



**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.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Volpe
<b>SECONDER:</b>	Trustee Fay
<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 – 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.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Swisher
<b>SECONDER:</b>	Trustee Nyberg
<b>AYES:</b>	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.

<b>RESULTS</b>	<b>ROLL CALL</b>	<b>CARRIED</b>
<b>MOVER:</b>		Trustee Rowe
<b>SECONDER:</b>		Trustee Volpe
<b>AYES:</b>	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.

<b>RESULTS</b>	<b>ROLL CALL</b>	<b>CARRIED</b>
<b>MOVER:</b>		Trustee Swisher
<b>SECONDER:</b>		Trustee Fay
<b>AYES:</b>	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.

<b>RESULTS</b>	<b>ROLL CALL</b>	<b>CARRIED</b>
<b>MOVER:</b>		Trustee Fay
<b>SECONDER:</b>		Trustee Volpe
<b>AYES:</b>	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.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Nyberg
<b>SECONDER:</b>	Trustee Volpe
<b>AYES:</b>	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.

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

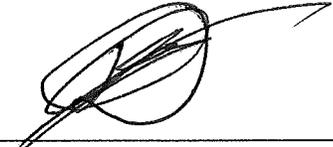
Mayor Lacy announced that he, and Trustees Eckstein, Fay, Nyberg, Rowe, Swisher, and Volpe, and Town Administrator Phillip Puckett, Town Attorney Jeff Parker, Special Projects Manager Joel Benson, Shawn Williams, and Paula Barnett were present for the Executive Session.

**MOTION NO. 8:**

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

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

Respectfully submitted:



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Duff Lacy, Mayor



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Paula Barnett, Town Clerk

