



**MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, September 22, 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 regular meeting of the Board of Trustees was called to order by Mayor Duff Lacy, at 7:05 pm, Tuesday, September 22, 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
Code Enforcement Officer Grant Bryans
Public Works Director Shawn Williams
Special Projects Manager Joel Benson

Town Attorney Jeff Parker
Town Treasurer Michelle Stoke
Town Engineer Al Smith
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 Rowe
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 – 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

Trustee Rowe stated in the September 15, 2020 Board of Trustees minutes, his name should be removed as voting Yes on Motion #3 since he was not in attendance.

Trustee Fay requested Consent Agenda Item E. Local Business Grant Program be moved to Business Item E. The Board agreed to the agenda change.

MOTION NO. 2:

MOVE TO APPROVE THE CONSENT AGENDA AS AMENDED.

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

PUBLIC COMMENT

Joyce Hansen 120 Baylor Drive, Buena Vista, stated as one of the three licensed home childcare providers in town, she would like the Board to reconsider allowing businesses that provided services within their home to apply for a Local Business Grant.

Janine Pryor, Chaffee County Early Childhood Coordinator, 1101 E. Sabeta, Avenue, Poncha Springs, stated she is speaking in support of allowing licensed home care providers to be eligible to apply for COVID Local Business Grants, and thanked the Trustees for their past support to licensed home day care providers in the Town of Buena Vista.

Anastacia Sandmeier, 86 Kathy Drive, stated she is also one of the licensed home care providers in Buena Vista, and has been financially impacted due to parents becoming unemployed or fears of COVID which has resulted in several children no longer being in her

care. Sandmeier stated normally she has a waiting list of children needing care, but due to COVID she currently has vacancies.

Mark Hammer, 118 Riverrun Drive, President of the Buena Vista Chamber of Commerce, updated the Trustees on activities occurring at the Chamber.

Mayor Lacy stated Business Item E. Local Business Grant Program will be moved to Business Item A, to allow participation from Hansen, Pryor, and Sandmeier.

STAFF REPORTS

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

Puckett updated the Trustees on the Cortese application for extraterritorial water service for property located at 15750 County Road 306.

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

Local Business Grant Program

Town Administrator Phillip Puckett reviewed with the Trustees that at the September 8th meeting, the Board was presented and approved the Local Business Grant Program which framework included reaching businesses that are not sales tax drivers but do provide services. The program is designed for businesses to receive between \$3,500.00 to \$7,500.00 with non-sales tax drivers receiving \$3,500.00.

Town Treasurer Michelle Stoke reviewed in order to participate in the program, a business must have a storefront physically located within the city limits, and no mobile, home-based, or e-commerce vendors are eligible. Stoke stated, to date, she has received nine applications, \$48,000.00 in grants have been awarded, and two applications are pending due to verification of sales tax identification numbers. Stoke stated she was contacted by the home-based childcare businesses regarding the eligibility requirements and encouraged them to participate in Public Comment so the Trustees are aware of their issues and concerns.

The Trustees held a lengthy discussion on which types of home-based businesses should be allowed to participate in the Local Business Grant Program and agreed Short Term Rentals will not be eligible for the program.

MOTION NO. 3:

MOVE TO AMEND THE LOCAL BUSINESS GRANT PROGRAM ELIGIBILITY REQUIREMENTS TO INCLUDE ALL HOME-BASED BUSINESSES, EXCLUDING SHORT TERM RENTALS.

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

Chaffee Housing Authority IGA

Puckett reviewed with the Board that over the past year Staff and several Trustees have been partnering with Chaffee County, City of Salida, and the Town of Poncha Springs to create a Multijurisdictional Housing Authority (MJHA) to serve the residents and workforce of Chaffee County.

The Authority will 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

The Board of Directors for the Authority will consist of nine members; three selected by the County Commissioners, and two 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) for approval.

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.

Puckett stated the Authority will become active upon approval of the IGA by the participating entities, with a projected start date of January 1, 2021. Puckett stated there is no fiscal impact to the 2020 budget and the Town will continue to fund its obligations in the same manner as the Memorandum of Understanding which created the Chaffee Office of Housing. The current budgeted amount is \$11,500, and \$13,750 will be allocated in the 2021 Budget.

