



MEETING OF THE CITY COUNCIL  
City Council Chambers  
448 East 1<sup>st</sup> Street, Room 190  
City of Salida, Colorado  
Tuesday, June 7, 2011, 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. MEETING CALLED TO ORDER
- II. PLEDGE OF ALLEGIANCE – Led by Mayor Charles Rose
- III. ROLL CALL
- IV. CITIZEN PARTICIPATION – 3 minute time limit
- V. PRESENTATION – None
- VI. SCHEDULED ITEMS
  1. **Consent Agenda** (Janella Martinez) Section 1
    - a. Approval of Agenda
    - b. Approval of Minutes: Special Meeting Minutes April 12, 2011
    - c. City Property Requests:
    - d. Special Events Liquor Permits: 1.) Rotary, 4<sup>th</sup> of July
  2. **Acceptance of the 2010 Audit- Johnson, Holscher, & Co.** (Jan Schmidt) Section 2
  3. **Veazey Encroachment License Agreement** – (Dara MacDonald) Section 3  
Resolution 2011-35 approving a License to Encroach Agreement for the Veazey Building at 129 N. G Street.
  4. **Citizen appointment to the Planning Commission** – (Dara MacDonald) Section 4  
Resolution 2011-36 approving appointment to the Planning Commission.
  5. **Approve and Award Contract for the Poncha Hot Springs Gradient Temperature Drilling Project** – (Jack Lewis) Section 5  
Resolution 2011-37 authorizing the City Administrator to enter into a Construction Services Agreement between the City of Salida and American Drilling Service.

*Agenda June 7, 2011*

1

*The order of agenda items listed above are approximate and intended as a guideline for the City Council. Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk, 448 E. 1<sup>st</sup> Street, Ste. 112, Salida, CO 81201, 719-539-2311 at least 48 hours in advance.*

**6. Medical Marijuana Moratorium – (Karl Hanlon) Section 6**  
Ordinance 2011-12 an Emergency Ordinance of the City Council of the City of Salida, Colorado imposing a Temporary Moratorium on the acceptance, processing, and approval of any application for the Transfer of a Licensed Medical Marijuana Business into the City through June 30, 2012.

**7. Administrator/City Attorney/Deputy City Clerk Section 7**  
a. Administrator’s Report – Jack Lewis  
b. City Attorney Report – Karp, Neu, Hanlon, PC  
c. Deputy City Clerk Report – Janella Martinez

**8. Elected Official Reports**  
a. City Treasurer – Eileen Rogers  
b. Mayor – Charles Rose  
c. City Council- Keith Baker, Scott Damman, Jim McCormick, Jay Moore, Steven Stewart, and Tom Yerkey.

**VII. ADJOURN –**

[SEAL]

\_\_\_\_\_  
Mayor

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



CITY COUNCIL AGENDA ITEM

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MEETING DATE: June 7, 2011  
AGENDA ITEM TITLE: Consent Agenda Items  
PRESENTED BY: Janella Martínez, Deputy City Clerk  
AGENDA SECTION: Scheduled Items

REQUESTS:

- a. Approval of Agenda
- b. Approval of Minutes: Special Meeting Minutes April 12, 2011
- c. City Property Requests:
- d. Special Events Liquor Permits: 1.) Salida Rotary 4<sup>th</sup> of July

BACKGROUND:

**d. Special Events Liquor Permits:**

**1.) Salida Rotary Club Charitable Fund dba Salida Rotary Club is requesting a Special Events Liquor Permit in Riverside Park on Monday, July 4, 2011 from 10:00 a.m. to 10:00 p.m.**

The Salida Business Alliance request for park use and street closures was approved during your May 17, 2011 meeting. The Salida Rotary Club will be selling food and alcohol during this event.

