



**MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES  
REGULAR MEETING  
Tuesday, November 14, 2023**

**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 at 6:00 PM – Amendments to the Chaffee County Building Codes**

Mayor Libby Fay, Trustees Sue Cobb, Gina Lucrezi, Peter Hylton-Hinga, Andrew Rice, Devin Rowe, and Cindie Swisher attended the work session. Also present were Town Administrator Brian Berger, Treasurer Phillip Puckett, Planning Director Joel Benson, Public Works Director Shawn Williams, and Town Clerk Paula Barnett.

Town Planner Joel Benson reviewed that the Town of Buena Vista contracts building development services with the Chaffee County Building Safety Department, which includes reviewing construction plans, providing building inspections, and issuing certificates of occupancy. Benson stated that periodically, the County adopts a revised building code to apply to projects throughout the county, including municipalities that contract its services.

The County uses the 2015 International Building Code, 2015 International Fire Code, 2015 International Plumbing Code, 2015 International Mechanical Code, and the 2006 International Energy Conservation Code. Benson said the town has elected to undergo its review process of any proposed code adoption rather than automatically adopting new code when the county does. For the most part, the town has used the same code but has opted out of some items, such as the 2015 sprinkler requirements for shorter buildings.

Presently, the County is reviewing the adoption of the 2021 series of International codes, including the 2021 International Energy Efficiency Code (IEEC) and the International Wildland-Urban Interface Code (IWUIC) related to unincorporated areas of the county. The County Commissioners and the Board of Appeals are undergoing a review of proposed changes. Benson stated the next steps after the work session would be a first reading of the proposed ordinance on November 28, 2023, and a public hearing on December 12<sup>th</sup>, with a second reading and possible adoption of the ordinance by the Trustees. The Town can adopt all, some, or none of the proposed changes. Benson stated the advantage of adopting all changes is that it ensures consistency in review by the county among all jurisdictions.

Pat Green with the Chaffee County Building Safety Department stated the County Commissioners will review and discuss adopting the proposed codes on November 21<sup>st</sup> and December 12, 2023. Green highlighted the proposed changes and additions to the Residential Code and Fire Code, which Chaffee County Fire Protection Districts has approved. Green briefly reviewed changes to the Mechanical Code and Plumbing Code.

Green stated the County will be moving from utilizing the 2006 Energy Code to the 2021 Energy Code mandated by the state, which will require multiple inspections by certified inspectors, impacting the Building Department, developers, and homeowners. The Code is designed to be highly energy efficient for homes and commercial buildings.

Green reviewed the Colorado Model Electric Ready and Solar Ready Code, which will require new construction primarily served by natural gas also be electrically wired for electrical appliances for later use. Garages will be required to be wired for electric automobile charging stations.

The Board of Trustees thanked Green for the informative update.

An in-person/virtual regular meeting of the Board of Trustees was called to order by Mayor Libby Fay at 7:05 PM, Tuesday, November 14, 2023, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado, having been previously noticed in accordance with the Colorado Open Meetings Law.

**ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Libby Fay	Mayor	Present
Sue Cobb	Trustee	Present
Peter Hylton-Hinga	Trustee	Present
Gina Lucrezi	Trustee	Present
Andrew Rice	Trustee	Present
Devin Rowe	Trustee	Present
Cindie Swisher	Trustee	Present

**Town Staff Present:**

Town Administrator Brian Berger  
 Town Attorney Jeff Parker via Zoom  
 Public Works Director Shawn Williams

Town Treasurer Phillip Puckett  
 Planning Director Joel Benson  
 Town Clerk Paula Barnett

**PLEDGE OF ALLEGIANCE**

Mayor Fay led the pledge of allegiance.

Mayor Fay stated that an Executive Session related to the easement acquisition for Town utilities is no longer necessary since the concerns have been resolved.

