



**MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, August 11, 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 11, 2020 having been previously noticed in accordance with the Colorado Open Meetings Law.

**ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
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  
Public Works Director Shawn Williams  
Fire Chief Dixon Villers  
Special Projects Manager Joel Benson  
Town Clerk Paula Barnett

Town Attorney Jeff Parker  
Town Treasurer Michelle Stoke  
Police Chief Dean Morgan  
Recreation Director Earl Richmond  
Airport Manager Jack Wyles

**PLEDGE OF ALLEGIANCE**

Mayor Lacy led the pledge of allegiance.

Town Administrator Phillip Puckett stated a formal development application by the owner of the Big Meadow (Parcel 2 in the Town's 1974 Ivy League Water Service Agreement) has been submitted to the Chaffee County Development Services Department which necessitates direction from Town, and requested adding "Potential Pursuit of Annexation of Parcel 2, 1974 Water Service Agreement" as Business Item F. to the agenda.

**AGENDA ADOPTION**

**MOTION NO. 1:**

MOVE TO APPROVE THE AGENDA AS AMENDED BY ADDING BUSINESS ITEM F; POTENTIAL PURSUIT OF ANNEXATION OF PARCEL 2, 1974 WATER SERVICE AGREEMENT.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Fay
<b>SECONDER:</b>	Trustee Eckstein
<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 – July 28, 2020
- B. Police Chief Report**
- C. Fire Chief Report**
- D. Code Enforcement – Second Quarter Update**
- E. Chaffee County Housing Directors Report – July 2020**
- F. Chaffee County Development Services Department Activity Report – July 2020**
- G. Adoption of Resolution No. 44, Series 2020 entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPOINTING WAYNE LEE AS AN ALTERNATE MEMBER OF THE AIRPORT ADVISORY BOARD.”**
- H. Adoption of Resolution No. 45, Series 2020 entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPOINTING DOROTHY DISTEL AS AN ALTERNATE MEMBER OF THE BEAUTIFICATION ADVISORY BOARD.”**

**MOTION NO. 2:**

MOVE TO APPROVE THE CONSENT AGENDA.

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

**PUBLIC COMMENT**

No Public Comment was received.

**BUSINESS ITEMS**

**Update from Central Colorado UAS Club (CCUASC) on Drone Park Project**

Town Administrator Phillip Puckett reviewed with the Trustees that Central Colorado UAS Club (CCUASC) has been working on adding a designated Drone Park at the Rodeo Grounds area. The CCUASC, Recreational Advisory Board, and Recreation Department have worked with the other groups that utilize that area and created a plan for a Drone Park.

Honora Roberts and Taylor Albrecht with Central Colorado UAS presented to the Board a proposal for the Drone Flying Park which would provide an area where both professional and recreational pilots can learn to safely operate unmanned aircraft, first responders can practice complicated maneuvers and become certified, and pilots can compete for standings in the racing circuit.

Roberts stated the park would be completed in three phases over a 3-year timeline 2020-2022 which include the following:

- Phase 1 -Flight Deck & Certifications Zones (2020)
  - Secure sponsors for zones
  - Construct road into the Flying Park
  - Build Flight Deck and Certification Zones
  - Develop and install signage
  - Provide Porta Potties for area
- Phase 2 – Obstacle Zone (2021)
  - Secure sponsors for zone
  - Build the Obstacle Zone
  - Provide Porta Potties for area
  - Erect shelters for first two zones
- Phase 3- Racing Zone (2022)
  - Secure sponsor for the zone
  - Build the Racing Zone
  - Erect shelter for zone
  - Host the first sanctioned race

Roberts and Albrecht reviewed the Phase One proposed budget and the responsible party for completing and covering the cost of each task. CCUASC is requesting that the Town grant permission for land use and any in-kind services, construct roadway and parking area, provide porta potties, and work with the club to develop and install signage.

Trustee Swisher asked if the location of the drone park interferes with activities at the airport, and Albrecht stated members worked with Airport Manager Jack Wyles and his staff to ensure there is adequate distance from the airport. Signage will be posted advising users to contact the airport notifying them that they are utilizing the drone park, and to stop operations when planes are in the area. Wyles stated having drone pilots in one location will increase safety for all aircraft.

