



**MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, July 7, 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 – Set up for public/virtual Board of Trustees Meeting

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, Principal Planner Mark Doering, IT Director Michael Hammond, Recreation Assistant Ben Eichel, and Town Clerk Paula Barnett.

The Board and Staff ensured laptops, audio equipment, and room were properly set up and programmed for the meeting.

A virtual/public regular meeting of the Board of Trustees was called to order by Mayor Duff Lacy, at 7:00 pm, Tuesday, July 7, 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
Police Chief Jimmy Tidwell
Town Clerk Paula Barnett

Principal Planner Mark Doering
Sergeant Dean Morgan

Via Zoom:

Town Attorney Hilary Graham
Town Treasurer Michelle Stoke
Public Works Director Shawn Williams
Special Projects Manager Joel Benson

Fire Chief Dixon Villers
Airport Manager Jack Wyles
Recreation Director Earl Richmond

PLEDGE OF ALLEGIANCE

Mayor Lacy led the pledge of allegiance.

PROCLAMATION

Mayor Lacy read the Proclamation declaring July 25th as Jimmy Tidwell Day.

AGENDA ADOPTION

MOTION NO. 1:

MOVE TO APPROVE THE AGENDA.

RESULTS	CARRIED
MOVER:	Trustee Volpe
SECONDER:	Trustee Fay
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 – June 23, 2020
2. Historic Preservation Commission Meeting – February 6, 2020
3. Historic Preservation Commission Meeting – March 5, 2020
4. Historic Preservation Commission Meeting – April 2, 2020
5. Historic Preservation Commission Meeting – May 7, 2020
6. Beautification Advisory Board Meeting – May 7, 2020

B. Police Chief Report

C. Fire Chief Report

D. Chaffee County Office of Housing Report - June 2020

MOTION NO. 2:

MOVE TO APPROVE THE CONSENT AGENDA.

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

PUBLIC COMMENT

Tom McConaghy, Community Prevention Specialist with Chaffee County Family and Youth Initiatives (FYI), 114 Linderman Avenue, Buena Vista, shared the staff at FYI works very hard to bring down the number of youth who use tobacco, drugs, and alcohol since those substances are proven to be harmful to one’s health, especially the youth as their minds and bodies are developing. Studies have shown that greater visibility, increased points of sale, acceptance within the community, and parental attitudes becoming more permissive over time, all combine to increase accessibility and drug use by youth.

McConaghy stated FYI has resources related to the impacts of marijuana/drug use and prevention, and they would like to be invited to share that information with the Board if the decision is made to move forward in allowing retail marijuana businesses in Buena Vista.

Mike Nelson, 312 Pinon Street, Buena Vista, stated he would like to speak in support of retail marijuana. Nelson stated he does not feel there is a problem with drug use among the youth in the county, and that it is more of a parenting problem. Nelson views allowing retail marijuana as an opportunity to collect additional sales tax revenue, and believes it will not increase the number of homeless people or crimes in town.

Scott Embree, 204 E. Main Street, Buena Vista, owner of Ascend Cannabis Company stated he considers the Board proceeding forward with adopting an ordinance allowing the sale of retail marijuana as an opportunity to collect additional sales tax revenue to ensure the Town's financial viability. Embree stated if the Board is concerned with the usage of marijuana by the youth, they should investigate the Black Market as the source, not the regulated industry. Embree stated that he, and his two sons have been in the medical, retail, and cultivation of marijuana business for ten years, and that they and their staff will continue to be in compliance with all rules and regulations related to the business.

Joan Cummins, 305 Cedar Street, Buena Vista, stated she is speaking in support of retail marijuana. Cummins stated she recalls attending a meeting over ten years ago related to allowing medical marijuana and the concerns then were the types of people it would bring into Town, and an increase in crimes; neither of these has been a problem. Cummins stated the sale of marijuana is regulated by the State, and sale of products would not occur to underage buyers. Cummins stated businesses and the Town would benefit financially from retail marijuana, and now is the time for the Trustees to vote "Yes" for retail marijuana.