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

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Rowe
<b>SECONDER:</b>	Trustee Cobb
<b>AYES:</b>	Cobb, Hylton-Hinga, Lucrezi, Rice, Rowe, Swisher

**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 – October 24, 2023
2. Water Advisory Board – September 21, 2023
3. Water Advisory Board – October 19, 2023
4. Tree Advisory Board – June 1, 2023
5. Tree Advisory Board – July 6, 2023
6. Tree Advisory Board – September 7, 2023
7. Tree Advisory Board – October 5, 2023
8. Recreation Advisory Board – July 19, 2023
9. Recreation Advisory Board – August 16, 2023
10. Recreation Advisory Board – September 19, 2023
11. Beautification Advisory Board – October 5, 2023
12. Planning & Zoning Commission – September 5, 2023

**B. Adoption of Resolution No. 74, Series 2023, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPOINTING BRIAN BERGER TO THE CHAFFEE COUNTY MULTIJURISDICTIONAL HOUSING AUTHORITY.**

**C. Approval of the Shining Mountain Montessori School (SMMS) Amended and Restated Lease.**

Trustee Cobb stated the Water Advisory Board is approving minutes by email to provide them to Trustees promptly. Trustee Cobb asked if the other Advisory Boards could follow that

practice to avoid delays. Town Administrator Brian Berger stated that if an Advisory Board(s) chooses to approve minutes via email, the action must be ratified at their next meeting.

**MOTION NO. 2:**

MOVE TO APPROVE THE CONSENT AGENDA.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Lucrezi
<b>SECONDER:</b>	Trustee Swisher
<b>AYES:</b>	Cobb, Hylton-Hinga, Lucrezi, Rice, Rowe, Swisher

**PUBLIC COMMENT**

Chris Martin, 30991 County Road 356, Buena Vista, spoke about ADA issues and is trying to determine where ADA fits into the needs and responsibilities of the county, municipalities, and Trustees. Martin feels that with the adoption of the new building codes, now would be an excellent time to include ADA issues and requirements. Martin encouraged the Trustees to explore options to improve accessibility in town facilities, parks, and sidewalks.

Lois Walton, 33960 Surry Lane, via Zoom, shared her views on the lack of ADA access at the Community Building and the difficulty of entering the building. Walton echoed Martin’s comment, encouraging the Trustees to explore options to improve accessibility in town facilities, parks, and sidewalks.

**BUSINESS ITEMS**

**Public Hearing – The Buena Viking – Hotel & Restaurant Liquor License Change of Location**

Mayor Fay opened the Public Hearing, and Town Clerk Paula Barnett reviewed that the Board is being asked to consider approving a Change Location Permit for the Hotel and Restaurant Liquor license for The Buena Viking, currently located at 413 E. Main Street, Suite 140, to 418 East Main Street and the patio area at 420 E. Main Street. Owners Anna and Evan Winger.

Barnett reviewed that on March 8, 2022, the Trustees approved the Hotel and Restaurant Liquor License for The Buena Viking, located behind The Orpheum Building, with the understanding that the Winger’s would have a brick-and-mortar restaurant built. On October 13, 2023, the Wingers submitted a Permit Application and Report of Changes form for a Change Location Permit. The application is complete, the appropriate fees have been paid, and Public Hearing Notices have been published and posted. The location meets the Town’s Hotel and Restaurant liquor license 150 feet distance restriction from Avery Parsons Elementary School. The Buena Vista Police and Planning Departments, Code Enforcement Officer, Chaffee County Fire Protection District, and Chaffee County Public Health have approved the Change of Location permit request.

Anna Winger, co-owner of the Buena Viking, stated that when the license was approved, it was with the intent to move to a permanent location that includes an indoor restaurant, rooftop serving area, patio, and the adjoining area of CKS.

Mayor Fay asked if they would have amplified sound on the rooftop serving. Winger said they would follow the town's noise policy and were not planning to be open late at night.

Mayor Fay opened the hearing up for Public Comment, and no comments were received.

**MOTION NO. 3:**

MOVE TO APPROVE THE CHANGE OF LOCATION PERMIT FOR THE BUENA VIKING FROM 413 E. MAIN STREET, SUITE 140 TO 418 AND 420 EAST MAIN STREET.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Cobb
<b>SECONDER:</b>	Trustee Lucrezi
<b>AYES:</b>	Cobb, Hylton-Hinga, Lucrezi, Rice, Rowe, Swisher

**Public Hearing – 2024 Town of Buena Vista Budget**

Beautification Advisory Board Chair Joy Duprey recognized Dorothy Distel, Sue Benes, Colleen Deffner, Nancy Taylor, Jan Wheeler-Kitzman, Jennifer Wright, and Diana Weir for their dedication and hard work on the Advisory Board. Duprey also thanked Town Clerk Paula Barnett, Trustee Hylton-Hinga, Public Works Director Shawn Williams, and the Parks Department Staff for their support and assistance. Duprey reviewed the successes and accomplishments of the Beautification Advisory Board in 2023 and the planned projects and budget requests for 2024.

