



## MEETING OF THE CITY COUNCIL

City Council Chambers  
448 East 1<sup>st</sup> Street, Room 190  
City of Salida, Colorado

Tuesday, November 15, 2016 6:00 p.m.

### I. REGULAR MEETING CALLED TO ORDER –

### II. PLEDGE OF ALLEGIANCE – Led by Mayor James LiVecchi

### III. ROLL CALL

### IV. PRESENTATION

#### a. Hunt & Palmer Street Width Design (Joe DeLuca)

Deluca presented six different options for the street width designs on Hunt and Palmer Streets.

The consensus was to proceed with the 38' street with curb and cutter. The budget may not allow for both streets to be completed in 2017, but there was discussion regarding having an option to include a portion of Hunt Street when the project is bid out.

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

Alison Brown of Salida stated she has been watching the NRCDC meetings. She reminded the Council that she obtained an opinion for the NRCDC TABOR compliance. She stated that the opinion concluded that the NRCDC is in compliance with TABOR and that the debt associated does not constitute debt to the City. She stated that taking the steps with the compliance plan risks millions of dollars. She stated that no other attorney has agreed with Kahn. She stated that the Council should consider a declaratory judgement to resolve the issue.

James Miller of Salida stated that he agreed with Alison Brown. He was told that the Kahn document was privileged. He stated that Kahn did not have the authority to declare it to be confidential. He felt that it was such a critical issue and that there are going to be six opinions. He asked that the governing body should release and allow public access to the document.

Francie Bomer stated that the League of Women voters stated that the number one issue is access to land. She stated that the NRCDC is the solution to the problem. She stated that the refusal of the NRCDC is not disrespectful, but felt it was being responsible. Bomer felt that the deadline is not long enough to responsibly sell the property. Bomer stated that the idea to work simultaneously is absurd.

Joe Jordan of Salida stated that in the plan it rejects maximizing the value and having gain is not a priority. He stated that the City is relying on the law requiring the City to do it. He stated that it appears the City is overlooking the most serious risk. Jordan ask if the Council can look to Kahn to make the City whole if he is wrong. Jordan stated that it is grossly inadequate to cover the amount of money involved. He stated that if the Council is going to pass a resolution, the Council should ensure that there is something to fall back on. Jordan stated that it seems the Council is overlooking protecting the citizens.

Tom Bomer of Salida stated that he supports the NRCDC completely in what they are doing. He stated that it is interesting that the letter sent by the State Agency and DOLA said they do not care. He found it interesting that the City is not doing it in a way that is not to the benefit of the citizens of the community. Bomer stated that he sat in last night and watched as the City Attorney treat the Council with disrespect.

### VI. SCHEDULED ITEMS

*Meeting Minutes November 15, 2016*

1. **Consent Agenda** (Christian Samora)
  - a. Approval of Agenda
  - b. Approval of Minutes – November 1, 2016
  - c. 2016 C Street and Teller Intersection Project
  - d. 2016 11<sup>th</sup> Street Rehabilitation Project
  - e. Salida Community Center – Special Events Liquor Permit – December 10, 2016

**Brown-Kovacic motioned to combine and approve the items on the Consent Agenda. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.**

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

Mazzeo stated that during the November 8th meeting the following was discussed:  
 Discussion and updates on land sales. There has been no interest, no offers for the property.  
 Mazzeo stated that there are parcels split into tracts that could be sold.  
 Mazzeo stated that the opinion was received today regarding the TABOR issue. The legal opinion is that the NRCDC is not in violation of TABOR.  
 LiVecchi asked if they had a budget.  
 Mazzeo stated that they will have the budget in December.

3. **Buffalo 50 LLC Annexation, 2<sup>nd</sup> Reading & Public Hearing** (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.

Mayor LiVecchi opened the Public Hearing.

There was not any public comment.

Mayor LiVecchi closed the Public Hearing.

**Rogers 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 and ordering the ordinance to be published by title only. Granzella seconded the motion. WITH ALL IN FAVOR, THE MOTION CARRIED.**

4. **Buffalo 50 LLC Zoning, 2<sup>nd</sup> Reading & Public Hearing** (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.

Mayor LiVecchi opened the Public Hearing.

There was not any public comment.

Mayor LiVecchi closed the Public Hearing.

**Brown-Kovacic 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 and ordering the ordinance to be published by title only. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.**

5. **Riverview at Cleora Major Impact Review, 2<sup>nd</sup> Reading & Public Hearing** (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.

Mayor LiVecchi opened the Public Hearing.

