



**MINUTES REGULAR MEETING
CITY COUNCIL CHAMBERS
125 E. 3rd Street**

Salida, Colorado

January 19, 2010

6:00 p.m.

The meeting was called to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE –

Led by Mayor Chuck Rose.

ROLL CALL -

Present at roll call were Mayor Chuck Rose, Council Members Keith Baker, Scott Damman, Jim McCormick, Jay Moore, Steven Stewart and Tom Yerkey. Also present were City Administrator Jack Lewis, City Clerk Betty Schwitzer, City Treasurer Eileen Rogers, Deputy City Clerk Janella Martinez, and City Attorney Karl Hanlon.

CITIZEN PARTICIPATION -

No one signed to speak.

PRESENTATIONS –

The Salida Dog Club presenter had a personal issue arise and will not be presenting until the next Council meeting.

SCHEDULED ITEMS-

1. Consent Agenda
 - a. Approval of Agenda
 - b. Approval of Minutes: Minutes January 19, 2009

Staff recommends combining and approving the items on the consent agenda.

A motion was made by Yerkey to amend the agenda by removing the presentation and the Elks Club Special Event Permit application and to combine and approve the items on the consent agenda. Moore seconded the motion. With all in consensus, **THE MOTION CARRIED.**

2. Elks Special Event Permit –

Deputy City Clerk Janella Martinez presented information that is included in the packet for the record. The public hearing is scheduled for February 3, 2010 and will be held if any protests are received by the City at that time. If there are no protests this item will be added to the consent agenda.

3. Building Permit expiration extension –

Resolution 2010 -03 Extension of building permit expiration for permits issued prior to January 1, 2008.

Community Development Director Dara MacDonald presented written materials that are included in the packet. The request is to allow an extension of building permits issued prior to January 1, 2008. The extension until March 1, 2010 would allow the permittees to complete any outstanding inspections and receive certificates of occupancy for their projects.

Building permits are valid for one year. Upon a written request permits may be extended for an additional year. No more than two extensions may be granted. In no event may a permit be valid for more than three years or for more than two years following the adoption of a new version of the applicable building code, whichever is less.

The City and County both adopted new building codes (2006 International Codes) in 2007 with an effective date of January 1, 2008. Last year the County building department made an effort to alert any permittees from prior to January 1, 2008 that their permits would expire on December 31, 2009. However, due to staffing changes, they were unable to contact all permittees. Upon our year-end file review, staff has discovered at least eight (8) outstanding permits in this situation.

The construction of all of these projects is substantially complete. Staff recommends allowing until March 1, 2010 for the permittees to complete their projects. All permittees have been contacted regarding their outstanding permits and will be notified again once a new deadline has been established.

The building department would normally require the permittee to pay ½ the value of a new building permit before renewing inspections on an expired permit. In this case, they suggest that they not charge the new permit fee for inspections, but instead charge an inspection fee based on the amount of work required, but in no case to exceed \$50.

The outstanding permits are as follows:

- | | | |
|---------------------|--------------------------------|--|
| 1. Dee Logan | 644 Crestone | Never finalized, needs to amend condominium plat |
| 2. Steve Duhaim | 361 Scott Street | Garage – ready for final inspection |
| 3. Salida Golf Club | 404 Grant | Cart Shed – ready for final inspection |
| 4. Mac Smith | 325 Maxwell | ADU – have TCO, never finalized |
| 5. Karen Karnuta | 550 W. 13 th Street | No CO was issued |
| 6. Judy Gilbert | 162 Mesa Circle | ADU – in litigation with HOA |
| 7. Mike Valdez | 502 Nichols | Relocated mobile home – needs final inspection |
| 8. Pat Koenig | 117 & 121 M&M Lane | Need final inspections |

Chaffee County has chosen to require that these types of permits be submitted to their Board of Review for further extensions. City staff recommends that because the outstanding projects within the municipality are all substantially complete, that we allow a time extension rather than have them submit an application to the Board of Appeals.

Council Member Baker recused himself from voting on this issue.

A motion was made by Yerkey to approve Resolution 2010-03, A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO ALLOWING AN EXTENSION FOR EXPIRED BUILDING PERMITS ISSUED PRIOR TO JANUARY 1,

2008. The motion was seconded by Moore. With the five remaining members voting in favor of Resolution 2010-03, THE MOTION CARRIED.

