicable)
- Copy of Buena Vista Business License

Important Note:

Grant awards may be considered taxable income. Grantees will receive a 1099 for the funds at the end of this reporting year and should consult with their tax professional to determine whether the grant award is considered taxable income. A signed W-9 form is a required component of your application.

<https://www.irs.gov/pub/irs-pdf/fw9.pdf>



SURROUND YOURSELF
WITH WHAT MATTERS

Application for Local Business Grant

Instructions: Please carefully review the program eligibility criteria to make sure you qualify for funding. If your business is eligible, complete the following application, sign and submit with required documentation to: BVFinance@buenavistaco.gov or mail or hand deliver it to:

*Buena Vista Town Hall
PO Box 2002, 210 East Main St
Buena Vista, CO 81211*

Business Name: _____

Business Address: _____

Owner Name(s): _____

Owner Home Address: _____

Number of years operating in Buena Vista: _____ Seasonal: Yes ___ No ___

Amount requested: \$ _____

Please Note:

Awards are limited to the lesser of the grant floor of \$3,500, the maximum grant of \$7,500 or the amount of the 2.5% town sales tax paid for the year of 2019.

Please describe how COVID-19 has impacted your business and how grant funds will be utilized:
(Possible uses include but are not limited to: Employee wages, testing, time off for quarantine, operating expenses, PPE, safety equipment, etc.)

Is the business currently open for business? Yes ___ No ___

If not, please attach re-opening plan detail and timeframe.

Please attach:

- COVID-19 Safe Business Certificate or application or discuss why one is not available
- Signed W-9 (can be located at: <https://www.irs.gov/pub/irs-pdf/fw9.pdf>)
- Copy of Colorado Sales Tax License (if applicable)
- Copy of Buena Vista Business License

Acknowledgment:

I acknowledge that I have read the Local Business Grant program eligibility criteria and confirm this business meets those criteria. I understand that this program is made possible by public tax dollars and any submitted information may be subject to public disclosure.

I attest that I am an owner or officer of the business and can execute this document on behalf of the business.

Name: _____ Title: _____

Signed: _____ Date: _____



TOWN OF BUENA VISTA

P.O. Box 2002
 Buena Vista, CO 81211
 Phone: (719) 395-8643
 Fax: (719) 395-8644

DATE: September 22nd, 2020
 TO: Mayor and Board of Trustees
 FROM: Phillip Puckett, Town Administrator
 AGENDA ITEM: Town Administrator Report

Key Dates

Topic	Date & Time	Location
BV Safety – work session with Wold on Fire/Police/Town Hall plans	Tuesday October 13 th 6:00pm	Zoom
Budget public hearings and discussions	Regular meetings during October/November	Zoom

Extraterritorial water update – 15750 CR 306

On July 24, 2018 the Town Trustees reviewed and approved the concept of providing municipal water service to the 7.77-acre parcel located at 15750 CR 306. At that time, Town staff was directed to continue consideration of providing extraterritorial water service and negotiation of infrastructure plans and pre-annexation agreement. **A letter documenting this decision is attached for reference.**

Discussions with the current owner ended in the fall of 2019 before an agreement was reached and the property was put up for sale. Staff has been approached by a potential buyer and the seller's real estate agent to recap where the discussions left off and what Town would be looking for if this buyer proceeded with an application to the county which requires connection Town Water and BV Sanitation.

Staff wants to make the current Board aware of this previous decision and the potential of further discussions regarding this parcel, extraterritorial water service and pre-annexation agreement.

Staffing Update

Melanie Jacobs has resigned as the Deputy Town Clerk. We will be updating the job description to include some additional responsibilities to support Finance and Clerk and will advertise this job opening soon.

The Fire Department has completed a round of testing and has selected Nick DeLorey to fill the firefighter vacancy left by Brandon Evans (went to Salida FD). Nick will start Sept 21st.

The Police Department has gone through a round of testing for the three patrol officer openings. Two applicants have been selected but will need to complete the academy in spring 2021 to become POST certified. We plan to have another round of testing to fill the final position. While the team is excited about the new team members, we anticipate being shorthanded through the first half of 2021.

Thank you for your attention to my report. Please let me know if you have questions.

A handwritten signature in black ink that reads "Phillip Puckett". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Phillip Puckett, Town Administrator



TOWN OF BUENA VISTA

Post Office Box 2002
Buena Vista, CO 81211
Phone: (719) 395-8643
Fax: (719) 395-8644

July 26, 2018

Dennis Giese
16122 County Road 356
Buena Vista, CO 81211

Re: Cortese application for extraterritorial water service for property located at 15750 County Road 306

Dear Mr. Giese:

This letter serves to memorialize the July 24, 2018 decision of the Board of Trustee of the Town of Buena Vista concerning the request from your clients, Jesse and Catherine Cortese, that the Town provide municipal water service to their property located at 15750 County Road 306 (the "Property"). The Property is located outside of the boundaries of the Town and is therefore subject to the provisions of the Town Code addressing extraterritorial water service.

At the July 24, 2018 Board meeting, the Trustees reviewed and approved the application in concept, pursuant to Section 13-62(2) of the Town Code. The Board directed Town staff to continue with its review of the application as set forth the Town Code. As you are aware, the Trustee's conceptual approval does not bind the Town to provide water service. However, it does approve further consideration of the application by the Town after preparation of an engineering feasibility report by your clients. Under the Town Code, the following steps remain before the Trustees render a final decision concerning the provision of extraterritorial water to the Property:

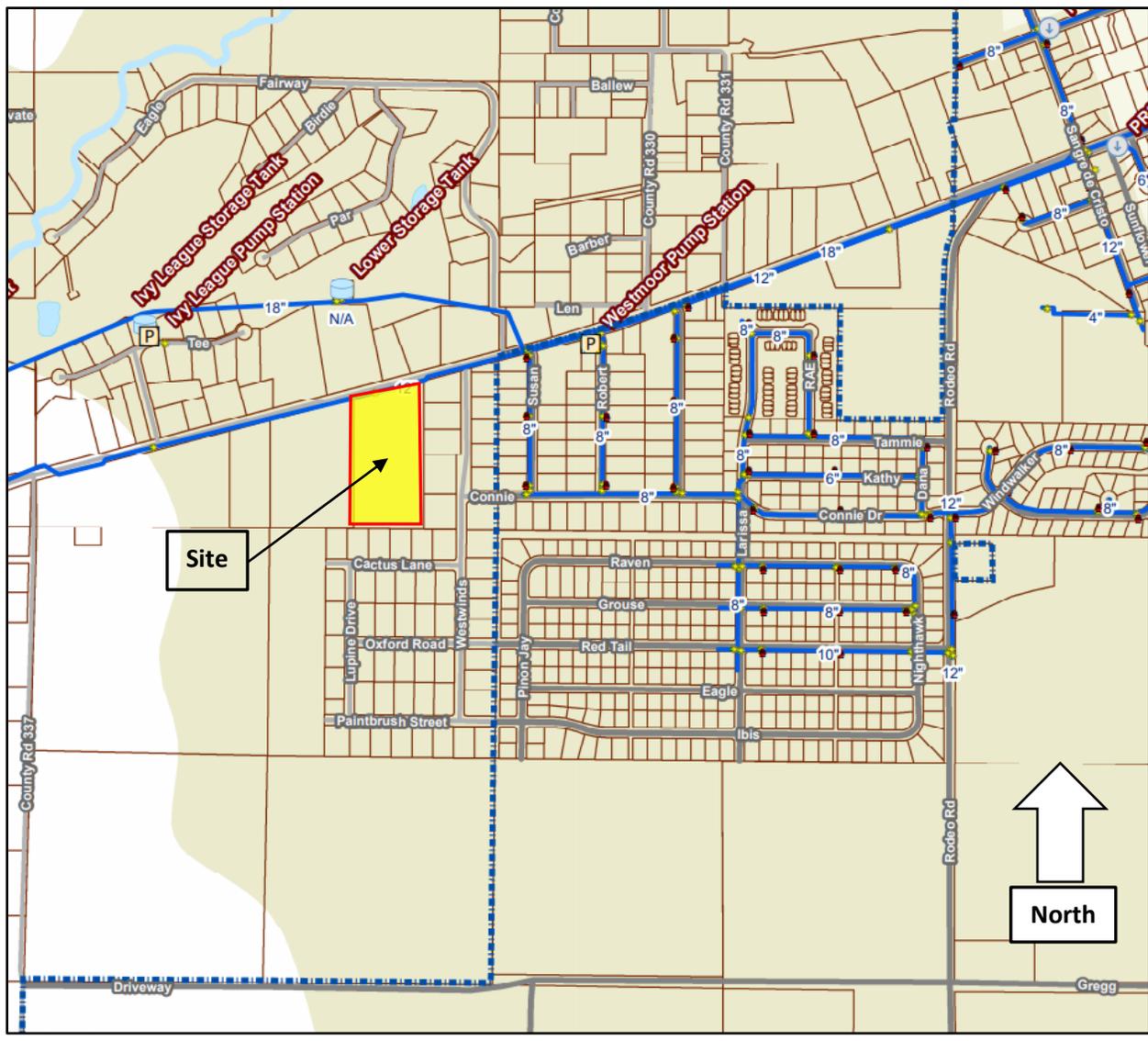
1. Review of engineering feasibility report and water rights dedication (Code § 13-62(2) and (3)).
2. Review of construction plans (Code § 13-62(4)).
3. Approval of water service agreement and dedication of water rights and/or payment in lieu of water rights dedication.

There may be additional measures to be addressed depending on further review of your clients' application. The Town looks forward to receipt of the engineering feasibility report and working with you further.

Sincerely,

Phillip Puckett
Town Administrator

Attachment B – Town Water System Map



**TOWN OF BUENA VISTA**

P.O. Box 2002
Buena Vista, CO 81211
Phone: (719) 395-8643
Fax: (719) 395-8644

DATE: September 22, 2020
TO: Mayor and Board of Trustees
FROM: Michelle Stoke, Town Treasurer

AGENDA ITEM: Treasurer's Report

July Sales Tax:

July Sales tax has been received and weighs in at a total of \$436,263.24. The increase in July 2020 over July 2019 is 8.86% and over the July 2020 budget by 4.67%. The Jan-July 2020 totals have increased over the same period in 2019 by 17.56% translating into an increase of \$327,093.71. The increase over 2020 budget for the same period is recorded at 13.04% or a surplus of \$124,838.92. I have attached the graph.

