



MEETING MINUTES OF THE CITY COUNCIL  
City Council Chambers  
448 East 1<sup>st</sup> Street, Room 190  
City of Salida, Colorado  
Tuesday, April 18, 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 not present.

**IV. PRESENTATION**

**Salida Scout Hut Presentation – Salida Rotary Club**

Dave Wood, Paul Veltry and Chris Nicky explained that it took two years of hard work to raise \$100k on the club level. The City Council took a moment thank the club members and a check was presented to the City Council.

**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.*

Dan Shore of Salida stated that he attended the affordable housing meeting in February and asked for an update as to what the status of the project is. LiVecchi stated that the Housing Task Force is looking at updating the codes for density and for an interim housing authority. Brown-Kovacic attended the meeting with Autumn Dever and Judy Gilkerson. LiVecchi stated that there will be a public town hall meeting in the future.

James Miller congratulated the City Council on hiring Lee Phillips and felt he would do well. He stated that the Council started a war based on erroneous information and passed 2016-97 to avoid going to court. Miller stated that he felt that the removal of the RV dump station harmed the community.

Christopher Kolomitz stated that he was upset that the Council couldn't come up with a compromise to keep the dump station. He stated that it was symbolic of how the mayor and several council members have handled themselves. He stated that of what has been done in the last 18 months, he would like to know what the positive things are and asked who is handling the outreach of other leaders. He stated that there is inactivity by the City and felt the housing task force is a start, but felt the City was behind because of what has been done and what hasn't been done. He stated that he was concerned the City was behind on developing business and felt the City needs to be more proactive about building infrastructure.

**VI. SCHEDULED ITEMS**

1. **Consent Agenda** (Christian Samora)
  - a) Approval of Agenda
  - b) Approval of Minutes: April 4, 2017
  - c) Salida Rotary - Bluegrass on the Arkansas
  - d) Articipate - Salida SunFest

**Granzella motioned to combine and approve items “a” through “c”. Rogers seconded the motion.**

Samora stated that the total waiver request was for \$550.00, \$100.00 of which was a liquor license fee.

**Granzella motioned to approve the Articipate event request and fee waiver with the exception of the liquor fees. Rogers seconded the motion. With all in favor, THE MOTION CARRIED.**

**2. Whittington Contract Cancellation (Theresa Casey)**

Casey gave an introduction and provided background information. She stated that it has been over a year since any work has been done.

Granzella asked if Whittington was okay with it. Casey stated that Whittington is fine with the cancellation of the contract.

Brown suggested that perhaps the cancellation should be done by resolution to be consistent with what has been done in the past.

Casey stated that a resolution could be prepared and brought back to Council for consideration at the May 2, 2017 City Council meeting.

Patterson stated he felt it was safe to approve by a voice vote, but the Council may do it by resolution if they so choose.

Brown stated that on March 14 there was discussion about discharge permitting and the Council asked for more information on that issue.

Casey stated that the water permit has been issued for a period of five years.

Brown asked if Casey was satisfied with the services that were rendered. Casey stated that the type of work is very expensive and that she was satisfied with that was completed for the amount that was paid to Whittington.

Brown asked when the City knew about the CDPHE decision regarding the discharge permit. Casey stated that it was in late November and the permit went into effect on January 1, 2017.

Hallett stated that there was a lot of confusion and she did not realize Whittington’s work stopped. She stated that she felt maybe the decision was misinterpreted.

**The City Council was in agreement to bring the item back with a resolution.**

**3. Short-Term Rental Housing Regulations, 2<sup>nd</sup> Reading & Public Hearing (Beverly Kaiser)**

Ordinance 2017-07 an ordinance of the City Council of the City of Salida, Colorado, creating a new section, amended definitions, and amendments to Table 16-D in the Land Use and Development Code of the Salida Municipal Code in order to establish operational regulations for Short-Term Rental Businesses

Kaiser gave an introduction and provided background information. She stated that since 2015 there has been 26 public meetings regarding short term rental housing. She stated that the meetings were Planning Commission and City Council meetings as well as public hearings.

Hallett asked if in any of the properties were rented out for 185 days a year. Kaiser stated that it is not likely.

Mayor LiVecchi opened the public hearing.

Miller stated that he felt the sign-up sheets limits public input and allowing public comment is a good thing, not a bad thing. He stated that he is in favor of passing the regulations. He stated that in the long run it

may harm the housing stock because so many homes have been taken off of the market. He felt that as things change, everyone will have an equal opportunity. He stated that the problem is present in many areas in the western United States.