Chaffee County Director of Housing Becky Gray, thanked Trustee Eckstein, Trustee Fay, and Town Administrator Puckett for their contributions to the creation of the Intergovernmental Agreement for the Multijurisdictional Housing Authority.

MOTION NO. 4:

MOVE TO ADOPT RESOLUTION NO. 54 APPROVING THE INTERGOVERNMENTAL AGREEMENT FOR THE CHAFFEE COUNTY MULTIJURISDICTIONAL HOUSING AUTHORITY.

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

South Main Exchange Potentials

Special Projects Manager Joel Benson reviewed with the Board that Jed Selby has approached Staff regarding a proposal to provide control of Front Loop Road to the Surf Hotel/The Town Company LLC (South Main), and to permanently extend their liquor premise.

Benson stated currently the Surf Hotel operates as a Resort Designation under its liquor license which allows them to serve alcohol in a more dispersed setting. In June, the Surf Hotel received a Temporary Modification of Premises due to COVID-19 permit which gave them permission to extend the premise, and allow servers to deliver alcoholic beverages to guests on The Lawn and The Beach areas of the property. Benson stated Selby would like to proceed forward in exploring ways to permanently change the liquor premise to allow guests to carry and enjoy their beverages on The Lawn, The Beach, and public sidewalks and street surrounding the Surf Hotel.

Benson shared in exchange for having access/control of Front Loop Road, South Main has offered to build the required bathrooms in the spring/summer of 2021 instead of Phase 3 as planned. Benson reminded the Board that the South Main Development is currently in its first phase, and the second phase may come before the Trustees this fall. Phase 3 would happen after the completion of the second phase, and the plan does not give details on size or design of the bathrooms. In the purposed scenario, the bathrooms would have a total of six stalls to serve the community, and would be maintained by South Main, not Town.

Jed Selby gave the Trustees an overview of the past, present, and future developments for South Main and the Surf Hotel. Selby stated whatever the Board and he agree upon, it must be approved by the Colorado Liquor Enforcement Division whose regulations and rules are extensive. Selby stated he, and the owners of the Eddyline and Black Burro Bikes, are looking at options to create a positive, relaxing vibe in the park area and do not want to turn the area into a regular late-night bar scene.

The Board and Selby had lengthy discussion regarding the use of the area, and the impacts it could have on neighboring home/business/property owners. The Board and Selby agreed before the Board and Staff proceed forward in drafting an agreement for use of Front Loop Road, and scheduling Public Meeting(s) to allow for public input, Selby will contact the

Colorado Liquor Enforcement Division to ensure all facets of his proposal are acceptable to be issued an extension of the liquor premise from the State.

Benson reviewed with the Board the second topic of discussion with Selby involves the Texaco building which the Town has been trying to facilitate the removal of for nearly two decades, and the agreement to build a roundabout at the intersection of East Main and South Main.

Benson stated 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. Town constructed a T-intersection which accommodates the intersection well. However, the communication and letter of the agreement with South Main leaves the question if South Main's obligations remains outstanding. Benson stated it is South Main's opinion that the Town installed the T-intersection without clear approval from them, and, as a result South Main has been reluctant to pay for the cost of the T-intersection, which means that Town can still require a roundabout according to the letter of the agreement. Benson shared the proposal being presented to the Trustees would nullify this issue going forward.

Benson reviewed that the Town would declare that the T-intersection is complete, 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 the use of the property until a building is built. Town would be allowed to landscape however it wishes and would have architectural review over the building that ultimately goes on the corner in the future. An amendment to the South Main PUD agreement would document the completed obligation.

The Board discussed and agreed that the T-intersection should not be replaced with a roundabout, the demolition of the Texaco, leveling of the property, and a lease giving the Town the right to enhance the property would satisfy the requirements of the obligations.

Trustee Swisher asked if there are any other projects that are lingering from the past between the Town and South Main that should be addressed. Benson stated improvements to River Park Road remaining outstanding, although there are no agreements in place related to the street. Selby stated improvements/development to River Park Road are not included in any of the South Main phases at this time, but does plan to include it in Phase 3.