Local versus Remote Sales Tax Update:

The breakdown of July sales tax between local sales and remote sales is 86% or \$301,877 for Local businesses and 14% or \$47,849 for remoted sellers. I have attached for this also.

Both of these graphs can be found on Town's new Transparency website at the following link:

<https://www.cleargov.com/colorado/chaffee/town/buena-vista/departments/610/sales-tax-receipts>

Town Expenditures:

Since the September 8, 2020 report the Town has issued:

- 77 accounts payable checks for a total of \$222,936.94
- ACH withdrawals to the IRS, FPPA, CCOERA and Colorado Department of Revenue for pay period ending 9/5/2020 was \$54,765.28.
- Net payroll was \$71,415.68 for the same period.
- The breakdown by Fund for AP and payroll-related check disbursements plus the ACH payments is as follows: *(Note that not all expenditures are expenses since some are reimbursements or withholding from employees' gross payroll)*
 - General Fund - \$ 150,844.78
 - Water Enterprise Fund - \$ 27,584.46
 - Capital Improvement Fund - \$ 8,851.88
 - Stormwater Enterprise Fund- \$ 0.00
 - Airport Enterprise Fund - \$ 15,298.91
 - Street Fund \$ 75,122.19
 - TOTAL \$ 277,702.22

Expenditures Over \$2,000.00

- A-1 Chipseal Co. Inc for \$75,122.19 for Gunnison, Railroad and Oak Streets
- CDW Government for \$4,498.33 for speaker and microphone for remote meetings
- CEBT for \$48,329.30 for employee health insurance premiums for September
- Core & Main LP for \$7,240.42 for items for inventory
- Delta Dental of Colorado for \$3,727.50 for employee dental insurance for September
- Denver Manager of Finance for \$7,500.00 for a 2007 Ford F350 at auction for airport
- Going Green K-Lawn, LLC for \$2,250.00 for fertilizer for softball and soccer fields
- Hoffmann, Parker, Wilson & Carberry, P.C. for \$10,607.54 for attorney services for July
- McFarland Oil LLC for \$2,708.80 for monthly fuel charges for July

- Pinnacol Assurance for \$5,263.00 for 9th of 9 workers comp premium
- Wold Architects and Engineers for \$3,000.00 for emergency services facilities master plan
- Wright Water Engineers for \$3,319.50 for June engineering services for well #4
- Denver International Airport \$2,200.00 for 40 Hour ARFF course
- Nevco Sports, LLC for \$7,814.42 for the youth baseball scoreboard
- Six Line Metalworks for \$5,150.00 for art sculpture and benches from beautification budget

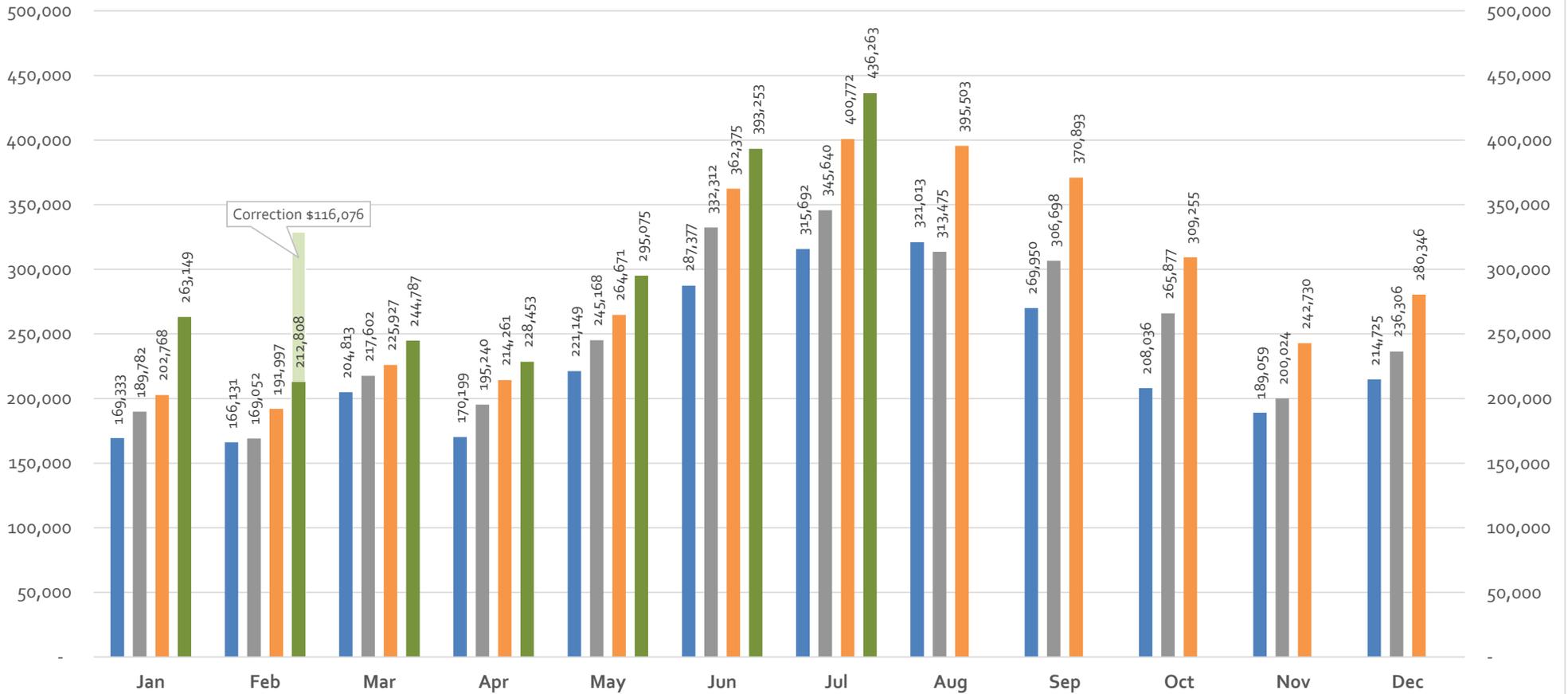
This concludes my report.

I will entertain questions at this time.

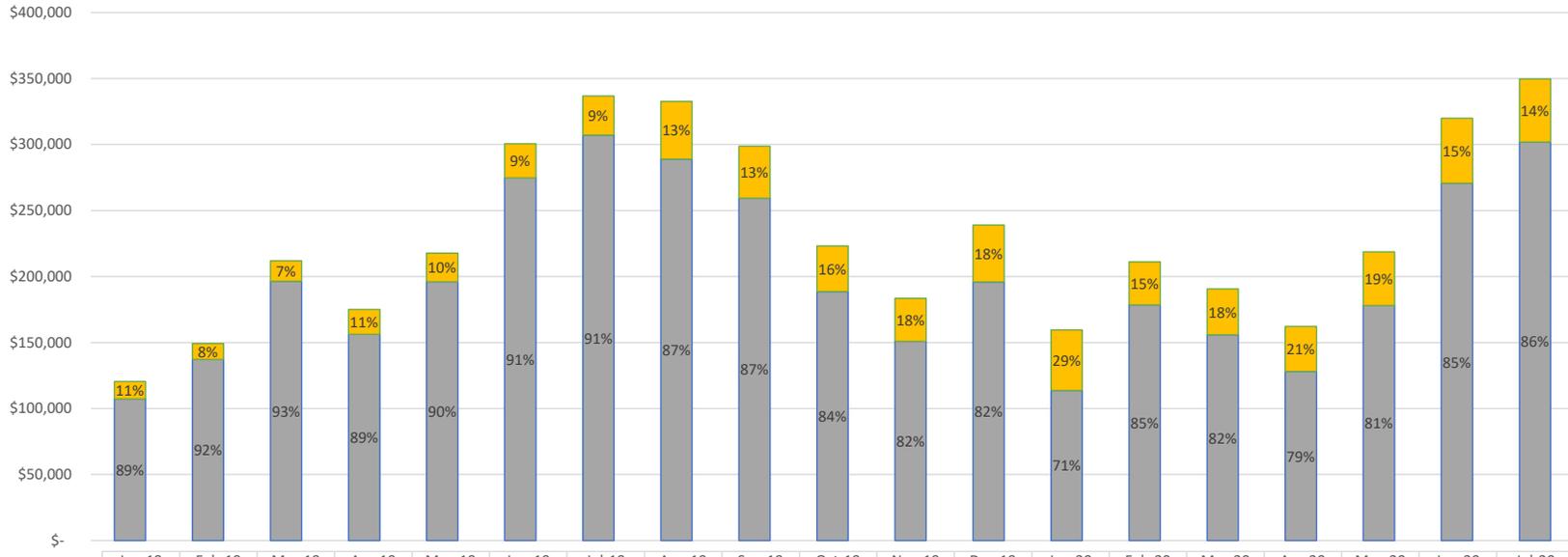
Michelle Stoke, CPA
Treasurer/Finance Director

Town of Buena Vista Sales Tax Collected

■ 2017 ■ 2018 ■ 2019 ■ 2020



Town Sales Tax Remote-v-Local
Jan 2019 - June 2020



	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20
Remote \$	\$13,153	\$11,995	\$15,562	\$18,797	\$21,678	\$25,712	\$29,646	\$43,640	\$39,383	\$34,559	\$32,548	\$43,115	\$45,724	\$32,651	\$34,747	\$34,073	\$40,608	\$49,312	\$47,849
Local \$	\$107,294	\$137,230	\$196,354	\$156,282	\$196,118	\$274,836	\$307,129	\$289,061	\$259,424	\$188,638	\$150,896	\$195,946	\$113,810	\$178,492	\$155,854	\$128,157	\$178,078	\$270,626	\$301,877



Planning Department Monthly Report

August 2020

Planning:

Building Permits:	12	New Residential Permits Issued
	0	New Residential ADU Permit Issued
	1	Residential Remodel/Addition
	0	New Commercial Permits Issued
	0	Commercial Remodel/Additions
CO's Issued:	9	Residential
	0	Commercial
Planning Permits:	5	Shed
	8	Fence
	2	Sign
Other Reviews:	1	Temporary Vendor
	1	Minor Subdivision (Elimination Lot Line)
	1	Site Plan (Legacy Bank)

2020 Year to Date

44	New Residential Dwelling Unit Building Permits Issued
0	New Residential Accessory Dwelling Unit Building Permits Issued
0	Attached Apartment Units within a Commercial Building Permits Issued
0	Individual Duplex Dwelling Unit Building Permits Issued

