



**MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, August 25, 2020**

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

A virtual/public regular meeting of the Board of Trustees was called to order by Mayor Duff Lacy, at 7:00 pm, Tuesday, August 25, 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	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 Jeff Parker
Town Treasurer Michelle Stoke
Town Clerk Paula Barnett

PLEDGE OF ALLEGIANCE

Mayor Lacy led the pledge of allegiance.

AGENDA ADOPTION

MOTION NO. 1:

MOVE TO APPROVE THE AGENDA.

RESULTS	CARRIED
MOVER:	Trustee Fay
SECONDER:	Trustee Eckstein
AYES:	Eckstein, Fay, 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 11, 2020
- 2. Beautification Advisory Board Minutes – July 2, 2020
- 3. Recreation Advisory Board Minutes – July 1, 2020

B. Town Clerk Report

C. De-Obligation Letters for CWRPDA Loan and DOLA Grant EAIF #8395

MOTION NO. 2:

MOVE TO APPROVE THE CONSENT AGENDA.

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

PUBLIC COMMENT

Marjorie Fahrney, 211 Railroad Street, Buena Vista, expressed her concerns on how the Trustees have handled the issue, and decisions made regarding retail marijuana.

Carlin Walsh, 130 Meadow Lane, Buena Vista, expressed his concern with the speed limits on West Main Street. Walsh stated this summer West Main Street has been extremely busy with truck/ATV trailer/travel trailer traffic, and the speed limit increasing from 25 MPH to 35 MPH is extremely dangerous to people/families walking or riding bicycles. Walsh requested the Trustees consider moving the point at which the speed limit increases to 35 MPH to Rodeo Road or to town limits.

STAFF REPORTS

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

BUSINESS ITEMS

Chaffee Housing Trust

Executive Director Read McColloch provided the Trustee’s an update on Chaffee Housing Trust’s activities which included the number of homes purchased at The Farm by home buyers/owners that utilized the program.

Town Administrator Phillip Puckett reviewed with the Trustee’s Chaffee Housing Trust is requesting a letter of support for the Community Housing Development Organization (CHDO) grant.

MOTION NO. 3:

MOVE TO APPROVE MAYOR LACY SIGN THE LETTER OF SUPPORT FOR THE COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) GRANT APPLICATION BEING SUBMITTED BY CHAFFEE HOUSING TRUST.

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

Coronavirus Relief Funding for Non-Profits

Puckett reviewed with the Board that Staff met with Joseph Teipel from the Chaffee County Community Foundation (CCCF) to discuss 2021 budget projections for Community Support Grants and opportunities to collaborate on providing support to non-profit organizations in town. Puckett stated non-profits have been (and will continue to be) heavily impacted by COVID-19, and that he, and the administrators from the county, Salida, and Poncha Springs agree there is an opportunity to assist non-profits via CARES Act funding to support these essential services that have been financially impacted by the pandemic.

Puckett shared the municipalities, county, and CCCF have outlined a program to provide assistance via Coronavirus Relief Funds (CVRF), with a strong focus in the area of “Youth Needs Reimbursement”. Puckett stated as the schools begin to open during a time of uncertainty, they anticipate that there will be pressure on organizations such as Boys and Girls Club and GARNA to expand their ability to assist in youth development. Other non-profits that provide basic needs – food, shelter, clothing, and safety-will also need funds to offset costs directly related to the impacts of COVID-19.

Puckett stated this is a county-wide proposal of \$300,000 (plus \$10,000 admin fee), with the cost shared between the jurisdictions with an expenditure deadline of December 30, 2020. Puckett stated Town of Buena Vista has \$194,000 of unallocated CVRF that could be used for this and other proposals. This program would allocate \$44,950 from town’s CVRF budget, leaving \$150,000 for other needs.

Teipel reviewed with the Trustees the program, the allocations by jurisdiction, and the framework to request and disperse funds.

MOTION NO. 4:

MOVE TO DIRECT STAFF TO PROCEED FORWARD WITH WORKING WITH CHAFFEE COUNTY COMMUNITY FOUNDATION (CCCF) PROVIDING CARES RELIEF FUNDING FOR NON-PROFITS AND YOUTH SUPPORT, AND TO SPEND UP TO \$44,950.00 IN CARES RELIEF FUNDS.