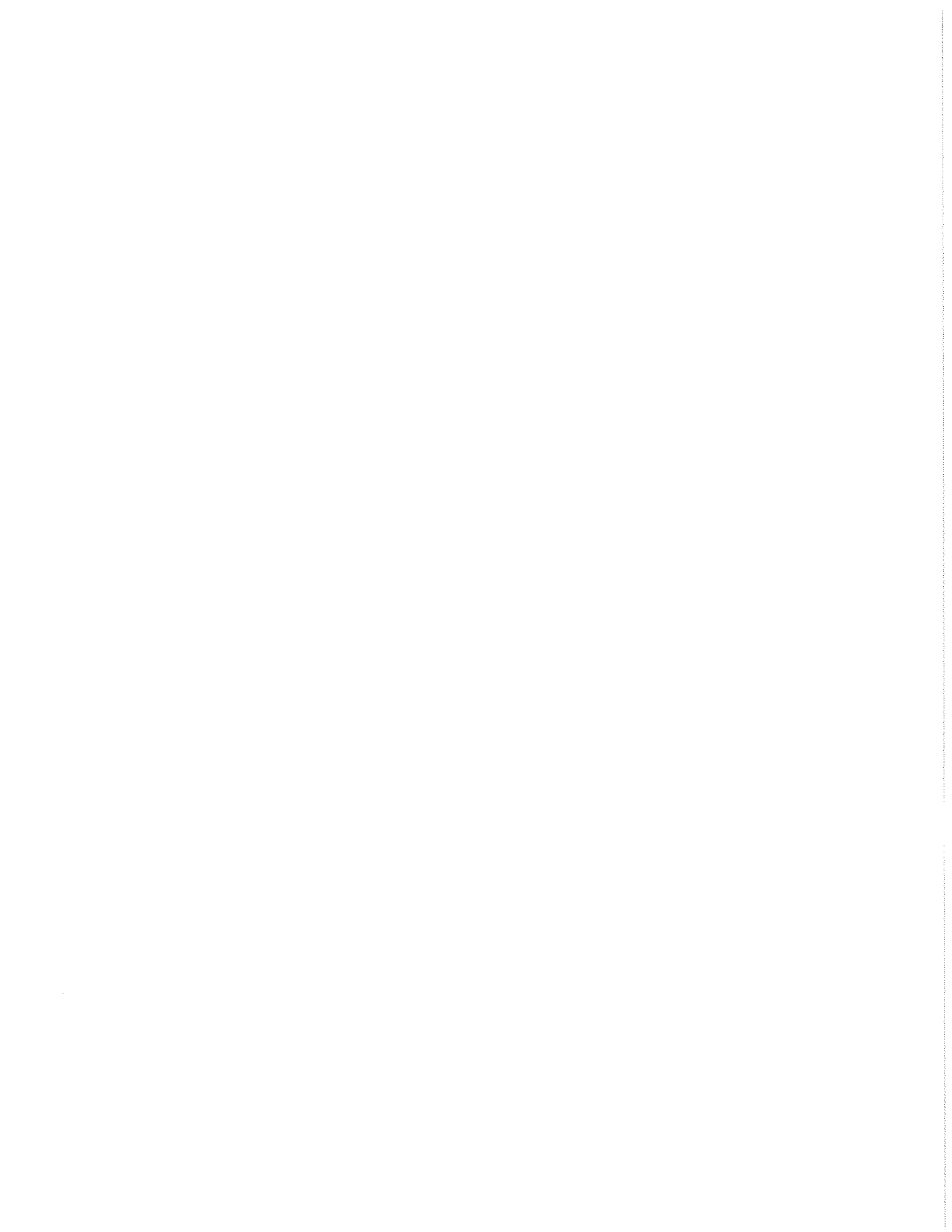
The public notice was posted on May 20, 2011. To date no public comments have been received.

ACTION:

If City Council wishes to approve the items on the consent agenda;

A Council member should make a motion to combine and approve the items on the consent agenda.

Followed by a second, and then a simple voice vote.





MINUTES SPECIAL MEETING  
CITY COUNCIL CHAMBERS  
448 E. 1<sup>st</sup> Street

Salida, Colorado

April 12, 2011

3:00 p.m.

The meeting was called to order at 3:12 p.m.

**PLEDGE OF ALLEGIANCE -**

Led by Mayor Chuck Rose.

**ROLL CALL -**

Present at roll call were Mayor Chuck Rose and Council Members Keith Baker, Tom Yerkey, Jim McCormick, Jay Moore, and Steven Stewart. Also present were City Treasurer Eileen Rogers, City Clerk Betty Schwitzer, City Administrator Jack Lewis, Deputy City Clerk Janella Martinez and City Attorney Karl Hanlon. Absent were Council Member Scott Damman and City Clerk Betty Schwitzer.

**SCHEDULED ITEMS-**

- 1. To discuss the Unique Theater agreement with Pollack for stabilization and Property Maintenance issues.**

Mayor Rose said Attorney Hanlon has been in contact with Mr. Pollack, who is the holder of the first deed of trust on the Unique Theater property. This agreement was distributed to Council. Changes in the agreement have continued through today.