Other Items:

- Planning Commission:** Still seeking one alternate member. Extend terms of 3 Commissioners. Preparing for IGA meetings with County
- Historic Preservation:** Architectural Design Guidelines. Historic Survey of residential properties downtown.
- Site Plans Submitted:** Legacy Bank Minor Site Plan
- Site Plans Pending:** Block 34, Lots 15&16 Minor Subdivision (Crum)
- Subdivisions Submitted:** Block 3, Lots 15&16 Minor Subdivision (Legacy Bank)
- Subdivisions Pending:** Block 1, Lots 1&2 Minor Subdivision (The Summit)
Block 21, Lots 1-3 Minor Subdivision (South Court Social)
- Special Use Permits:** None
- Technical Manual:** Developing Specifications for Planning and Engineering Submittals
- Chaffee County IGA:** Planning for areas outside town limits in 3-mile area - Going to County

Submitted by: **Mark N. Doering, Principal Planner**



TOWN OF BUENA VISTA

P.O. Box 2002
 Buena Vista, CO 81211
 Phone: (719) 395-8643
 Fax: (719) 395-8644

DATE: September 22nd, 2020

TO: Mayor and Board of Trustees

FROM: Phillip Puckett, Town Administrator

AGENDA ITEM: Resolution 54 - Establishing Intergovernmental Agreement for the Chaffee County Multijurisdictional Housing Authority

Background

Over the past year, the Town of Buena Vista has been participating with Chaffee County, the City of Salida and the Town of Poncha Springs on formulating the creation of a Multijurisdictional Housing Authority (MJHA) to serve the residents and workforce of Chaffee County. Working in conjunction with the Office of Housing, the Town has participated in the MJHA Steering Committee meetings that have created the attached Intergovernmental Agreement (IGA) that would create the Authority.

The Authority would have the ability to utilize the following powers under the Colorado Revised Statutes related to workforce and affordable housing:

- Planning
- Financing
- Acquisition
- Construction
- Reconstruction
- Management
- Operations

Utilizing these specific tools, the Authority will be a flexible tool to pursue land and projects across Chaffee County. The Authority is able to work with municipalities and the County to seek sustainable funding sources, including grants, Certificates of Participation, and potentially requests to voters to approve new taxes to fund affordable housing needs. The IGA is clear that any request for voter approval must also be approved by the governing bodies of individual municipalities.

The Board of Directors for the Authority will consist of nine (9) members –three (3) selected by the Chaffee County Board of County Commissioners, and two (2) from each of the municipalities. The terms of office for Directors will be two-year terms, with the representatives from each jurisdiction overlapping each other. The Directors generally will be able to approve routine actions via majority

vote; however, certain actions will require a supermajority of 66.6% (or 6 members) in order to be in effect. The measures that require a supermajority include:

- condemnation of property for public use;
- proposal of ballot initiatives;
- creating, incurring, assuming, suffering or entering into any debt or indebtedness of any description whatsoever in the aggregate amount in excess of one million dollars;
- the addition of a new jurisdiction; and
- the termination of the Authority.

The Authority will become active upon approval of the IGA by all of the partners in this venture; however, actual organizational capability is not anticipated to commence until January 1, 2021. The interim period will be spent setting up a second IGA that will identify funding responsibilities of the partners along with the organizational structure of employees, which at this time is anticipated to consist of a contract with Chaffee County to utilize existing staff in the Office of Housing. The subsequent IGA is currently under review by staff.

Budget Impact

There is no fiscal impact to the 2020 budget or for the immediate creation of the Authority; however, the Town will continue to fund its obligations in the same manner as the Memorandum of Understanding which created the Chaffee Office of Housing. Under that MOU, the Town currently expends approximately \$11,500 annually, and will be budgeted at \$13,750 to do the same in the 2021 Annual Budget.

Board Action

If the Board desires to move forward with this IGA, staff asks for a motion to approve Resolution 54, approving the Establishing Intergovernmental Agreement for the Chaffee County Multijurisdictional Housing Authority.

TOWN OF BUENA VISTA, COLORADO
RESOLUTION NO. 54
(Series 2020)

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING THE ESTABLISHING INTERGOVERNMENTAL AGREEMENT FOR THE CHAFFEE COUNTY MULTIJURISDICTIONAL HOUSING AUTHORITY.

WHEREAS, the provisions of Section 18 of Article XIV of the Colorado Constitution and C.R.S. §29-1-203 allow Colorado governments to cooperate or to contract with one another to provide any function, service or facility lawfully authorized to each local government;

WHEREAS, Colorado Revised Statute §29-1-204.5 provides for the establishment by Colorado local governments to contract with each other to establish a separate governmental entity to be known as a multijurisdictional housing authority;

WHEREAS, Chaffee County in general, and Buena Vista in particular, has experienced rapid growth over the last decade, and consequently, the demand for attainable, affordable, and workforce housing has grown to exceed the available supply;

WHEREAS, the business community, community members, public officials and others have expressed a concern that there is currently and will continue to be insufficient workforce housing for workers in and around Buena Vista;

WHEREAS, the 2015 Buena Vista Comprehensive Plan includes a policy recommendation to establish a county-wide housing authority to support the goal of creating funding mechanisms and an administrative framework for affordable housing; and

WHEREAS, the Town Trustess of the Town of Buena Vista recognizes the benefits and advantages of working together with other local governments in Chaffee County to establish and create a multijurisdictional housing authority to provide attainable, affordable, and workforce housing projects and programs for local families and for employees of local employers, and therefore desire to participate with Chaffee County, the City of Salida and the Town of Poncha Springs in the establishment of a multijurisdictional housing authority serving the residents and workers of our communities.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO:

The INTERGOVERNMENTAL AGREEMENT for the Chaffee County Multijurisdictional Housing Authority attached hereto as **Exhibit A** is hereby approved and the Mayor or Town Administrator is authorized to execute the same.

RESOLVED, APPROVED AND ADOPTED this 22nd day of September, 2020.

TOWN OF BUENA VISTA, COLORADO

BY: _____
Duff Lacy, Mayor

ATTEST:

Paula Barnett, Town Clerk

Exhibit A

ESTABLISHING INTERGOVERNMENTAL AGREEMENT FOR THE CHAFFEE COUNTY MULTIJURISDICTIONAL HOUSING AUTHORITY

This Intergovernmental Agreement (“Agreement”) is entered into as of the Effective Date, defined below, by and among the Board of County Commissioners of Chaffee County, Colorado (“County”); the Town of Buena Vista (“Buena Vista”); the Town of Poncha Springs (“Poncha Springs”); and the City of Salida (“Salida”) (collectively, the “parties”) each of which is a political subdivision of the State of Colorado.

Recitals

The provisions of Section 18 of Article XIV of the Colorado Constitution and C.R.S. § 29-1-203 allow Colorado governments to cooperate or to contract with one another to provide any function, service or facility lawfully authorized to each local government.

Colorado Revised Statute § 29-1-204.5 provides for the establishment by Colorado local governments to contract with each other to establish a separate governmental entity to be known as a multijurisdictional housing authority.

Chaffee County has experienced rapid growth over the last decade, and consequently, the demand for attainable and affordable housing has grown to exceed the available supply.

The business community, community members, public officials and others have expressed a concern that there is currently and will continue to be insufficient workforce housing for workers in Chaffee County.

A majority of counties and many cities within Colorado have addressed such housing issues through the creation of housing authorities, whose purpose it is to effect the planning, financing, acquisition, construction, reconstruction or repair, maintenance, management, and operation of housing projects or programs pursuant to a multijurisdictional housing plan.

A multijurisdictional housing authority established pursuant to C.R.S. § 29-1-204.5 may be used by the contracting local governments to effect the planning, financing, acquisition, construction, reconstruction or repair, maintenance, management, and operation of housing projects or programs pursuant to a multijurisdictional plan to provide: dwelling accommodations at rental prices or purchase prices within the means of families of low or moderate income; and attainable and affordable housing projects or programs for employees of employers located within the jurisdiction of the authority.

The County, Buena Vista, Poncha Springs, and Salida recognize the benefits and advantages obtained by working together to establish and create a multijurisdictional housing authority to provide attainable and affordable housing projects or programs for local low or moderate income families and for employees of local employers, and therefore desire to

participate with one another in the establishment of a multijurisdictional housing authority serving the interests of residents of the County, Buena Vista, Poncha Springs, and Salida.

NOW THEREFORE, the parties desire to create the Chaffee Housing Authority, a Multijurisdictional Housing Authority, a body and corporate and politic and a separate governmental entity of the State of Colorado, pursuant to C. R. S. § 29-1-204.5, by this Agreement, the parties hereby mutually agree as follows:

ARTICLE I Name

The name of the multijurisdictional housing authority hereby established shall be the “Chaffee Housing Authority,” a Multijurisdictional Housing Authority (the “Authority”).

ARTICLE II Purpose

It is the purpose of the Authority to effect the planning, financing, acquisition, construction, reconstruction or repair, maintenance, management, and operation of housing projects or programs in order to provide dwelling accommodations at rental prices or purchase prices within the means of households of low or moderate incomes, and to provide attainable and affordable housing projects or programs for employees of employers located within the jurisdictional boundaries of the Authority.

ARTICLE III Boundaries

The boundaries of the Authority shall be coterminous with the boundaries of the separate governmental entities that comprise the authority, unless said boundaries are modified by the Authority. The boundaries of the Authority shall not include the area incorporated within the Salida Housing Authority and as shown in attached Exhibit A.

ARTICLE IV Establishment and Organization of Governance

- (a) **Governance:** The Authority shall be governed by a Board of Directors (“Board”). All legislative power of the Authority is vested in the Board as described below.
- (b) **Board of Directors:** The inaugural Board shall be comprised of nine (9) members. The County shall appoint three members and Buena Vista, Poncha Springs, and Salida shall each appoint two members to the Board. Each party shall be responsible for identifying its member(s) to the Board and deciding if it shall be an elected official or a designated member. Additionally, each party shall appoint an alternate or alternates, who may serve in the event a regular member is unable to attend a meeting. When attending as described, alternate members shall have the same powers and duties as regular members.

