



MEETING MINUTES OF THE CITY COUNCIL

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

- I. **REGULAR MEETING CALLED TO ORDER –**
- II. **PLEDGE OF ALLEGIANCE** – Led by Mayor James LiVecchi
- III. **ROLL CALL** Hallett was absent.
- IV. **CITIZEN PARTICIPATION** – *Citizen participation is for items not on the agenda and for agenda items that are not scheduled public hearings.*

Leslie Matthews of Salida stated that she purchased property in Salida about ten years ago and has a commitment for Salida to be a real community. She stated that she is an attorney and practiced up until about a year prior. Matthews continued to state that she was previously a City Manager and an interim City Manager. She stated that her opinion was her personal opinion and not a legal opinion. She stated that the Tabor violation is a valid concern, but then the City Council is opening the possibility of malfeasance. She stated that she understood there were different opinion letters and she did not know whether there would be a TABOR violation. Matthews suggested that the City Council ask the Court for a declaratory Judgement to determine whether it is in compliance.

Joe Jordan of Salida stated that he attended the NRCDC meeting the week prior and was impressed with the seriousness that the Board had. He felt that it seems with the legal opinion coming that it may be premature to act on the compliance plan before the NRCDC opinion can be reviewed. Jordan has curious why the opinion has not been publicly produced when it has been so publicly discussed. He stated that Brown sited a definition of an enterprise. He said that he compared the opinion to the constitution and felt that it is possible that the Patrick opinion is correct. Jordan stated that he was puzzled when the City confessed to a violation, which would be against the interest in the City.

Sally Creeble of Salida stated that she was also at the NRCDC meeting and was impressed with the large showing of people at the NRCDC. She stated that she fully endorsed the NRCDC getting its own opinion. She stated that you see parcels for sale in Salida that have been for sale for ages. She stated that the sale of the land would be deplorable.

Louise Fish of Salida stated that Council actions relating to the NRCDC leave her to twelve questions. She asked if the plan was to create a violation? Was the plan created before the last election? Was the plan based on one person's complaint? Was the insistence of adding the NRCDC to the audit part of the plan? Was the City attorney selected to spearhead it? Does the council have a buyer? Will the Vandaveer be sold with or without the water rights? How can the City sell the land at auction without a minimum bid? How can it be based on one opinion? What if the bank calls the loan? How will it benefit the citizens of Salida?

Francie Bommer of Salida stated that people are passionate about the NRCDC land because it creates many opportunities for the City of Salida. She stated that we owe it to ourselves to take advantage of the opportunity. She was in agreement with the NRCDC in seeking another opinion. Bommer listed different things that she felt were problems.

James Miller of Salida stated that over the last several months that the Council has been engaged on a witch hunt to remove Jan Schmidt and Dara MacDonald and stated that Rabe said the financial status of the City is outstanding. He stated that the third witch is the alleged violation of TABOR.

Tom Yerkey of Salida stated that regarding the TABOR situation, a declaratory judgement seemed like a good alternative. He stated that he was here when four attorneys blessed the situation. He stated that it is natural to be committed to the attorney. He suggested taking it to the Court and letting them tell the City whether or not there is a violation. He stated that there is a wonderful opportunity and would like to see the City Council explore all possibilities. Yerkey stated that he is offering his services regarding the one way street by Alpine Park. He stated that nobody on the square was contacted prior to the decision being made to put one way streets.

Bill Smith of Salida stated that he is not convinced that any more opinions will do any good. He stated that he has always questioned the TABOR compliance of the financing of the property. He stated that the compliance plan seems to be targeted well. But he did not think the timeline could be honored. He stated that there is not a developer in the world that will buy a property without a contingency of the plan approval. He felt a much more reasonable time frame would be two years.

Tom Bomer of Salida stated that he is not going to repeat the narrative. He stated that the majority members are set on the fast sale of the property. He stated that items like this always seem to happen at the far end of the agenda. He requested that agenda item #13 be moved to item #3.

Read McCulloch stated that he wanted to speak to affordable housing. He stated that he is feeling somewhat enraged about what is happening. He stated that a housing group already exists. He stated that the house is not on fire and there is no rush. He stated there is an opportunity in the backyard and felt the Council is hell-bent on disposing of the opportunity. He felt it was a smoke screen for some sort of an agenda.

Curly Perschbacher of Salida stated that he appeared about a year ago to work with the NRCDC to get a get a plan together. He felt that there could be a considerable financial loss on the Vandaveer property.

V. SCHEDULED ITEMS

06:33:00

1. **Consent Agenda** (Christian Samora)
 - a. Approval of Agenda
 - b. Approval of Minutes – October 18, 2016
 - c. 2016 Sidewalk Replacement Project Final Settlement
 - d. 2016 Marvin Park Backstop Project Final Settlement
 - e. Salida Business Alliance – Light Up Salida! Holiday Parade – November 25, 2016

Brown-Kovacic motioned to move item #13 to Item #3 on the agenda. Rogers seconded the motion. With all in favor, THE MOTION CARRIED.

Rogers motioned to combine and approve the items on the Consent Agenda. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.