Monika Griesenbeck stated that she sent the City Council an example of how Denver has dealt with the short term housing problem. According to the Chaffee County Housing needs report, the number of housing units increased 258 while the population decreased by 178. She stated that there are about 600 properties in the City with out of town ownership. Griesenbeck stated that for several years the Council has stated that affordable housing is a priority and this ordinance does nothing to help solve the problem. She asked the Council to amend the ordinance to confine the short term rentals to commercial properties and to only allow it in primary residences.

Lawton Eddy of Salida stated that the regulations do pinpoint concerns and had one exception to it. She stated that she felt the inspections creates a layer of bureaucratic process to the issue. Eddy stated that you can look online and the homes are clean and spiffy. Eddy stated that to be realistic, the availability of the property manager should be during specific hours and in the night hours law enforcement could be of assistance. Eddy suggested also having regulations on the long term rentals.

Chaffee County Resident at 25501 CR 321 stated that she is an owner of two businesses. She stated that as a small business owner, she felt business owners will be losing money if these regulations are passed. She stated that a lot of the owners do not show up but every one or two years. The owners spend money locally with trash service, cleaning and other services. She passed a photo of a bulletin board in a vacation rental to the City Clerk. The image showed a bulletin board with business advertisements as well as positive notes from people who stayed in the rental.

Greg Fetzer of Salida stated he owns a home on 12<sup>th</sup> Street. He stated that he is a short term rental owner he follows the regulations. He stated that he appreciated the meetings regarding the issue, but felt he should have been notified of the proposed regulations. Fetzer stated that he estimated that the City received about \$32k per year from his short term rental. Fetzer suggested that perhaps the short term rental owners should have an opportunity to meet with the Planning Commission and come up with something that would be more equitable. He felt that the Council is trying to put the problem of affordable housing on the back of short term renters. Fetzer stated that he did send an information packet to the City Council and appreciated the response that he received from one of the City Council Members.

DeKing thanked the City Council for widening his driveway on Sackett Avenue. He stated that the driveway was barely 6 feet wide and the Public Works Department widened the driveway. DeKing stated that he and his wife have a full time rental and a short term rental in Salida. He stated that they keep the price low to get someone in there that will stay. He stated that having the short term rental provides a little more income. He did not see the need to have the regulations for something that is contributing to the City. He stated that visitors may go to other cities instead of Salida.

Craig McMillen of Salida thanked the City Council for their service. He stated that he applied for his license the day before the moratorium became effective. He stated that he is retired and it is a very important income to him. He stated that quality of tenants is going down. He stated that he is not feeling like he can offer it up to the public anymore. He stated that he felt the solution may be worse that the problem at the moment.

Mayor LiVecchi closed the public hearing.

Granzella asked if any current licenses would be eliminated. Kaiser stated that there would potentially be seven more licenses.

Granzella asked if there is a minimum number of nights that are just holding the license. Kaiser stated that there is not a minimum number of nights to hold the license.

Hallett stated that to her it sounded like it was already maxed out. Hallett asked if this was really accomplishing what the Council wanted.

**Brown-Kovacic motioned to approve Ordinance 2017-07 an ordinance of the City Council of the City of Salida, Colorado, creating a new section, amended definitions, and amendments to Table 16-D in the Land Use and Development Code of the Salida Municipal Code in order to establish operational regulations for Short-Term Rental Businesses and ordering the ordinance to be published by title only. Rogers seconded the motion.**

Brown-Kovacic stated that she did not believe this was cobbled together and it was a process that was started in 2015. She felt that it may not be perfect and will need additional review and may need adjustments, but is a really good place for the City to start.

Hallett stated that she wasn't criticizing work that was done, but felt the commercial aspect may be a bigger issue down the road.

Brown-Kovacic stated that there is quite a bit of housing in commercial areas.

Granzella stated that he has heard from neighbors and they felt they are the watch dogs. He felt that it will be a good thing and he is comfortable about it.

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

**4. Short-Term Business Licensing Amendment, 1<sup>st</sup> Reading** (Beverly Kaiser)

Ordinance 2017-06 an ordinance of the City Council of the City of Salida, Colorado, to repeal and replace Article VI, Chapter 6 of the Salida Municipal Code pertaining to Short-Term Business Licensing

Kaiser gave an introduction and provided background information.

Patterson stated that the change in the language could still allow for a self-inspection, but leaving the word "self" in the language would create a limitation.