(c) Duties of Board. It shall be the duty of the Board to govern the affairs of the Authority, to establish policies of the Authority, to comply with parts 1, 5, and 6 of C.R.S. § 29-1-204.5 as amended from time to time, and to exercise with due diligence and prudence the purpose and powers set forth herein, including, but not limited to the following:

1. Establishing the overall policy approval for the Housing Authority;
2. Establishing Bylaws for the duties and conduct of the Board;
3. Adopting an annual budget;
4. Adopting an annual audit, to be presented to each Member Jurisdiction;
5. Adopting annually an Administrative Plan, Strategic Plan, and/or Community Guidelines for deed restriction management; and
6. To employ, supervise, manage and direct agents and employees.

The Board of Directors will meet every other month to receive formal updates from the Authority's staff. On a (fiscal) yearly basis, the Board will review and approve of the annual budget and Administrative Plan, Strategic Plan, and/or Community Guidelines prior to the start of the fiscal year.

(d) Eligibility, Term of Office, and Filling Vacancies. The following eligibility criteria apply to both the inaugural and subsequent members of the Board:

All members of the Board must be residents of Chaffee County, or in the case that a new governmental entity is permitted to join the Authority, the Board member representing the new governmental entity must be a resident of the county in which the new member entity is situated, and shall have reached the age of 18 years of the effective date of their appointment.

Members of the Board shall serve two-year terms, with reappointment from the appointing jurisdiction at the end of each two-year term, except that, members of the inaugural Board from each appointing jurisdiction shall initially serve staggered terms of one and two years, which will respectively expire on January 31, 2022 and January 31, 2023, as designated by the appointing entity upon the member's appointment, after which the Members are eligible to serve their remaining two-year terms. The County's three inaugural Board members shall be designated such that one Board member serves a one-year term and the other two members will serve two-year terms.

Members of the Board shall receive no compensation for their services; however, reasonable pre-approved expenses related to the discharge of their duties shall be reimbursed.

Vacancies on the Board shall be filled by appointment from the jurisdiction from which The vacancy arises for the remainder of the unexpired term of the vacating member of the Board.

Voting. Each member of the Board shall have one vote on matters brought before the Board. The Board of Directors shall act only upon a duly executed vote of the Board Members. Each Director shall cast one vote. A vote of the Board shall be deemed duly executed if made by a majority of a quorum of Board Members present. A quorum shall consist of a majority of the Board Members currently appointed to the Board. Board Members unable to attend a meeting must notify the Board in writing in advance of a meeting when a designated alternate will attend in their place.

Notwithstanding the foregoing or any other provision herein to the contrary, the following actions shall require the approval of two thirds (66.67%) of the full Board of Directors:

- i. condemnation of property for public use;
- ii. proposal of ballot initiatives;
- iii. creating, incurring, assuming, suffering or entering into any debt or indebtedness of any description whatsoever in the aggregate amount in excess of one million dollars;
- iv. the addition of a new jurisdiction; and
- v. the termination of the Authority.

Meetings of the Board shall be open to the public and conducted in accordance with C.R.S. 24-6-401, *et seq.* and as amended from time to time.

(e) Officers. The Board of Directors shall establish an Executive Committee, which will include four officers, Chair, Vice Chair, Secretary and Treasurer, who shall be elected or appointed annually by a majority vote of the full Board of Directors and serve a one-year term and the Secretary or Treasurer need not be a member of the Board. A vacancy in any office may be filled by the Board by a majority vote of the full Board of Directors for the unexpired portion of the term. Any officer may be removed by a majority vote of the Board of Directors whenever, in the Board's judgment, it is in the best interest of the Authority.

1. Duties.

- i. The Chair shall preside at all meetings and execute all legal instruments that have been authorized by the Board, on behalf of the Authority. The Chair shall perform all duties incident to the office of Chair and such other duties as may be established by the Board.
- ii. The Vice Chair shall serve as Chair in the event the Chair is absent or unable to fulfill the duties of Chair and when so acting shall have all the powers of and be subject to all the restrictions upon the Chair. The Vice Chair shall perform such other duties as may be established by the Board.
- iii. The Secretary shall be responsible for the minutes of the Board meetings, assure that all notices are duly given in accordance with the provisions of C.R.S. § 24-6-401, *et seq.* and fulfill other duties as may be established by the Board.
- iv. The Treasurer shall be the financial officer for the Authority and shall oversee the preparation of the Authority's budget, oversee financial transactions, perform all duties incident to the officer of Treasurer,

coordinate with department of revenue regarding the collection of any sales and use tax authorized pursuant to C.R.S. § 29-1-204.5 and fulfill other duties as may be established by the Board. All checks written from an Authority bank account over \$15,000 shall require the signature of the Treasurer and the Chair or Vice Chair.

2. **Salaries and Expenses.** The Board of Directors shall fix the salaries of the officers from time to time and no officer shall be prevented from receiving such salary by reason of the fact that he or she is also a director of the Authority. Each officer shall also be entitled to his or her necessary expenses, including traveling expenses, incurred in the discharge of his or her duties.
- (f) **New Members.** The Board of Directors may approve other jurisdictions to join the multijurisdictional housing authority and redefine the Authority's boundaries to include the jurisdiction through a vote, with at least two thirds (66.67%) of the Board membership voting in approval and approval by the governing body of the prospective new member party and each then-existing party. Notwithstanding the foregoing, any new member joining the Authority shall be a governmental entity that either shares a boundary with Chaffee County or is wholly situated within Chaffee County. The sitting Board will dictate the opting-in jurisdiction's financial contribution to the Authority, based on the same formula that establishes the current Authority's Party's own contribution, and will require a resolution to be passed by the incoming jurisdictions governing body prior to entertaining such requests. If a new member joins the Authority, subject to the membership requirements herein, said new member will be represented by two Board members. The addition of any new member shall correspondingly increase the total number of Board members by two members.
- (g) **Conflict of Interest.** No member of the Board and no any immediate member of the family of any such member shall acquire or have any interest, direct or indirect, in (a) any property or project acquired, held, leased or sold by the Authority; or (b) any entity with whom the Authority has contracted with to plan, finance, construct, reconstruct, repair, maintain, manage or operate any property, project or program related to the Authority. If any Board member has such an interest, whether direct or indirect, he or she shall immediately disclose the same in writing to the Board, and such disclosures shall be entered upon the minutes of the Board. Upon such disclosure, such Board member shall not participate in any action by the Board affecting the project, property, or contract unless the Board determines that, in light of such personal interest, the participation of such member in any such act would not be contrary to the public interest, the affected member shall not vote in the Board's determination of a conflict of interest .

ARTICLE V

Source of Revenue

- (a) **Sources of Revenue.** The possible sources of revenue for the Authority may include, but are not limited to, the following:
1. federal, state, local and private grants;
 2. fees associated with property management and/or deed restriction management;

3. interest on interest-bearing accounts;
 4. proprietary revenue of the parties in accordance with this Agreement;
 5. sales and/or use taxes levied in accordance with this Agreement and other applicable law;
 6. ad valorem taxes levied in accordance with this Agreement and other applicable law;
 7. private donations;
 8. development impact fees imposed in accordance with this Agreement and other applicable law; and
 9. revenue or general obligation bonds issued in accordance with applicable law.
- (b) Prerequisites for All Tax Levies and Impact Fees. The Authority shall not establish or increase any tax unless first submitted to a vote of the registered electors of the Authority in which the tax is proposed to be collected. Moreover, prior to levying any tax on any property within the boundaries of the Authority, the Board of Directors shall:
1. Adopt a resolution determining that the levying of such taxes will fairly distribute the costs of the Authority's activities among the persons and businesses benefited thereby and will not impose an undue burden on any particular group of persons or businesses; and
 2. Obtain the prior written consent of the governing party or parties having jurisdiction over the property on which the taxes are proposed to be levied or imposed.
- (c) Sales and Use Taxes. Any sales or use tax imposed or levied by the Authority on any transactions within the boundaries of the Authority shall not exceed the rate of one percent. Prior to levying any sales or use tax, the Authority shall designate the Treasurer who shall coordinate with the Colorado Department of Revenue regarding the collection, administration, and enforcement of any sales and use tax to be levied in the manner established by C.R.S. § 29-1-204.5, as it may be amended from time to time, and by other applicable law. The Authority shall apply the proceeds of all sales or use taxes solely towards the purposes, functions, or services authorized by this Agreement.
- (d) Ad Valorem Taxes. The Authority may levy an ad valorem tax on all properties within the Authority's boundaries of the Authority at a rate not to exceed five mills on each dollar of valuation for assessment of the taxable property within such boundaries. To levy an ad valorem tax, the Board shall certify to the Chaffee County Board of County Commissioners the levy of ad valorem property taxes in accordance with the schedule prescribed by C.R.S. § 39-5-128, as it may be amended from time to time. Thereafter, Chaffee County shall levy and collect the ad valorem taxes in the manner prescribed by law. All taxes levied under this Section, together with interest thereon and penalties for default in payment thereof, and all costs of collecting them shall constitute, until paid, a perpetual lien on and against the property taxed, and such lien shall be on a parity with the tax lien of other general taxes.
- (e) Development Impact Fees. The Authority shall not impose a development impact fee unless it also imposes a sales or use tax or an ad valorem tax pursuant to this agreement,

or both and in the manner established by C.R.S. § 29-1-204.5, as it may be amended from time to time. No development impact fee imposed by the Authority shall be imposed on the development, construction or permitting of low- or moderate-income housing or affordable employee housing. No impact fee shall be imposed by the authority without the prior written consent of the governing party or parties having jurisdiction over the property on which the impact fees are imposed. Any development impact fee imposed by the Authority shall not exceed the rate of two dollars (\$2.00) per square foot of gross floor area of any building constructed thereon.

- (f) Other Sources of Revenue. The parties may make monetary and in-kind contributions to the Authority. The parties shall enter into a Funding Agreement which shall provide, at a minimum, funding for the Authority for the first three (3) full calendar years after the appointment of the Board. The parties acknowledge that such funding may not be adequate to completely fund the Authority for such years. Funding from each party shall be subject to annual availability and appropriation by the governing body of each jurisdiction.

In addition to the foregoing, the parties may, from time to time, pay the Authority with proprietary revenues or other public funds for services rendered or facilities provided by the Authority, as contributions to defray the cost of any purpose set forth in this Agreement, and/or as advances for any purpose subject to repayment by the Authority.

ARTICLE VI

Powers and Functions

- (a) Powers. The general powers of the Authority include the following:

The use of any power and responsibility listed below shall be at the discretion of the Board of Directors.

