



**MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES
Pinon Room, Community Center 715 E. Main Street
Tuesday, January 14, 2020**

MINUTES OF THE MEETINGS OF THE BOARD OF TRUSTEES ARE A TRANSCRIPT OF THE GOVERNING BODY'S ACTIONS RATHER THAN A VERBATIM RECORD OF DELIBERATIONS.

Work Session – 6:00 pm - Discussion regarding Recreational Vehicles (RVs) and camping uses in the Town of Buena Vista

In attendance for the Work Session were Mayor Lacy, Trustees Lawanna Best, Libby Fay, Mark Jenkins, Cindie Swisher, and David Volpe. Also present were Town Administrator Phillip Puckett, Code Enforcement Officer Grant Bryans, Principal Planner Mark Doering, and Town Clerk Paula Barnett.

Town Administrator Phillip Puckett and Code Enforcement Officer Grant Bryans reviewed with the Board that the intent of the work session is to follow up with the discussions held in 2019, and to get Trustees' feedback on Staff's preliminary recommendations on how best to comprehensively address RV and Camping use in Town limits.

Bryans reviewed that a multi-tiered process may be the best way to approach the overall use of RVs and camping in Town since one specific code cannot address the different types of uses, while adhering to the intent of the code. The proposals are not intended to stop camping, but to help guide the different types of uses in the future so they do not become a nuisance.

Bryans recommended that transient camping be addressed by increasing enforcement in known problem areas, improving signage to help with awareness, directing transient campers to local camp grounds or public lands where camping is allowed, and citing violators when necessary.

Bryans reviewed Staff's recommendation for seasonal camping, which is to make the use legal. This will necessitate changing the zoning requirements in the Unified Development Code to allow seasonal camping in the Industrial Zone (I), with a temporary use permit (TUP). With this change, staff can ensure that any camping in this district takes place within a framework of safeguards that protect the surrounding areas from any nuisances. Individuals in charge of seasonal camping areas will be required to have screening in place, to address potential impacts

to water and sanitation, to establish firm start and stop dates, and to provide a point of contact to Town staff. Staff is also recommending seasonal camping only be allowed on the same or abutting parcel as the main commercial property to ensure that parcels in the industrial zone do not become a campsite.

Bryans reviewed Special Event camping would allow for camping on public property through a permit process with safeguards in place that would hold the event(s) to a standard that would mitigate impacts to programming and infrastructure. The permitting process would have setback requirements from neighboring properties, limit the number of permits issued per event, limit the number of days camping is allowed per event, and allow for consideration of impacts to the neighborhood prior to issuance of the permit.

Bryans reviewed with the Trustees that staff is not looking at banning RV camping or making it difficult for private property owners to enjoy the use of their property. He stated that RVs have value to the community, but are responsible for the majority of nuisance violations. Bryans recommended adding a permit process for RV camping on private property. The intent of the permit would be to establish an easy application process with minimal impacts to the property owner, and to provide Staff with a way to inspect and monitor the use. A time frame limiting the duration during which a RV can be occupied will allow citizens and their guests to enjoy the use of their RV while ensuring that no RV will be used as a full-time residence. Bryans is proposing to change the limit on days a RV can be used for camping from 14 days within a 60 day timeframe, to 21 days per calendar quarter. To address the need to allow "kids to camp in the backyard," residents of a property can camp on the property without a permit. Bryans stated there would not be a fee for the permits, and the Board suggested a nominal fee should be considered to compensate for staff time.

Bryans stated the permit process addresses the use of RVs, but does not define truly the storage of the RV. Recreational vehicles that are stored in a manner that appears to be occupied with its pop outs deployed, and/or having the RV plugged in gives the appearance of it being occupied which presents a unique challenge to enforcing Town Code.

Staff will work with the Town Attorney to draft ordinances to reflect the procedures discussed for the Trustees to review and approve.

A regular meeting of the Board of Trustees was called to order by Mayor Duff Lacy, at 7:00 pm, Tuesday, January 14, 2020 at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado having previously been noticed in accordance with the Colorado Open Meetings Law.

