



MEETING OF THE CITY COUNCIL

City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, September 6, 2016 6:00 p.m.

The City Council may take action on any of the following agenda items as presented or modified prior to or during the meeting, and items necessary or convenient to effectuate the agenda items.

I. REGULAR MEETING CALLED TO ORDER –

II. PLEDGE OF ALLEGIANCE – Led by Mayor Jim LiVecchi

III. ROLL CALL

IV. PRESENTATION

- a) Introduction of new Director of Finance & Administrative Services
Rabe introduced Looney. Looney introduced herself and explained that she had been in her role for about three weeks and was excited to be a part of the community. She explained that she was from Fort Collins and was in a position at Colorado State University.
- b) Proclamation for Cities and Towns Week – Mayor LiVecchi
Mayor LiVecchi read the proclamation aloud to the members of the City Council and to the members of the public that were present.

V. CITIZEN PARTICIPATION – *Citizen participation is for items not on the agenda and for agenda items that are not scheduled public hearings.*

Patty Walters of Salida explained that she has lived in Salida since 1985 and was concerned about affordable housing. She stated that the Mountain Mail reported the average wages and that she then looked up and found out that housing should be 30% of income. She asked how housing would be provided in the community. She stated that the average rental is \$1,400-\$1,800 a month and felt something like Riverbend Apartments could be beneficial. Walters stated that in the 30 years she has lived in Salida she has not seen year round viability and felt a college would be beneficial.

06:19:32

VI. SCHEDULED ITEMS

1. Consent Agenda (Christian Samora)

- a) Approval of Agenda
- b) Approval of Minutes – August 16, 2016
- c) Final Settlement for the 2016 Crestone Sewer Project
- d) Final Settlement for the 2016 Jones Street Project
- e) 2016 Fiber Festival & Special Events Liquor Permit – September 10, 2016
- f) 2016 Salida Recreation Special Events Liquor Permit – September 17, 2016

Granzella motioned to combine and approve the items on the Consent Agenda with the exception of the Bike Fest. Rogers seconded the motion. In a 5-1 vote, THE MOTION CARRIED. Bowers had the dissenting vote

g) 2016 Bike Fest & Special Events Liquor Permit – September 18, 2016

Casey stated that the request was last minute. Casey continued to explain that the request is to allow pets in the parade and a local pet business offered services. Casey stated that she understands pets in the park are an issue.

Brown-Kovacic asked if they would be confined or running free in the park. Casey stated that the dogs would still be leashed.

Brown stated that he was at the farmers market and noticed that there was a significant number of dogs in the park. He stated that he couldn't help but notice that there were three dogs sitting by the sign that says "no dogs". He stated that his concern is there is a City ordinance that is not being enforced. He stated that the ordinance needs to be enforced or repealed.

Granzella motioned to approve the request between 9:00 A.M. and 11:00 A.M.

Bowers would like it moved into the street.

Brown-Kovacic stated that she is more comfortable for it to be in a confined space. She felt it may be confusing for people to have dogs in the park.

Brown motioned to approve item (g) of the Consent Agenda, approving the waiver of park fees only, and to conditionally waive the dog restrictions from 9:30 A.M. to 10:30 A.M. assuming the dogs are in a confined space. Rogers seconded the motion. In a 5-1 roll call vote, THE MOTION CARRIED. Bowers had the dissenting vote.

6:33:00

- 2. Resolution Setting a Public Hearing for the Altamont, LLC Annexation (Beverly Kaiser)**
Resolution 2016-72 finding the Altamont, LLC annexation petition to be in substantial compliance with State Statutes and setting a public hearing on said petition

Kaiser gave an introduction and provided background information.

Bowers motioned to approve Resolution 2016-72, a resolution of the City Council, City of Salida finding the Altamont, LLC annexation petition to be in substantial compliance with State Statutes and setting a public hearing to be held on October 18, 2016 for said petition. Rogers seconded the motion. With all in favor, THE MOTION CARRIED.

06:38:55

- 3. SteamPlant Theatre Carpet Replacement Bid Award (Michael Varnum)**
Resolution 2016-73 approving the bid award for the SteamPlant Theater Replacement Project to Giggaloop, Inc, DBA First Street Flooring

Varnum gave an introduction and provided background information.

Bowers commented that the cost was for only half of what was budeted.

Rogers motioned to approve Resolution 2016-73, a resolution of the City Council, City of Salida approving the bid award for the SteamPlant Theater Replacement Project to Giggaloop, Inc, DBA First Street Flooring. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

06:41:25

4. Allocation of Sales Tax Revenues, 2nd Reading & Public Hearing (Steve Rabe)

Ordinance 2016-16 to provide for a change in the disposition in sales and submitting this ordinance for approval of the registered voters

Rabe gave an introduction and provided background information.