1. To plan, finance, acquire, construct, reconstruct, manage, and operate housing for households located within the jurisdiction of the Authority, in particular, low- to moderate-income households;
2. To plan, finance, acquire, construct, reconstruct, manage and operate housing programs for employees of employers located within the jurisdiction of the Authority;
3. To make and enter into contracts with any person, including, without limitation, contracts with state or federal agencies, private enterprises, and nonprofit organizations;
4. To employ agents and employees;
5. To cooperate with state and federal governments concerning the financing of housing projects and programs;
6. To acquire, hold, lease, (as lessor or lessee), sell, or otherwise dispose of any real or personal property, commodity, or service;

7. To condemn property for public use, if such property is not owned by any governmental entity or any public utility and devoted to public use pursuant to state authority; provided, however, that the use of the condemnation by the Authority shall occur with the concurrence of the participating local government jurisdiction where the proposed condemnation action is located;
8. To levy, in all of the area within the boundaries of the Authority, a sales or use tax, or both, upon every transaction or other incident with respect to which a sales or use tax is levied by the state, as more fully described in Article V(c) of this Agreement.
9. To levy, in all of the area within the boundaries of the Authority, an ad valorem tax; provided, however, that the use of taxing authority by the Authority shall occur only with the concurrence of all of the participating local government jurisdictions prior to submission for voter approval, as more fully described in Article V(d) of this Agreement.
10. To incur debts, liabilities, or obligations;
11. To sue and be sued in its own name;
12. To have and use a corporate seal;
13. To fix, maintain, and revise fees, rents, security deposits, and charges for functions, services, or facilities provided by the Authority;
14. To adopt, by resolution, bylaws or regulations respecting the exercise of its powers and the carrying out of its purposes;
15. To exercise any other powers that are essential to the provision of functions, services, or facilities by the Authority and that are specified in this Agreement;
16. To perform any act and things authorized by C.R.S. § 29-1-204.5, as may be amended from time to time, under, through, or by means of an agent or by contracts with any person, firm, or corporation;
17. To issue revenue or general obligation bonds according to state law;
18. To establish, and from time to time increase or decrease, a development impact fee and collect such fee from persons who own property located within the boundaries of the Authority who apply for approval for new residential, commercial, or industrial construction in accordance with applicable ordinances, resolutions, or regulations of any county or municipality as more fully described in Article V(e) of this Agreement. To establish enterprises for the ownership, planning, financing, acquisition, construction, reconstruction or repair, maintenance, management, or operation or any combination of the foregoing, of housing projects or programs as authorized C.R.S. § 29-1-204.5, as may be amended from time to time, and by this section on the same terms as and subject to the same conditions provided in C.R.S. § 43-4-605, as may be amended from time to time.
19. To propose a referred measure to the electorate providing that the Authority is authorized to collect and spend or reserve all revenues of the Authority from existing property and sales or use taxes, non-federal grants and other revenue sources in any given year or in perpetuity to fulfill any of the prescribed purposes of the Authority, notwithstanding any limitation set forth in Article X, Section 20 of the Colorado Constitution.

(b) Functions. The functions, duties, and emphasis for the Housing Authority as listed herein do not necessarily constitute a complete list; the Board of Directors may choose to work in other functional areas supportive of affordable and workforce housing. Likewise, the list is not intended to suggest that all the functions should be a part of the initial strategic administrative plan for the Authority; the type and number of functions will depend upon the direction of the Board of Directors and the capacity of the Housing Authority to engage in particular areas of work.

1. Permanent staff/services, with some work to be contracted;
2. Provide homeownership and rental assistance programs;
3. Administer CDBG and HOME funding, if applicable;
4. Identify properties that can be developed or redeveloped for affordable and/or workforce housing;
5. Issue double tax-exempt bonds for affordable housing;
6. Create public/private partnerships, including but not limited to, assisting private developers and non-profits in packaging deals and group funding for a variety of resources;
7. Conduct housing habitability inspections for Rental Deposit Guarantee Program or other housing programs;
8. Facilitate education regarding Fair Housing Law and other regulations;
9. Implement measures for privately held deed restricted properties, such as: qualifying buyers and renters for affordable units; marketing available properties; setting affordable prices for new and resale properties; setting up and implementing lottery process; answering inquiries about available affordable units; setting maximum initial and resale prices; and keeping a current list of available properties and who to contact.

Article VIII

Status as a Separate Entity and Political Subdivision

The Authority shall be a political subdivision and a public corporation of the state, a governmental authority separate from the parties to the Agreement, and shall be a validly created and existing political subdivision and public corporation of the state, irrespective of whether a party withdraws (whether voluntarily, by operation of law, or otherwise) from such Authority subsequent to its creation under circumstances not resulting in the recession or termination of this Agreement, the Agreement establishing such Authority pursuant to its terms. It shall have the duties, privileges, immunities, rights, liabilities, and disabilities of a public body politic and corporate. The Authority may deposit and invest its moneys in the manner provided in C.R.S. §43-4-616. The bonds, notes and other obligations of the Authority shall not be the debts, liabilities or obligations of the contracting member governmental parties.

ARTICLE IX

Insurance

The Authority shall purchase and maintain at all times an adequate policy of public entity liability insurance, which insurance shall at the minimum provide the amount of coverage described in C.R.S. § 24-10-115(1), including errors and omissions coverage. The Authority may purchase such additional insurance as the Board deems prudent but in the event the Authority hires employees the Authority shall secure and maintain, Workers' Compensation Insurance and Unemployment Insurance as required by applicable law and automobile liability insurance that meets the requirements of C.R.S. § 24-10-115(1). The Authority's employees acting within the scope of their employment shall be indemnified pursuant to C.R.S. § 24-10-110

ARTICLE X

Provisions

- (a) Term. This Agreement shall continue in full force and effect until terminated in accordance with the provisions of subparagraph (c), below.
- (b) Amendment. This Agreement may be modified or amended only by action of the respective governing bodies of all Member Jurisdictions.
- (c) Termination. This Agreement may be rescinded or terminated by the approval of two thirds (66.67%) of the full Board. In the event of the rescission or termination of this Agreement and the dissolution of the Authority, all right, title, and interest of the Authority in General Assets (as hereinafter defined) of the Authority shall be conveyed to the Members who are such at the time of rescission or termination, as tenant-in-common subject to any outstanding liens, mortgages, or other pledges of such General Assets. The interest in the General Assets of the Authority conveyed to each Member shall be that proportion with the total dollar amount paid or contributed by such Member to the Authority for all purposes during the life of the Authority by all such Members during the life of the Authority. The term "General Asset" as used herein shall include all legal and equitable interests in real or personal property, tangible or intangible, of the Authority. Notwithstanding the foregoing, the right of the Board or the parties to terminate this Agreement shall be abrogated if the Authority has bonds, notes or other obligations outstanding at the time of the proposed termination unless provision for full payment of the same has been made by escrow or otherwise.
- (d) Withdrawal. Any Member may withdraw from the Authority, with the written consent and approval of the Member's governing body and with at least two thirds (66.67%) of the Board membership voting in approval, as of the end of any calendar year by giving written notice to the Authority at least 90 days prior to the end of such calendar year, provided that such withdrawing Member shall pay all of its obligations hereunder or any effective funding agreement to the effective date of its withdrawal. If a party withdraws

from the Authority, the said party will lose its representation on the Board and that the total number of Board members shall decrease by the number of the party's Board members. Within 90 days of a party withdrawing, the remaining parties shall review this Agreement, the Funding Agreement and all pertinent agreement between the parties concerning the Authority and re-negotiate, redraft or amend the agreements as necessary to continue the duties and obligations of the Authority.

- (e) Funding Appropriated. Notwithstanding any other term or condition of this Agreement, it is expressly understood and agreed that the obligation of any party for all or any part of the payment obligations herein or effective funding agreement,, whether direct or contingent, shall only extend to payment of monies duly and lawfully appropriated for the purpose of this Agreement by each party's respective governing body. Each party hereby represents to the other that all monies necessary to pay that party's obligations set out herein or effective funding agreement for the project as of the date of execution of this contract have been legally appropriated for the purpose of this Agreement.
- (f) Applicable Law. This Agreement shall be interpreted pursuant to the laws of the State of Colorado. The parties agree to comply with all applicable federal, state, and local statutes, charter provisions, ordinances, rules, regulations, and standards as are in effect at the time this agreement is executed.
- (g) Severability. Should any one or more provisions of this Agreement be determined to be illegal or unenforceable, all other provisions nevertheless shall remain effective; provided, however, the parties shall forthwith enter into good faith negotiations and proceed with due diligence to draft a term that will achieve the original intent of the parties hereunder.
- (h) Venue. Venue for any litigation arising out of any dispute hereunder shall be in the Chaffee County District Court, State of Colorado.
- (i) Headings for Convenience. Headings and titles contained herein are intended for the convenience and reference of the parties only and are not intended to combine, limit, or describe the scope or intent of any provision of this Agreement.
- (j) No Waiver of Governmental Immunity Act. The parties hereto understand and agree that all parties, their commissioners, mayors, city councils, agents, and employees are relying on, and do not waive or intend to waive by any provision in this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, §§ 24-10-101 to 120, C.R.S., or otherwise available to that party.
- (k) Entire Agreement. This Agreement constitutes the entire Agreement of the parties hereto. The parties agree there have been no representations made other than those

contained herein; that this Agreement constitutes their entire Agreement; and further agree that the various promises and covenants contained herein are mutually agreed upon and are in consideration for one another.

- (l) No Third-Party Beneficiaries. The parties to this Agreement do not intend to benefit any person not a party to this Agreement. No person or entity, other than the parties to this Agreement, shall have any right, legal or equitable to enforce any provision of this Agreement.
- (m) Notices. All notices shall be in writing. Notices will be deemed to have been duly given if delivered personally or if mailed via certified mail (return receipt requested and postage prepaid) and confirmed by such certified mail receipt, given by facsimile or e-mail confirmed by receipt, or sent by courier confirmed by receipt, addressed to the party at the address set forth below or at such other address as either party may designate to the other in accordance with this Section. Notices shall be deemed to be given on the date of receipt, except that if delivery is refused, notice shall be deemed given on the fifth (5th) day after it is sent.
- (n) Interpretation. Subject only to the express limitation set forth herein, this Agreement shall be liberally construed (a) to permit the Authority and the parties to exercise all powers that may be exercised by a multijurisdictional housing authority pursuant to Colorado law; (b) to permit the parties hereto to exercise all powers that may be exercised by them with respect to the subject matter of this Agreement and applicable law; and (c) to permit the Board of Directors to exercise all powers that may be exercised by the board of directors of a multijurisdictional housing authority pursuant to Colorado law and by the governing body of a separate legal entity created by contract among the parties pursuant to C.R.S. § 29-1-203.

