



MEETING OF THE CITY COUNCIL

City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
October 18, 2016

I. REGULAR MEETING CALLED TO ORDER –

II. PLEDGE OF ALLEGIANCE – Led by Mayor James LiVecchi

III. ROLL CALL – All Elected Officials and staff were present.

IV. PRESENTATION

a) Introduction of New Police Officers – Chief Terry Clark

Chief Clark gave a brief introduction of the new police officers, Sean Hayes and Aidan Osborn. The new officers introduced themselves to the members of City Council.

b) Union Pacific Property Acquisition – Katherine Wadsworth

Wadsworth gave an introduction and explained their plan for the potential new trail along the river. Hallett asked if there was more space for parking. Wadsworth stated that if the City was able to acquire the property, then the parking as well as the trails could be expanded for the benefit of the public. Bowers asked if the group has been in contact with Union Pacific. Wadsworth stated that the Governor's office has reached out and they are receptive to ideas. Granzella asked if it was the same property that the City had previously looked at purchasing. Wadsworth stated that it is not exactly the same piece of property. Donna Rhoads from SPOT stated that a number of years ago the City applied for a grant to build a bridge from Marvin Park down to the Touber Building. Rhoads stated that the City could not acquire the property and it fell through.

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

Jim Miller stated that the City should not seek TABOR compliance until the issue can be investigated further. Miller stated that of the six opinions, five say there is not an issue and three are from TABOR experts. Miller continued to state that there may be another opinion from the NRCDC attorney. He stated that there is no rush because there is not an enforcement of TABOR. Miller stated that he did not understand what was driving the issue.

Ron Mazzeo stated that they are currently researching GSA Realtors to have the Forest Service property listed in the coming 40 to 60 days. The NRCDC also voted to hire Sherman & Howard LLC to prepare a letter of engagement for review. The NRCDC will be closing on the previously approved sale of LOT 3 to Heart of the Rockies Regional Medical Center and 80% of the proceeds will go to High Country Bank. The next NRCDC meeting will be on Tuesday, October 25, 2016.

Vern Davis of Salida stated that he had quite a few conversations regarding the budget. He stated that the budget expenditures are 4.1 million dollars higher than in 2016. He asked where the extra revenue came from. Davis stated that it seemed as though there was something that was not being given to the public. Davis asked that the Mayor speak with the Mountain Mail.

Bob Engel of Salida stated that, in regard to Resolution 78, he was curious how the affordable housing is found and felt that there really needs to be a policy. He stated that an accessory dwelling unit only pays for half of a tap connection connection fee. He stated that the parks and recreation fee is an impact fee. Engel stated that a check should be written

out of the general fund so that people can see what the cost is. He stated that the population has dropped, but there are more affordable housing units.

Ken Matthews of Salida stated that he is fairly new in the community. He was a US Army Officer and has been a lawyer in Colorado for over 30 years. They built a house in 2013 and sold the law practice last May to become a permanent resident in Salida. Matthews stated that he is upset about the direction that Council has taken on the NRCDC property. He stated that Ben Kahn had no experience when he became the City Attorney. He stated that a number of opinions do not agree with Ben Kahn's opinion. He stated that he can't understand why the City would pass a resolution regarding the NRCDC. He stated that Alison Brown provided an opinion and the Council should wait until the NRCDC has their opinion.

Monika Griesenbeck stated that she hopes the Council will reconsider passing the resolution regarding the Judd request, which would make an exception on the backs of many people that could never afford a \$900 apartment. Griesenbeck stated that she did not feel it was fair to a lot of folks who are already providing affordable housing in the community. She stated that her friend Jan Sebastien has been providing affordable housing and none of the apartments are above \$600.

VI. SCHEDULED ITEMS

1. **Consent Agenda** (Christian Samora)
 - a. Approval of Agenda
 - b. Approval of Minutes – October 04, 2016
 - c. Friendship Bridge Special Events Liquor Permit – November 6, 2016

Brown motioned to combine and approve the items on the consent agenda. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

06:28:18

2. **505 Illinois Tap Fee Concession Request** (Steven Rabe)

Resolution 2016-78 providing for the conveyance of certain water rights and the determination of customer class for water and/or wastewater services for 505 Illinois Avenue, Salida, Colorado

Rabe gave an introduction and provided background information. Rabe explained that approving the resolution would create a precedent.