Attorney Hanlon gave an overview and update of the Unique Theater property.

City Attorney Hanlon was approached a little over a month ago by Mr. Pollack, who feels it is necessary for him to protect his investment under the deed of trust by taking certain action to preserve his collateral, the theater in this case. Mr. Pollack's attorney requested Hanlon forestall the City of Salida's stabilization efforts so that he can pursue the deed in lieu of foreclosure or foreclosure of the property as well as taking certain action that he believes will enhance the value of that property. The City was on the verge of going to court for a temporary restraining order to be able to enter the building to begin stabilization efforts in the theater without interference. It was requested that we forestall this action to allow Pollack time to move forward with an agreement with the City. At the last meeting Council held an executive session where an agreement was presented and Council was requested to give Hanlon direction for how they wish to move forward with the City's efforts at the Unique. Hanlon has been in contact with Pollack for the last couple of days regarding the Repair and Stabilization Agreement at the Unique. Hanlon told Council that Mr. Pollack resides in Italy which means there is a delay in communications almost like the day when we depended on the mail service. There is no instant communication with these delays.

The Repair and Stabilization Agreement was distributed to Council for review and approval. A copy of

the agreement is included in the packet. Attorney Hanlon said the Whereas clauses describe the history of the theater and some of the facts regarding it.

Section 2 - Terms of Theater Work, is where the "meat" of the agreement lies. A redline version of the agreement was distributed to help Council understand more clearly where direction is needed for Hanlon to pursue.

In section 2 a. changes were made by Mr. Pollack today that are noted in red in the agreement. Pollack shall contract asbestos mitigation work on the theater no later than 7 days after execution of this agreement and asbestos mitigation work shall commence no later than fourteen (14) days after the execution of this agreement. In the event that the asbestos mitigation contractor notifies the City and Pollack that it cannot commence work as provided the asbestos mitigation may be extended by 14 days by mutual written agreement of the parties.

2 b. refers to the demolition work, which shall begin as soon as practical following asbestos mitigation.

Hanlon said a state inspection is required and the City has no control of the State's timeline. A discussion followed. Council members indicated that they do not want to see this work continue on forever.

The language can be revised to say that, demolition shall commence within 7 days following a clean bill of health by the State, and mirror the language in 2 a. regarding extension of the timeline by mutual written agreement of the parties.

Attorney Hanlon continued to review the remainder of the agreement. A discussion followed by Council.

Yerkey made a motion to accept the agreement, striking Section 5, Attorney fees. McCormick seconded the motion. A brief discussion followed.

Mayor Rose asked for a vote on the motion.

With all in consensus, THE MOTION CARRIED.

Hanlon said additional language will be added to 2 d. as follows. "In the event foreclosure proceedings are suspended or withdrawn without a deed in lieu being obtained, it will be deemed a breach of contract."

A discussion followed. The motion should also state that the agreement must be executed in 48 hours.

Councilor Yerkey restated his motion.

Yerkey moved to accept the amended Repair and Stabilization Agreement, striking Section 5. Attorney fees, including the additional language suggested by Attorney Hanlon in 2 a., 2 b. and 2 d. and that it must be agreed to within 48 hours. McCormick seconded the motion. With all in consensus, THE MOTION CARRIED.

A motion was made by Moore to adjourn the meeting at 3:50 p.m. The motion was seconded by Baker. With all in consensus, THE MOTION CARRIED.

[SEAL]

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Mayor

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Deputy City Clerk

Respectfully submitted by Janella Martinez, Deputy City Clerk







Salida Charitable Fund  
PO Box 155  
Salida, CO 81201

May 9, 2011

Ms. Janella Martinez  
Deputy City Clerk  
City of Salida  
448 E First Street, Suite 112  
Salida, CO 81201

Dear Ms. Martinez:

Again this year, the Salida Rotary Club will participate in the Fourth of July Celebration sponsored by the Small Business Administration. Volunteers from the Rotary Club will set up a booth to serve beer and wine and will also sell food (hamburgers, hotdogs, etc.)

Attached is a special events liquor license from the Salida Rotary Charitable Fund along with checks payable to the City of Salida and the CO Department of Revenue for the liquor license fees.