**Rogers motioned to approve Ordinance 2017-06 an ordinance of the City Council of the City of Salida, Colorado, to repeal and replace Article VI, Chapter 6 of the Salida Municipal Code pertaining to Short-Term Business Licensing, scheduling a public hearing for May 2, 2017 and ordering the ordinance to be published in full. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.**

**5. Repeal of Panhandling Regulations, 2<sup>nd</sup> Reading & Public Hearing** (Guy Patterson)

Ordinance 2017-08 an ordinance of the City Council of the City of Salida, Colorado, repealing Section 10-5-40(a)(2) of the Salida Municipal Code and Creating Section 10-5-150, establishing regulations with regard to aggressive panhandling within corporate City Limits

Patterson gave an introduction and provided background information.

**Granzella motioned to approve Ordinance 2017-08 an ordinance of the City Council of the City of Salida, Colorado, repealing Section 10-5-40(a)(2) of the Salida Municipal Code and Creating Section 10-5-150, establishing regulations with regard to aggressive panhandling within corporate City Limits and ordering the ordinance to be published by title only. Brown seconded the motion. With all in favor, THE MOTION CARRIED.**

**6. Approval of Ground Lease at Harriett Alexander Field, 2<sup>nd</sup> Reading & Public Hearing** (Zech Papp)

Ordinance 2017-09 Approving a Ground Lease with O.A. Pesnell

Papp gave an introduction and provided background information.

Roger stated the estimate appeared to be a little higher. Papp stated that his estimate was if the project were to go out to bid.

Papp stated that the project is in house and they are not required to go out to bid.

Bowers asked if the department of corrections has been contacted to see about helping to reduce the cost. Papp stated that the project will be sent out. Bowers stated that they will not go out in the bidding process, but can help out with various things.

Patterson stated that it is a unique situation with the County taking the lead.

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 2017-09, an ordinance of the City Council, City of Salida, approving a Ground Lease with O.A. Pesnell and ordering the ordinance to be published by title only. Rogers seconded the motion. With all in favor, THE MOTION CARRIED.**

7. **Centennial Park Tennis & Pickleball Courts Grant Agreement** (Theresa Casey)  
Resolution 2017-23 authorizing the City Administrator to enter into an agreement on behalf of the City and with Great Outdoors Colorado, accepting the terms of a grant for the Centennial Park Tennis/Pickleball Court Project

Casey gave an introduction and provided background information.

**Brown motioned to approve Resolution 2017-23, a resolution of the City Council, City of Salida, authorizing the City Administrator to enter into an agreement on behalf of the City and with Great Outdoors Colorado, accepting the terms of a grant for the Centennial Park Tennis/Pickleball Court Project. Bowers seconded the motion.**

Brown-Kovacic asked about the exhibits that were not included. Casey stated that one of the exhibits will be the budget that was included with the grant application and the other would be a copy of the resolution approving the agreement.

Hallett asks who will be taking care of the facility.

Casey stated that the Parks Division of Public Works will be taking care of it.

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

8. **Additional Budget Appropriation for Community Funding** (Guy Patterson)  
Resolution 2017-22 appropriating additional sums of money in the General Fund for the 2017 Budget

Patterson gave an introduction and provided background information.

Hallett clarified that GARNA requested that the sewage fee request be withdrawn.

**Bowers motioned to approve Resolution 2017-22, a resolution of the City Council, City of Salida appropriating additional sums of money in the General Fund for the 2017 Budget. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.**

9. **Additional Budget Appropriation for Salida Airport** (Guy Patterson)  
Resolution 2017-24 appropriating additional sums of money in the General Fund for the 2017 Budget

Brown clarified that the money was only for the construction for the taxiway and that the operating funds

are in a different line item. Patterson confirmed.

**Granzella motioned to approve Resolution 2017-24, a resolution of the City Council, City of Salida, appropriating additional sums of money in the General Fund for the 2017 Budget. Rogers seconded the motion. With all in favor, THE MOTION CARRIED.**

**10. Annexation of Snyder Property, 1<sup>st</sup> Reading** (Beverly Kaiser)

Ordinance 2017-10 annexing to the City of Salida a certain tract of land in unincorporated Chaffee County known as the Snyder Annexation

Kaiser gave an introduction and provided background information.

Rogers asked how many homes there would be. Barry Snyder stated that there intent is to live on the property and they intend to combine the two structures on the property.

Granzella asked about the water main. Snyder stated that water main is about ten feet from HWY 50.