THEREFORE, IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

CHAFFEE COUNTY, STATE OF COLORADO

[INSERT SIGNATURE BLOCKS HERE]

Exhibit A

The boundaries of the Authority shall not include the area incorporated within the Salida Housing Authority, as shown below.





town of buena vista

P.O. Box 2002
 Buena Vista, CO 81211
 Phone: (719) 395-8643
 Fax: (719) 395-8644

DATE: September 16, 2020

TO: Board of Trustees

FROM: Staff

SUBJECT: Board Proposal to a) provide 'control' of Front Loop Road to the Surf Hotel/the Town Company (South Main) and b) allow a Common Consumption Area in the Town Square Park in exchange for moving the bathroom construction to the spring/summer of 2021.

Background:

There are two items to discuss after reading through this background.

Item 1:

The Surf Hotel operates as a Resort Designation under its liquor license permit. This allows it to serve alcohol in a more disperse setting. During COVID-19, it received permission to extend this permit to the Lawn, South Main's park-like property which houses the stage, north of Town's park. South Main also owns and operates the Beach parcel, where the stage lived in previous years and where a shed serves as a bar during events. This site is planned to be a restaurant and additional event center in the future.

The liquor permitting does not allow for patrons to move from one property to another across a public space while holding an alcoholic drink. Despite the Resort Designation, traveling with alcohol on public roadways is prohibited. The desire is for the town to facilitate how the resort areas can operate as one unit by removing this barrier. South Main would need "control" of the liquor permit to accommodate the desire.

There are two ways of facilitating "control".

- 1) Town vacate the roadway and gift it to South Main, which would be in charge of all maintenance and plowing. The "driveway" would have to operate the same as it is now, with appropriate fire lanes maintained, parking allowances kept, and so forth. Town

would have to be made aware of any events, such as weddings or concerts, that might impact driveway congestion. Vacating the roadway does not resolve the related issue of the public sidewalks. This could be resolved with an encroachment permit or something similar.

- 2) Town keep the roadway and grant a license agreement to South Main that would also need to maintain fire lanes, and so forth, as mentioned in #1, above.

The request was made for #1, above. In exchange for this approach, South Main offered to build out the required bathrooms this coming spring/summer instead of Phase 3. To remind the Board, the South Main Development is in its first phase and the second phase may come before the trustees this fall. Phase 3 would happen after the second phase. The bathrooms would have six total stalls to serve the community. The current requisite bathroom does not give details on size or design. In this scenario, the bathrooms would be maintained by South Main, not Town.

Item 2:

As part of this idea to accelerate the bathroom construction, there is a request to create a Common Consumption Area (CCA) on the Town Square Park, which is the park area south and adjacent to the Lawn. This would require the creation of an Entertainment District. The idea would be that the Eddyline and Black Burro Bikes could both access this area for patrons to go and enjoy drinks while waiting for food, or for other reasons. Other future businesses that affront the park could do so if they were added to the district.

It is unknown the extent that one item would affect the accelerated bathroom or if both would need to be in place for a deal to be reached. However, there are some difficulties with the CCA.

- 1) CCAs can operate only during designated events, which may complicate the desire of having open consumption in the park.
- 2) Eddyline, being separated by a public roadway, could not functionally participate since drinks cannot cross the street. The street would have to be closed to traffic during events, but this is the only officially designated access for the development and cannot be closed given the current status of the subdivision.
- 3) Black Burro also could not functionally participate unless the CCA extended across the driveway to their shop. If the CCA extended to the Black Burro, all traffic would have to be blocked off during events since traffic cannot cross a CCA.
- 4) It would be difficult to manage—ultimately an issue for the participating businesses—but a cup labeled, for example, “Eddyline” could not leave the park area and go into the driveway or the Lawn for music, or the Beach area. Any drink would have to stay in the CCA.

- 5) The state liquor enforcement has competing opinions about the interpretation of the law related to Resort Designations. In one opinion, the Resort Designation cannot participate in a CCA. In another opinion, it can. Town does not have a clear answer currently. If the first holds, then the Surf Hotel could not be part of the CCA. And, in the second situation, the Hotel could participate.
- 6) As a way to avoid these issues above, Town could simply allow alcohol in open containers in that park. However, this alcohol could only be bought in stores that are licensed for retail, such as City Market or Little Daisy. Therefore, no drinks from any of these establishments could enter the park, which is counter to the desire.

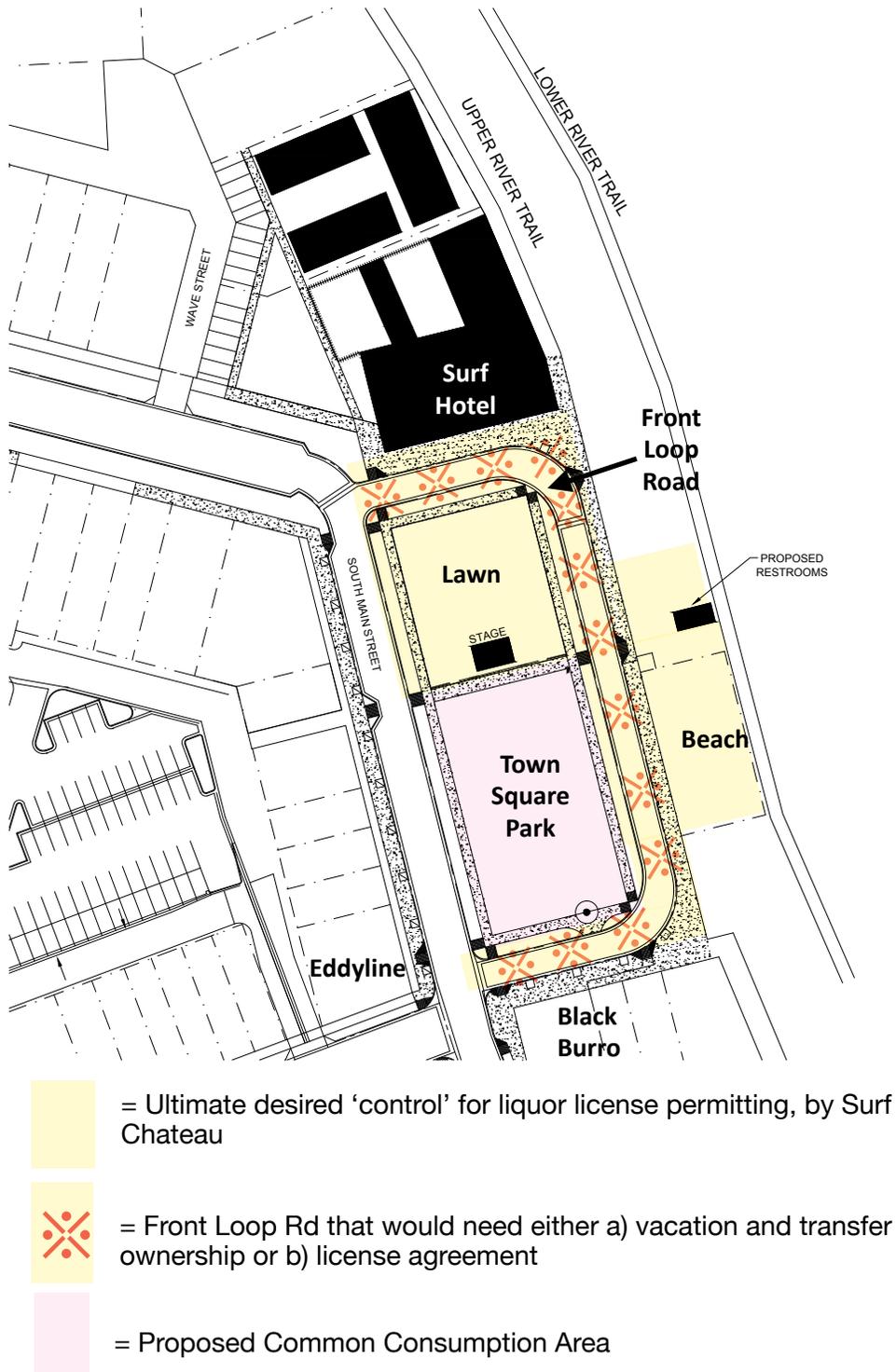
Map:

Please see the map and legend on the following page for reference (Figure 1).

BOT Direction Requested:

1. Please ask questions to staff and the South Main representative.
2. Please seek resolution with the representative as to what would be agreeable to him with regards to #1, #2 and the CCA, and the bathroom construction: the extent of the “offer”, if you will.
3. After discussion and appropriate weighing of options please give direction to staff to:
 - A. pursue either #1 or #2, above. Or provide another option; and,
 - B. pursue the formation of an entertainment district, or not.

Figure 1: Map of South Main - Town Square Park, Front Loop Road



- = Ultimate desired 'control' for liquor license permitting, by Surf Chateau
- = Front Loop Rd that would need either a) vacation and transfer ownership or b) license agreement
- = Proposed Common Consumption Area



town of buena vista

P.O. Box 2002
Buena Vista, CO 81211
Phone: (719) 395-8643
Fax: (719) 395-8644

DATE: September 16, 2020

TO: Board of Trustees

FROM: Staff

SUBJECT: Proposal to obviate the obligation for a roundabout and in exchange remove the Texaco and provide a nominal lease to Town for the Texaco lot for use as a 'parklet'.