LiVecchi stated that he watched the video of the last meeting. LiVecchi stated that he felt there needed to be more concrete information and not based on a handshake.

Granzella stated he was under the impression that the other apartments were at a residential rate.

Brown-Kovacic stated that there needs to be consistency. Brown-Kovacic stated that she is willing to do things in exchange for affordable housing, which would be 30% of the residents income.

Paige Judd stated that they're asking for a smaller tap fee. Judd stated that they would still be purchasing five taps for residential buildings. Judd stated that unlike the other apartments, their complex will be privately owned.

Joe Judd stated that they are not asking for any concessions, but rather that the code be interpreted correctly. Judd stated that some of the rent rates will meet the affordable rate, but they would not be offering affordable housing.

LiVecchi stated that he views the request as an exception to what has been previous done.

Rogers stated that she agreed with the tap size change. Rogers stated that she would like to see an exception made and to revisit the code, so that it can be clearly interpreted.

Judd stated that he felt the interpretation of the code seems to be pretty cut and dry. Judd stated that he told Rabe that a few lines in the resolution create confusion.

Hallett stated that she was in agreement with the applicants.

Bowers stated that he agreed with the tap size exchange, but he did not agree with the classification of the taps.

Paige Judd stated that 10% of their property will be landscaped, which is the biggest difference between the property and the downtown properties.

Joe Judd stated that in speaking to other people, he has heard a lot of comments of how simple other building codes are and how convoluted the Salida Code is.

Brown-Kovacic asked if Rabe has seen any consistency. Rabe stated that he does not see that it is 100% consistent. He stated that he is not disagreeable to go back and change the code, but it needs to be looked at as a long term basis.

Brown-Kovacic stated that perhaps the two issues need to be separated.

Brown motioned to approve Resolution 2016-78, a resolution of the City Council, City of Salida to only provide for the approval of tap downsizing and the subsequent credit for 505 Illinois Avenue, Salida, Colorado. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.

06:54:45

3. Resolution Supporting Two Rivers Trail Grant Application (Theresa Casey)

Resolution 2016-79 authorizing the application for funds from Great Outdoors Colorado for the Two Rivers Trails and stating the City's commitment of support for the project

Rabe gave an introduction and provided background information.

Rogers motioned to approve Resolution 2016-79, a resolution of the City Council, City of Salida authorizing the application for funds from Great Outdoors Colorado for the Two Rivers Trails and stating the City's commitment of support for the project. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.

06:56:40

4. Resolution Supporting Pickleball Court Grant Application (Theresa Casey)

Resolution 2016-80 supporting the grant application for a local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund and the completion of Centennial Park Tennis/Pickleball Court Project 2017.

Casey gave an introduction and provided background information.

Bowers asked what would be needed for a dollar match. Casey stated that Joe Deluca is assisting in estimates and the grant is due mid-November with an expected completion for the 2018 playing season.

Rogers stated that the Tennis club may have access to some funds. Casey stated that they are doing some fund raising.

Bowers asked if they would be for hockey in the winter time. Casey stated that ice would damage the rubberized surface.

Brown-Kovacic clarifies that there would be space for one game of tennis or four games of pickleball. Brown-Kovacic asked about the stripes on the court. Casey stated that they are trying to make the best use of the funds.

Brown-Kovacic asked where it would be located. Casey stated that they locomotive would likely be moved down to the UP property. Casey stated that there would also be dedicated parking for the courts.

Rogers motioned to approve. Resolution 2016-80, a resolution of the City Council, City of Salida supporting the grant application for a local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund and the completion of Centennial Park Tennis/Pickleball Court Project 2017. Brown-Kovacic seconded the motion. WITH ALL IN FAVOR, THE MOTION CARRIED.

