



**MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES  
VIRTUAL REGULAR MEETING  
TUESDAY, June 23, 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 – Buena Vista Police Department – Review of the Department Standard Operating Procedures**

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 Town Administrator Phillip Puckett, Police Chief Jimmy Tidwell, Sergeant Dean Morgan, Town Attorney Kathryn Sellars, Special Projects Manager Joel Benson, Town Treasurer Michelle Stoke, Principal Planner Mark Doering, Public Works Director Shawn Williams, and Town Clerk Paula Barnett.

Town Administrator Phillip Puckett reviewed with the Trustees that at the June 9<sup>th</sup> meeting the Board discussed having Mayor Lacy sign the Mayor's Pledge related to police use of force, and requested a Work Session with Chief Tidwell and Sergeant Morgan to discuss and review the Police Department's Standard Operating Procedures (SOPs) and training/recertification requirements.

Chief Tidwell shared with the Board the department has been using body cameras for several years, and the cameras are utilized anytime an officer has contact with the public. Chief Tidwell also stated that the officer does not determine the level of use of force, but rather the situation and the contact governs how the officer handles the call. The goal of the department and the officers is not to have to use force.

The Trustees, Chief Tidwell, and Sergeant Morgan, discussed current and future training needs of the department, and aspects and concerns related to the Law Enforcement Integrity Bill SB20-217.

Puckett stated that Staff and the Legal team will be reviewing the senate bill, with a focus on additional training programs and costs associated with those requirements, liability to the Town and taxpayers, and the continued provision of an excellent level of service and safety to the community.

The Mayor and Trustees thanked Chief Tidwell and Sergeant Morgan for their dedication to the Town, residents and visitors.

A virtual regular meeting of the Board of Trustees was called to order by Mayor Duff Lacy, at 7:00 pm, Tuesday, June 23, 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  
 Public Works Director Shawn Williams  
 Special Projects Manager Joel Benson

Town Attorney Kathryn Sellars  
 Town Treasurer Michelle Stoke  
 Airport Manager Jack Wyles  
 Town Clerk Paula Barnett

**PLEDGE OF ALLEGIANCE**

Mayor Lacy led the pledge of allegiance.

Town Administrator Phillip Puckett requested the addition of a second 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), particularly regarding Town water rights.

**AGENDA ADOPTION**

**MOTION NO. 1:**

MOVE TO APPROVE THE AGENDA AS AMENDED.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Fay
<b>SECONDER:</b>	Trustee Eckstein
<b>AYES:</b>	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 – June 9, 2020
2. Recreation Advisory Board Minutes – May 6, 2020

3. Airport Advisory Board Minutes – May 19, 2020

**B. Town Clerk Report**

**C. Adoption of Resolution No. 36, Series 2020 entitled “A RESOLUTION EXTENDING THE DECLARATION OF A LOCAL DISASTER EMERGENCY IN AND FOR THE TOWN OF BUENA VISTA, COLORADO THROUGH JULY 31, 2020.”**

*Approve extending the Order declaring a local disaster emergency.*

**MOTION NO. 2:**

MOVE TO APPROVE THE CONSENT AGENDA.

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

**PUBLIC COMMENT**

No Public Comment was received.

**STAFF REPORTS**

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

Given recent changes allowing for a greater number of people to gather in social/meeting settings, Puckett asked whether the Board would want to consider holding public Trustee meetings at the Community Center, and continue utilizing Zoom as well, providing the public the option to attend in-person or virtually. Puckett stated a decision can be made during Trustee/Staff Interaction.

2. Town Treasurer – Highlights of the report in the packet were reviewed and Stoke responded to Trustee comments and questions.
3. Principal Planner – Highlights of the report in the packet were reviewed and Doering responded to Trustee comments and questions.

Doering reviewed with the Board there are several properties in town that are moving forward to provide housing for multiple individuals/families similar to a boarding house. Currently there is not a definition in the municipal code that defines this type of use. Doering asked if the Board would like to add it to the code, and the Board agreed to the addition.