There was not any public comment.

Mayor LiVecchi closed the Public Hearing.

**Brown 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 and ordering the ordinance to be published by title only. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.**

6. **River's Edge Right-of-Way Vacation Major Impact Review, 2<sup>nd</sup> Reading & Public Hearing** (Beverly Kaiser)  
Ordinance 2016-24 vacating a certain portion of City right-of-way connecting Scott Street and the Arkansas River

Kaiser clarified that the Planning Commission recommended a 20' wide easement.

Granzella stated that he did not see the requirement that it would remain a driveway until there is further development.

Mayor LiVecchi opened the Public Hearing.

James Miller of Salida stated that he had concerns about the access being reduced to a 10 foot access. He stated that it is in a really logical access to the River. Miller stated that the easement should be deeded and that an access from Scott Street to the river should remain.

Mayor LiVecchi closed the Public Hearing.

**Bowers motioned to approve Ordinance 2016-24, an Ordinance of the City Council, City of Salida, vacating a certain portion of City right-of-way connecting Scott Street and the Arkansas River and ordering the ordinance to be published by title only. Brown seconded the motion.**

Brown-Kovacic asked who would be responsible for the easement. Kaiser stated that the applicant would leave it a driveway. Brown-Kovacic asked that if the access is moved, who would be responsible to put the easement access in.

Brown-Kovacic stated that she would like to offer an amendment that the applicant cover the relocating of the easement.

Hallett stated that she is concerned about the access being cut off.

Brown-Kovacic stated that she is concerned about losing the housing.

Kaiser stated that the entire property is owned by a single owner.

**Granzella motioned to amend the approval to include two additional conditions; 1.The existing driveway must remain in its current location until a development plan is approved for the property; & 2. The property owner is responsible for constructing the trail access in conjunction with any future development on the property.**

**Bowers and Brown accepted the changes as a friendly amendment to their motion.**

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

7. **Disposition of the 3% Sales Tax, 1<sup>st</sup> Reading** (Steve Rabe)  
Ordinance 2016-25 regarding the disposition of the proceeds of the three percent (3%) sales tax imposed by Ordinances No. 1, Series of 1992 and No. 34 of Series of 2008

Rabe gave an introduction and provided background information.

Brown clarified that the emergency clause would be effective consistent with the approval of the 2017 Budget.

**Brown motioned to approve Ordinance 2016-25, an ordinance of the City Council, City of Salida, regarding the disposition of the proceeds of the three percent (3%) sales tax imposed by Ordinances No. 1, Series of 1992 and No. 34 of Series of 2008, setting a public hearing for December 6, 2016 and ordering the Ordinance to be**

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

**8. Creation of Special Revenue Funds, 1<sup>st</sup> Reading** (Steve Rabe)

Ordinance 2016-26 to repeal in its entirety and re-enact Section 4-2-60 Special Funds – of the Salida Municipal Code

Rabe explained that the Lodging Tax fund was added pursuant to the Council's intent.

**Brown motioned to approve Ordinance 2016-26, an ordinance of the City Council, City of Salida, to repeal in its entirety and re-enact Section 4-2-60 Special Funds – of the Salida Municipal Code, setting a Public Hearing for December 6, 2016 and ordering the ordinance to be published in full. Granzella seconded the motion.**

Brown-Kovacic asked if the language was consistent with the existing lodging language. Rabe stated it was.

Rogers asked if something needed to be repealed. Rabe stated that rather than amending the existing language, it is being repealed and reenacted with the new language.

**With all in favor, THE MOTION CARRIED.**

**9. CDOT IGA Regarding F Street & Hwy 291 Intersection** (Steven Rabe)

Resolution 2016-87 approving an agreement for the Salida Highway 291 & F Street Intersection Water Line Replacement Project between the City of Salida and the State of Colorado Department of Transportation

Rabe gave an introduction and provided background information.

Granzella asked if the project would go out to bid. Rabe stated that City crews may be completing the work.

Bowers clarified that this does not approve the final plan.

**Granzella motioned to approve Resolution 2016-87, a resolution of the City Council, City of Salida approving an agreement for the Salida Highway 291 & F Street Intersection Water Line Replacement Project between the City of Salida and the State of Colorado Department of Transportation. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.**

**10. 2017 Budget –Council's Discussion** (Steven Rabe)

Hallett stated that in the General Fund she did not see line item detail for Other Operating Costs. Rabe stated that each fund has the line item detail.