4. Vital Statistics MOA between Chaffee County/City of Salida –

Resolution 2010 - 04 approving a Memorandum of Agreement between the City of Salida and the Director of Chaffee County Health and Human Services Department concerning the Vital Records and Statistics.

Finance Director Jan Schmidt presented written information that is included in the packet for the record. In July 2008, Governor Ritter signed into law SB-194, the Public Health Act of 2008 (the Act). The intent of the Act is to improve public health infrastructure and ensure essential public health and environmental services are provided in each county. There are several changes in the new law pertaining to vital records and statistics. A summary of the Act was provided by the state and is attached to this cover memo for additional background information.

In summary, the Act states that the newly established public health agencies and directors are responsible for vital records duties in their respective counties. The Act does, however, provide counties the option to contract these duties out to another local office if this is considered more efficient or the public health agency is unable to provide vital records services to the county.

The City of Salida has been responsible for the issuance and birth and death certificates for at least 40 or 50 years. We have experienced and trained staff to perform these sensitive duties. As required by the state, we have a computer dedicated for this function that is connected to the state-wide system for issuing birth certificates. Chaffee County personnel have not expressed an interest in taking on this responsibility. If they were to do so at some future date, a training and set-up period would be required before transferring the responsibilities to them.

This is an income source of about \$15,000 per year for providing this service to the citizens of the City.

Council Member Yerkey asked Attorney Hanlon if issuing death and birth certificates were usually a County service. Attorney Hanlon said that Counties generally do function as the Vital Statistics Registrar, but by issuing certificates the City brings in about \$15,000 per year which pays for 40% of that staff person's time. Hanlon suggested we continue for another year and review this issue again.

Council Member Moore noted that the City has issued death and birth certificates for many years and our citizens know to go to City Hall for the certificates. City staff is trained to issue birth and death certificates, and does this in a professional manor. Council Member McCormick said it is a good service to offer the community.

A motion was made by Damman to pass RESOLUTION 2010 - 04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING A MEMORANDUM OF AGREEMENT BY AND BETWEEN THE CITY OF SALIDA AND THE BOARD OF COUNTY COMMISSIONERS OF CHAFFEE COUNTY, COLORADO REGARDING VITAL RECORDS AND STATISTICS. Moore seconded the motion. With all in consensus, THE MOTION CARRIED.

5. City Administrator/City Attorney/Deputy City Clerk –

a. Administrator's Report –

City Administrator Jack Lewis presented written materials that are included in the packet for the record.

- Natural Resource Center update

The Natural Resource Center Development Corporation has responded to the Forest Service pre-solicitations. The Corporation has filed the letter of intent along with our site application. The board has interviewed 4 of 7 respondents to the request the NRC Development Corporation put out. We are in the final processes of doing second interviews and checking references. The board hopes to be able to notify the developer that we are going to move ahead with selecting a developer by the end of the week.

- Hot Waterline Bid recommendation

Administrator Lewis thanked the City Engineer, Public Works Director Rob Vance and Salida Hot Springs Pool Manager Theresa Casey for their work on the project.

On January 12, 2010, a public bid opening was held for the Hot Water Line Replacement Project. There were 10 qualified bidders for the project. The bids were divided into two phases based on construction areas. Each phase received an individual bid amount and then a total bid price was asked for both phases. The bids were read in phases and the award would be based off the total bid price.

The apparent low bidder was Siefert Enterprises at a total price of \$302,442.00. The next low bidder was Spallone Construction with a bid of \$314,198.00. The third low bidder was Pridemore Construction at a bid price of \$372,355.00. Staff then checked references and called on similar projects of the apparent low bidder. No disqualifying issues were brought up.

Staff met on January 14, 2010, to discuss the project and to determine which phase or if both phases should be our recommendation for award to City Council. It was determined that for the benefit of the Aquatic Center, the City should obtain the highest possible temperature at the pool. This is best done by recommending both phases to be done as a single project. This will maximize the temperature gains while limiting the amount of disturbance at the pool.

The Public Works, Recreation and Aquatics Department and SGM recommend that Salida City Council award the entire project, including Phase 1 and Phase 2 to Seifert Enterprises for the bid price of \$302,442.00.

