



MEETING MINUTES OF THE CITY COUNCIL

City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, February 21, 2017 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

All members of the City Council and staff were present.

IV. PRESENTATION

Organizational Assessment – Steven Rabe

Rabe gave a short presentation and provided a written copy of his organizational assessment. In addition, Rabe provided a first draft of the Council Orientation Manual. Rabe thanked Council for the opportunity to work for the City of Salida.

Mayor LiVecchi presented Rabe with a token of appreciation and thanked him for his expertise, patience and guidance during his tenure with the City of Salida.

Rabe stated that at the next work session, Patterson will be providing ranking sheets to the Council.

Water Court Application-Colorado Board of Water Works – Water Counsel-Jennifer Dilalla

Dilalla stated that they don't often recommend filing statements of opposition in other cases and it had been since 2012 when the last statement of opposition was filed by the City.

Dilalla stated that there have been two cases filed and they are recommending a statement of opposition filed in each case. She continued to explain the details of the case and what Pueblo was requesting take up to 500 cfs of water from upstream and putting it back in the river downstream. Dilalla stated that the amount of water would be significant.

Mayor LiVecchi stated that he had not yet provided the City Council with the memo.

Dilalla explained that she did not want to get too far into the details, but the Waste Water treatment plant needs to maintain minimum flows in the river to stay within the dilution requirements of the City's permit.

Dilalla stated that the City would very soon be able to enter a stipulation and get out of the case.

There was consensus to move forward with drafting a statement of opposition in the Pueblo Water Case.

V. CITIZEN PARTICIPATION – 3 minute time limit. *Citizen participation is for items not on the agenda and for agenda items that are not scheduled public hearings.*

Monika Griesenbeck of Salida asked why the moratorium on short term rentals is being done by ordinance. She stated that it is a tool to promote long term rental while maintaining the small town quality of life. Griesenbeck stated that the issue is going on everywhere and encouraged the City Council to have a Town Hall meeting on the short term rentals.

Shawn Gillis of Salida stated that he watched the last City Council meeting on YouTube and asked if the Attorney is still investigating SNRCDC expenses. Mayor LiVecchi confirmed. Gillis stated that he was upset about that and asked how much the attorney had earned in 2016. Rogers stated that it is in excess of \$216k. Gillis asked who gave the City Attorney direction to work on the SNRCDC issue. Gillis continued to state that the TABOR issue was not a part of the Mayor's campaign.

Brown stated that he wanted to offer some observations. He stated that to suggest that the entire amount of money paid to the City Attorney was for the Vandaveer property is misleading. He stated that a good deal paid to the City Attorney has been to defend the City against lawsuits filed by citizens. Brown stated that they will be talking about what is costing the City legal expenses and working to clear up any misunderstanding regarding the indemnity demand against the SNRCDC. Brown stated that with the information that is out there, how can understand why someone could be upset, but would like to see all of the information be out, so that everyone has a better understanding.

Lawton Eddy of Salida stated that she would be sharing thoughts about housing. She stated that it would be very important to be well informed about issues. She stated that the free market will not solve that housing issue because it follows where the money is. Eddy stated the data from the housing needs assessment should be included in the conversation as well.

VI. SCHEDULED ITEMS

1. **Consent Agenda** (Christian Samora)
 - a) Approval of Agenda
 - b) Approval of Minutes: February 7, 2017

Brown motioned to combine and approve the items on the Consent Agenda. Granzella seconded the motion.

Rogers stated that she had a few additional comments added to the minutes.

Rogers read the corrections aloud and provided the Deputy City Clerk with a copy of the corrections.

The Council was in agreement to include the additional information into the approved minutes.

With all in favor, THE MOTION CARRIED.

2. **Utility Code Amendment** (Steven Rabe)
Ordinance 2017-02 to amend certain sections of Chapter 13-Municipal Utilities-of the Salida Municipal Code

Rabe gave an introduction and provided background information.