Brown-Kovacic asked if he utilities are already along HWY 50. Kaiser clarified that the line already runs along HWY 50

**Bowers motioned to approve Ordinance 2017-10, 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 Snyder Annexation, setting a Public Hearing for May 2, 2017 and ordering the ordinance to be published in full. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.**

**11. Annexation Agreement for Snyder Annexation, 1<sup>st</sup> Reading** (Beverly Kaiser)

Ordinance 2017-11 approving the Snyder Annexation Agreement

Kaiser gave an introduction and provided background information.

Kaiser stated that staff is suggesting minor changes to the agreement. Kaiser presented changes to sections 5.4.6 & 5.11.

Snyder stated that he noticed a lot of limited liability for the City, but didn't see anything protecting the Snyders. Patterson stated it would be deeded and governmental immunity.

**Brown-Kovacic motioned to approve Ordinance 2017-11, an ordinance of the City Council, City of Salida approving the Snyder Annexation Agreement with the changes suggested by staff, setting a public hearing for May 2, 2017 and ordering the ordinance to be published in full. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.**

**12. Zoning of Snyder Annexation, 1<sup>st</sup> Reading** (Beverly Kaiser)

Ordinance 2017-12 zoning a part of certain real property known as the Snyder Annexation under the Residential Mixed Use Zone District with inclusion in the Highway 50 corridor overlay

Kaiser gave an introduction and provided background information.

**Brown-Kovacic motioned to approve Ordinance 2017-12, an ordinance of the City Council, City of Salida, zoning a part of certain real property known as the Snyder Annexation under the Residential Mixed Use Zone District with inclusion in the Highway 50 corridor overlay setting a public hearing for May 2, 2017 and ordering the ordinance to be published in full. Rogers seconded the motion.**

**13. Annexation of Heart of the Rockies Medical Center, 1<sup>st</sup> Reading** (Beverly Kaiser)

Ordinance 2017-13 annexing to the City of Salida a certain tract of land in unincorporated Chaffee County known as the HRRMC Annexation

Kaiser gave a presentation and provided background information.

Brown-Kovacic stated that there are two different height limits listed in the materials.

Mike Wilber stated that the Hospital changed the request to 54 feet instead of 68 feet. He stated that the maximum allowable height is 54 feet. Wilber stated that what anyone likes is arbitrary and the code states that a public institution height limit is 54 feet. Wilbur stated that the private clinics are limited to 35 feet, but the hospital is limited to 54 feet.

Brown-Kovacic asked how tall the current maximum height of the hospital is. Wilbur stated that the building is limited to 54 feet.

**Brown motioned to approve Ordinance 2017-13 annexing to the City of Salida a certain tract of land in unincorporated Chaffee County known as the HRRMC Annexation with single condition utilizing the applicants language for the construction and maintenance of the trail. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.**

14. **Annexation Agreement for Heart of the Rockies Medical Center, 1<sup>st</sup> Reading** (Beverly Kaiser)  
Ordinance 2017-14 approving an annexation agreement with Heart of the Rockies Regional Medical Center, for the annexation of certain real property into the City

Kaiser gave an introduction and provided background information.

Hallett asked if the trail will be ADA compliant. DeLuca stated that there is not a requirement for trails to be ADA compliant and it would be very difficult to make this particular trail ADA compliant.

Brown-Kovacic asked if there will be ADA compliant areas to accommodate wheelchairs. DeLuca stated there will be a loop on campus that is ADA compliant.

Wilbur stated that the concrete provision was not language suggested by SPOT or the Hospital, but was at the discretion of whichever City Attorney reviewed the document.

Wilbur stated that housing on campus would be strictly for employees if it were to happen. Wilbur stated the affordable housing language could be asking the hospital to give something up. He stated that he cannot commit the Hospital to an unknown regulation.

Kaiser presented proposed changes included in Sections 5.8 & 5.13.

Deluca stated that it is an 8 inch gravity main instead of the 4 inch forced sewer main.

Wilbur stated that regarding section 8.2.1, no political subdivision can indemnify anyone. He stated that a government entity cannot do that because it is open ended and is not allowed by the constitution. He stated that the hospital can hold the City harmless, but cannot indemnify. He suggested adding "to the extent allowed by law" to the language.

Wilbur stated that the affordable housing language could be modified to state that it would apply if the Hospital were to ever build housing that would be for sale. Wilbur stated that housing on campus would be strictly for employees if it were to happen. Wilbur stated the affordable housing language could be asking the hospital to give something up.

Brown-Kovacic stated that she did not understand why the hospital would be opposed to the affordable housing language.

