



## MEETING MINUTES OF THE CITY COUNCIL

City Council Chambers  
448 East 1<sup>st</sup> Street, Room 190  
City of Salida, Colorado  
Tuesday, March 7, 2017 6:00 p.m.

### I. REGULAR MEETING CALLED TO ORDER –

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

### III. ROLL CALL

All members of City Council and staff were present. The City Attorney was present for the Executive Session.

### IV. PRESENTATION

#### 1. Xcel Energy presentation - Fooses and Garfield Reservoirs

Ashley Valdez from Xcel Energy gave an overview and provided background information.

Christine Johnson from the Environmental Services department explained that there are two hydroelectric facilities, one of which is still in use. Johnson explained how the facility produces power and further explained that Xcel is looking to retire the Unit 1 will be retired. Johnson stated that Unit 1 has not been in operation since 2009 and water is allowed to flow past it.

Rich Belt explained that the water is decreed for an absolute water right that is non-consumptive. He continued to state that the dams are relatively small storage space and that the water courts decreed the water rights in 1990.

The City Council was in agreement to have public discussions regarding the matter and share information with the public. Brown-Kovacic stated that there are a lot of options and there is a lot of information to gather regarding maintenance and other possible uses for the property.

#### 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.*

Ken Matthews of Salida stated that he attended the Housing Task Force meeting the week prior. He thanked the Mayor and the people in attendance. He requested that Councilmembers Granzella, Brown and Bowers attend the next task force meeting. He stated that the Mayor's task force is a good start. He continued to state that the task force is not a very inclusive group and felt the group is more focused on the support of developers. Matthews continued to state that there are a number of shareholders that need to be at the table when the housing issues are discussed. Matthews stated that an affordable housing expert should be involved as well. He stated that the majority of the housing need in Salida is 80% Area Median Income and below. Matthews stated that there may need to be a mill levy or possibly a sales tax to help solve the housing problem.

Patrick Payne of Salida, representing the Salida Business Alliance, stated that the organization would like to see the growth managed. They identified seven items as being important for the alliance. Payne listed the items as 1. Work Force Housing; 2. Parking; 3. Streets and Sidewalks; 4. Community Safety; 5. Parks; 6. Beautification;

and 7. Vandaveer Ranch Development. He stated that he is looking forward to meeting with the Council on the 20<sup>th</sup> and the Alliance wants the City to know what is important to them. Mayor LiVecchi thanked Payne for his presentation.

Vickie Sue Vigil of Salida welcomed the new City Administrator. She stated that the Salida Business Alliance is a group of over 70 members. Vigil stated that they like to get things done and they strongly support the soaking pool and splash pad. She also stated that a clean and colorful City is a vibrant City. Vigil stated that beautification can be accomplished in many different ways.

Monika Griesenbeck of Salida stated that she also attended the Housing Task Force Meeting. She stated that she agreed with the previous speaker that the Housing Task Force meeting was predominantly attended by the building community. She stated that the 2A Funds were clearly and specifically approved by the voters. She asked if it would be the third time that the voters would have to speak. Griesenbeck stated that to revisit the issue would be disappointing and felt that representation respecting the wishes of voters. She stated that she hoped the Council would not try to change that.

## VI. SCHEDULED ITEMS

1. **Consent Agenda** (Christian Samora)
  - a) Approval of Agenda
  - b) Approval of Minutes: February 21, 2017
  - c) Centennial Park Exercise Equipment Bid Award
  - d) T-Ball Field Improvements Bid Award
  - e) Aquatic Center Soaking Pool Engineering Design Bid Award
  - f) Lap Pool Renovation Bid Award

Brown stated that there are items the Council wished to pull for separate consideration.

Hallett stated that she would like the Centennial Park Exercise Equipment item removed.

Granzella asked to remove E and F from the Consent Agenda.

Rogers asked to remove item D from the Consent Agenda.

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

### **Centennial Park Exercise Equipment**

Hallett questioned how much usage the equipment will get. She stated that it probably could have been painted to be kept in better condition. Hallett asked why the highest bid was recommended.

