MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES
VIRTUAL REGULAR MEETING
TUESDAY, MAY 12, 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 regular meeting of the Board of Trustees was called to order by Mayor Duff Lacy, at 7:00 pm, Tuesday, May 12, 2020 having 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 Jimmy Tidwell
Public Works Director Shawn Williams
Airport Manager Jack Wyles
Town Attorney Jeff Parker
Town Treasurer Michelle Stoke
Fire Chief Dixon Villers
Recreation Director Earl Richmond
Town Clerk Paula Barnett

PLEDGE OF ALLEGIANCE
Mayor Lacy led the pledge of allegiance.

AGENDA ADOPTION
Trustee Volpe requested to move Public Comment after Staff Reports.

MOTION NO. 1:
MOVE TO APPROVE THE AGENDA AS AMENDED.

RESULTS	**CARRIED**
MOVER:	Trustee Fay
SECONDER:	Trustee Volpe
AYES:	Eckstein, Fay, 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 – March 24, 2020
2. BoT Special Meeting – May 7, 2020
3. Trails Advisory Board – March 3, 2020
4. Beautification Advisory Board – January 7, 2020
5. Beautification Advisory Board - April 2, 2020

B. Police Chief Report

C. Fire Chief Report

D. Colorado Retirement Association Participation Agreements for 401(a) and 457 Plans
Approve Mayor Lacy sign the Participation Agreements.

E. Chaffee County Development Services Department Activity Update

MOTION NO. 2:
MOVE TO APPROVE THE CONSENT AGENDA.

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

STAFF REPORT

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

Trustee Rowe joined the meeting at 7:06 pm.

2. Recreation Director – Highlights of the report in the packet were reviewed and Richmond 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.

Williams shared that Staff is exploring options to host a Town Clean-Up Day and develop procedures to minimize the risk of possible exposure of COVID19 to residents and staff.

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

PUBLIC COMMENT

Liz Sielatycki, 544 Park Lane, Buena Vista, spoke on behalf of the Chaffee County Family and Youth Initiatives program whose focus is preventing substance abuse, and providing resources for children, youth, and families. Sielatycki stated based on current data, there is a higher use rate of marijuana among the youth in Chaffee County than in other parts of the state and country. One contributing factor for the higher rate is the adult perception that it is acceptable to use marijuana. Sielatycki stated Family and Youth Initiatives understands the Trustees' need to explore options to increase sales tax revenue, and knows the Board will consider the health and safety of the youth in the community when making decisions.

Jerome Steinauer, 436 Princeton, Buena Vista, stated he does not feel residents should have to contact the Town Clerk to speak with a Trustee(s), and would like to have all the Trustees' personal phone numbers published on the Town website. Steinauer also stated he feels the Trustees are bringing up the topic of recreational marijuana at a terrible time since not everyone can access the internet, and an election should be held to allow everyone to vote on the issue, not a Board of seven.

Joan Cummins, 305 Cedar Street, Buena Vista, commented due to the pandemic, businesses have been impacted and may have to close. Between the pandemic and the school tax burden, allowing recreational marijuana would increase tax revenue, and provide more benefits to the community than drawbacks.

Scott Embree, 204 E. Main Street, Buena Vista, owner of Ascend Cannabis stated safety is one of the main focuses at all Ascend Cannabis Medical/Recreational Marijuana stores, they strive to comply with local, state and federal regulations, and will continue to do so in the future. Embree stated he and his family have been in the business for 10 years, and he feels the numbers being reported on the use and abuse of recreational marijuana by youths are unfounded.

Todd Cummins, 219 Colorado Avenue, Buena Vista, stated he is currently employed by Ascend Cannabis, and worked for Natural Mystic Wellness Center, and over the past nine years the average number of potential recreational marijuana customers they turn away from March through September is 40 to 60 people per day. Cummins stated the Board needs to consider the amount of revenue the Town is losing to Salida and Leadville, which includes the sale of marijuana, as well as other goods and services purchased by retail marijuana customers that include shopping, dining, and lodging.

Peter Wall, 204 E. Main, Buena Vista, with The Wall Group, and part of Ascend Cannabis Team, discussed with the Board that Colorado Healthy Initiatives reports indicate a statewide decrease in the use of recreational marijuana going from 25% to 19% which puts Colorado 1% below the national average. Colorado State Patrol reports a decrease in the number of driving incidents related to the use of marijuana, and if allowed the projected revenue to the Town from the sale of recreational marijuana is $300,000.00 per year.

Marjorie Fahrney, 211 South Railroad Street, Buena Vista, read the letter that she submitted to the Mayor and Trustees earlier in the day speaking against recreational marijuana, and expressed the hope this decision will go to a vote of people, rather than being made by the Board.

Mike Nelson, 111 E. Main Street, Buena Vista, stated he currently works for Ascend Cannabis, and was employed by Natural Mystic Wellness Center. Nelson shared during the pandemic, Breckenridge and Leadville have contributed funds for lease payments for businesses and/or homeowners from resources received from the sale of recreational marijuana, and unfortunately Buena Vista cannot do the same. Nelson stated recreational marijuana is big business and Buena Vista is losing out on a large revenue source.