07:09:30

5. Approval of City Administrator Search Process & Timeline (Steven Rabe)

Rabe gave an introduction and provided background information.

Brown-Kovacic asked if the Council will receive a list of what is required to submit with the applications.

Rabe stated that it is outlined in the process & timeline.

Granzella motioned to approve the hiring process as presented. Brown seconded the motion. WITH ALL IN FAVOR, THE MOTION CARRIED.

6. Natural Resource Center Development Corporation Financing (Steven Rabe)

Resolution 2016-81 regarding the Salida Natural Resource Center Development Corporation's Existing Financing

Rabe gave an introduction and provided background information.

Rogers stated that there has never been a formal opinion from the City Attorney.

Rogers stated that she was concerned about the second whereas clause in the resolution. Bowers stated that decisions are not made in Work Sessions and they have been advised by the City Attorney. Bowers continued to state that no one will be satisfied until a judge makes a determination on the matter.

Granzella stated that he felt the resolution should be tabled until the Council knows what they are going to do.

Hallett asked for clarification from Granzella. Granzella stated that the presentation from the City Attorney has been most prevalent. He stated that he would like to know what is or is not to be done.

Brown-Kovacic stated that she agreed with Granzella.

The item will be continued until after the Executive Session.

Bowers motioned to continue the item until after the EXECUTIVE SESSION. Granzella seconded the motion. In a 4-2 roll call vote, THE MOTION CARRIED. Brown-Kovacic and Rogers had the dissenting votes.

07:24:00

7. Altamont Annexation, 2nd Reading & Public Hearing (Beverly Kaiser)

Ordinance 2016-17 annexing to the City of Salida a certain tract of land in unincorporated Chaffee County Known as the Altamont LLC Annexation

Kaiser gave an introduction and provided background information.

Mayor LiVecchi opened the Public Hearing.

There was not any comment from the public.

Mayor LiVecchi closed the Public Hearing.

Brown motioned to approve Ordinance 2016-17, an ordinance of the City Council, City of Salida, annexing to the City of Salida a certain tract of land in unincorporated Chaffee County Known as the Altamont LLC Annexation. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

07:27:20

8. Altamont Zoning, 2nd Reading & Public Hearing (Beverly Kaiser)

Ordinance 2016-18 zoning certain real property known as the Altamont LLC annexation under the C-1, Commercial Zone District

Kaiser gave an introduction and provided background information.

Mayor LiVecchi opened the Public Hearing.

There was not any comment from the public.

Mayor LiVecchi closed the Public Hearing.

Granzella motioned to approve Ordinance 2016-18, an ordinance of the City Council, City of Salida, zoning certain real property known as the Altamont LLC annexation under the C-1, Commercial Zone District. Bowers

seconded the motion, ordering the ordinance published in full and setting a public hearing to be held on November 1, 2016. With all in favor, THE MOTION CARRIED.

07:34:40

Little River Properties Annexation Agreement (Beverly Kaiser)

Resolution 2016-76 approving an annexation agreement with Little River Properties for the annexation of certain real property into the City

Kaiser gave an introduction and provided background information.

Granzella asked for clarification on the trail along the river. Kaiser that that the private open space will have a 10 foot easement for the trail.

Bill Smith stated that there is an easement for maintenance.

Granzella asked about the eastern portion of the road and if the other half of the road is usable.

Hallett asked how it will be corner around the undeveloped property will be handled. Pokorney explained that it is planned, but the private property owner is looking to do something with it in the next three years or so.

Granzella asked about the bridge. Bill Smith stated that once the bridge is reconstructed, then the funds would be available for matching a grant.

Rabe stated that in his mind and in the developers mind a reconstruction would be that the bridge would be taken out and replaced.

Hallett asked if it is typical for the City to take over the maintenance of the street.

Granzella motioned to approve Resolution 2016-76, a resolution of the City Council, City of Salida, approving an annexation agreement with Little River Properties for the annexation of certain real property into the City. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.

07:55:12

9. Little River Properties Annexation, 2nd Reading & Public Hearing (Beverly Kaiser)

Ordinance 2016-15 annexing to the City of Salida a certain tract of land in unincorporated Chaffee County known as the Little River Properties Annexation

Kaiser gave an introduction and provided background information.