He stated that he cannot recommend to the Hospital to commit to an unknown regulation.

**Brown motioned to approve Ordinance 2017-14, an ordinance of the City Council, City of Salida, approving an annexation agreement with Heart of the Rockies Regional Medical Center, for the annexation of certain real property Lot 1-A into the City with changes suggested by staff, to remove the word “indemnify”, and delete Section 5.13, setting the public hearing date for May 2, 2017 and ordering the ordinance to be published in full. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.**

**15. Zoning of Heart of the Rockies Medical Center, 1<sup>st</sup> Reading** (Beverly Kaiser)

Ordinance 2017-15 zoning certain real property known as the Heart of the Rockies Medical Center (HRRMC) Lot 1-A Annexation as Commercial C-1 zone district

Kaiser gave an introduction and provided background information.

**Rogers motioned to approve Ordinance 2017-15 zoning certain real property known as the Heart of the Rockies Medical Center (HRRMC) Lot 1-A Annexation as Commercial C-1 zone district, setting a public hearing date for May 2, 2017. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.**

**16. Administrator/Deputy City Clerk**

- City Administrator Report –Guy Patterson  
Patterson stated that according to state statute the Judge will be involved in the hiring process of the Municipal Court Clerk.  
Patterson will be attending a meeting on Monday in Poncha Spring to discuss RV Dump Station issue.  
Xcel Energy would like to schedule a site visit to the water storage facility on May 31<sup>st</sup> or June 1<sup>st</sup>.  
The Council was in agreement to plan on June 1<sup>st</sup> at 10:00 AM.  
Patterson stated that in 2001 rules of procedure for the City Council were passed and never repealed. The change regarding the meeting end time was made in 2014 to remove the policy.  
The issue will be at the next work session.  
There was discussion about the Grant Manager position. Patterson stated that there is money in the Economic Development fund. Patterson stated that the department heads are great at finding grants, but there is a need for someone to administer the grant and ensure that all requirements are being met.
- Deputy City Clerk Report – Christian Samora  
Samora did not have a report.

**17. Elected Official Reports**

- City Treasurer Cortese reported that for the month of February was \$347,631 which was up 3.1% from last year. Cortese continued to report that the County Sales Tax was up over 10% from the prior year.
- City Council- Michael Bowers, Hal Brown , Cheryl Brown-Kovacic, Rusty Granzella, Melodee Hallett and Eileen Rogers.  
Brown-Kovacic stated that there is a county wide group meeting on a master trail plan on the county revision of the comprehensive plan and there are representatives on there. The focus will be on trail connectivity.  
Bowers stated that he was contacted by Marylin Heister and she wanted to tell him about the professionalism and good attitudes of the employees at Public Works. She stated that she was willing to work with the City in the future because of the experience she had with Patterson and Lady. Hallett stated that she hears a lot of compliments as well.
- Mayor – Jim LiVecchi

**VII. NEW BUSINESS**

Brown stated that he felt there should be a revision to the City code to bring it into harmony with State Statute regarding the Municipal Court Clerk.

**VIII. OLD BUSINESS**



Bowers reported that the dedication of the 5/27 with a time to be determined and will likely be in the afternoon. Bowers asked if 4pm would work well. LiVecchi stated that we will be trying to work with the Bluegrass on the Arkansas event. Bowers stated that he spoke to Mike Harvey.

Rogers wanted to make sure it works for the family.

LiVecchi stated that the family picked the date.

Brown stated that there was a City Council priority to create a Capital Improvement Plan.

Patterson stated that the CIP will be brought back as part of the priority and goal discussion.

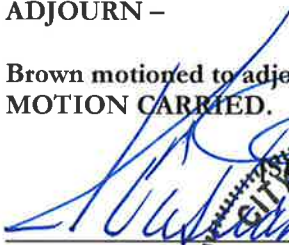
Brown stated that the comprehensive plan will also need to be reviewed at a future meeting, possibly starting with the planning commission.


Rogers stated that language was discussed regarding the decision making with the attorney. Rogers would like to see it on the agenda. There was consensus to have the issue on the next agenda.

LiVecchi stated that the Salida Housing Task Force has been meeting since Thanksgiving. They will be going through the planning and zoning commission and they will be bringing it back and there will be community involvement through the process.

**IX. ADJOURN –**

**Brown motioned to adjourn at 9:16 AM. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.**

  
\_\_\_\_\_  
Deputy City Clerk



  
\_\_\_\_\_  
James LiVecchi, Mayor