Background:

This proposal is fairly straightforward and is brought forward for consideration as a way to accomplish two goals:

- 1) The Texaco building is a tremendous eyesore and Town has been trying to facilitate its removal for nearly two decades. The property could serve as an attractive entryway into downtown with proper architectural design, should a building be built, or with a parklet of some sort. Despite the signs and the awning being removed, the Texaco is still there. **This proposal would remove the Texaco and allow beautification efforts to take place until an architecturally desirable building is constructed by the private sector.**
- 2) The Town Company, LLC (South Main) is responsible for building or paying for a roundabout at the intersection of East Main and South Main as part of the original development agreement. During the years, Town was able to construct a T-intersection, which was appropriate. However, the communication and letter of the agreement with South Main left the question of South Main's obligation outstanding. Namely, Town installed the intersection without a clear approval from South Main, in the opinion of South Main. As a result, South Main has been reluctant to pay for the T-intersection, meaning that Town can still require a roundabout according to the letter of the agreement. The issue has been convoluted over time and due to the unintentional selective memories of those who are still around. **This proposal would nullify the issue going forward.**

Proposal:

- Town would declare that the T-intersection would be 'complete' and the funding from South Main used to mitigate environmental concerns with the Texaco and to remove the building and level the lot would be sufficient for obviating the obligation. An amendment to the South Main PUD agreement would document this completed obligation.
- South Main would remove the Texaco, level the property, and grant Town at least a five-year lease for a nominal annual fee of \$5 with a clause assuring that until a building is built, the lease will continue. Town would be allowed to landscape however it wishes, including an entryway sign or kiosk or whatever Town entryway wants. Town would have architectural review over the building that ultimately goes on the corner some time in the future. Town Attorney Parker will have to weigh in on how such a lease and design review would transfer from owner to owner.

BOT Direction Requested:

1. Please ask questions to staff and the South Main representative.
2. Please provide direction as to whether or not trustees would like to accomplish these goals according to this proposal, or what would need to be included if we were to try and accomplish these goals.



TOWN OF BUENA VISTA

P.O. Box 2002
 Buena Vista, CO 81211
 Phone: (719) 395-8643
 Fax: (719) 395-8644

DATE: September 22, 2020

TO: Board of Trustees

FROM: Grant Bryans, Code Enforcement Officer

AGENDA ITEM: Discussion on Citations dealing with Nuisance Issues

As the job of Code Enforcement has progressed over the last four years, the need to be able to handle nuisance issues in a timelier manner has come up. While our current way of enforcing Town Code has been productive, there is a need for another enforcement tool. Take for example our snow shoveling ordinance (7-14): instead of taking the offender to court for such a minor offense, the Town could issue a citation if the property owner fails to mitigate the violation. The property owner could then pay the citation or go to court to fight the charge. This mechanism gives the officer more teeth with carrying out their duties, and it also serves as a reminder to the offender that the Town does take its rules seriously. The burden of the offense shifts from the Town to the offender in a timelier manner.

The proposed structure does not give the officer unlimited authority for issuing citations. Instead, the officer is limited on what they can cite. We feel this is important as it continues in the spirit of collaboration and compliance which has been working well with most cases. As mentioned, the ability to cite at the time of the offense takes out the burden of the current process for offenses that can be dealt with immediately rather than having to send letters to gain compliance. The proposed structure is as follows:

- Limit citable offenses
 - o 7-2 Nuisance as defined
 - o 7-14 Snow and Ice
 - o 7-15 Unlawful use of trash
 - o 7-73 Weeds and brush duty of owner to cut
 - o 8-42 Parking on private
 - o 8-43 Parking on public
 - o 8-44 Short-term and/or long-term storage of recreational/camping vehicles and utility trailers
 - o 7-201/7-202 Camping on private/public property
- First offense \$50
- Second offense \$100
- Third offense \$150

The intent of this structure is for an offense that may need an extra reminder. This process does not have to be exercised on every case. Some cases require more fees or requests that only a summons to Court can handle. Having this enforcement mechanism allows for the officer to use their discretion in order to fairly and justly serve their duties.

In order to do move in this direction, we need to add some provisions into Chapter 2 Section 99 of the Code, Penalty Assessments. Here we will lay out the sections to be added, and include language illuding to the fees being in the fee schedule passed by the Board. Recently, we took this to the Planning and Zoning Commission, which after discussion, and some questions regarding fees, passed a recommendation that the Board highly consider this question. We are asking that Board give Code Enforcement direction on pursuing this code change.

Board Action

Please ask questions to staff if more clarification is needed.

After discussion, please give direction to staff:

- Continue to pursue implementation of Code Enforcement citation process and bring back an Ordinance to update the Municipal Code.
- Do not pursue, or pursue implementing with other



Town of Buena Vista

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P.O. Box 2002
Buena Vista, CO 81211
Phone: (719) 395-8643
Fax: (719) 395-8644

MEETING DATE: September 22, 2020

TO: Mayor and Board of Trustees

FROM: Allan Smith, Town Engineer

AGENDA ITEM: Resolution #55, Notice of Award 0.277MG Tank Interior Recoating, WBS Coatings, Inc.

Request:

Staff is requesting a Notice of Award to WBS Coatings, Inc. for the interior recoating of the 0.277MG potable water storage tank located in the Ivy League Subdivision on Tee Road.

Overview:

During the 2016 Colorado Department of Public Health and Environment required comprehensive dive inspection of the 0.277MG potable water storage tank, it was identified that damage and corrosion of the interior coating system would need to be evaluated and repaired before the next comprehensive tank inspection in 2021. KLM engineering performed a formal structural evaluation of the tank and the interior coating system in the Fall of 2019. Recommendations were made in their report to sandblast and recoat the interior of the tank. On August 24th, the Town posted an RFP for tank coating services and held a public bid opening on September 10th, 4pm at Town Hall. Bids were opened and read aloud. A copy of the bid tabulation and original RFP is included as an attachment to this memo.

Recommendation:

Public Works Staff recommends a Notice of Award to WBS Coatings, Inc. Public Works staff, after following up on references and reviewing the bids received, feels that WBS Coatings, Inc. was the most responsive bid based on experience, references, the coating product specified, and ability to mobilize quickly.

BOT Action:

Staff request that the board make a motion to approve, approve with amendments or deny.

Bid Submittal Cost:

\$114,550.00

Funding Source:

2019 Town of Buena Vista Adopted Budget, Water Enterprise Fund: \$118,450.

Respectfully Submitted,

Al Smith

Allan Smith, Town of Buena Vista | Town Engineer



Town of Buena Vista (Public Works)

Post Office Box 2002
Buena Vista, Colorado 81211
Phone: (719) 395-6898
Fax: (719) 395-6713

DATE: August 24, 2020

RFP – 0.277MG Welded Steel Tank Interior Recoating

The Town of Buena Vista is pleased to solicit bids for the interior recoating of a 0.277MG potable water storage tank. Details of the RFP are described below:

1. Time and Place of Bidding: Sealed proposals will be received by the Town of Buena Vista, Chaffee County, Colorado (“Owner”) at Buena Vista Town Hall, 210 East Main Street, Buena Vista, CO 81211 on or before 4:00pm MT, September 10, 2020. At this time the proposals will be publicly opened and read.
2. Description of the Work: The proposed work shall consist of the recoating of all interior surfaces of a 0.277MG aboveground welded steel potable water storage tank. Interior surfaces include but are not limited to floor, walls, support columns, structural members, ladders, ceiling, etc. The work shall include all labor, materials, equipment, and product to complete the work. Please include all inclusions and exclusions in the proposal. Dimensions of the storage tank can be found on the cut-sheet provided on the following page.
3. Interior Coating Performance Specification: Please see the provided performance specifications on the following pages. Submittals for “or equal” products will be accepted in accordance with the specifications provided on the following pages.

Please direct any inquiries to Al Smith (asmith@buenavistaco.gov), or Shawn Williams (swilliams@buenavistaco.gov).

Best regards,

A handwritten signature in blue ink that reads "Al Smith".

Al Smith, PE, CWP
Town Engineer
719-395-6898

Attachment: Tank Drawings; Tank Coating Specification

RESOLUTION NO. 55
(Series 2020)

A RESOLUTION OF THE TOWN OF BUENA VISTA ENTERING AN AGREEMENT WITH WBS COATINGS, INC. FOR THE INTERIOR RECOATING OF A 0.277MG POTABLE WATER STORAGE TANK

WHEREAS, WBS Coatings, Inc. provided a proposal to install an interior coating system for the 0.277MG potable water storage tank for the Town of Buena Vista;

WHEREAS, installation of interior coating system to be provided by WBS Coatings, Inc.;

WHEREAS, the Public Works Department recommends accepting the WBS Coatings, Inc. proposal for a not to exceed amount of \$114,550; and

WHEREAS, the Board of Trustees of the Town of Buena Vista has reviewed the recommendation of the Public Works Department and finds and determines that it would be in the best interests of the Town and its residents to enter into a professional service agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, approves this proposal, a copy of which is attached hereto and incorporated herein as Exhibit "A", and approves that the Mayor and/or the Town Administrator are authorized and directed to execute a Contract for the Town of Buena Vista 0.277MG Welded Steel Tank Interior Recoating project with WBS Coatings, Inc. on behalf of the Town.

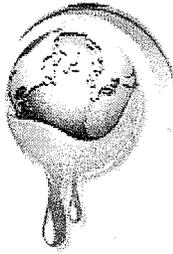
RESOLVED, APPROVED and ADOPTED this 22nd day of September 2020.

TOWN OF BUENA VISTA, COLORADO

BY: _____
Duff Lacy, Mayor

ATTEST:

Paula Barnett, Town Clerk



WBS COATINGS INC.

For All Situations

Bid Date: 8/12/2020

Project: IVY Reservoir Steel Tank, Buena Vista, CO

Scope of Work: Internal surface preparation and coating of 277,000-gallon welded steel water tank

Plan Set: WBS to mobilize on site in Buena Vista, CO. Tank to be drained and prepped by owner. WBS to erect scaffolding inside of tank. All surfaces to be prepped using abrasive blasting to achieve SSPC-SP10, anchor profile of 2.5 mils. WBS to coat surfaces with 1 coat 91-H2O at 2.5-3.5 mils DFT. All surfaces to then be coated with 2 coats of V140 at 5-8 mils DFT per coat.

Base Bid: \$114,550.00

Alternates:

Inclusions: All product, materials, rental equipment, labor.

Exclusions: Third party inspections. Tank vent. Cathodic protection. New manway installation. New ladder. New overflow pipe. Disinfection. Manway gaskets. Flexible joint sealant. Any welding repairs. Any metal re-surfacing. External coatings.

Other remarks: All exclusions can be handled by WBS if desired. Please contact WBS for pricing.