Crowley stated that it was more than just simply repainting to make the equipment fully functional. Crowley continued to state that the new equipment would not be stationary as the existing equipment is. Crowley stated that each of the parks have been receiving upgrades and that the recommended bid is for the equipment that could best serve the park.

Brown asked why the highest proposal was accepted and if the project falls under the definition of a public improvement and should awarded to the lowest bidder.

Crowley stated that not all of the proposals were equal and that he understands the policy to allow that flexibility.

Brown-Kovacic stated that if she remembers correctly, the process of proposals has been used for other parks.

Bowers stated that he would like to see a list of what the City is getting before he can vote on the item.

Brown asked if the project meets the definition of a public improvement requiring the City to accept the lowest bid.

Brown asked if there would be an impact to delay the item to the next Council meeting.

Crowley stated that he didn't feel that there would be a severe impact.

**Brown motioned to continue the Centennial Park item until the next City Council Meeting. Hallett seconded the motion.**

Granzella asked what the quality of the equipment is like. Crowley stated that he and Casey contacted other municipalities and there are significant warranties.

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

#### **T-Ball Field Improvements**

Rogers stated that she was unaware the project was happening or even being considered.

Crowley stated that it was a budgeted item and the project was big because it was a specific product. Hallett asked if it would be considered for other field.

Granzella stated that the T Ball field is a smaller project and they thought they would try it out there first. Granzella stated that there is also outside funding.

Hallett asked if the usage of the field will need protection. Crowley stated that there will be no need to have any equipment on the field.

**Brown motioned to approve the contract for improvement in the T-Ball Field. Rogers seconded the motion. With all in favor, THE MOTION CARRIED.**

#### **Hot Springs Aquatic Center Soaking Pools**

Granzella stated that when he looked over the information, he couldn't tell where the company is from. David Dailey stated they are a company out of Utah. Dailey continued to state that the company is doing a project in Ouray, Colorado.

Dailey stated that they will be visiting Ouray to see the facility.

Brown stated that there were two items that were approved. Brown asked if money was spent and asked why more money was being spent for a design. Dailey stated that it is for full engineering documents and what had already been paid was only for the schematic design.

Dailey stated that the engineering company would review the existing design.

Brown clarified that the Council is simply looking for reassurance that the Council is not spending money for something that has already been completed.

**Brown motioned to continue the item to the next City Council Meeting. Bowers seconded the motion.**

Brown-Kovacic stated that she understood that Sarah Whittington did the architectural design and the engineering would need the design as a starting place to work from.

Rogers stated that postponing the item would be redundant.

Dailey stated that Whittington had a narrow scope of work for the job.

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

### **Hot Springs Aquatic Center Lap Pool Improvements**

Dailey stated that there is currently a fiberglass liner that is covered by tile.

Bowers stated that condensation and humidity had been accumulating around the pool. Bowers stated that his concern is what the current condition of the pool is.

Dailey stated that the surface itself definitely has surface cracking. Dailey stated that there has not been work completed to determine if there is other leaking in the pool.

Bowers asked if someone could look at it and asked if the humidity is causing the cracks. Dailey also stated that there will be vents installed sooner rather than later.

Hallett stated that maybe the issue of humidity should be the first concern.

Dailey stated that he would see a lot more standing water or evidence of leaking.

Bowers asked when the pool was last redone.

Brown asked about the closure of the pool and the impact to revenues from the pool.

Dailey stated that the start date is September 18 and the project will be completed by October 22.

Hallett asked if staff has ever tried alternating seasons for closure and was curious whether there was another time of year to have the closure.

Dailey stated that according to the numbers, it is the best time of year to be closed.

Granzella asked what the higher bid was for. Dailey stated that the lowest bid is a diamond bright surface.

Hallett asked if there has to be downtime every year. Dailey stated that they would still be down for other maintenance.

**Brown motioned to approve the Hot Springs Aquatic Center Lap Pool Improvements. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.**

### **2. Biker & The Baker, LLC Beer & Wine Liquor License Application & Public Hearing (Christian Samora)**

Samora 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 a Beer and Wine Liquor License for Biker Baker, LLC at 123 W 1<sup>st</sup> Street in Salida, Colorado. Brown Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.**

### **3. Utility Code Amendment, 2<sup>nd</sup> Reading and Public Hearing (Guy Patterson)**

Ordinance 2017-02 to amend certain sections of Chapter 13-Municipal Utilities-of the Salida Municipal Code

Guy gave an introduction and provided background information.