ROLL CALL

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

Town Staff Present:

Town Administrator Phillip Puckett
Treasurer Michelle Stoke
Police Chief Jimmy Tidwell
Recreation Director Earl Richmond
Code Enforcement Officer Grant Bryans

Town Attorney Jeff Parker
Principal Planner Mark Doering
Fire Chief Dixon Villers
Public Works Direct Shawn Williams
Town Clerk Paula Barnett

PLEDGE OF ALLEGIANCE

Mayor Lacy led the pledge of allegiance.

PROCLAMATION

Mayor Lacy read the Proclamation declaring the week of February 3rd – February 7th as Youth Appreciation Week.

AGENDA ADOPTION

MOTION NO. 1:

MOVE TO APPROVE THE AGENDA.

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

CONSENT AGENDA

Approval of matters that are routine in nature that require review and/or approval, i.e. minutes and reports. (Professional Service Agreements (PSA) that exceed \$25,000.00 require the Consent Agenda to be approved by a Roll Call vote)

A. Minutes

1. BoT Regular Meeting – December 10, 2019
2. Recreation Advisory Board Minutes – November 13, 2019
3. Recreation Advisory Board Minutes – December 11, 2019
4. Historic Preservation Commission Minutes – August 7, 2019
5. Historic Preservation Commission Minutes – September 26, 2019
6. Historic Preservation Commission Minutes – October 24, 2019
7. Historic Preservation Commission Minutes – December 5, 2019
8. Planning & Zoning Commission Minutes – December 4, 2019
9. Tree Advisory Board Minutes – November 7, 2019

B. Tree Advisory Board 2020 Work Plan

C. Police Chief Report

D. Fire Chief Report

E. Town Clerk Report – November 2019

F. Adoption of Resolution No. 01, Series 2020 entitled “A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, DESIGNATING THE PLACE FOR THE POSTING OF NOTICES CONCERNING THE MEETINGS OF THE BOARD OF TRUSTEES, THE PLANNING AND ZONING COMMISSION, AND THE TOWN ADVISORY BOARDS.”

G. Adoption of Resolution No. 02, Series 2020 entitled “A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO REAFFIRMING THOSE PERSONS WHO ARE AUTHORIZED TO SIGN ON TOWN BANK ACCOUNTS.”

H. Adoption of Resolution No. 03, Series 2020 entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, SETTING THE TERMS FOR APPOINTED MEMBERS OF THE TOWN OF BUENA VISTA TRAILS ADVISORY BOARD, RE- APPOINTING PAT McCARTHY, LOIS WALTON, AND ALEXANDER WARE AS REGULAR VOTING MEMBERS OF THE TRAILS ADVISORY BOARD.”

I. Adoption of Resolution No. 04, Series 2020 entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, SETTING THE COMMENCEMENT OF TERMS FOR APPOINTED MEMBERS OF THE TOWN OF BUENA VISTA HISTORIC PRESERVATION COMMISSION, APPOINTING SUZY KELLY, MELANIE ROTH, VIC KUKLIN AND DAN COURTRIGHT AS REGULAR MEMBERS, AND JO REESE AS AN ALTERNATE MEMBER OF HISTORIC PRESERVATION COMMISSION.”

- J. Adoption of Resolution No. 05, Series 2020 entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, RE-APPOINTING JOY DUPREY AND JENNIFER WRIGHT AS REGULAR VOTING MEMBERS OF THE BEAUTIFICATION ADVISORY BOARD.”
- K. Adoption of Resolution No. 06, Series 2020 entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPOINTING CRAIG BROWN AS A REGULAR VOTING MEMBER OF THE PLANNING AND ZONING COMMISSION.”

Trustee Swisher stated she would like to continue to have all agendas posted at the Post Office, and thanked the community members who volunteer to serve on the Town Advisory Boards and Commissions.

MOTION NO. 2:

MOVE TO APPROVE THE CONSENT AGENDA, AMENDING RESOLUTION NO. 1 TO INCLUDE AGENDAS BE POSTED AT THE POST OFFICE.