Sara Levin, 124 Red Tail Boulevard, Buena Vista, stated that she is the mother of a 2 1/2 year old and an 8 year old, and that she would like to see the Trustee's use their authority to approve an ordinance allowing the sale of retail marijuana versus an election allowing residents to make the decision. Levin stated the tax revenue could be used to develop the ice rink and park in Sunset Vista which has been discussed for several years.

Marjorie Fahrney, 211 South Railroad Street, Buena Vista, stated that she has been watching the sales tax revenue numbers that are published in Chaffee County Times, and fortunately during COVID-19, the town has not experienced a decrease. Fahrney stated she is speaking against allowing retail marijuana for the sake of both children and adults, and is not trying to stop people from doing what they want to do, but strongly feels this is not what Buena Vista needs. Fahrney stated she strongly encourages the Board to thoroughly consider all facets of this decision, and not to allow retail marijuana.

Lindsay Davis, 27700 County Road 303, Buena Vista, shared her story with the Board related to drug addiction. Davis stated she currently is employed by Ascend, that marijuana is not an

entrance to drug and opiate abuse, but can be considered an exit drug to addiction. Davis asked the Board to allow the sale of retail marijuana in Buena Vista.

Recreational Marijuana

Mayor Lacy reviewed with the Trustees that the purpose of the discussion is for the Board to consider adopting an ordinance approving retail marijuana sales or holding an Election allowing residents to vote on the issue, and to assess whether or not an additional Special Sales Tax should be imposed on each sales transaction of retail marijuana transaction.

Trustee Rowe stated he brought this topic up at a previous meeting because he feels the sale of retail marijuana would benefit the Town financially, as well as providing a service/product(s) tourists and residents want to purchase. Rowe stated as a server in the restaurant industry, he is often asked by guests where to purchase retail marijuana and he directs them to Salida or Leadville. The customers' follow up questions are, what's there to do, and where to go eat in those municipalities which results in lost revenue for businesses, and the Town of Buena Vista. Rowe stated whether you are for or against the use of marijuana, there are many projects that the Board and Staff want to accomplish, and the additional sales tax funds would be beneficial.

Trustee Swisher stated she received 20 plus emails from residents which encompassed residents stating they were for, or against retail marijuana, with a majority of the correspondences encouraging the Trustees not to make the decision amongst themselves, but to place the question on the November 2020 ballot allowing residents to decide. Swisher stated there are residents who purchased homes, and business owners that chose to live/establish their companies in Buena Vista because the Town did not allow retail marijuana, and they deserve a voice in this decision. Swisher stated although shops are regulated and only sell products to people 21 years of age or older, that does not reduce the chances of a buyer purchasing marijuana and providing it to members in the youth communities.

Trustee Volpe stated in preparing for this discussion, he contacted the Salida and Leadville mayors, and the Salida Police Chief to discuss the impacts of retail marijuana in their communities. Volpe shared they all agreed the business owners are good working partners, their municipalities have not seen an increase in crime related to retail marijuana, and it is a solid tax revenue source. Volpe stated he feels the issue comes down to access, and to where individuals can purchase products. Every adult has the choice to use or not to use marijuana, and allowing retail marijuana in Buena Vista just changes where they can purchase products in the valley.

Trustee Eckstein stated she too received multiple emails and is always interested in public comments. Eckstein shared a lot has changed in the past several years related to retail marijuana with Buena Vista taking a conservative approach by watching and learning from other communities. Eckstein stated a vote tonight does not mean you will be able to purchase retail marijuana tomorrow. An ordinance defining regulations and requirements

must be created and adopted by the Board, and she would like input from the community and interested parties when drafting the document. Eckstein stated she feels retail marijuana is a way forward.

Trustee Nyberg stated he doesn't think Buena Vista is in dire need of the additional tax revenue that would result from the sale of retail marijuana. Nyberg stated Buena Vista has a reputation of being a high-class small mountain town, and as a Board, they should not dictate what the citizens may or may not want, and the decision should go to a vote of the people.