Brown-Kovacic stated that she is concerned with the consistency and felt that clarification needs to happen soon, so that fees can easily be determined by developers and City staff.

Rabe stated that making those changes is included in his Organizational Assessment and recommendations.

Rogers motioned to approve Ordinance 2017-02, an ordinance of the City Council, City of Salida, to amend certain sections of Chapter 13-Municipal Utilities-of the Salida Municipal Code, setting a public

hearing for March 7, 2017 and ordering the ordinance to be published in full. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.

3. Cross Connection Regulations (David Lady)

Ordinance 2017-03 providing for the control of cross-connections in order to prevent backflow and protect the City's Water Supply system from contamination

Lady gave an introduction and provided background information.

Lady explained further that there was a survey 2016 to help ensure compliance.

Granzella asked if new construction required cross connection protection. Lady stated that the plans would be reviewed to determine what would be required prior to issuing a permit. Lady stated that the highest risk would be in commercial applications.

Granzella asked if the ordinance would force commercial customers to make changes. Lady stated that they would need to be reviewed on a case by case basis.

Rabe stated that the ordinance does not require anything that is not already required by State regulations.

Brown-Kovacic asked who would be performing the reviews and how it would be tracked.

Lady stated that an outside company could be hired to complete the reviews and maintain the records. He continued to state that the review is generally more for the commercial devices.

Rogers stated that it seemed if it happens in homes, it could be caused by a private well. Lady stated that it can happen and it can be difficult to identify.

Granzella motioned to approve Ordinance 2017-03, an ordinance of the City Council, City of Salida, providing for the control of cross-connections in order to prevent backflow and protect the City's Water Supply system from contamination, setting a public hearing for March 7, 2017 and ordering the ordinance to be published in full. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

4. Moratorium on Short-Term Rental Licensing (Steven Rabe)

Ordinance 2017-04 extending 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 and provided background information. He stated that moratoriums are typically done by ordinance rather than resolution.

Brown asked if the original moratorium was an ordinance. Rabe confirmed that it was.

Granzella asked if the moratorium needed to be extended further. Rabe stated that the current timeline allows for the regulations to be in place before the expiration of the moratorium.

Brown-Kovacic clarified that the regulations would be going through the Planning Commission and would come back to Council.

Granzella motioned to approve Ordinance 2017-04, an ordinance of the City Council, City of Salida, extending 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 a public hearing on March 7, 2017 and ordering the ordinance to be published in full. Brown-Kovacic seconded the motion, With all in favor, THE MOTION CARRIED.

5. Administrator/Deputy City Clerk

- City Administrator Report –Steven Rabe

Rabe provided a report and requested that Council deliver their prioritization sheets to Samora.

- Deputy City Clerk Report – Christian Samora
Samora did not have a report.

6. Elected Official Reports

- City Clerk – Betty Schwitzer
Schwitzer presented a report regarding the Ward Boundaries. Schwitzer stated that at the next City Council Meeting there would be an ordinance to adjust the City Ward Boundaries in follow up to previous discussions.
- City Treasurer – Theresa Cortese
Cortese presented the Sales Tax report. Cortese stated that in December the Sales tax was up 5.8% and 5.9% for the City and County Sales Tax respectively. Cortese reported that the City Sales Tax for 2016 was \$5,261,737 or about a 7.0% increase over 2015 and the County collections were 1,725,309 or about a 8.8% increase over 2015
- City Council- Michael Bowers, Hal Brown , Cheryl Brown-Kovacic, Rusty Granzella, Melodee Hallett and Eileen Rogers.

Brown-Kovacic stated that at the UAACOG there was an announcement that DOLA has some small grants available. The matching funds would have a maximum of \$5,000 per community. Brown-Kovacic stated that there is also a request out for applications from the Recycling Resources Economic Opportunity Grant Program. She felt it would be an appropriate application for moving the recycling center.