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

PUBLIC COMMENT

Rebecca Hinds, 208 S. Pleasant Avenue, Buena Vista, stated that in full disclosure, she is a member of Chaffee Housing Trust, and that she is not speaking on their behalf, but as a resident of Buena Vista. Hinds expressed with the growth that is occurring in town and the number of short-term rental properties versus long-term rental properties, she is concerned that the sense of community, and strong, friendly neighborhoods will be lost. Hinds would like to request the Trustees have a work session to explore options to limit the number of short-term rentals within the town limits.

Pam Kelly, 16903 County Road 325, Buena Vista, gave the Trustees an update on the Buena Vista Community Ice Rink which included plans for building a natural ice rink on the sand volleyball court, and in the future pouring a large cement pad that would be used as an ice rink in the winter, and a multiple purpose outdoor location during summer.

BUSINESS ITEMS

Public Hearing – Consider approving the issuance of a Hotel & Restaurant Liquor License to The Dish and the Spoon, Inc. dba Spark Provisions.

Town Clerk Paula Barnett reviewed with the Board that on November 15, 2019, The Dish and the Spoon, Inc. dba Spark Provisions, 410 E. Main Street, Buena Vista, managing members Justine Witherspoon and Seth Witherspoon, 30570 Overlook Run, Buena Vista, submitted an application for a Hotel & Restaurant Liquor License with concurrent review by the Colorado Department of Revenue Liquor Enforcement.

Spark Provisions will be an events center/meeting site that will provide catering services and liquor. The Witherspoons will also offer themed specialty dinners, and a membership based program which provides freshly prepared meals To Go. A kitchen trailer will be located on the property within the next 90 days, and the unit is required to meet all Chaffee County Building Department and Environmental Health Department's codes and to pass final inspections.

The appropriate fees have been paid, and the application was set for public hearing on January 14, 2020, with notice of the hearing published in the Chaffee County Times on December 26, 2019, and posted on the property on December 19, 2019. Backgrounds checks were submitted for Justine Witherspoon and Seth Witherspoon, and satisfactory results were received from Colorado Bureau of Investigation and Federal Bureau of Investigation.

The building plans and specifications are a true representation of the facilities, and the premises comply with applicable zoning, building, health, and fire regulations. The Fire Chief, Police Chief, Principal Planner, and Code Enforcement Officer have given their approval for the license. Wano Urbonas, Chaffee County Environmental Health Specialist/Manager, has given his approval for Spark Provisions to perform limited food operations until the kitchen trailer is complete.

Proof of possession of the premises has been provided. A Needs and Desires of the Neighborhood petition was circulated and the required number of signatures was obtained. This liquor license and its relation to the location of the building is in compliance with Ordinance #5, Series 2006 which reduced the distance restriction found in C.R.S. §44-3-313(11)(e) from the Avery Parsons Elementary School and Chaffee County High School for Hotel & Restaurant Licenses from 500 feet to 150 feet.

Barnett stated the application is complete and meets Colorado Department of Revenue Liquor Code requirements, and recommended the Trustees approve the Hotel & Restaurant Liquor License application for The Dish and the Spoon, Inc., dba Spark Provisions, managing members Justine and Seth Witherspoon.

Justine Witherspoon reviewed with the Trustees that Spark Provisions is small private events location that will provide catering, themed dinners, and a membership based program which will provide freshly prepared meals To Go. Due to the size of the building, which has an occupancy limit of 50 people, a tent will be set up to provide additional seating.

No Public Comment was received.

MOTION NO. 3:

MOVE TO APPROVE THE ISSUANCE OF A HOTEL & RESTAURANT LIQUOR LICENSE TO THE DISH AND THE SPOON, INC. DBA SPARK PROVISIONS.