The Board agreed to the proposed drone park, and discussed with Town Attorney Jeff Parker the requirement of an agreement between CCUASC and the Town.

**MOTION NO. 3:**

MOVE TO APPROVE THE DRONE PARK CONCEPT, TO PROCEED FORWARD WITH PHASE ONE OF THE PROPOSED PLAN AND DEVELOP AN AGREEMENT BETWEEN THE TOWN AND CCUASC FOR USE OF THE LAND AND PROVIDED SERVICES.

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

### Family Youth Initiatives Program

Samantha Barron, FYI Program and Grant Manager reviewed with the Trustees the Family Youth Initiatives Program which includes Communities That Care and Chaffee County Youth Alliance programs.

### Retail Cannabis

Mayor Lacy stated Trustee Volpe has requested to address the Board prior to reviewing the draft ordinance.

Trustee Volpe shared with the Board that he feels the discussion before the Board is to decide where adults are able to purchase a product that is legal in the state of Colorado. Given the volume of recent emails the Trustees have received regarding the Board’s decision to move forward with allowing retail marijuana, as well as the hyper partisan/hyper sensitive feelings in the country and locally, he feels it would be best to reconsider his decision and to move forward with as much unity and good will as possible, and to put the question to a vote of the people this November.

Trustee Nyberg stated he would like to make a motion to direct staff and legal to create ballot language for the November 3, 2020 Election giving residents the opportunity to vote on allowing retail cannabis stores in Buena Vista. Trustee Swisher stated she seconds the motion, and would like to share comments on the topic.

Trustee Swisher shared that when she was running for Trustee, she was very clear that she was 100% against recreational marijuana. Swisher stated this is not a discussion on street design, building a trail, or hiring another employee, but rather that the Board is discussing a value and quality of a way of life. Swisher stated she strives to be a team player, and accepts the majority vote to allow retail marijuana, but feels she needs to represent the people that voted for her.

Swisher stated the Trustees have received over 150 emails from people wanting the right to vote on recreational marijuana sales, and the feedback proves there are strong feelings on this issue in the community. Swisher stated there has been debate whether emails are from town or county residents, but she doesn’t care where they reside. County residents contribute to the town’s economy, support the schools, and are part of the Buena Vista community.

Trustee Eckstein stated the Trustees are decision makers, and feels the Trustees should continue moving forward on the path that has been set which allows retail cannabis to be an economic contributor to the community.

Trustee Rowe stated this is an issue he brought up initially, that he cares about the town, and the Trustees are elected by the residents to represent and vote for the people of Buena Vista. Rowe stated each Trustee represents different groups of people, and that's why he feels if the issue had the support of the majority of the Board, that they are representing many town residents and should proceed forward.

Trustee Fay stated she agrees with Eckstein and Rowe on their view of the authority of the Trustees to vote on such matters, but the question is too divisive in the community, and residents should have the opportunity to vote on the issue.

**MOTION NO. 4:**

MOVE TO DIRECT STAFF AND LEGAL TO CREATE BALLOT LANGUAGE FOR THE NOVEMBER 3, 2020 BALLOT ALLOWING RETAIL CANNABIS STORES IN BUENA VISTA.

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

Trustees and Staff reviewed and discussed at length the updates to the draft ordinance concerning medical and retail marijuana. The Board agreed to the following changes to the draft ordinance:

- No printing/designs is to be allowed on the packaging
- A flyer should be provided to the purchaser outlining state and local laws regarding use of marijuana
- Remove distance requirement from residential properties
- Correct zone districts in Section 2 of the ordinance
- A 500-foot buffer from alcohol/drug rehabilitation centers

The Board and Staff reviewed potential recreational marijuana store sites by using zone district maps, and agreed to use the map that allows for stores 1,000 feet from schools and the existing dispensary, and 500 feet from rehabilitation centers and Valley Wide Health Systems.

The Board reviewed and discussed the draft ballot language for a special use tax on retail cannabis sales, and will decide at the August 25<sup>th</sup> Trustee meeting what the sales tax percentage should be.