Trustee Fay shared a one-page document with the Trustees highlighting the projected revenues, employment opportunities, and projects that could be completed utilizing funds received from retail marijuana sales. Fay stated she feels as Trustees, they have a responsibility to seriously look at allowing the sale of retail marijuana.

Mayor Lacy asked Chief Tidwell and Sergeant Dean Morgan to share their perspective on allowing retail marijuana. Chief Tidwell stated it is his opinion that the citizens of Buena Vista do not want retail marijuana, and encouraged the Trustees to put the question to a vote of the people.

Sergeant Morgan stated he echoes Chief Tidwell's comment regarding putting the question to a vote of the people. Morgan shared he agrees with Trustee Swisher and Trustee Nyberg that although this is an option to generate revenue, it may not be the best choice for Buena Vista. Morgan stated he has concerns with where the product goes after it leaves the store, which may create new, or contribute to existing youth alcohol and drug use.

MOTION NO. 3:

MOVE TO PURSUE ADOPTION OF AN ORDINANCE ALLOWING THE SALE OF RECREATIONAL MARIJUANA.

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

The Board and Staff discussed at length the next steps to create an ordinance, and a special use tax ballot question on the sale of recreational marijuana.

MOTION NO. 4:

MOVE TO DIRECT STAFF TO PROVIDE THE TRUSTEES WITH THE 2016 DRAFT ORDINANCE FOR REFERENCE, A LIST OF ITEMS TO CONSIDER IN A NEW ORDINANCE, AND TO PURSUE DRAFTING A BALLOT QUESTION FOR A SPECIAL USE TAX ON RECREATIONAL MARIJUANA.

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

MOTION NO. 5:

MOVE TO DIRECT STAFF TO CONTACT CHAFFEE COUNTY CLERK AND RECORDER LORI MITCHELL TO RESERVE A SPOT ON THE CHAFFEE COUNTY NOVEMBER 2020 BALLOT FOR THE PURPOSE OF A RECREATIONAL MARIJUANA SPECIAL USE TAX QUESTION.

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

Sangre de Cristo Electric Annexation

Mark Doering, Principal Planner reviewed Staff is requesting the Trustees approve three separate petitions for annexation of the property located at 29780 Highway 24, which 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 Substation itself). Doering reviewed to meet state regulations to annex the property, three separate petitions were submitted which must be considered and approved by separate resolutions. The resolutions start the annexation process as required under Colorado State Statutes and establish the timeline for the required public hearings to decide to annex, and zone the property under the Town’s zoning ordinance. Staff will bring back the annexations and zoning requests for a public hearing before the Board of Trustees after review by the Planning and Zoning Commission.

Doering reviewed with the Trustees the property and headquarters building was connected to the Town’s water supply as part of the water main extension that ran to True Value when it was developed. In that connection agreement, the Town required annexation when the Town was ready to annex. If annexed, the property will pay in-town rates for water service instead of the out-of-town, and the town limits will expand to cover fire and police protection for the building which were primarily covered by the County and mutual aid agreements with the Town, so additional costs for those services are minimal. Sangre de Cristo is not proposing any additional improvements on their site currently, resulting in no additional costs for maintenance of public improvements for the property, and all road maintenance on Highway 24 will be the responsibility of the Colorado Department of Transportation. If the site is annexed into Town limits, any purchases Sangre de Cristo makes will have additional Town taxes assessed on those purchases which were not required prior to the annexation.

Trustee Swisher asked if the annexation, would it create a sales tax revenue source for the Town. Puckett stated residents are currently paying town sales tax, so an increase in revenue would not occur related to billing of electric services.

MOTION NO. 6:

MOVE TO APPROVE RESOLUTION NO. 39 ACCEPTING THE PETITION FOR ANNEXATION AND ESTABLISHING AUGUST 25, 2020 AS THE DATE OF PUBLIC HEARING ON THE REQUESTED ANNEXATION OF A PARCEL OF UNINCORPORATED TERRITORY LOCATED IN CHAFFEE COUNTY KNOWN AS THE SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. HEADQUARTERS ANNEXATION PARCEL A.