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

Public Hearing - Sangre de Cristo Electric Association, Inc. Annexation of Parcel A, Parcel B, and the Substation Annexation Parcel A

Mayor Lacy opened the Public Hearing at 7:57 p.m.

Paul Erickson, Chief Executive Officer with Sangre De Cristo Electric Association (SDCEA) reviewed with the Board a brief history of the relationship between SDCEA and the Town which began in 2009 with the Town providing water to their headquarters building. Erickson stated one of the conditions the Town required in the water connection agreement was for the annexation of the property when the Town was ready to annex.

Principal Planner Mark Doering reviewed with the Board the annexation process which is required to annex the 14.62-acre property located at 29780 Highway 24. The property is made up of two parcels owned by two separate owners, Sangre de Cristo (the office building and the associated storage yard) and Tri-State Electric (the electric substation), and an annexation petition was required for each parcel. Doering stated to annex the property in total, three annexation petitions (two for Sangre de Cristo and one for Tri-State) require the Board to approve three resolutions and ordinances. Doering stated also associated with the annexation there is a separate public hearing to zone the property to Highway Commercial (HC) zone district.

Doering reported that the property being annexed is already connected to the Town’s water supply, and SDCEA will be charged in-town rates for water service instead of the out-of-town rates for water usage. The annexation into town limits will include fire and police protection for the building, which was primarily covered by the County before annexation. Town currently has mutual aid agreements for service to that property, so additional costs are minimal. Sangre de Cristo is not proposing any additional improvements on the site at this time so no new public improvements, such as sidewalks are required

Doering stated the Planning and Zoning Commission heard the annexation and zoning requests at its August 5, 2020 public meeting and made the recommendation for the Trustees to approve the annexation and zoning requests.

Trustee Volpe disclosed that he is a member of the Sangre de Cristo Electric Association Board of Directors. Town Attorney Jeff Parker reviewed with the Trustees conflicts of interest, and that it is Trustee Volpe’s decision to recuse himself. Mayor Lacy commented that the annexation has been an ongoing topic that began prior to Volpe becoming a Trustee.

Mayor Lacy opened the hearing public comment. No comments were received, and the Public Hearing was closed at 8:12 p.m.

MOTION NO. 5:

MOVE TO APPROVE RESOLUTION NO. 48 MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE TOWN OF BUENA VISTA, COLORADO, KNOWN AS THE SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. BUENA VISTA HEADQUARTERS-PARCEL A ANNEXATION.

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

MOTION NO. 6:

MOVE TO ADOPT ORDINANCE NO. 10 ANNEXING TO THE TOWN OF BUENA VISTA, COLORADO BY SERIAL ANNEXATION CERTAIN REAL PROPERTY KNOWN AS THE SANGRE DE CRISTO ELECTRIC ASSOCIATION. INC. BUENA VISTA HEADQUARTERS-PARCEL A ANNEXATION.

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

MOTION NO. 7:

MOVE TO APPROVE RESOLUTION NO. 49 MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE TOWN OF BUENA VISTA, COLORADO, KNOWN AS THE SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. BUENA VISTA HEADQUARTERS-PARCEL B ANNEXATION.

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

MOTION NO. 8:

MOVE TO ADOPT ORDINANCE NO. 11 ANNEXING TO THE TOWN OF BUENA VISTA, COLORADO BY SERIAL ANNEXATION CERTAIN REAL PROPERTY KNOWN AS THE SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. BUENA VISTA HEADQUARTERS-PARCEL B ANNEXATION.

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

MOTION NO. 9:

MOVE TO APPROVE RESOLUTION NO. 50 MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE TOWN OF BUENA VISTA, COLORADO, KNOWN AS THE TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. BUENA VISTA SUBSTATION-PARCEL A ANNEXATION.

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

MOTION NO. 10:

MOVE TO ADOPT ORDINANCE NO. 12 ANNEXING TO THE TOWN OF BUENA VISTA, COLORADO BY SERIAL ANNEXATION CERTAIN REAL PROPERTY KNOWN AS THE TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. BUENA VISTA SUBSTATION-PARCEL A ANNEXATION.