06:35:15

2. **NRCDC Board Update** (Ron Mazzeo)

Mazzeo stated that on 10/19 the NRCDC closed on the HRRMC lot. 80% of the funds went to High Country Bank and the remainder went to the NRCDC. Mazzeo stated that the NRCDC Board has retained an attorney regarding the TABOR issues and the next meeting will be held on November 8, 2016.

Rogers asked if Mazzeo received the Feeley letter dated November 1, 2016. Mazzeo confirmed that he did.

06:36:40

9. **SNRCDC Compliance Plan** (Steve Rabe)
Resolution 2016-88 regarding the Salida Natural Resource Center Development Corporation Compliance Plan

Mayor LiVecchi stated that he also received the Feeley letter that was transmitted earlier in the evening. He stated that he applauded the Bank and Mr. Feeley. LiVecchi stated that he would like to make the adjustments to the document. He stated that he was disappointed that the NRCDC has not created a compliance plan as they said they would.

Rabe gave an introduction and provided background information.

Granzella stated that he did respond to the Attorney regarding the timing on the final deadline and did not receive a response. Granzella also stated that it was the first he has heard of a declaratory judgement.

Brown-Kovacic motioned to table the resolution indefinitely. Rogers seconded the motion.

Brown motioned to amend the motion to continue the resolution to the first meeting in December. Bowers

seconded the amendment to be set out to the first December meeting.

Hallett Arrived.

Rogers stated that it is clear to her that the NRCDC should be creating their own compliance plan.

Brown-Kovacic stated she is very opposed to the compliance plan because it is not the first time a declaratory judgement has been discussed. She also stated that longer time periods have also been raised.

Brown-Kovacic stated that she would consider four weeks.

Brown-Kovacic amended her motion to continue the item for four weeks. Rogers was in agreement and amended her second to accept the amended motion.

Rogers stated that she has concerns about whether this is just being pushed down the road or if solutions will be found.

Brown stated that it is clear that Rogers has gone back to the decision about the compliance that the decision has already been made for. Brown state that he is of the opinion that he is open to reconsidering it. Brown stated that things certainly could have been done better. He stated that he disagreed with Rogers about the debt not being the debt of the City.

Rogers stated that in June she called CML and CML offered two attorney's names and she met an attorney who offered his services. Rogers stated that she never said the City should not pay them. Rogers stated that she just assumed that the City would pay them.

With all in favor, THE MOTION CARRIED. Hallett was Present.

07:07:00

Hallett left the meeting.

3. 2016 G Street Curb & Gutter Repair Project Bid Award (Bob Salmi)

Resolution 2016-83 approving the award of an agreement for the 2016 G Street Curb and Gutter repair project and authorizing the City Administrator to enter into a construction services agreement between the City and Avalanche Excavating, Inc.

Salmi gave an introduction and provided background information.

Bowers asked what the \$5k difference was. Salmi stated that it would be a contingency because they will be digging out some old infrastructure.

Hallett left the meeting.

Brown motioned to approve Resolution 2016-83, a resolution of the City Council, City of Salida, approving the award of an agreement for the 2016 G Street Curb and Gutter repair project and authorizing the City Administrator to enter into a construction services agreement between the City and Avalanche Excavating, Inc not to exceed \$26,000. Rogers seconded the motion. With all in favor, THE MOTION CARRIED.

07:13:30

4. Adoption of the Chaffee County Emergency Operations Plan (Doug Bess)

Resolution 2016-84 adopting the City of Salida Emergency Operations Plan

Bess gave an introduction and provided background information.

Granzella asked what the financial requirements are.

Bowers motioned to approve Resolution 2016-84, a resolution of the City Council, City of Salida adopting the City of Salida Emergency Operations Plan. Brown- Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.

07:19:30

5. **Adoption of the Chaffee County Hazard Mitigation Plan** (Doug Bess)
Resolution 2016-85 approving the adoption of the 2016 Chaffee County Hazard Mitigation plan

Bess gave an introduction and provided background information.

Brown-Kovacic motioned to approve Resolution 2016-85, a resolution of the City Council, City of Salida, approving the adoption of the 2016 Chaffee County Hazard Mitigation plan. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

6. **2017 Budget Presentation & Public Hearing** (Steven Rabe)

07:22:40

Mayor LiVecchi opened the public hearing.

Jeff Auxier of Salida stated that he thought citizens could present objections up until the adoption of the budget. He stated that they are getting a draft without knowing what will be in the budget. He did not feel it was rational reasonable or legal to only allow the citizens to speak at this time. Auxier stated that the budget message could be a lot shorter. He would like a table of organization of the City staff so that everybody knows who's working where and what they are doing. Relating to personnel he would like the personnel to be broken up by position, what the salaries are and what the allocations are. He stated that the salaries in administration were being broken up into different funds. Contracted services needs to have more detail as to what they are being paid and for what they are doing.

Louise Fish of Salida stated that in her opinion the information regarding the breakdown of the salaries is up to the Administrator. She appreciated that the Budget has been out since October. Fish asked what the donations are for in capital improvements. Rabe stated that he believed it had to do with the infield at the ballfield. She stated that the personnel in the police dept. does not seem to be increasing as much as the others. Rabe stated that he applied a formula based on the Cola and increase. Everyone will be treated the same.

