



## MEETING OF THE CITY COUNCIL

City Council Chambers  
 448 East 1<sup>st</sup> Street, Room 190  
 City of Salida, Colorado  
 Tuesday, September 19, 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 elected officials were present.

**IV. PRESENTATION**

**Introduction of New Police Officer, David Close – Terry Clark**

Not present as moving to area.

Mayor LiVecchi advised Council that a new Deputy City Clerk has been hired, Linda Travis.

**HPAC – Housing Policy Advisory Committee –**

County Commissioner Keith Baker explained intercounty agreement proposal and direction that program is going in. Needs are there for this program. Second Need is for sharing the costs of an expert to make the program happen and coordinate efforts.

Sherry Johnson-Horsley of Salida Childhood Center spoke about the need for housing for employee low-income families. HPAC is vital to share the responsibilities.

Kimberly Parker, member of HPAC, provided 6 points for why program should go forward. Defined roles so that Municipalities are not taking full share of responsibilities.

Wendal Pryer spoke about positive support with individuals in community government. Need to pursue a tax credit project. Final point is that “we are in a crisis and it is time to act”.

Granzella asked questions regarding the role this expert would take in Wendal’s job arena. Wendal stated that the need for an expert in HUD and various programs would secure this program.

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Granzella asked for Kimberly's 6 points in writing. She will provide the points in written format to 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.*

Vicky Vehill with Salida Business Alliance spoke about traffic study grant regarding parking. Wants Council to endorse. Second, there's 97 days to Christmas, advised Council that Christmas large decorations were ordered for polar poles in town which came out of budget from Council. Just wanted Council to know. Asked for guidance on how to request monies for this project every year. Brown asked who installs the decorations. Public Works does. Brown also advised they should look into replacing hearts at the Pool and let Council know.

Mayor LiVecchi opened the floor with 15 minutes allotted for citizen participation against 419 D. Street Use. No citizens addressed the Council.

Mayor LiVecchi opened the floor with 15 minutes allotted for citizen participation for 419 D. Street Use. Mickey Hodge, Adams Miner, Read McCullum, Melissa Sobel, Zack Zikic, Andrew Richardson and Beth Sabor spoke in favor.

**VI. SCHEDULED ITEMS**

**1. Consent Agenda** – Larry Lorentzen

- a) Approval of Agenda
- b) Approval of Meeting Minutes – September 5, 2017
- c) Water truck Bid Award
- d) Multisite Project Bid Award
- e) Aquatic Center hot water line Bid Award

Granzella motioned for item d to be removed from Brown's initial motion to approve all items.

**Brown amended motion to combine and approve items; a, b, c, and e on the Consent Agenda. Bowers seconded the motion. With all in favor, THE MOTIONED CARRIED.**

Granzella asked about the financing on the Multisite Project Bid Award. David Lady addressed concerns on the budget. Budget so far is under the projected amount.

**Granzella motioned to approve item d on the Consent Agenda. Rogers seconded the motion. With all in favor, THE MOTIONED CARRIED.**

**2. 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:**

- Planning Commission Appeals Process

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**Brown motioned for Council to go into Executive Session to speak to Counsel about the Planning Appeals Process. Hallett seconded the motion. With all in favor, THE MOTIONED CARRIED.**

- 3. Appeal Planning Commission Decision, 419 D. Street – Glen Van Nimwegan**  
Appeal of Planning Commission Decision to approve the Beddingfield Conditional Use Application to operate an Events Center within the former Grace Church building at 419 D Street.

**Brown motioned to extend meeting to 10:30. Hallett seconded the motion. With all in favor, THE MOTIONED CARRIED.**

Mayor LiVecchi proceeded to Judicial Hearing, asking the applicant and the appellant to disclose any contact they have had outside of the hearing with members of planning commissioners or elected officials. Kyle Schulmeyer denied any contact. Sheree Beddingfield stated her husband, Kurt, had limited contact, and she had limited contact with Councilman Brown who let her know that they could not speak.

Mayor LiVecchi delegated the chair to the City Attorney, Ben Kahn for the limited purpose of conducting interviews of witnesses for the Appeal process.

Attorney, Ben Kahn conducted a Quasi-Judicial Appeal Hearing admitting evidence from testimony and exhibits previously submitted.