LiVecchi stated that he was disappointed in McCullach for not understanding that there are other ideas regarding housing. He stated that the 7500 going to the Chaffee Housing Trust should be going to the community funding.

Brown-Kovacic stated it is very clear there will not be any housing projects without an entity that helps the governments to look at the codes among other things. Brown-Kovacic continues to that she felt it would be more effective to share an organization that is shared with other municipalities.

Brown stated that he agreed with Brown-Kovacic, except for sharing the cost with other municipalities. Brown stated that Poncha has decided not to contribute. Buena Vista has placed the funding on hold. Brown stated that they are taking money and spending it on a project that is not in Salida. Brown was not in support of funding the Chaffee Housing Trust.

Rogers stated that the Housing Authority cannot go after the funds because it needs a trust to pursue that funding.

Granzella stated that he supported the trust. He felt it was good seed money. Granzella stated that it could be reviewed at the end of next year.

Bowers stated that he is against the \$7,500 being in the budget for the Housing Trust.

Rogers stated that Poncha does not have the money to contribute. Brown-Kovacic was under the same understanding.

Hallett was in favor of leaving the funding in the budget.

The funding for the Chaffee County Housing Trust will remain in the budget.

LiVecchi stated that he would like Brown-Kovacic and Hallett to be the representatives for the community funding.

Brown stated that he sent an email out. Brown continued to state that Butler/Snow was retained and he pointed out that relative to the plan to use street fund money for the pipes under the streets. There is not case law on the subject. It could be that it would count towards a grant to the 10% revenue. Brown stated that the revenue could be managed and kept under 10% to stay in compliance with the Enterprise. Brown stated that to be conservative, he felt the most prudent approach would be to limit the amount to around \$300,000, which would be under the 10% limit on enterprise revenues from an outside source. Brown stated that they want to relieve the water fund and to get the maximum amount of street repairs done.

Rogers stated that she understands the need to keep the bills down. She stated that she thought DOLA stated the rates were not being increased. LiVecchi stated that he told them it was a 2% increase and the grant was still awarded.

Granzella clarified that the enterprise status must be kept for 2017. Rabe stated that the enterprise status will be lost in 2018.

Hallett asked how the rate increases are broken out.

Brown-Kovacic asked if there would be money left in the street funds to put into the water infrastructure.

Rabe stated that he did not think the proposal by Brown would have a detrimental effect on the General Fund.

Granzella did not think the loan should be pursued for the soaking pools. Also, Granzella felt the request of \$70k to demolish the old tennis courts seemed rather high.

LiVecchi stated that he would like to see it left in the budget. He stated that it will draw new people in and will help with the sales tax.

Hallett stated she is concerned about several things that keep cropping up. Hallett stated that she felt having the soaking pools on the Hot Springs property makes more sense to have the pools at the source.

There was consensus to keep the soaking pools and tennis court removal in the budget.

Hallett asked if there was anything in the budget regarding the Community Center.

Rabe stated that improvements can be made. Rabe stated that there are line items that contemplate building maintenance.

Brown-Kovacic stated that it was discussed that the Economic Development Fund could be used for things like developer incentives.

Rabe stated that if later in the year there was a great new idea, the budget could be amended.

Brown clarified that the final budget will be on December 6th. Brown asked when the final budget will be proposed. Rabe stated that it would be in the packet.

Hallett stated that the public seemed concerned about having the opportunity to speak.

Rabe stated that the last Public Hearing was not required by the process and that there would still be another Public Hearing on December 6<sup>th</sup>, 2016.

#### **11. Administrator & Deputy City Clerk**

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

#### **12. 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.

Cortese presented the Sales Tax report.

Brown-Kovacic passed out flyers for the upcoming forums on the upcoming alcohol use and substance abuse.

- Mayor – James LiVecchi

LiVecchi stated that Sage Generation has a home share program who provide service for a reduced rent.

**VII. NEW BUSINESS**

**VIII. OLD BUSINESS**

Rogers distributed a letter that she and Brown-Kovacic had written to Crystal L. Dorsey with the State Auditor's Office. The response from Crystal L. Dorsey was also included.

Granzella asked if CDOT was coming in to talk about HWY 50.

Rabe stated that it will be discussed more towards January.

Hallett asked who is responsible for HWY 50. Rabe stated that the City takes the initiative to make it look nice.

Granzella stated that the Council needs to move forward with the NRCDC appointments.

**IX. ADJOURN –**

The meeting was adjourned at 8:37 P.M.

[SEAL]

Deputy City Clerk

  
James LiVecchi, Mayor