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

MOTION NO. 7:

MOVE TO APPROVE RESOLUTION NO. 40 ACCEPTING THE PETITION FOR ANNEXATION AND ESTABLISHING AUGUST 25, 2020 AS THE DATE OF PUBLIC HEARING ON THE REQUESTED ANNEXATION OF A PARCEL OF UNINCORPORATED TERRITORY LOCATED IN CHAFFEE COUNTY KNOWN AS THE SANGRE DE CRISTO ELECTRIC ASSOCIATION, INC. HEADQUARTERS ANNEXATION PARCEL B.

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

MOTION NO. 8:

MOVE TO APPROVE RESOLUTION NO. 41 ACCEPTING THE PETITION FOR ANNEXATION AND ESTABLISHING AUGUST 25, 2020 AS THE DATE OF PUBLIC HEARING ON THE REQUESTED ANNEXATION OF A PARCEL OF UNINCORPORATED TERRITORY LOCATED IN CHAFFEE COUNTY KNOWN AS THE TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. BUENA VISTA SUBSTATION ANNEXATION PARCEL A.

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

STAFF REPORTS

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

Puckett and the Board reviewed a summary of the CARES Relief Funding allocation of \$253,210, and how it will and could be spent.

BV Allocation	\$253,210.00	Timeframe	Comment
PPE, signs, cleaning products	\$ 8,128.15	March - June	Actual expenses already paid
Community Foundation Emergency Response Fund	\$ 32,000.00	April	Need to evaluate if this qualifies
Staffing	\$ 31,200.00	July-December	2 Parks Seasonal, 2 Interns, 1 Rec Facility Cleaner
PPE, cleaning products	\$ 5,000.00	July-December	Reserve for emergency cleaning/staffing/equipment.
Remaining	\$ 176,881.85	July-December	Board can consider a Business Relief Grant program as well

Puckett reviewed the 2nd quarter Administrator report with the Trustees.

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

Stoke reviewed the Vehicle Replacement Policy and vehicle inventory for the Police Department, and Public Works Department, and noted that Staff is gathering information for the Airport and Fire Department.

3. Recreation Director – Highlights of the report in the packet were reviewed and Richmond responded to Trustee comments and questions.
4. Public Works Director – Highlights of the report in the packet were reviewed and Williams responded to Trustee comments and questions.

Williams reviewed with the Board voluntary water restrictions will begin this week.

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

Wyles updated the Board on the accident that occurred at the Central Colorado Regional Airport. Wyles stated prior to the crash, the aircraft had just become airborne when it suddenly lost altitude, stuck the ground west of the runway, and then skidded across the runway and caught fire. The plane came to rest on the runway and the pilot was able to escape on his own, was transported to HRRMC by Chaffee County EMS and was then airlifted to a regional burn center in the Front Range.

The cause of the crash is currently unknown, and the FAA and NTSB are investigating the incident.

TRUSTEE/STAFF INTERACTION

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

Trustee Eckstein stated she would like the Board to review the fees being assessed on short term rentals, and to consider putting a lodging tax question on the November 2020 ballot. Eckstein would like to include short term rental data from Chaffee County and the City of Salida

in the review process. Mayor Lacy stated the fees assessed on short term rentals are set by the Board, and are reflected in the Fee Schedule which is adopted by the Trustees. Puckett stated currently the fee is based on the amount of staff time required to process applications and complete inspections, Code Enforcement Officer Grant Bryans has achieved a high compliance rate, and he will have Bryans provide an update to the Board.

The Trustees briefly discussed the option of a lodging tax question on the 2020 ballot, and agreed there is not enough time to gain community support and educate the public; they do not want to repeat the question failing like it did in November of 2018.

MOTION NO. 9:

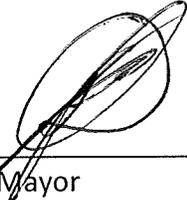
THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THAT THE MEETING BE ADJOURNED AT 10:06 PM.

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

Respectfully submitted:



Paula Barnett, Town Clerk



Duff Lacy, Mayor