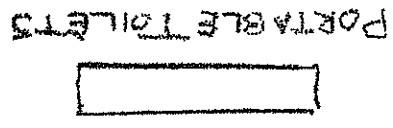
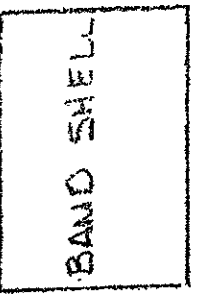
If you have any questions, feel free contact me at 719-539-2739 (home) or 530-2623 (work).

Sincerely,

A handwritten signature in cursive script that reads "Jan Schmidt".

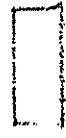
Jan Schmidt  
Assistant Event Organizer

RIVER

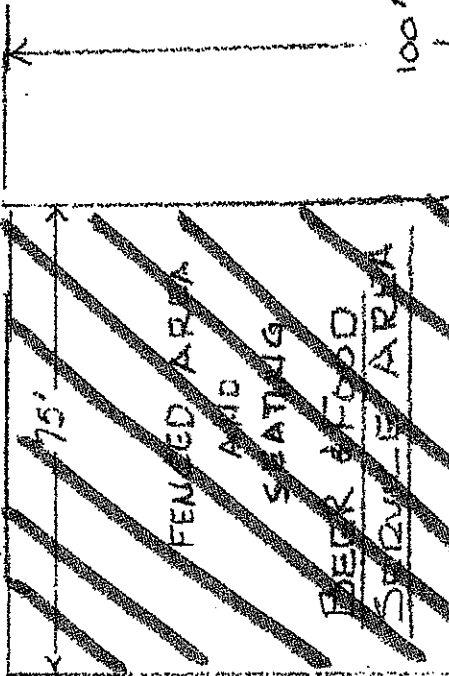


PORTABLE TOILET

PINK HIGHLIGHTED AREA  
WILL BE FENCED



SOUND SYSTEM

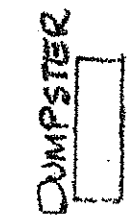


POWER



POWER

SIDEWALK



DUMPSTER

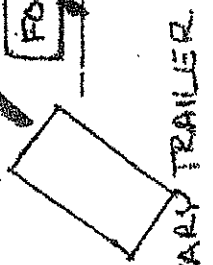


FOOD



BEER

ROTARY AREA



ROTARY TRAILER

SACKETT ST.

F STREET

# APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

**IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT AND ONE OF THE FOLLOWING (See back for details.)**

- |                                    |  |  |
|------------------------------------|--|--|
| <input type="checkbox"/> SOCIAL    | <input type="checkbox"/> ATHLETIC                                      | <input type="checkbox"/> PHILANTHROPIC INSTITUTION           |
| <input type="checkbox"/> FRATERNAL | <input checked="" type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE                 |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY         | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION                         |  |

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
2110 <input checked="" type="checkbox"/>	MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
2170 <input type="checkbox"/>	FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

**DO NOT WRITE IN THIS SPACE**

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE  
**Salida Rotary Charitable Fund**

State Sales Tax Number (Required)

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE  
 (include street, city/town and ZIP)

**Salida Rotary  
 PO Box 155  
 Salida, CO 81201**

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT  
 (include street, city/town and ZIP)

**Riverside Park  
 Sackett Avenue  
 Salida, CO 81201**

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE <b>Richard Michaud</b>		<b>618 E Street, Salida, CO 81201</b>	<b>719-539-4426</b>
5. EVENT MANAGER			

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?  
 NO  YES HOW MANY DAYS? \_\_\_\_\_

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?  
 NO  YES TO WHOM? \_\_\_\_\_

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED?  Yes  No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	From	To	Hours	From	To	Hours	From	To	Hours	From	To
7/04/2011	10a	10p									

**OATH OF APPLICANT**

*I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.*

SIGNATURE 	TITLE President	DATE 3/16/2011
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**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)**

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

**THEREFORE, THIS APPLICATION IS APPROVED.**

LOCAL LICENSING AUTHORITY (CITY OR COUNTY) City of Salida	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK 719-539-2630
SIGNATURE	TITLE	DATE

**DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY**

**LIABILITY INFORMATION**

License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$





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**CITY COUNCIL AGENDA ITEM**

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MEETING DATE: June 7, 2011

AGENDA ITEM TITLE: 2010 Audited Financial Statements

PRESENTED BY: Jan Schmidt

AGENDA SECTION: Scheduled Items

REQUEST: Accept the audit report prepared by independent accounting firm of Johnson, Holscher & Company, PC.

**BACKGROUND REVIEW:**

You have received a copy of the 2010 financial statements and audit report from the accounting firm of Johnson, Holscher & Company, PC and should have had some time to review that report. A copy has also been made available publicly on the city's website.