Town Treasurer Phillip Puckett stated that the budget request of \$19,600 is included in the 2024 Draft Budget.

Special Project Manager Earl Richmond recognized Trails Advisory Board members Kelly Collins, Lois Walton, Pat McCarthy, Ryan Cole, Mallory Brooks, Colleen Fitzgerald, Jonathan Litwiller, and Dawn Dennison and thanked them for their dedication to maintaining and developing trails.

Ryan Cole reviewed the Trails Advisory Board's mission and vision statements, goals, successes, and accomplishments in 2023. Colleen Fitzgerald reviewed the planned projects and budget requests for 2024.

Lois Walton, via Zoom, shared her concerns about the lack of ADA trails throughout the town. Walton said the first phase of the Walton Loop is not a hardened surface, making it difficult for individuals to use a walker or wheelchair. Walton stated the town trails are not being

maintained and improved, and a reliable funding source and grant funding are needed to maintain, improve, and develop the trail system.

Puckett stated that the Trails Advisory budget request is included in the 2024 Draft Budget.

Puckett reviewed the proposed 2024 Budget and the changes made since the budget presentation on October 24, 2023, which include the following.

- Sales Tax revenues for September came in lower than expected. The August and September sales tax is down 4.2%, and the 2024 projected revenues have been decreased.
- Recreation and Public Works staff reviewed the Legacy Stage at McPhelemy Park proposals with Buena Vista Event Cooperative (BVEC) representatives and have added \$5,000 as a 2024 capital project for the ADA ramp. The ADA parking improvements are included in the Public Works operating budget. No additional stage improvements are included in the 2024 budget.
- Recreation Staff reduced the Community Center Pinon Room Painting and Carpet Replacement project from \$37,000 to \$25,000 (Painting = \$10,000 Carpet = \$15,000)
- Recreation Staff and the Recreation Advisory Board added the Walton Loop ADA Trail – Stage 2 project for \$48,000.
- Planning projects are included in the 2024 Capital Projects report. Water Planning – General has been added as a placeholder for planning efforts in addition to the Water Conservation Plan.
- To balance the General Fund:
  - Revised Wages and Benefits based on actuals for new employees, saving \$16,417
  - Transfer from General Fund to Capital Improvement Fund has increased from \$279,717 to \$296,134

Puckett reviewed a summary of the General Fund, Capital Improvement Fund, Water Fund, Airport Fund, Street Fund, Stormwater Fund, Conservation Trust Fund, and Marijuana Special Revenue Fund.

Puckett reviewed the draft Capital Projects by Fund with Funding Source(s) with the Trustees. Puckett stated that with the projected decrease in revenues, the Board will need to prioritize at the November 28<sup>th</sup> meeting which projects they want to do in 2024 so he can finalize the budget for approval on December 12<sup>th</sup>.

Trustee Swisher stated she feels the carpet and painting at the Community Center is not needed at this time and would prefer those funds be allocated to automatic door openers at the Community Center. The Board was in agreement with Trustee Swisher's comments.

The Trustees and Staff discussed the proposed allocations and expenditures. Mayor Fay stated she would like to pursue the Town being ADA-compliant throughout town facilities and walkways. Trustee Cobb suggested developing a working group and/or work session to determine and accurately understand ADA requirements and areas that need to be addressed.

Town Attorney Jeff Parker stated he was unaware of any non-compliance issues by the Town with ADA regulations. However, the town can install non-required devices and improvements to facilities and parks to make them more easily accessible.

Mayor Fay opened the hearing up for Public Comment.

Chris Martin, 30991 County Road 356, Buena Vista, stated the Buena Vista Event Cooperative (BVEC) met with members of the Public Works and Recreation Departments to review BVEC's recommended improvements to the Legacy Stage that he discussed with the Board at the October 24, 2023, meeting. Town Staff agreed to do several of the projects, and BVEC is currently requesting \$5,000 to be allocated for a permanent ADA ramp for the stage.

Collen Fitzgerald, 16403 County Road 356-10, Buena Vista, stated she has experience working with municipalities on ADA compliance and would be happy to assist the Town in developing an ADA Plan.

Mayor Fay Closed Public Comment.