Doering reviewed with the Board that the Colorado Department of Transportation (CDOT) is offering municipalities up to \$50,000.00 (10% required match) in Revitalizing Main Streets Grant funds for projects that safely improve the economy and enhance healthy activities. Doering stated Staff would like to proceed forward in the grant application process, and to utilize the funds to install sidewalk on the west side of Highway 24 from Rally Liquor to

Shop & Save. The Board agreed to have Staff submit a grant application which will require Mayor Lacy's signature.

**MOTION NO. 3:**

MOVE TO APPROVE MAYOR LACY SIGN THE REVITALIZING MAIN STREET GRANT APPLICATION.

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

**BUSINESS ITEMS**

**Public Hearing – Transfer of Lodging and Entertainment Liquor License from Buena Vista Adventure Center LLC dba Adventure Hub to Black Burro Bikes LLC dba Black Burro Bikes**

Town Clerk Paula Barnett reviewed with the Board that Lindsey Lighthizer and Matthew Wells, managers of Black Burro Bikes submitted an application on May 13, 2020 for the Transfer of Ownership of the Lodging and Entertainment Liquor License issued to Buena Vista Adventure Center LLC dba Adventure Hub. Black Burro Bikes is leasing the building located at 801 Front Loop Unit 1A from Urban Flats, LLC. Barnett stated the applicable fees have been paid, public hearing notification requirements met, backgrounds checks are satisfactory, State and Town applications are complete and meet the requirements set forth in the Colorado Liquor Code, and recommended the Trustees approve the transfer of ownership.

Lindsey Lighthizer shared with the Board that Black Burro Bikes plans to follow Adventure Hubs business processes for serving liquor and selling light snacks and sandwiches.

No Public Comment was received, and Mayor Lacy closed the Public Hearing.

**MOTION NO. 4:**

MOVE TO APPROVE THE TRANSFER OF LODGING AND ENTERTAINMENT LIQUOR LICENSE FROM BUENA VISTA ADVENTURE CENTER LLC TO BLACK BURRO BIKES LLC.

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

**Municipal Code Changes Regarding the Rules and Regulations for Mt. Olivet Cemetery**

Puckett stated that with the Board's recent adoption of Ordinance No. 7 regarding the maintenance of cemetery sites, and the increase of site fees, Staff has identified several areas of the municipal code that need clarification or removal. Deputy Town Clerk Melanie Jacobs reviewed the additions and deletions to the code with the Board.

**MOTION NO. 5:**

MOVE TO APPROVE ORDINANCE NO. 9 AMENDING ARTICLE VIII OF CHAPTER 11 REGARDING THE RULES AND REGULATIONS FOR MT. OLIVET CEMETERY.

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

**Meadows Farm, LLC to Lease the Water from the Leesmeagh Ditch**

Puckett reviewed with the Trustees that in 2017 the Town entered into a three-year lease agreement with an annual rate of \$400.00 with Meadow’s Farm, LLC. for use of Leesmeagh Raw Water for irrigation use. The agreement expired in April 2020, and staff has prepared a second amendment that will extend the agreement starting in 2020, at a new rate of \$420.00, and will automatically renew for subsequent one-year terms unless either party provides written notice of nonrenewal.

Puckett recommended the Board approve the lease and continue demonstrating use of the Leesmeagh water right by allowing the current use for local agriculture irrigation, and to explore ways to convert the senior water right for municipal use in the future.

**MOTION NO. 6:**

MOVE TO APPROVE RESOLUTION NO. 7 AMENDING THE LEESMEAGH WATER LEASE AGREEMENT WITH THE MEADOWS FARM, LLC.

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

**Notice of Award for the Runway Rehabilitation Project at the Central Colorado Regional Airport**

Airport Manager Jack Wyles reviewed with the Board the process and projected timeline to complete the runway rehabilitation project.

**MOTION NO. 7:**

MOVE TO APPROVE RESOLUTION NO. 38 APPROVING A NOTICE OF AWARD TO AMERICAN ROAD MAINTENANCE FOR THE 2020 AIRPORT REHABILITATION PROJECT.