Mr. Dean Johnson attended the last council meeting and briefly presented the results of the audit conducted by him and his staff. At that time, the two final sections needed to complete the annual audit report had not been distributed. The final report you received included those two sections, which are Management's Discussion and Analysis and the Local Highway Finance Report.

**RECOMMENDATION:**

Staff recommends that council accept the report.

**ACTION:**

A Council person should make a motion "to accept the report from Johnson, Holscher & Company, P.C., the independent accounting firm that completed an audit of the basic financial statements of the City of Salida, Colorado for the year ended December 31, 2010."

Followed by a second and then a vote.





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**CITY COUNCIL AGENDA ITEM**

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MEETING DATE: June 7, 2011

AGENDA ITEM TITLE: Veazey License to Encroach Agreement  
Resolution 2011- 35 A Resolution of the City Council of the City of Salida, Colorado, approving a license to encroach agreement for the Veazey building at 129 N. G Street.

PRESENTED BY: Dara MacDonald, Community Development Director

REQUEST:

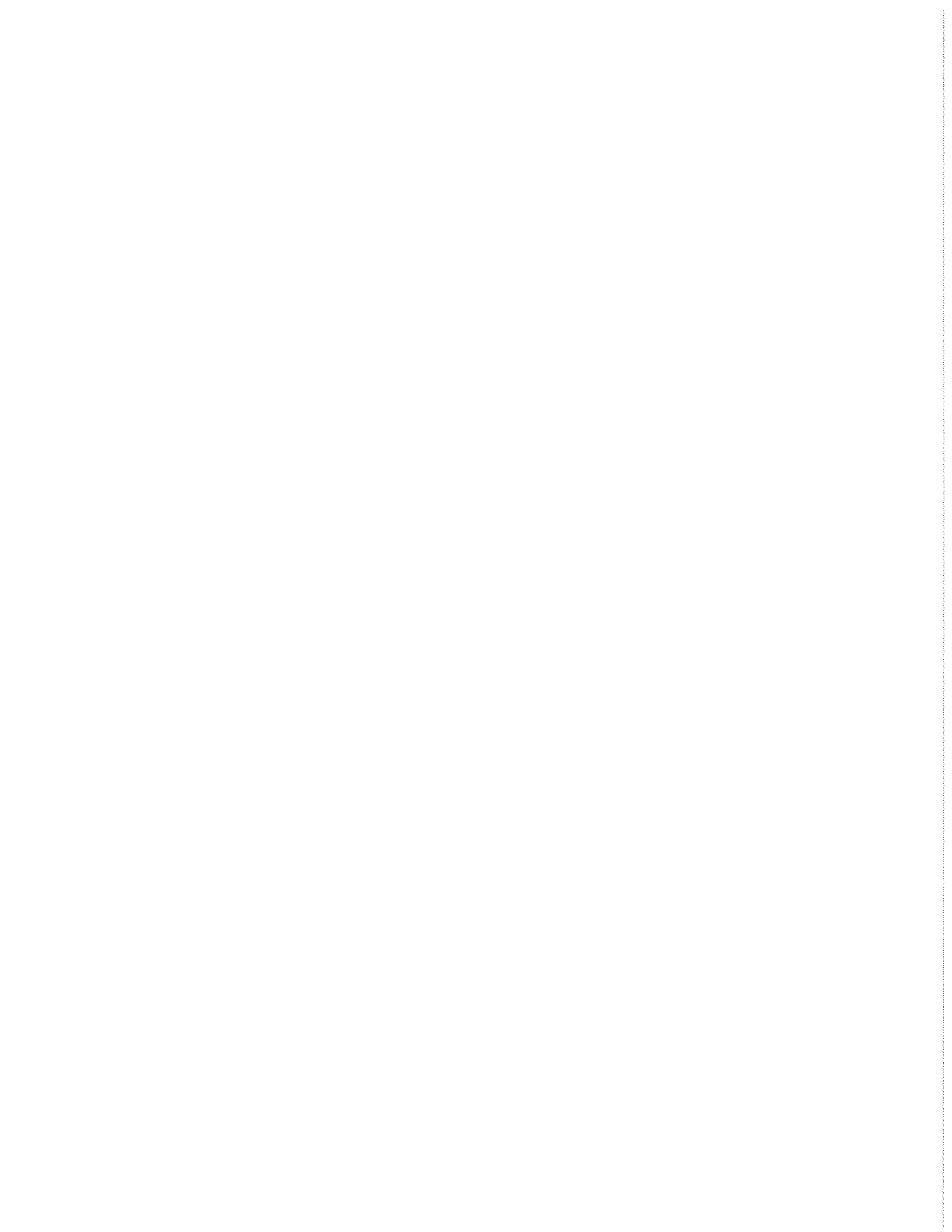
The request is to pass a Resolution approving a License to Encroach Agreement with Wade and Blake Veazey for the existing building at 129 N. G Street. The area of encroachment is described in the attached legal description.