Brown would like to revise the word "issue" to "question".

Mayor LiVecchi opened the Public Hearing.

Auxier stated that he did not feel there was confusion and stated that previous staff said it was hard to do the math. Auxier stated that it was 32% of the 2%. He felt it seemed that the capital may be lower. He stated that spoke to Young and Young wasn't sure he supported Carlisle Farney and said that the City needs better accountability. Auxier also referenced accountability of salaries and the NRCDC. He felt there was an opportunity to go further on some things that need to be addressed. He stated that he would like better budgets that are more readable. He stated that affordable housing has been lumped in and affordable housing is a very important thing that should have 1% in a separate fund. He felt maybe it could be for something like down payment assistance or something similar.

Louise Fish of Salida stated that the Council has been working diligently to separate funds for easier tracking. She asked if the status of the enterprise fund will be in jeopardy. She stated that Section A states that it can be used for bond service. Fish stated that if it has not been investigated, that it should be done before voting. Fish stated that if the true cost of a project is to be known, then the department heads would be included. Fish stated the ordinance is very confusing.

Monika Griesenbeck of Salida stated that she is pretty pleased with the rewrite and felt it was a good way to simplify. She urged the Council to approve the ordinance. She stated that the water meters was a very contentious project. She stated that she can remember that there was a time when there was not enough money in the Water/Sewer fund to replace the water and sewer lines.

Mayor LiVecchi closed the Public Hearing.

Rogers stated that Billy Carlisle stated the ordinance had unintended consequences.

Brown motioned to approve Ordinance 2016-16, an ordinance of the City Council, City of Salida to provide for a change in the disposition in sales and submitting this ordinance for approval of the registered voters. Granzella seconded the motion.

Brown-Kovacic stated she felt it was the same ordinance and wanted to look at it from a big picture perspective. She stated it accomplishes getting Councilman Brown's Funds and the flexibility on streets.

Brown-Kovacic stated that a problem could be mixing the funds.

Hallett stated that she believed the City was still underfunding the street projects.

Granzella stated that everyone deserves to have their streets repaired that live on bad street.

In a 5-1 roll call vote, THE MOTION CARRIED. Brown-Kovacic had the dissenting vote.

07:07:00

5. Certifying Ballot Language (Betty Schwitzer/Christian Samora)

Resolution 2016-74 certifying ballot language for the regular November 8, 2016 Coordinated Election

Schwitzer gave an introduction.

Brown stated that a correction needed to be made regarding the way the paragraphs are listed.

Brown-Kovacic stated that she previously reported information regarding what the ballot questions were like at the Clerk's Office and had hoped the language would be simpler. Brown-Kovacic stated that it could also be included in the Blue Book.

Samora stated that the format of the ballot language is consistent with what was used in the 2015 Special Election questions.

Brown motioned to approve Resolution 2016-74 certifying ballot language for the regular November 8, 2016 Coordinated Election. Bowers seconded the motion.

Brown-Kovacic felt maybe the Council could identify what is essential and have it simplified.

Rogers was in agreement with Brown-Kovacic.

Brown stated that he has confidence in the ability of the public to read and approve or disapprove the ballot question.

Brown-Kovacic stated that the Council had discussed a campaign to get this out to the public.

Rabe stated that Council can speak about it, but is limited to \$500 in campaigning.

Brown-Kovacic requested that at a future work session there be an education campaign.

In a 4-2 roll call vote, THE MOTION CARRIED. Brown-Kovacic and Rogers had the dissenting votes.

07:19:10

6. **Chaffee County Coordinated Election Agreement** (Betty Schwitzer/Christian Samora)
Resolution 2016-75 Ratifying the Intergovernmental Agreement between the City of Salida and Chaffee County for the conduct of the 2016 Coordinated Election

Schwitzer gave an introduction and provided background information.

Granzella motioned to approve Resolution 2016-75, a resolution of the City Council, City of Salida Ratifying the Intergovernmental Agreement between the City of Salida and Chaffee County for the conduct of the 2016 Coordinated Election. Rogers seconded the motion.

Hallet asked if this agreement had been approved for previous elections. Samora confirmed that it had in fact been approved for previous elections.

With all in favor, THE MOTION CARRIED.

07:20:52

7. **Moratorium on Short-Term Rentals, 1st Reading** (Steve Rabe)
Ordinance 2016-13 establishing a temporary moratorium on the use of any property within residential zone districts within the City of Salida for the purpose of Short-Term rental housing

Rabe gave an introduction.