The Board agreed to have staff move forward with drafting a document nullifying the requirement for a roundabout at East Main Street and South Main Street, the demolition of the Texaco building, leveling of the property, and a lease agreement of the property.

Nuisance Fee Schedule – Ability for Code Enforcement Officer to Issue Citations

Puckett reviewed with the Trustees that with the transition of Dean Morgan as Police Chief, Staff has been exploring ways for the Police Department and Code Enforcement to work together to develop effective methods for issuance of citations to bring residents into compliance on certain nuisance violations.

Code Enforcement Officer Grant Bryans reviewed with the Board that the duties of the Code Enforcement Department have progressed over the past four years, and while the current

methods of enforcing the code have been productive, there is a need to address specific nuisance issues in a more timely manner.

Bryans stated the proposed structure does not give the officer unlimited authority for issuing citations, but it provides the ability to cite at the time of the offense instead of taking the offender to court for a minor offense. The property owner would then pay the citation or go to court to fight the charge. This mechanism gives the Code Enforcement Officer another tool to perform their duties and serves as a reminder to the offender and residents that the Town does take its rules seriously.

Bryans reviewed with the Board the proposed offenses that would receive a citation, and the fine for each offense.

Offense/Ordinance

- 7-2 Nuisance as defined
- 7-14 Snow and Ice
- 7-15 Unlawful use of trash
- 7-73 Weeds and brush duty of owner to cut
- 8-42 Parking on private property
- 8-43 Parking on public property
- 8-44 Short-term and/or long-term storage of recreational/camping vehicles and utility trailers
- 7-201/7-202 Camping on private/public property

Fines

- First offense \$50
- Second offense \$100
- Third offense \$150

Bryans stated the proposed citation structure was presented to the Planning & Zoning Commission and members of the commission highly recommended the Trustees approve the issuance of citations.

MOTION NO. 5:

MOVE TO DIRECT STAFF TO PURSUE IMPLEMENTATION OF A CODE ENFORCEMENT CITATION PROCESS AND TO DRAFT AN ORDINANCE UPDATING THE MUNICIPAL CODE.

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

AGREEMENT WITH WBS COATINGS

Public Works Director Shawn Williams reviewed with the Board during the required 2016 Colorado Department of Public Health and Environment 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, and the recommendation was made 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.

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

Town Treasure Michelle Stoke stated an \$114,550.00 adjustment to the 2020 Budget will be needed to cover the cost of the project.

MOTION NO. 6:

MOVE TO ADOPT RESOLUTION NO. 55 APPROVING A NOTICE OF AWARD TO WBS COATING INC. FOR THE INTERIOR RECOATING OF THE PORTABLE WATER STORAGE TANK IN THE IVY LEAGUE SUBDIVISION, AND AN ADJUSTMENT TO THE 2020 BUDGET IN THE AMOUNT OF \$114,550.00 FOR THE EXPENDITURE TO WBS COATING INC.

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

Gallagher Ballot Measure

Special Project Manager Joel Benson reviewed with Board information related to Colorado Amendment B, the Gallagher Amendment Repeal and Property Tax Assessment Rates Measure.

Trustee Fay stated she is in favor Amendment B and encouraged the Board to endorse the concept by adopting a resolution supporting Amendment B .

MOTION NO. 7:

MOVE TO DIRECT STAFF TO DRAFT A RESOLUTION SUPPORTING COLORADO AMENDMENT B.

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 Volpe requested that a discussion regarding a Proclamation Policy be an agenda item at a future meeting.

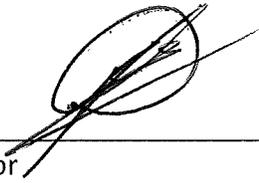
Trustee Eckstein requested Short Term Rentals be an agenda item at a future meeting.

MOTION NO. 8:

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THAT THE MEETING BE ADJOURNED AT 9:51 PM.

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

Respectfully submitted:



Duff Lacy, Mayor



Paula Barnett, Town Clerk