**MOTION NO. 4:**

MOVE TO CONTINUE THE 2024 BUDGET HEARING TO NOVEMBER 28, 2023.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Rowe
<b>SECONDER:</b>	Trustee Cobb
<b>AYES:</b>	Cobb, Hylton-Hinga, Lucrezi, Rice, Rowe, Swisher

**Chaffee County Economic Development Corporation (EDC)**

Executive Director Jake Rishavy reviewed the EDC's Strategic Plan and accomplishments in 2023 and the 2024 budget request of \$15,000.00 to the Board of Trustees.

Rishavy stated that he and the EDC Board of Directors know that the Trustees were displeased with the EDC's roles in a previous work session related to the Water Allocation Policy and the Temporary Moratorium.

Rishavy stated that previous town staff members had requested the EDC represent the developers to avoid having multiple development community members speak during the work session.

The Trustees and Rishavy had a lengthy discussion about the Board’s responsibility to represent the community's residents and ensure the Town’s water supply is maintained and allocated wisely.

The Board and Rishavy agreed that the EDC and the Trustees need to work on rebuilding a positive collaborative relationship that will support and benefit the residents and the community.

The Board took a five-minute break at 9:20 pm

**Arizona Street Trail and Bridge Project**

Berger reviewed with the Board that the Arizona Street Trail & Bridge Project was put out to bid for a second time this year on September 25<sup>th</sup>, with bids due November 1<sup>st</sup>. The Town received one bid from Siete, Inc. for \$2,993,630. In 2023, \$903,422 was budgeted for the project, which was increased to \$1,200,000 in the Draft 2024 Budget. Berger stated that funds are not available to complete a project of this multitude and cost.

The Board and Staff discussed at length the history of the Arizona Street Trail and Bridge Project and options to improve the roadway and walkways and to research the process of how to return the Colorado Department of Transportation grant funds that have been received.

**MOTION NO. 5:**

MOVE TO REJECT THE BID FROM SIETE, INC. FOR THE ARIZONA STREET TRAIL AND BRIDGE PROJECT.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Swisher
<b>SECONDER:</b>	Trustee Rice
<b>AYES:</b>	Cobb, Hylton-Hinga, Lucrezi, Rice, Rowe, Swisher

The Board directed the Staff to analyze Arizona Street Trail and Bridge Project options.

**STAFF REPORTS**

Police Chief – Highlights of the report in the packet were reviewed, and Berger responded to the Trustee’s comments and questions.

Planning Director - Highlights of the report in the packet were reviewed, and Benson responded to the Trustee’s comments and questions.

Public Works Director - Highlights of the report in the packet were reviewed, and Williams responded to the Trustee’s comments and questions.



**TRUSTEE INTERACTION**

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

Mayor Fay reviewed the Upper Arkansas Area Council of Governments (UAACOG) has requested a letter of support from the Board of Trustees of the Mini-Grants program.

**MOTION NO. 6:**

MOVE TO APPROVE MAYOR FAY SIGN THE UAACOG MINI-GRANT LETTER OF SUPPORT.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Rowe
<b>SECONDER:</b>	Trustee Cobb
<b>AYES:</b>	Cobb, Hylton-Hinga, Lucrezi, Rice, Rowe, Swisher

Trustee Lucrezi reviewed the proposed schedule and processes with the Board to develop a repeatable and reliable evaluation framework for the Board-appointed Town Staff positions of Administrator, Treasurer, and Clerk. Trustee Cobb will assist Trustee Lucrezi.

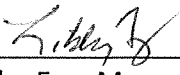
Berger shared with the Trustees that for the holiday season, Town Attorney Parker’s firm selects one of their clients to identify an organization within their municipality for their staff to donate to for the holiday. This year, Buena Vista was selected, and Berger is working with the law firm in determining an organization.

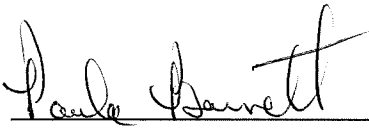
**MOTION NO. 7:**

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING BE ADJOURNED AT 10:29 PM.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Rowe
<b>SECONDER:</b>	Trustee Cobb
<b>AYES:</b>	Cobb, Hylton-Hinga, Lucrezi, Rice, Rowe, Swisher

Respectfully submitted:

  
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 Libby Fay, Mayor

  
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 Paula Barnett, Town Clerk