Rogers asked if the requirement would effect existing water taps.

Bowers stated that he was concerned about Section (2).

Brown-Kovacic stated that it was already explained that the language is the same. She requested that staff make a note about it for future clarification.

LiVecchi stated that it is simply moving the section in the code and not changing it.

Mayor LiVecchi opened the Public Hearing

James Miller of Salida stated he had concerns about the way the ordinance was written and felt there was a direct conflict between the sections contained within the document.

Mayor LiVecchi closed the Public Hearing.

**Granzella 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. Brown-Kovacic seconded the motion.**

Bowers stated that it is confusing and that he was opposed to it.

Brown-Kovacic suggested that the motion should be revised to approve the ordinance contingent upon the language being revised.

Brown stated that they could vote to disapprove it.

James Miller stated that the ordinance could be tabled.

Patterson stated that the language is still in code, but in a different location.

**Granzella withdrew the motion. No further action was taken.**

**4. Cross Connection Regulations, 2<sup>nd</sup> Reading and Public Hearing (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 that a cross connection is when a contaminated source flows back into the system. He stated that a backflow device insulated the contamination from the drinking water source.

Hallett stated asked if there are devices installed when the streets are redone.

Lady stated that the backflow preventer is typically as the point of backflow, but it is typically not the City's property.

Mayor LiVecchi opened the Public Hearing.

There was not any public comment.

Mayor LiVecchi closed the Public Hearing.

**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**  
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**Supply system from contamination and ordering the ordinance to be published by title only. Bowers seconded the motion.**

Hallett asked if there is an inventory of what properties have backflow preventers. Lady stated that the City has initiated a survey to gather more information.

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

- 5. Moratorium on Short-Term Rental Licensing, 2<sup>nd</sup> Reading and Public Hearing** (Guy Patterson)  
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

Patterson gave an introduction and provided background information.

Mayor LiVecchi opened the public hearing.

Monika Griesenbeck of Salida urged the council to approve the ordinance.  
Mayor LiVecchi closed the public hearing.

**Brown 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 and ordering the ordinance to be published by title only. Bowers seconded the motion.**

Brown-Kovacic stated that the Planning Commission discussed possible directions to take on this. She asked if she should recuse herself from voting on the item.

Brown stated that it is not a quasi-judicial hearing. He stated it is more a matter of policy and did not believe Brown-Kovacic's presence at the Planning Commission Meeting would prohibit her from voting on the item.

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

- 6. Scout Hut Project Bid Award** (Kevin Crowley/Theresa Casey)  
Resolution 2017-11 approving the award of the 2017 Scout Hut Renovation Project and authorizing the City Administrator to enter into a construction contract between the City and LM Kersting Construction Company

Crowley gave an introduction and provided background information.

Brown-Kovacic asked about the kitchen no longer being upstairs. Crowley stated that there was some discussion about having a warming area upstairs. Crowley stated that due to cost constraints it was removed.

Bowers asked if the builder was local. Crowley stated that the builder is based out of Buena Vista.

Granzella stated that there was not a final sketch. Crowley stated that he could provide an update to the Council at a later time.

Brown asked for clarification on the budget.

Crowley stated that there is a need of an additional \$65k as stated in the memo.

**Rogers motioned to approve Resolution 2017-11, a resolution of the City Council, City of Salida, approving the award of the 2017 Scout Hut Renovation Project and authorizing the City Administrator to enter into a construction contract between the City and LM Kersting Construction Company. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.**

7. **Adjustment of Ward Boundary Lines, 1<sup>st</sup> Reading** (Betty Schwitzer & Christian Samora)  
Ordinance 2017-05 an ordinance of the City Council of the City of Salida, Colorado, altering the City Ward Boundaries

Samora gave an introduction and provided background information.

Granzella and Rogers asked for clarification on the estimated numbers. Samora explained that for Wards 1 & 2, Chaffee County was able to provide estimated registered voter numbers. For Ward 3, the estimated number included both the Chaffee County estimate and an estimated number of registered voters for two new developments that will soon be constructed in Ward 3.