Sara Levin, 124 Red Tail Boulevard, Buena Vista, shared she is an employee at Ascend, also was employed by Natural Mystic Wellness Center, and confirmed comments made by Todd Cummins. Levin stated on holiday weekends, the number of potential customers turned away daily is 100 to 150.

Mt. Olivet Cemetery – Amended Cemetery Ordinance and Increased Fees

Puckett stated this is a follow up from the April 28, 2020 discussion on improvements being made at the cemetery, and what it will take to properly maintain the grounds in the future. The Board requested that Staff explore fee structures in comparable rural mountain cemeteries. Puckett suggested that if the Board were to approve a fee increase, they may want to consider setting an effective date to August 1st to allow time to notify residents.

Melanie Jacobs, Deputy Town Clerk reviewed the proposed cemetery ordinance incorporates the changes discussed at the previous Trustee meeting and adds a definition of 'indigency'. Amendments to the ordinance are:

- Section 1 (b) Upon presentation to the Town Clerk of the above-listed information and any payment due for the sale of a plot to any person, the Town Clerk shall cause an interment agreement to be executed to the named grantee(s) of such plot, containing a description of the plot and signed by the Town Clerk. The burial rights transferred shall be limited to the right of interment. All other property rights remain with the Town.
- Section 1 (c)(2) For persons proven to be indigent at their time of death, the burial plot fee may be waived by the Town Clerk. A person shall be considered 'indigent' if their total household income is at or below one hundred and thirty percent (130%) of the Gross Federal Poverty level based on household size.
- Section 2 (f) Town reserves the right to remove trees, shrubs, or other plantings on gravesites which become dangerous or detrimental to the adjacent grounds because of encroachment of roots or branches.
- Section 2 (g) All grave decorations of a temporary nature are subject to regular removal by Town staff. All grave decorations intended to be permanent (including benches, flowerpots, etc.) must be approved by the Town Clerk prior to installation.

Jacobs stated that Staff is recommending town residents be charged $500.00 per site, in-county residents $750.00 per site, and out-of-county residents $1,000.00 per site, and the maintenance fee be rolled into these prices rather than treated as a separate fee.

Jacobs stated that if the Board approves an increase in site prices, staff feels it behooves the Town to allow anyone purchasing a site because they have lost a loved one to COVID-19 to do so at the current rate.

The Trustees and staff discussed how long artificial flowers should be allowed to remain at a site. Public Works Director Shawn Williams stated staff is making a conscious effort to remove flowers and tributary items placed on sites when they become weathered.

The Board agreed signs would be posted at the entrances to the cemetery notifying people that Town respectfully reserves the right to remove decorations which have fallen into disrepair or have become weather worn, and to maintain any vegetation present on any grave site.

The Board agreed fees should be increased, and recommended that sites purchased by town and county residents should cost the same amount, while a higher rate should be assessed to out of county residents.

MOTION NO. 3:
MOVE TO APPROVE ORDINANCE NO. 7 AMENDING ARTICLE VIII OF CHAPTER 11 OF THE MUNICIPAL CODE RELATED TO MT. OLIVET CEMETERY.

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

MOTION NO. 4:
MOVE TO APPROVE AMENDING THE FEES ASSOCIATED WITH MOUNT OLIVET CEMETERY TO $750.00 PER SITE FOR IN-COUNTY RESIDENTS AND $2,500.00 PER SITE FOR OUT OF COUNTY RESIDENTS.

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

The Board agreed the fee increase would go into effect August 1, 2020, and the charge for sites purchased related to COVID-19 would remain at the current rates of $250.00/$500.00.

Recreational Marijuana
Puckett reviewed at the April 28, 2020 meeting, Trustee Rowe requested the Trustees explore allowing the sale of recreational marijuana, and the majority agreed they would be interested in discussing the topic. Puckett stated that staff included in the Board packet the 2016 draft ordinance and map that were created when the question to allow recreational marijuana went to an election, and suggested the Board use these documents as a reference tool on what will be required if the Trustees decide to pursue allowing the sale of recreational marijuana.

The Board, Town Attorney Jeff Parker, and Staff discussed at length the work sessions, public meetings, projected sales tax revenues, election timelines, and revisions to the 2016 draft ordinance and maps that will be needed to properly evaluate whether or not the Town should allow the sale of recreational marijuana.

The Board agreed to table the discussion until clarification is received from Treasurer Michele Stoke as to when the collection and receipt of sales tax would begin.

TRUSTEE/STAFF INTERACTION
Trustees and Staff reported on or commented about recent and upcoming events, activities and topics.

MOTION NO. 5:
THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THAT THE MEETING BE ADJOURNED AT 9:34 PM.

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

Respectfully submitted:

Duff Lacy, Mayor

Paula Barnett, Town Clerk

BUENA VISTA COLORADO UNITED WE STAND DIVIDED WE FALL INCORPORATED OCT. 28, 1879 *SEAL*