A brief discussion followed on cost savings to the contractor for doing both phases together. Theresa Casey, Salida Hot Springs Pool Manager said the main savings would be in time and convenience for the contractor. Following a brief discussion by Council Members, Mayor Rose asked for a motion.

A motion was made by Moore to approve the bid by Siefert Enterprises for \$302,442 for replace the Hot Waterline replacement project. The motion was seconded by Stewart. With all in consensus, THE MOTION CARRIED.

- b. City Attorney Report –

Attorney Hanlon has nothing to report this evening.

- c. Deputy City Clerk -

Deputy City Clerk Janella Martinez presented written materials that are included in the packet. Nine

water samples were submitted dated 12/15/09(2) 1/4/10(2), 1/11/10(2), and 1/12/03. All tested safe as reported by the Colorado Department of Health.

With passage of Ordinance 2009-17 City Council gave authority to Administrator Lewis to issue liquor licensing renewals, transfers and changes. This Ordinance became effective December 19, 2009. With that change it was requested by City Council to have a monthly report of the approved licenses. Approval standards have been established by administration.

The following licenses have been sent to the Colorado Department of Revenue Liquor Division for issuance to date. A Transfer of Ownership application for Hotel & Restaurant liquor license by ABC River Corp. dba Salida Café & Roastery, a Tavern liquor license renewal application by Culp & Culp, Inc. dba Super Bowl Lanes, a Tavern liquor license renewal by Tenderfoot Tavern, Inc. dba Tenderfoot Tavern, and a Change of Manager application to Manuel Pacheco by Martin A. Rangel dba Fiesta Mexicana Two. When the licenses have been issued by the State, the local license will be issued. Both licenses will be delivered to the applicants by the Police Department.

7. Elected Official Reports -

a. Treasurer

Eileen J. Rogers City Treasurer reported on sales tax. January 2010 collections of sales tax reported for the month of November 2009 were \$272,373 for the city tax and \$89,327 for Salida's portion of the county sales tax. As is typical for any given month, the actual amount collected is not a perfect reflection of actual economic activity for that month. City staff reviews a monthly distribution report that shows how much local sales tax each vendor remits to the state. That analysis indicates a decrease of 8% compared to adjusted figures for November 2008.

The tax received by the City each month includes amounts that were reported late by a few of the local vendors. Occasionally, business owners send in a check that does not clear and funds are deducted from the total amount distributed to the City. The City is still waiting to receive the amounts that business owners collected from their customers that were never sent into the state or, possibly, that were reported after the deadline.

Each month, City staff reviews a distribution report that shows the amount reported by filing period and vendor. "Out of period" collections are noted and an effort is made to report the year over year changes as a "real" reflection of the economic activity for that period.

The majority of money to pay for capital projects and on-going maintenance and operations is provided by sales tax. When business is off for our local vendors, the city's budget also suffers. A 1% decrease in taxable sales equates to approximately a \$47,000 budget shortfall. For 2009, the 5% sales tax shortfall equated to approximately \$235,000 less funding in the budget.

As elected officials, we want business owners and residents to know we are paying close attention to sales tax. It is important to understand how important this source of revenue is to our community. The city does NOT impose a property tax. Therefore, sales tax is THE most important funding source for the City. Without it, the City cannot maintain and improve streets, pay firefighters and police officers or pay for other important services and capital investments.

b. Mayor -

Mayor Rose had no report.

c. City Council-

Council Member Yerkey thanked Community Development Director Dara MacDonald and her staff for the great presentation on the Comprehensive Plan. He said it was very well attended and professionally presented. Yerkey also thanked SteamPlant Director Michael Varnum for his help with providing a great venue.

ADJOURNMENT -

A motion was made by Moore to adjourn the meeting at 6:34 p.m. The motion was seconded by Damman. With all in consensus, THE MOTION CARRIED.



[SEAL]

A handwritten signature in cursive script, which appears to be "Charles B.", is written over a horizontal line.

Mayor

A handwritten signature in cursive script, which appears to be "Janella S. Martinez", is written over a horizontal line.

Deputy City Clerk

Respectfully submitted by Janella S. Martinez, Deputy City Clerk