Admitted with testimony from VanNimwegan:

- Exhibit 1 – Planning Commission agenda for the June 26, 2017 meeting
- Exhibit 2 - The minutes of the June 26, 2017 Planning Commission meeting
- Exhibit 3 – Planning Commission agenda for the August 10, 2017 meeting
- Exhibit 4 – The minutes of the August 10, 2017 Planning Commission meeting
- Exhibit 5 – Videotape of June 26, 2017 Planning Commission meeting
- Exhibit 6 – Videotape of August 10, 2017 Planning Commission meeting
- Exhibit 7 – Notice of Decision
- Exhibit 8 – Ms. Jefferson’s Letter from Exhibit J
- Exhibit 9 – Staff report and application materials for June 26, 2017 Planning Commission meeting excluding Letter for Planning Commission Chair which was improperly submitted.
- Exhibit 10 – Appeal application by Kyle Schulmeyer (appellant)
- Exhibit 11 – Proof of publication of appeal hearing
- Exhibit 12 – Agenda for tonight’s City Council Meeting
- Exhibit 13 – Staff report and application materials for August 10, 2017 Planning Commission meeting.

Presentation from VanNimwegan given as to the timeline of the Application process. Exhibits added:

- Exhibit 14 – Documents received at August 10, 2017 Planning Commission meeting.
- Exhibit 15 – Letter of continuance June 26, 2017

Open to questions from Council Members for VanNimwegan.

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Kyle Schulmeyer, appellant, of 425 D Street presented. Barbara Walker testified. Dean Neely testified. Tom Sobal testified. Exhibits added:

- Exhibit 16 – Appeal information for limited purpose
- Exhibit 17 – Barbara Walker’s letter
- Exhibit 18 – Dean Neely’s letter
- Exhibit 19 – Tom Sobal’s letter

Sheree Beddingfield, applicant, presented. Brad Morrison testified. Susan Matthews from Public Library testified. Jane Whitmer testified. Kim Bouldin testified. Exhibits added:

- Exhibit 20 – Conditional Use Permit for 419 D Street Map

Kyle Schulmeyer, appellant, presented rebuttal.

Attorney, Ben Kahn, concluded. Council given opportunity to question staff. Ben explained that decision will be made in writing at next council meeting. Council presented open opinions on subject and will review all context and planning committee videos.

#### 4. 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:**

- Planning Commission Appeals Process
- NRCDC (Natural Resources Center Development Corporation) Site 12 Solar Installation and Vendor.

**Brown motioned to extend meeting to 11:00. Motion opposed by Bowers. Discussion held. Bowers changed objection. The motion was seconded. With all in favor, THE MOTIONED CARRIED.**

**Granzella made a motion to adjourn to go into Executive Session to speak to counsel. Voice vote taken. With all in favor, THE MOTIONED CARRIED.**

Session reconvened by Mayor.

**Brown made a motion based on the results of the executive session where Council received legal advisement from the City attorney relevant to NRCDC, Solar panel installation and based on that advice, Brown made a motion that Council direct the Attorney to transmit a non-appropriated advisement to the power purchase provider as soon as possible. The motion was seconded. In a 4-2 roll call vote, THE MOTION CARRIED. Brown-Kovacic abstained and Rogers had a dissenting vote.**

5. **FEMA Flood Insurance Study – 1<sup>st</sup> Reading** - Larry Lorentzen  
Ordinance 2017-22 adopting new FEMA Flood Insurance Study effective December 7, 2017.
6. **Fee Schedule Update** – Michael Varnum  
Resolution 2017-54 - Steam Plant Event Center Fees and Scout Hut Fees Update.

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**7. Scout Hut Change Order – Theresa Casey**

Resolution 2017-55 - A Change Order for additional work for the Scout Hut for additional replacement logs and other enhancements to the project.

**Brown motioned to approve Resolution 2017-55. Rogers seconded the motion. With all in favor, THE MOTIONED CARRIED.**

**8. IGA Recognizing HPAC - Larry Lorentzen**

Resolution 2017-56 - An Intergovernmental Agreement between Chaffee County, Salida, Buena Vista & Poncha Springs establishing and issuing responsibility and authority to the Housing Policy Advisory Committee (HPAC).

**9. Parking Study Grant – Glen Van Nimwegen**

Requesting authorization for the Mayor to make an application to Department of Local Affairs (DOLA) for an Administrative Planning Grant for a downtown parking study.

**10. Administrator/Deputy City Clerk**

- City Administrator Report – Larry Lorentzen

**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.
- Committee Reports
- Mayor – Jim LiVecchi

**VII. NEW BUSINESS****VIII. OLD BUSINESS****IX. ADJOURN**

**Brown motioned to adjourn meeting. Bowers seconded the motion. With all in favor, THE MOTIONED CARRIED.**  
All unaddressed items moved to next meeting.

Meeting concluded at 11:00

Deputy Lynda Travis  
City Clerk

 (SEAL) SEAL  
James LiVecchi  
Mayor

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