**Bowers motioned to approve Ordinance 2017-05 an ordinance of the City Council of the City of Salida, Colorado, altering the City Ward Boundaries, setting a public hearing for March 21, 2017 and ordering the ordinance to be published in full. Brown seconded the motion. With all in favor, THE MOTION CARRIED.**

8. **Appropriation of Additional Sums of Money for Dominick Matter** (Guy Patterson)  
Resolution 2017-12 a resolution appropriating additional sums of money in the Water/Wastewater Enterprise Fund for the 2017 Budget

Councilmember Brown gave an introduction and provided background information.

**Brown motioned to approve Resolution 2017-12 a resolution of the City Council, City of Salida, appropriating additional sums of money in the Water/Wastewater Enterprise Fund for the 2017 Budget. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.**

9. **Community Funding Recommendations** (Cheryl Brown-Kovacic/Melodee Hallett)

Brown Kovacic provided background information and explained the process. And Specifically identified a GARNA request for sewer fees. She stated that Patterson will be looking into correcting charges that may not have been correct.

Brown-Kovacic also stated that the SBA request was already in the budget.

Hallett stated that there is a work session scheduled to discuss the Community Funding Process. She stated that she would like to see the policies in place before the next cycle.

Patterson stated that he has been through the process on both ends. He stated that the process on the City's end could be tightened up and clarified.

Granzella asked if *A Little Help* was local. Brown-Kovacic stated that there was a local chapter.

Brown commended Hallett and Brown-Kovacic for working on reviewing the funding requests.

LiVecchi stated that he was disappointed in not funding the Vietnam helicopter request.

**Brown motioned to accept the Community Funding recommendations as presented. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.**

## VII. EXECUTIVE SESSION

Brown motioned to adjourn to 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: Miller/Bomer CORA litigation, D. MacDonald/J. Davis monetary demands, 2016 municipal

legal/risk profile and related City Attorney efforts, and SNRCDC divestiture. Granzella seconded the motion. With all in favor, **THE MOTION CARRIED.**

## VIII. REPORT/DISCUSSION

At 11:56 P.M. the City Council reconvened the regular session.

Brown reported that the City Council received legal advisement on a number of issues including Miller/Bomer CORA litigation, D. MacDonald/J. Davis monetary demands, 2016 municipal legal/risk profile and related City Attorney efforts, and SNRCDC divestiture. Brown stated that there are no decisions to be made.

### 10. Administrator/Deputy City Clerk

- City Administrator Report –Guy Patterson  
Patterson gave a brief overview of his report and stated that his report will be a work in progress. He stated that he attended the development review meetings with the Chaffee County Building Department. He stated that they are staff level meetings to make sure that there are communications.  
Patterson reported that he will be interviewing candidates for the Planning Department.
- Deputy City Clerk Report – Christian Samora  
Samora did not have a report.

### 11. Elected Official Reports

- City Clerk – Betty Schwitzer
- City Treasurer – Theresa Cortese
- City Council- Michael Bowers, Hal Brown , Cheryl Brown-Kovacic, Rusty Granzella, Melodee Hallett and Eileen Rogers.
- Bowers complimented the Public Works employees about all of the work that they have been doing.
- Brown-Kovacic reported that at the last meeting she made reference to regarding the attorney complaints; she stated that she was mistaken and realized it had been given to her last summer.
- Rogers stated that she had a conversation with Steve Rabe regarding an evaluation form for the City Attorney. She stated that it may be a good guide of things to consider as the City Council goes through the first year. Hallett stated it has never been done with any other attorney.
- Mayor – Jim LiVecchi

## IX. NEW BUSINESS

Brown stated that he is concerned about the records retention policy and is especially concerned about the retention of the Executive Session recordings.

X. Granzella would like to be registered for the CML conference in June.

## XI. OLD BUSINESS

## XII. ADJOURN –

Brown motioned to adjourn at 12:03 A.M. Bowers seconded the motion. With all in favor, **THE MOTION CARRIED.**

[SEAL]

  
Deputy City Clerk

  
Mayor