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

End-of-year update on building activity in Chaffee County

Dan Swallow, Director of Development Services, Chaffee County Building Department reviewed with the Trustees that 2019 was another year of record setting permit activity throughout the county in terms of the number of single family dwelling (SFD) permits issued, and it was also another record setting year in terms of the total number of permits issued. In 2019 the County issued 294 SFD permits breaking the previous record of 283. Additionally, the County issued 3,756 permits countywide which broke the previous all-time record of 3,410 permits set in 2016, and 2019 was another year of sustained growth in permit activity for Buena Vista as well.

Swallow reviewed with the Board the number of single family dwelling permits issued, and the number of permits countywide and by municipality the past nine years.

	Single Family Dwelling Permits				
	<i>County:</i>	<i>Salida:</i>	<i>Buena Vista:</i>	<i>Poncha Springs:</i>	<i>Total:</i>
2019	128	36	79	51	294
2018	127	77	57	22	283
2017	109	61	18	39	227
2016	119	75	24	43	261
2015	88	42	12	15	157
2014	64	30	13	7	114
2013	61	24	11	3	99
2012	54	22	9	6	91
2011	46	6	9	2	63
2010	76	1	12	2	91

Total Number of Permits Issued:

	<i>County:</i>	<i>Salida:</i>	<i>Buena Vista:</i>	<i>Pancho Springs:</i>	<i>Total:</i>	<i>% increase over prior year</i>
2019	1785	1034	560	377	3756	15.18%
2018	1618	929	526	188	3261	9.76%
2017	1482	899	390	200	2971	(12.87%)
2016	1831	1059	306	214	3410	28.68%
2015	1414	840	229	167	2650	17.46%
2014	1256	678	238	84	2256	28.91%
2013	936	570	180	64	1750	1.04%
2012	1053	459	170	50	1732	3.77%
2011	1034	399	190	46	1669	18.12%
2010	900	333	149	31	1413	

165.82% increase since 2010

Swallow reviewed with the Trustees that Phase 1- Building A of the Buena Vista School project is completed with the exception of exterior site work. The County has given permission to occupy the building and demolition for Phase 2 will begin this month followed by the construction of Building Area B.

Swallow updated the Board on county staffing and certifications, and that he and his team have been working with Mark Doering and Joel Benson on the Planning Intergovernmental Agreement (IGA).

Browns Canyon National Monument

Town Administrator Puckett requested the Trustees to allow Reed Dils, Board President of Friends of Browns Canyon to speak regarding his request for a Letter of Support from the Board for the Browns Canyon National Monument Management Plan.

Dils reviewed the public comment period for the Browns Canyon National Monument Draft Resource Management Plan ended January 2nd although Town comments can still be made this month. Dils reviewed the letter of support should identify three priority issues which are:

1. The agencies should balance access for recreation with conservation of national monument resources, objects, and values.
2. The agencies should prioritize protection of the monument's sensitive wildlife.
3. The agencies should manage for increased recreation, ensuring access is available and sustainable.

The Board will discuss authorizing the Mayor to sign the letter of support during Trustee/Staff Interaction.

Public Parking Update

Puckett reviewed with the Board that over the past few years there has been an increase in the number of people parking downtown due to the greater number of visitors, growth in local population, and new/additional uses in the area (events, hotels, bars, and other businesses), and that this trend is expected to continue in 2020 and the future.

Puckett stated at the end of 2019 the Public Works team put a new seal coat and striping pattern on the leased railroad right-of-way parking lots which added 15 additional spots and improves the traffic flow. Public Works will also be designating the (4) 15 minute parking spots and placing new signs in January.

Puckett reviewed Staff is exploring a License Agreement with the Buena Vista School District to use their parking lot directly north of the School District administrative building. Town would utilize this parking lot during peak summer (end of May through early September). With proper signage from Main Street, this lot would accommodate overflow parking which would help with events and regular summer traffic. The license fee Town would pay the School each year would come out of the revenue collected from patio encroachments and fees in lieu of parking.

Puckett stated Staff is also exploring allowing overnight parking on the north lot in the railroad right-of-way, thereby adding some formal overnight parking which will help with the increase in overnight uses (hotels, bars, late night entertainment). Staff would determine proper signage for the area, and establish enforcement procedures to prevent this area from being used for camping.