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

**CARES Relief Funding Memorandum of Understanding with Chaffee County**

Puckett reviewed with the Board that the State of Colorado is appropriating \$1,746,282 of CARES funding to Chaffee County local governments to reimburse unbudgeted COVID-19

expenses through the Department of Local Affairs. The Administrators from the county and municipalities have created a memo of understanding (MOU) which defines how the entities will work together to allocate funding and move forward with reimbursement requests. Buena Vista's allocated amount is \$254,041.12.

Puckett shared that staff has identified expenses for PPE, signage, cleaning materials and some emergency personnel expenses as eligible, and will utilize this funding to increase seasonal staff for parks, playground and facility cleaning, and trash mitigation.

Puckett stated the guidelines also allow for expenditures to provide grants to small businesses to reimburse the costs of business interruption as a result of the required closures. If the Board is interested, Staff can explore the possibility of offering business grants, which could be handled either in partnership with other municipalities or as a strictly Buena Vista process.

The Board discussed providing grants to small businesses, and agreed to postpone considering a grant program at this time, given that they do not know how long COVID19 will directly impact the town's operating procedures/processes, and services to residents and visitors. Puckett will provide the Board with an analysis of projected expenses.

**MOTION NO. 8:**

MOVE TO APPROVE TOWN ADMINISTRATOR PHILLIP PUCKETT SIGN THE CORONAVIRUS RELIEF FUND MEMORANDUM OF UNDERSTANDING.

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

**Town Treasurer 2019 Audit Presentation**

Treasurer Stoke reviewed with the Board the 2019 Audit Report which was completed by Hamblin & Associates.

**MOTION NO. 9:**

MOVE TO ACCEPT THE 2019 FINANCIAL STATEMENTS AND AUDIT REPORT.

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.

Trustee Rowe stated he would like to begin meeting at the Community Center. The Board agreed to hold Trustee meetings at the Community Center beginning in July following physical distancing requirements, and to provide access to the meeting virtually.

Trustee Rowe stated he would like the topic of recreational marijuana be an agenda item so the Trustees can discuss if they would like to consider adopting an ordinance allowing the use, or have an election giving residents the opportunity to vote on the issue, and if an additional sales tax should be assessed on products sold.

Mayor Lacy asked the Board if they would like to have recreational marijuana as an agenda item, and Trustees Swisher and Nyberg said no, and Eckstein, Fay, Volpe, and Rowe said yes. Puckett asked the Board if they need information from Staff to reference during the discussion, and the Trustees agreed the information that was previously provided to the Board will be sufficient for the discussion.

**EXECUTIVE SESSION**

An executive session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), concerning the potential future annexation of The Meadows Farm.

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), particularly regarding Town water rights.

**MOTION NO. 10:**

MOVE TO GO INTO EXECUTIVE SESSION.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Eckstein
<b>SECONDER:</b>	Trustee Fay
<b>AYES:</b>	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe

The Board went into Executive Session at 8:42 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 Kathryn Sellars, Special Projects Manager Joel Benson, and Principal Planner Mark Doering.

**MOTION NO. 11:**

MOVE TO ADJOURN FROM EXECUTIVE SESSION AT 9:43 PM.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Nyberg
<b>SECONDER:</b>	Trustee Swisher
<b>AYES:</b>	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe

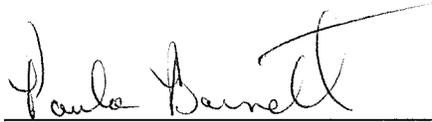
Mayor Lacy announced that he, Trustees Eckstein, Fay, Nyberg, Rowe, Swisher, and Volpe, the Town Administrator, Town Attorney, Special Projects Manager, and Principal Planner were present for the Executive Session.

**MOTION NO. 12:**

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THAT THE MEETING BE ADJOURNED AT 9:44 PM.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Volpe
<b>SECONDER:</b>	Trustee Nyberg
<b>AYES:</b>	Eckstein, Fay, Nyberg, Rowe, Swisher, Volpe

Respectfully submitted:



Paula Barnett, Town Clerk

  
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Duff Lacy, Mayor