Brown-Kovacic stated that there is a presentation by the UAACOG regarding personal accountability on March 17, 2017 at the Florence High School Auditorium.

Brown-Kovacic stated that everyone from Council received a letter from Ron Mazzeo. Brown-Kovacic read the letter aloud. The letter stated that the divestiture has its challenges and requested additional documents, including a radon test and building plans.

Samora stated that a radon test has not been located and that the Chaffee County Building Department could provide the SNRCDC with the plans.

Granzella asked if the SNRCDC was provided with the City's records. Samora stated that the City's records could be provided, but it is a partial copy and would cost approximately \$600.00. Samora continued to state that Chaffee County is willing to assist the SNRCDC in obtaining a complete set of plans.

Brown-Kovacic asked when the information was provided to the SNRCDC. Samora stated that the information was relayed provided prior to the Mazzeo letter.

Brown stated that the Audit Committee met last week to review the status of preparing for the coming audit of the 2016 fiscal year. Brown stated that there are some issues in getting prepared for the audit. Brown stated that the most prudent thing to do is to delay the audit. They decided to slide the audit to the June/July timeframe. Brown stated that the possibility exists that the City may need to request an extension of deadline to file the audit.

Granzella asked if an accountant was hired. Brown stated that there is a candidate that the Finance Director is enthusiastic about.

- Mayor – Jim LiVecchi
Mayor LiVecchi stated that the Salida Housing Task Force would be meeting on March 1, 2017 and will be opened up to the Community to discuss the issues more.

Brown-Kovacic asked why the date was changed. Brown-Kovacic stated that she has received messages stating people cannot make it to the meeting. Rogers requested that the date be advertised.

VII. NEW BUSINESS

LiVecchi stated that they received a letter from the Wells Anderson Law firm requesting that more funds be allocated because the initial \$10,000 had been exhausted. LiVecchi stated that if there are no objections, he recommended increasing by another \$10,000.

There was no objection by the City Council.

LiVecchi presented a request from Wendell Pryor Drone Summit requesting \$750.00.

Rogers motioned to approve the request. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

Brown requested an Executive Session for a future meeting to receive advice on what can properly be discussed in executive session and what cannot properly be discussed in open session.

Brown-Kovacic and Rogers requested that the discussion be in open session assuming that it is not about specific legal issues that should be in executive session.

Mayor LiVecchi stated that there will be an Executive Session on March 7, 2017 with the opportunity to have discussion afterwards.

VIII. OLD BUSINESS

Bowers requested an update on the sidewalk replacement project for the 300-500 block of East 1st Street. Lady will research the issue and provide an update.

Brown-Kovacic addressed the issue raised at the last meeting regarding the City Attorney's investigation of financial clams against the NRCDC. Her comments stressed that City Council is the City Attonrey's client and that Council approval is needed for such projects. Brown-Kovacic continued to state that the Mayor's suggested restrictions on Council contact with the City Attorney is inappropriate.

Brown-Kovacic requested that any attorney projects in excess of \$3,000 be approved by Council, unless it is a basic function for staff. Brown-Kovacic stated that she would also like to see limits set.

Brown-Kovacic stated that she would like the City Attorney contract review to be included at the next City Council Meeting.

Brown-Kovacic asked about the Conundrum Group memo dated July 28, 2016 in response to complaints filed against the City Attorney. Brown Kovacic asked if the memo served as an investigation of the complaints or as information to assist with the evaluation of the complaints. She requested the cost for this written response by the Conundrum Group. She also asked why this complaint was not dealt with by Council since it falls outside the purview of the Mayor. Mayor LiVecchi stated that he would need to see what document Brown-Kovacic was referencing to be able to offer more information.

LiVecchi stated that the issue could be added to the Executive Session at the next City Council Meeting.

IX. ADJOURN -

Brown motioned to adjourn at 08:15 PM. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

[SEAL]



James LiVecchi
Mayor

Betty Schwidgen
City Clerk