Terms: Net thirty (30) days

Proposal: Valid for thirty (30) days

596 23 ½ Rd. , Grand Junction, CO 85105
P 1-970-245-2856 F 1-970-241-1572
estimating@wbscoatings.com www.wbscoatings.com
Please add WBS Coatings to your bidder's list for future projects

Town of Buena Vista - 0.277 MG Tank Bid Opening

Thursday, September 10, 2020

Sign-In Sheet		
Name	Company	Contact
Al Smith		
Shawn Williams		
Andrew Richardson	Swedish Industrial	()

Bid Tabulation	
Company	Bid Price
WBS Coatings, Inc	\$114,550.00
Swedish Industrial Coatings	\$98,412.00 w/Alt +\$9,000 + \$35,500
Custom Linings	\$179,150.00
National Coating	\$156,155.00
M&M Tank Coatings	\$54,287.00

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town of buena vista

P.O. Box 2002
 Buena Vista, CO 81211
 Phone: (719) 395-8643
 Fax: (719) 395-8644

DATE: September 22, 2020

TO: Board of Trustees

FROM: Staff

SUBJECT: The Gallagher Amendment - Amendment B on Ballot 2020

This is informational. The Section 1 is basic information and will generally match a presentation. Section 2 is more detailed information in case anyone wants to explore further. Staff will be ready to answer basic or more detailed questions.

Section 1 — What Amendment B is asking:

This November, Colorado voters will be asked whether to repeal the Gallagher Amendment. In a quick nutshell, the Gallagher Amendment requires that home values make up no more than 45 percent of the state property tax base, and that nonresidential property makes up the remaining 55 percent. This question on the ballot proposes to:

- Remove the requirement that the statewide property tax base be comprised of a constant ratio of 45 percent residential and 55 percent nonresidential property
 - Repeal the requirement that the residential assessment rate be adjusted based on a mathematical formula to maintain the constant ratio
 - Repeal the requirement that the assessment rate for most nonresidential property be fixed at 29 percent
-
- Gallagher was created in 1982, forwarded by Dennis Gallagher so that local governments could adjust their mill levies up and down to compensate for changes in assessments. At the time, valuations of residential properties were beginning to increase, and therefore taxes.
 - Gallagher limited the amount of property tax on residential properties.
 - It fixed the ratio of residential taxes to nonresidential taxes *within the constitution* so that only 45% of the total property tax base could be 'residential'. (Nonresidential includes: commercial, industrial, agricultural, vacant land)
 - In 1982, this was the actual ratio. Now, residential valuations have increased dramatically as a proportion to nonresidential values.
 - When TABOR was approved in 1992, the decisions to increase the taxes were put in the hands of the voters.

Section 2 — Additional Background for Further Exploration:

How do TABOR and Gallagher work together to make this situation cause for Amendment B?

Property tax is based on the value of a property, a tax rate, and a mill levy. Property tax doesn't go to the State. It goes to other places, as follows:

~50% to k-12 schools	~5% to municipalities
~24% to counties	~1% to junior colleges.
~19% to special districts	

Before Gallagher, residential taxation was about 30%. All nonresidential are fixed at 29%. Residential can fluctuate.

Because of TABOR, residential rates can only fluctuate downward. Once rates go down, they cannot go back up unless the people vote to approve it. Currently, the property tax rate is 7.15%

So, if property valuation increases, the total from which to calculate the residential to nonresidential ratio increases. Still, residential can only be 45% of the total. As values of housing go up, the ratio stays, meaning the residential contributes a smaller dollar amount. What results is that there is less taxes that are able to be collected. What does that mean? There is less money to contribute to the Property Tax Funding pie (schools, counties, and so forth)

Math Section Part 1:

Figure 1 shows how a typical property valued at \$300,000 is taxed currently in Buena Vista.

Figure 1: Taxation example using current BV mill levy.					
Property	Fair Market Value	Tax rate	Assessed Value	Mill Levy	Total Tax Collected
Residential	\$300,000	7.15%	\$21,450	59.2	\$1,269.84
Nonresidential	\$300,000	29%	\$87,000	59.2	\$5,150.40
Total					\$6,420.24

The formula for how local property taxes are calculated generally works like this:

- Take the fair market value multiplied by the assessment rate to find the assessed value of a property. Residential are taxed today at 7.15%. All nonresidential are taxed at 29%.
- Then, multiply the assessed value by your local mill levy and divide by 1,000. Homeowners are charged 1 mill in taxes for each \$1,000 in assessed value.

Now, let's look at what happens when valuation changes. Property taxes are reassessed periodically. This will happen again in 2021.

The estimate is that residential valuations will continue the trend upward, (rise 3% in 2021) despite the pandemic. Residential properties are statistically taking longer to sell, but the values are still increasing. However, nonresidential properties are predicted to lose value (drop 10% in 2021). Presently, residential properties make up 80% of the total valuation in the state (much more than the 45% in 1982).

The total valuation of all properties is expected go up, including the residential contribution while the nonresidential contribution decreases. Since the ratio is fixed in the constitution, only 45% of the total valuation can be from residential. So, in order to maintain the proportion, residential tax rates have to decrease. The anticipated rate after reassessing property values in 2021 is about 5.85%.

Math Section Part 2:

Recall that the assessed value of a property is multiplied by the taxation rate. Let's say the assessed value goes up or down for residential and nonresidential, respectively. Residential are expected to be taxed at about 5.85%. All nonresidential are still taxed at 29%. (Figure 2)

Figure 2: Taxation example after expected changes in valuation, using BV mill levy.

Property	Fair Market Value	Tax rate	Assessed Value	Mill Levy	Total Tax Collected
Residential	\$309,000	5.85%	\$18,077	59.2	\$1,070.13
Nonresidential	\$270,000	29%	\$78,300	59.2	\$4,635.36
Total					\$5,705.49

In this situation both property types are paying fewer taxes: residential because the tax rate dropped and nonresidential because the value dropped. The total tax collected for schools, the county, and so forth also dropped. You can see that residential properties will be taxed at reduced amounts.

When adjusted throughout the state to take into account *total valuation* instead of county to county, it is estimated that Chaffee County will receive 10% less revenue from property taxes next year, which amounts to about 20% of its general funds, or 9% of its total budget. It would be about \$60,000 in reduced revenues for Buena Vista.

And remember, even if the values of residential properties were to go down for some reason and nonresidential to go up, the tax rate of residential cannot increase because of TABOR.

Have people saved on taxes?

Yes, since the Gallagher Amendment took effect, there have been about \$35B in cumulative tax cuts. However, this equates to less revenue to schools and the counties. Would taxes go up if Amendment B passes? No, because of TABOR. Can the state change the tax rate of nonresidential? There may be some flexibility with this, which could affect the overall tax revenue; Colorado Counties, Inc (the CML for counties) is concerned about this potential.

Other info:

The State is also mandated (via Amendment 23) to backfill the funding gap for schools. There is a small slice of the State budget available for discretionary expenses, meaning that the State has to pull from its other destinations to fill the gap for the schools.

Solutions to the growing revenue gap for the school and counties?

Reduce budgets, increased property values, increase mills. What does an increase in mills do? Increases taxes for everyone, but particularly heavier on nonresidential properties. For example, a 10 mill increase in today's tax rate (Figure 3):

Figure 3: Taxation example with a mill levy increase of 10 mills, using today's tax rate in BV.

Property	Fair Market Value	Tax rate	Assessed Value	Mill Levy	Total Tax Collected
Residential	\$300,000	7.15%	\$21,450	69.2	\$1,484.34
Nonresidential	\$300,000	29%	\$87,000	69.2	\$6,020.40
Total					\$7,504.74

By comparing Figures 1 and 3, you can see that the residential property will be paying about \$200 more per year while the nonresidential property will be paying about \$900 per year more. The difference between the two properties is about \$4,500.

Links to Additional Information:

[Ballot Measure synopsis and pros/cons](#)

[Colorado Sun article, September 15, 2020](#)

[Building a Better Colorado Video](#)

[Understanding Gallagher, by BBCO](#)

[Breakdown of Property Tax in Chaffee \(most of BV is district "03"\)](#)



**AGENDA
FOR THE BOARD OF TRUSTEES
OF THE TOWN OF BUENA VISTA, COLORADO
October 13, 2020**

**Work Session at 6:00 PM – Update on the Buena Vista Safety Core Committee
Wold Architects and Engineers**

**Virtual Regular Meeting at 7:00 PM
(Meeting will not be held at the at the Buena Vista Community Center)**

To participate in Public Comment and/or Public Hearings you must connect to the video conference.

**Conferencing Access Information: Password:
Listen via phone at 1-301-715-8592 Meeting ID: Password:**

**THE BOARD OF TRUSTEES MAY TAKE ACTION ON ANY OF THE FOLLOWING AGENDA
ITEMS AS PRESENTED OR MODIFIED PRIOR TO OR DURING THE MEETING, AND
ITEMS NECESSARY TO EFFECTUATE THE AGENDA ITEMS**

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. AGENDA ADOPTION

The Board approves the agenda at the start of the meeting including modifications.

V. 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 – September 22, 2020
- 2.
- 3.
- 4.

B. Police Chief Report

C. Fire Chief Report

VI. PUBLIC COMMENT

*Citizen participation where the public can sign up prior to the start of the meeting in order to speak up to 3 minutes for matters not on the agenda or for agenda items not scheduled for Public Hearing. Enter your name, address, and subject to be discussed in the Zoom Chat box, or when Mayor Lacy asks for Public Comment, select the More button, click Participants, and raise your hand. By phone press *9 to raise your hand and *6 to mute/unmute your phone, or you may email the information to bvclerk@buenavistaco.gov. Neither Town Board nor Town staff should be expected to respond to matters raised in the Public Comment segment of Board meetings. Nevertheless, Board members will always retain the right to ask questions of the speaker and to respond then or at a later time to remarks made by any citizen.*

VII. STAFF REPORTS

1. Town Administrator
2. Town Treasurer
3. Recreation Director
4. Public Works Director

This Agenda may be Amended

Posted at Buena Vista Town Hall, Post Office, and www.buenavistaco.gov on Friday, October 9, 2020

5. Airport Manager

VIII. BUSINESS ITEMS

A. Public Hearing -

B. Update from the Beautification Advisory Board

(Estimated time - xx minutes)

C.

(Estimated time - xx minutes)

D.

(Estimated time - xx minutes)

E. Public Hearing – 2021 Budget Presentation

Town Treasurer Michelle Stoke will present the 2021 preliminary budget to the Board, and set the dates for budget public hearings. (Estimated time - xx minutes)

IX. TRUSTEE/STAFF INTERACTION

The Board discusses items with staff and staff can bring up matters not on the agenda.

X. EXECUTIVE SESSION

XI. ADJOURNMENT

DRAFT