**AvFuel Aviation Fuel Supply Agreement**

Airport Manager Jack Wyles reviewed that Staff is requesting the Trustees approve a new fuel contract with AvFuel Corporation upon expiration of the current fuel supply contract with World Fuel Services. Wyles stated the contract with World Fuel Services will expire in October of 2020, and the Town must provide a 30-day written notice prior to the expiration or the

current contract will automatically renew for another 5 years. Wyles stated the price for aviation fuel to be supplied by AvFuel Corp. is competitive with that offered by World Fuel Services and other fuel providers, and there are no budget or operational impacts.

**MOTION NO. 5:**

MOVE TO ADOPT RESOLUTION NO. 46 APPROVING AN AGREEMENT WITH AvFUEL CORPORATION FOR THE SUPPLY OF AVIATION FUEL AND A REFUELER TRUCK AT THE CENTRAL COLORADO REGIONAL AIRPORT.

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

**RESOLUTION TO DIRECT FEDERAL EMERGENCY SUPPORT TO REOPEN AND REBUILD LOCAL AMERICAN ECONOMIES**

Puckett reviewed the resolution is a statement of support with the National League of Cities that will be used to advocate for future emergency federal funding to go directly to the counties and municipalities instead of the State for disbursement.

**MOTION NO. 6:**

MOVE TO APPROVE ADOPTION OF RESOLUTION NO. 47 SUPPORTING THE FAIR, DIRECT FEDERAL EMERGENCY SUPPORT TO REOPEN AND REBUILD LOCAL AMERICAN ECONOMIES.

<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	

**Potential Pursuit of Annexation of Parcel 2, 1974 Water Service Agreement**

Special Projects Manager Joel Benson reviewed with the Board that Staff was notified by Chaffee County Building Department that Meadows Farms LLC has submitted a formal development application for the Big Meadow off of Crossman Avenue.

Benson reviewed with the Trustees that as defined in the 1974 Ivy League Water Service Agreement, the Town can require annexation of Parcel 2, and this is the same meadow that Town would have to dry up in order to use its Leesmeagh Ditch water right. Benson reviewed several provisions of the agreement including the owner of the property, Meadows Farm LLC, has a right to 115 water taps from Town, and the dry-up of the meadow is tenuous and its potential eventual disposition may depend on an appropriate annexation agreement.

Puckett stated the Trustees need to decide if they would like to proceed forward with exploring an annexation agreement with Meadows Farm LLC which will be a lengthy process involving several work sessions prior to an actual annexation.

**MOTION NO. 7:**

MOVE TO APPROVE STAFF TO EXPLORE THE ANNEXATION OF THE BIG MEADOWS OWNED BY MEADOWS FARM, LLC.

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

**STAFF REPORTS**

1. Town Treasurer – Highlights of the report in the packet were reviewed and Stoke responded to Trustee comments and questions.
2. Public Works Director – Highlights of the report in the packet were reviewed and Williams responded to Trustee comments and questions.
3. Recreation Director – Highlights of the report in the packet were reviewed and Richmond responded to Trustee comments and questions.
4. Airport Manager – Highlights of the report in the packet were reviewed and Wyles responded to Trustee comments and questions.

**TRUSTEE/STAFF INTERACTION**

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

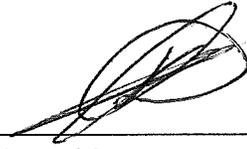
Puckett shared with the Trustees that the County and Town/City Administrators are exploring options to utilize CARES Relief Funding for non-profits and youth support. The administrators will work with Joseph Teipel from Chaffee County Community Foundation (CCCF) to coordinate the grant application process.

**MOTION NO. 8:**

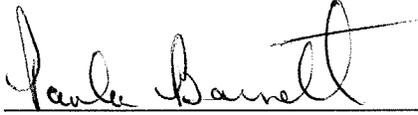
THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THAT THE MEETING BE ADJOURNED AT 10:03 PM.

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

Respectfully submitted:



Duff Lacy, Mayor



Paula Barnett, Town Clerk