Mayor LiVecchi opened the public hearing.

Bob Engel stated that he was not trying to pick on the particulars. He stated that he was trying to point out that there is one water tap for 8 deed restricted units. He stated that he did not realize the City was in the business of requiring deed restrictions. He asked how the income will be checked.

James Miller of Salida stated that they own the property across CR 105 and felt it would be a big benefit to the community. Miller stated that Salida needs a housing authority. Miller stated that Engel was wrong regarding the qualifications because someone with a large amount of assets would not qualify. He stated that if it will be deed restricted then it needs to be handled by the Housing Authority.

Pierre Lescure of Salida stated that he is almost fulltime in a wheel chair and that he is looking at a lot in the subdivision and having access to the trail would be nice.

Vern Davis of Salida stated that the 105 bridge is eligible for the registry of historical landmarks. He stated it was determined to be functionally obsolete in 1996. Davis stated that he would like to see the road left at 60 feet with a round-a-bout and did not feel that the City should take on the bridge. Davis passed around photos of the bridge. He stated the river exceeded the flow in the images 49 times in recent years.

Monika Griesenbeck stated that she was concerned about the bridge. She stated that there should be some idea as to what the cost of a new bridge will be.

David Lattershell of Salida stated that he has been working the last year at Crestone Mesa and wanted to express support for the project.

Mayor LiVecchi closed the public hearing.

Rogers motioned to approve. Ordinance 2016-15, an ordinance of the City Council, City of Salida annexing to the City of Salida a certain tract of land in unincorporated Chaffee County known as the Little River Properties Annexation, ordering the ordinance published in full and setting a public hearing to be held on November 1, 2016. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.

08:09:08

10. Little River Zoning, 2nd Reading & Public Hearing (Beverly Kaiser)

Ordinance 2016-19 zoning real property known as the Little River Annexation under the C-2, Central business, R-3 High density Residential, R-2 Medium Density Residential, and RMU Residential Mixed Use Districts

Mayor LiVecchi opened the public hearing.

Chuck Collins of Little Rock stated that he has a piece of property under contract across the road from the Two Rivers project. He asked that the application be approved. He stated that the size of the streets are functional and pleasing. Also they are proportionally a fifty foot street makes sense.

Adrian Reef stated that for the last ten years he has worked as a sustainability consultant, he has seen significant growth and every company in America is taking steps to make things mor sustainable. Reef continued to state that in 2010 he launched his health food company and grew it into a national brand. He stated that in his line of work he has seen growth in the market for products that increase quality of life. Reef stated that he recently completed a sustainability project looking at over 100 small cities in the United States. He stated that over 75% of the cities have sustainability plans and twenty year plans. Reef continued to state that those cites have higher density housing, walkable and bikable neighborhoods, and decreasing the overall energy use. Reef stated that cities that are walkable and bikable provide a higher quality of life and the higher qulaity of life will attract more people. Reef stated that Salida is still small and has the opportunity to grown. He stated that he lived in Crestone Mesa and enjoyed the feel of the neighborhood and was in favor of the Two Rivers Project.

Mayor LiVecchi closed the public hearing.

Brown-Kovacic motioned to approve Ordinance 2016-19 zoning real property known as the Little River Annexation under the C-2, Central business, R-3 High density Residential, R-2 Medium Density Residential, and RMU Residential Mixed Use Districts, ordering the ordinance published in full and setting a public hearing to be held on November 1, 2016. Brown seconded the motion. With all in favor, THE MOTION CARRIED.

8:17:30

11. Two Rivers Major Impact Review, 2nd Reading & Public Hearing (Beverly Kaiser)

Ordinance 2016-20 Zoning a 18.8 acre area of land known as Lot 2, Lot 3 and Lot 4 Little River Annexation as a Planned Development known as Two Rivers Planned Development

Rogers motioned to approve Ordinance 2016-20, an ordinance of the City Council, City of Salida, Zoning a 18.8 acre area of land known as Lot 2, Lot 3 and Lot 4 Little River Annexation as a Planned Development known as Two Rivers Planned Development, ordering the ordinance published in full and setting a public hearing to be held on November 1, 2016. Brown-Kovacic seconded the motion. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.