Staff has also been in discussions with the Farmers Market about their potential use of the north lot for their events in 2020. Staff would need to plan this out to minimize impacts from people parking in the area, and signage would be important.

Mayor Lacy commented that people are already parking in the lot by the school administration building and asked why Town should pay for something that is already being used. Puckett stated it would be intentional use versus accidental use, and with signage more people will use the lot. Mayor Lacy also expressed concern with the quality of the surface of the parking lot, and stated that it should be maintained by the school district if Town is paying a fee for the use.

Trustee Nyberg suggested also discussing with the school using the parking lot that is north of the lot that is being considered.

Staff will continue to pursue the License Agreement with the Buena Vista School District.

Amendment to the 2020 Budget

Treasurer Stoke stated that a request is being made to correct a calculation on the totals of the 2020 Budget. The entry appeared on the spreadsheet but did not calculate into the summation box, which was not expanded to include the new line.

MOTION NO. 4:

MOVE TO APPROVE RESOLUTION NO. 7 AMENDING THE 2020 BUDGET AND APPROPRIATING FUNDS.

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

STAFF REPORTS

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

Puckett discussed with the Trustees scheduling a joint meeting with the Buena Vista Sanitation Board. The Trustees agreed they prefer to meet in late April or May.

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

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

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

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

TRUSTEE/STAFF INTERACTION

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

Trustee Swisher shared several people have contacted her regarding the lack of snow removal, and mentioned two houses that may be in violation of ordinances related to maintaining

property. Puckett reviewed with the Board that when they are contacted by residents regarding maintenance of streets, parks, or code enforcement, to have the parties contact Town Hall or Public Works and they will be directed to the appropriate department.

Trustee Jenkins stated the upcoming Work Session reviewing the Architectural Guidelines should include members from the Historic Preservation Commission, and Planning and Zoning Commission.

Puckett discussed with the Board changing the order of agenda items when there is not a Public Hearing or presenters, to move Staff Reports after Public Comment. The Board was in agreement with this change.

Puckett reviewed with the Trustees that the Municipal Judge is appointed by the Board in April of even numbered years, and in 2019 the Board gave him direction to prepare a Request for Proposal to determine interest level in the Municipal Buena Vista judge position. Puckett will also send a RFP to Judge Reynolds, the current judge for the Town. Trustee Jenkins will serve on the interview panel.

MOTION NO. 5:

MOVE TO AUTHORIZE MAYOR LACY TO SIGN THE LETTER OF SUPPORT FOR THE BROWNS CANYON NATIONAL MONUMENT DRAFT RESOURCE MANAGEMENT PLAN.

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

Puckett reviewed with the Board Paws for Leos will be hosting an event on February 1st to introduce members of the community to the dogs. Puckett would like Marianne Maes to meet with the Board to discuss the program, how they want to work with the Town, and their possible use of the Town logo.

The Board discussed and agreed to hold a work session related to short term rentals.

EXECUTIVE SESSION

“An executive session to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b), concerning *Lipton v. Buena Vista, et al.*, U.S. District Court Case No. 19-cv-01587-KLM.”

MOTION NO. 6:

MOVE TO GO INTO EXECUTIVE SESSION.

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

The Board took a 10 minute recess.

The Board went into Executive Session at 9:13 pm. Present for the Executive Session were Mayor Duff Lacy, Trustees Lawanna Best, Libby Fay, Mark Jenkins, Norm Nyberg, Cindie Swisher, and David Volpe, as well as Town Administrator Phillip Puckett, and Town Attorney Jeff Parker.

MOTION NO. 7:

MOVE TO ADJOURN FROM EXECUTIVE SESSION AT 9:33 PM.

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

Mayor Lacy announced that he and Trustees Best, Fay, Swisher, Jenkins, Nyberg, and Volpe, the Town Administrator, and the Town Attorney 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 9:34 PM.

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

Respectfully submitted:



Paula Barnett, Town Clerk

BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA
Regular Meeting