Mayor LiVecchi closed the public hearing.

07:35:20

7. **Buffalo 50 Annexation Agreement** (Beverly Kaiser)
Resolution 2016-86 approving an annexation agreement with Buffalo 50 LLC for the annexation of certain real property into the City

Kaiser gave an introduction and provided background information.

Bowers motioned to approve Resolution 2016-86, a resolution of the City Council, City of Salida, approving an annexation agreement with Buffalo 50 LLC for the annexation of certain real property into the City, setting a public hearing for November 15, 2016 and ordering the ordinance to be published in full. Brown seconded the motion. With all in favor, THE MOTION CARRIED.

07:39:00

8. **Buffalo 50 LLC Annexation, 1st Reading** (Beverly Kaiser)
Ordinance 2016-21 annexing to the City of Salida a certain tract of land in unincorporated Chaffee County known as the Buffalo 50 LLC Annexation

Kaiser gave an introduction and provided background information.

Brown-Kovacic motioned to approve Ordinance 2016-21, 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 Buffalo 50 LLC Annexation, setting a public hearing for November 15, 2016 and ordering the ordinance to be published in full. Rogers seconded the motion. With all in favor, THE MOTION CARRIED.

07:40:50

10. **Buffalo 50 LLC Zoning, 1st Reading** (Beverly Kaiser)

Ordinance 2016-22 zoning certain real property known as the Buffalo 50 LLC annexation under the C-1, Commercial Zone District

Kaiser gave an introduction and provided background information.

Granzella motioned to approve Ordinance 2016-22, an ordinance of the City Council, City of Salida, zoning certain real property known as the Buffalo 50 LLC annexation under the C-1, Commercial Zone District, setting a public hearing for November 15, 2016 and ordering the ordinance to be published in full. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

07:32:30

11. Riverview at Cleora Major Impact Review, 1st Reading (Beverly Kaiser)

Ordinance 2016-23 Major Impact review for a planned development and subdivision of a 19.13 acre area of land known as Tract 1 of the Angler's Ridge Annexation

Kaiser gave an introduction and provided background information. In addition, Joe DeLuca had a separate detailed presentation.

Rogers motioned to approve Ordinance 2016-23, an ordinance of the City Council, City of Salida, approving a Major Impact review for a planned development and subdivision of a 19.13 acre area of land known as Tract 1 of the Angler's Ridge Annexation, setting a public hearing for November 15, 2016 and ordering the ordinance to be published in full. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.

08:59:50

12. River's Edge Right-of-Way Vacation Major Impact Review, 1st Reading (Beverly Kaiser)

Ordinance 2016-24 vacating a certain portion of City right-of-way connecting Scott Street and the Arkansas River

Kaiser gave an introduction and provided background information.

Brown motioned to approve Ordinance 2016-24 vacating a certain portion of City right-of-way connecting Scott Street and the Arkansas River, setting a public hearing for November 15, 2016 and ordering the ordinance to be published in full. Granzella seconded the motion.

Brown-Kovacic was concerned about river access and it seems like the first step in getting rid of the mobile homes and that it could be potentially be removing housing options. Kaiser stated that the area is zoned C-1. Brown-Kovacic stated that there are a lot of very nice homes in the area. Granzella stated that he did not disagree.

In a 4-1 roll call vote, THE MOTION CARRIED. THE MOTION CARRIED. Brown-Kovacic had the dissenting vote.

09:09:30

13. Letters of Engagement – Butler / Snow (Steve Rabe)

Rabe gave an introduction and provided background information.

Brown asked if there would need be a budget amendment. Rabe stated that the fees would be included in the closing costs.

Rogers motioned to approve the engagement letters with Butler/Snow. Bowers seconded the motion the motion to approve. With all in favor, THE MOTION CARRIED.

14. Administrator & Deputy City Clerk

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

15. 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.

Brown stated that the Audit Committee discussed the auditor. The consensus was that it would be in the best interest to release an RFP.

Brown asked if there would be proposed verbiage for the compliance plan. Brown stated that the members who were dissatisfied should provide updated verbiage in time for the December 1st work session.

Granzella state that there may be 6-8 new hangers at the airport. The county is looking at a residential development adjacent to the airport.

Brown-Kovacic stated that the UAA COG is applying for a grant that would provide the head of housing to work with the counties for incentives for builder and be able to give more advise on that and low income housing.

Both Canon City and Leadville are working on the image of their towns and issuing policies regarding abandoned and blighted homes for cleanup and establishing processes. The HPAC has had another couple meetings, they have been working on labels and definitions. Housing Policy Advisory Committee.

- Mayor – James LiVecchi

LiVecchi stated that Riverside Park was a success. On Saturday he was at the KHEn fundraiser costume contest.

VI. NEW BUSINESS

Mayor LiVecchi reiterated that the proposed parking is nothing set in stone, but rather just ideas to work with.

VII. OLD BUSINESS

VIII. ADJOURN –

Brown Motioned to adjourn. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.

[SEAL]

Deputy City Clerk

James LiVecchi, Mayor