Brown stated that there is an emergency clause.

Brown-Kovacic stated that there was a three prong plan to get the rentals registered; the commercial and residential zoning was also separated out.

Brown-Kovacic motioned to approve Ordinance 2016-13, an ordinance of the City Council, City of Salida establishing a temporary moratorium on the use of any property within residential zone districts within the City of Salida for the purpose of Short-Term rental housing, setting public hearing for September 20, 2016 and ordering the ordinance to be published in full. Granzella seconded the motion.

Granzella asked how being in a residential area is being defined. Rabe stated that it would be any are that is within a residential zone district.

With all in favor, THE MOTION CARRIED.

07:34:30

9. Administrator & Deputy City Clerk

- Interim City Administrator Report – Steven Rabe
- Rabe provided information regarding the potential sites for the Recycle Center. Mayor LiVecchi will be speaking to the adjacent land owners and will report back at the next City Council Meeting.

07:42:24

8. NRCDC Board (Steve Rabe)

- a. **Amendment of SNRCDC Bylaws** (Steve Rabe)
Resolution 2016-68 approving an amendment to the bylaws of the Salida Natural Resource Center Development Corporation

Kahn stated that issues related to the NRCDC are the province of the NRCDC Counsel. Kahn stated that he can state what his interpretation is as the City Attorney. Kahn stated that the language in the bylaws in consistent with what was in the bylaws before. Kahn stated that the vote would be a formality because a change would automatically become effective in 30 days.

Brown-Kovacic stated that she didn't have the information when it was continued.

Hallett stated that the 30 day window had already passed

Granzella asked how the Council was notified.

Rabe stated that the NRCDC sent their minutes and Rabe drafted the resolution.

Brown-Kovacic stated that she is disturbed that there is not an opportunity to address the issue.

The City Attorney made the recommendation to take no action.

Rogers stated that she was opposed to the changes.

Bowers stated that 3-5 members worked well.

Brown-Kovacic stated that she felt there was a good reason to have seven members.

- b. **Establish Process for Filling Vacancies** (Steve Rabe)

Brown stated that he would like to see better communication from the NRCDC Board. He felt that the process should be created by the NRCDC Board. Brown suggested the NRCDC develop the process and bring it back to the City Council.

08:01:00

VII. EXECUTIVE SESSION

Brown motioned to enter into executive session For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b).
AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Dominick matter, Case No. 04CW125; Miller et al Complaint; and NRCDC entity organization.

Granzella seconded the motion. With all in favor, **THE MOTION CARRIED.**

VIII. REPORT/ACTION

Brown stated that as a result of discussions in Executive Session, the Council is directing the attorney to file a response in the Miller et al complaint. Relative to the NRCDC discussions there will be a public presentation at the September 20, 2016 City Council Meeting. Direction was given to the attorney to prepare for mediation regarding the Dominick matter.

- Deputy City Clerk Report – Christian Samora

Samora reported that there were two funding requests in the packet totaling \$4,000.

The Council was not in favor of funding the requests, but would rather re-establish the community funding program in 2017.

10. Elected Official Reports

- City Clerk – Betty Schwitzer
- City Treasurer – Theresa Cortese – Sales Tax Report
- City Council- Michael Bowers, Hal Brown , Cheryl Brown-Kovacic, Rusty Granzella, Melodee Hallett and Eileen Rogers. Meditation on September 15th.
- Mayor – James LiVecchi

IX. New Business

Brown stated that he has several subjects. Brown requested an actual to budget as soon as practicable. Brown stated that he would like additional information regarding the new public works truck. Brown suggested the need to schedule a priorities work session in conjunction on the budget work session. Brown also asked for revenues/expenditures for the RV Dump Station and referenced the Salida Housing Authority.

Hallett stated she hoped that by the end of the year there would be a grievance process for the employees.

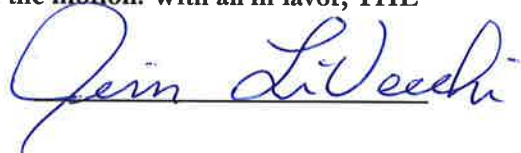
X. Old Business

Brown-Kovacic stated that a week ago today she presented to CHFA for the Belmont project. Brown-Kovacic stated that there were 43 applicants and 9 or 10 will likely be funded. She was very impressed with Belmont.

Brown Kovacic also mentioned the Resiliency Case Study.

XI. ADJOURN

Rogers motioned to adjourn at 11:10 P.M. Brown seconded the motion. With all in favor, **THE MOTION CARRIED.**



[SEAL]

Betty Schuriger
City Clerk



Mayor