08:48:00

13. Resolution Certifying Delinquent Utility Accounts (Jana Looney)

Resolution 2016-82 certifying delinquent charges, assessments, or taxes to the Chaffee County Treasurer to be added to the 2016 tax roll

Looney gave an introduction and provided background information.

Granzella asked what the time period the certifications cover. Looney stated that the accounts have not received payments in at least a year.

Brown-Kovacic asked how businesses can be on the list.

Rogers stated that she noticed there were a few from Poncha Springs.

Brown motioned to approve Resolution 2016-82, a resolution of the City Council, City of Salida certifying delinquent charges, assessments, or taxes to the Chaffee County Treasurer to be added to the 2016 tax roll. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.

08:52:30

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: Natural Resource Center Development Corporation/TABOR Compliance Granzella seconded. With all in favor, THE MOTION CARRIED.

VIII. REPORT/ACTION

Brown reported that Item #6 will be the next consideration.

6. Natural Resource Center Development Corporation Financing (Steven Rabe)

Resolution 2016-81 regarding the Salida Natural Resource Center Development Corporation's Existing Financing

Brown Motioned to approve Resolution 2016-8, a resolution of the City Council, City of Salida, regarding the Salida Natural Resource Center Development Corporation's Existing Financing. Bowers seconded the motion.

Rogers motioned to amend the initial motion to strike Section 5 from the Resolution.

Brown accepted the revision as a friendly amendment to the motion.

Kahn stated the section referenced by Rogers is not critical.

Granzella stated that he felt the goals and efforts remain similar and he supported the resolution.

Brown-Kovacic stated that it is a critical decision for the community and it has been a very convoluted process. She stated that it was not clear from the onset and it was a matter of self-determination. She stated that she may have misunderstood that the state was setting the deadlines and was somewhat confused about the process. Brown-Kovacic stated it was disturbing and unfortunate that Kahn's presentation was a few days short of the deadline to submit the question to the voters. She stated that she has not had the time to completely look at the issues. Brown-Kovacic felt there was another option offered by DOLA that has not had consideration. She stated determining how the NRCDC can be reconciled to be in compliance with TABOR is something that could be done. Brown-Kovacic continued to state that she felt there could be confusion in some of the terms that are being used.

Hallett stated that it appears that there have been citizens complaining about the NRCDC for years. She stated that the whole way the NRCDC came about was to get around the vote of the people.

Brown stated that in reviewing the initial 23 page assessment and doing his own study, he believed that the City was in a non-compliance situation. Brown read through portions of the opinions regarding the NRCDC and offered his analysis, which concludes that the City and the NRCDC are not in compliance with TABOR. Brown recommended passing the resolution and moving forward with a compliance plan. He stated that districts need voter approval in advance of incurring the debt. Brown stated that it would not be okay to have the voters approve the debt after the fact.

Rogers stated that she has studied the issue and the Minutes of the June 7th City Council Meeting, Kahn stated that he could have an answer in thirty days.

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

13. Administrator & Deputy City Clerk

- Interim City Administrator Report – Steven Rabe
- Deputy City Clerk Report – Christian Samora

14. Elected Official Reports

Meeting Minutes October 18, 2016

- 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.
- HPAC met last week. There were about twenty people.
- Bowers stated that the dedication for Fred Lowry is October 29. The dedication would be the end of May or the first of June.
- Mayor – James LiVecchi

IX. NEW BUSINESS

Mayor LiVecchi stated that that NRCDC Board would like to report to the City Council. The NRCDC will be on the agenda after the Consent Agenda.

LiVecchi stated that he will initiate an affordable housing focus group and would like input from the community.

X. OLD BUSINESS

XI. ADJOURN –

Brown motioned to adjourn at 11:21 P.M. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

[SEAL]

Deputy City Clerk

Mayor