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

Public Hearing – Zoning Newly Annexed Property

Mayor Lacy opened the Public Hearing and Doering reviewed zoning the property is required to complete the annexation process, and the Planning and Zoning Commission recommends the Trustees approve zoning the property as Highway Commercial under the Town’s Unified Development Code (UDC).

Mayor Lacy opened the hearing to public comment. No comments were received, and the Public Hearing was closed.

MOTION NO. 11:

MOVE TO ADOPT ORDINANCE NO. 13 ZONING NEWLY ANNEXED PROPERTY KNOWN AS THE SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. BUENA VISTA HEADQUARTERS PARCELS A AND B AND THE TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. BUENA VISTA SUBSTATION PARCEL A ANNEXATIONS.

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

Draft Ordinance Concerning Medical and Retail Marijuana

Town Attorney Jeff Parker reviewed with the Board the draft ordinance which allows for the sale of retail marijuana, outlines the regulations to regulate these businesses, and updates the medical marijuana code to be in compliance with current Colorado law. The proposed ordinance would allow up to two marijuana stores, permitting each location to serve as either

a medical marijuana store, a retail marijuana store, or a dual operation. Parker stated if the Board proceeds forward with submitting a ballot question to the voters to approve the ordinance allowing retail marijuana, and if the question fails, the existing medical marijuana ordinance will remain in effect.

Trustee Fay requested an amendment to the draft ordinance in Section 6-123, item number 6, changing “concerning municipal police powers” to “concerning the making of municipal ordinances”.

Puckett stated since the last meeting, Staff received feedback from representatives of Ascend (current medical marijuana provider) expressing concern with the wording in Section 6-131 Location Criteria, and the existing location being grandfathered in as an retail store location if an alcohol or drug treatment facility should locate within five hundred feet prior to the election, the adoption of the ordinance, and their submittal of a retail marijuana store license application.

Parker stated to ensure Ascend can utilize the 204 E. Main Street location for the sale of retail marijuana, in Section 6-131 of the ordinance, an item (g) can be added stating the location restrictions set forth shall not apply to the location of the existing medical marijuana store for a period of six months after the effective date of the adopted ordinance which will allow Ascend ample time to submit a retail marijuana license application. The Board agreed to adding item (g) and amending the ordinance.

Trustee Eckstein discussed the issue of the existing medical marijuana ordinance allowing four medical stores and cultivation, and the possibility of an application being submitted prior to the election and adoption of the new ordinance. The Board discussed the probability and agreed to place a moratorium on medical marijuana stores until December 1st.

The Board discussed several aspects of the ordinance which included inspections of marijuana stores, and use by right in accordance with zoning.

Trustee Eckstein stated she still has questions regarding the county excise tax on marijuana and would like the Board to pursue a second ordinance requiring the business owner of the second marijuana store to purchase product from a grower in Chaffee County which would result in collecting an excise tax, and to give a county based grow preference for being issued the second license. The Board discussed the topic at length, and Trustee Eckstein stated she strongly feels the Board should explore the possibility, and work with the Economic Development Corporation (EDC) and/or the Marijuana Excise Advisory Board to seek input and determine if the plan/requirement is feasible. Trustee Volpe stated before making a decision he would want to learn more about the subject, and at first glance it seems discriminatory since Ascend already has a business plan in place. Eckstein stated Ascend would be exempt from the requirement to purchase from a grow within the county, and that it would only apply to the second store.

The Trustees, Staff, and Town Attorney Parker discussed that the current draft ordinance should not be amended once the ballot language is approved since the document and date of approval is referenced in the ballot question, and the ordinance should reflect the true intent of how retail marijuana will be regulated if approved. Parker stated general revisions can be made to the ordinance after the voters have approved the ballot question.

MOTION NO. 12:

MOVE TO APPROVE THE DRAFT ORDINANCE AS AMENDED REPEALING AND REENACTING ARTICLE IV OF CHAPTER 6 OF THE BUENA VISTA MUNICIPAL CODE CONCERNING MEDICAL AND RETAIL MARIJUANA BUSINESSES AND AMENDING THE TOWN’S ZONING REGULATIONS TO INCLUDE MEDICAL AND RETAIL MARIJUANA AS PERMITTED USES IN CERTAIN ZONE DISTRICTS.

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

Advisory Ballot Question Regarding New Regulations Governing Medical and Retail Marijuana – Special Election November 3, 2020

MOTION NO. 13:

MOVE TO APPROVE RESOLUTION NO. 51 SUBMITTING A BALLOT QUESTION REGARDING NEW REGULATIONS GOVERNING MEDICAL AND RETAIL MARIJUANA STORES TO THE REGISTERED ELECTORS OF THE TOWN OF BUENA VISTA AT A TOWN SPECIAL ELECTION ON NOVEMBER 3, 2020.

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

Ballot Question Regarding Special Sales Tax on Retail Marijuana – Special Election November 3, 2020

Puckett reviewed with the Board the process Staff used to calculate the estimated tax revenue from the sale of retail marijuana at a special sales tax rate of 5%, and a provision for the rate to increase and/or decrease from 0% to 15%.

Trustee Swisher stated the reason the Board is proceeding with retail marijuana is to increase revenue and feels the rate should not be decreased, but increased to 15%. The Board discussed if the question was approved, the sales tax rate can be adjusted by current and future Boards.

MOTION NO. 14:

MOVE TO APPROVE RESOLUTION NO. 52 SUBMITTING A BALLOT ISSUE REGARDING SALES TAX ON RETAIL MARIJUANA TO THE REGISTERED ELECTORS OF THE TOWN OF BUENA VISTA AT A TOWN SPECIAL ELECTION ON NOVEMBER 3, 2020.

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

MOTION NO. 15:

MOVE TO APPROVE RESOLUTION NO. 53 CALLING A SPECIAL ELECTION ON NOVEMBER 3, 2020 TO BE COORDINATED WITH CHAFFEE COUNTY AND APPROVING THE ELECTION CONTRACT WITH CHAFFEE COUNTY.

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

TRUSTEE/STAFF INTERACTION

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

The Board and Staff agreed the 2021 Budget Work Session would be held on Monday, September 21st at 6:00 p.m.

Puckett reviewed with the Board that a request is being made to approve a Budget adjustment for replacement of the roof and two doors at Town Hall. DSI and Mariposa have submitted bids to repair the leaky roof at Town Hall, replace the entry door to the second floor, and the east door on the first floor.

MOTION NO. 16:

MOVE TO APPROVE A BUDGET ADJUSTMENT TO REPLACE THE ROOF AND DOORS AT TOWN HALL NOT TO EXCEED \$21,687.00.

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

The Trustees and Staff discussed the concerns expressed by Carlin Walsh during Public Comment regarding the speed limits on West Main Street and agreed Public Works Director Shawn Williams and Police Chief Dean Morgan will evaluate the situation.

Trustee Eckstein shared she would like the Board to consider exploring the possibility of utilizing a portion of the CARES Funding for grants to small businesses that have been impacted by COVID-19. Eckstein stated applications could be due on November 1st, and grants awarded on December 1st to ensure the funds are disbursed by December 30th.

Trustee Volpe expressed concerns with the unknown impacts the community may be facing with the schools reopening, a possible increase in COVID cases, and that CARES Funds may be needed to cover other expenditures. The Board agreed they would like to discuss CARES Funds business grants, and Puckett stated that he and Treasurer Stoke will present information for a business grant application process at the next Trustee meeting.

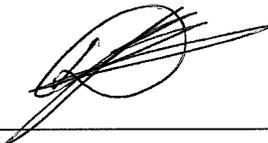
Eckstein stated CARES Funds could also be used to cover the cost for prepaid COVID testing for Buena Vista residents. Puckett stated he will meet with representatives from the County to discuss the topic, and to determine if it is a feasible option.

MOTION NO. 17:

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THAT THE MEETING BE ADJOURNED AT 9:47 PM.

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

Respectfully submitted:



Duff Lacy, Mayor



Paula Barnett, Town Clerk