The applicants have received a Certificate of Approval for improvements to the building, however those improvements will not affect the existing encroachment. Staff recommends that the encroachment license be executed now while other permitting is occurring.

Action:

Make a motion to pass RESOLUTION 2011-35 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, AUTHORIZING THE MAYOR TO SIGN A LICENSE TO ENCROACH AGREEMENT WITH WADE VEAZEY AND BLAKE VEAZEY

followed by a second and a roll call vote.





**RESOLUTION NO. 35**  
**(Series of 2011)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO,  
APPROVING A LICENSE TO ENCROACH AGREEMENT FOR THE VEAZEY  
BUILDING AT 129 N. G STREET**

WHEREAS, the owners of 129 N. G Street, as described in the license agreement, Wade Veazey and Blake Veazey, acknowledge that the north east corner of the existing structure is partially within the right-of-way; and

WHEREAS, the City desires to grant Wade Veazey and Blake Veazey a license to encroach on its right-of-way and further wishes to set forth the terms and conditions of such license in a License to Encroach Agreement.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALIDA THAT:

1. The City incorporates the foregoing recitals as findings by the City Council.
2. The City Council hereby approves the License to Encroach Agreement for the Veazey Building at 129 N. G Street and authorizes the Mayor and the City Clerk to execute the Agreement on behalf of the City and cause it to be recorded in the Office of the Chaffee County Clerk and Recorder.

RESOLVED, APPROVED AND ADOPTED this 7<sup>th</sup> day of June, 2011.

CITY OF SALIDA

[SEAL]

By: \_\_\_\_\_  
Charles P. Rose, Mayor

ATTEST:

\_\_\_\_\_  
Janella Martinez, Deputy City Clerk



**REVOCABLE LICENSE TO ENCROACH AGREEMENT  
129 NORTH G STREET**

THIS LICENSE AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the City of Salida, Colorado, a Colorado municipal corporation (the "City") and Wade Veazey and Blake Veazey (collectively, "Licensee");

WITNESSETH:

WHEREAS, Licensee is the owner of certain real property located at 129 North G Street in the City of Salida, Colorado (the "Property"); and

WHEREAS, As the result of planned improvements to the building, Licensee has discovered the existing building encroaches into the G Street right-of-way, which improvements encroach approximately 5.9 square feet, as shown on the Site Plan and legal description attached as Exhibit A hereto and incorporated herein by this reference (the "Encroachment"); and

WHEREAS, the City is willing to grant Licensee a license to encroach on City-owned property for the Encroachment as shown on the Site Plan subject to the terms and conditions of this License Agreement.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Recitals. The foregoing recitals are incorporated by reference herein.
2. Grant of License/Conditions of Use. The City hereby grants Licensee a license to encroach and occupy the property as shown on Exhibit A hereto. This grant of license is expressly limited to and for the sole purpose of construction, access and use of the portions of the existing building as shown on Exhibit A. The City is granting this License to Licensee as an accommodation and without monetary consideration. Licensee hereby acknowledges the title of the City to the right-of-way, and agrees never to resist or deny such title. Any and all use of the City property by Licensee under this License is permissive and not adverse to the interest of the City in its G Street property.
3. Term. The license shall extend for one (1) year from the date of this License Agreement and may thereafter be extended by mutual agreement of the parties upon terms and conditions negotiated at that time.
4. Indemnification. Licensee agrees to forever indemnify, defend, and hold harmless the City, its managers, agents, and employees against any and all claims, liabilities, or demands whatsoever relating to or arising out of the use of the right-of-way or related to this License Agreement and the Encroachment. Licensee shall be solely responsible to defend any such action, proceeding, or claim for which the City may be entitled to indemnification, and the City hereby agrees to fully cooperate with Licensee in the defense or settlement, as the case may be, of such action, proceeding or claim, but the City reserves the right to participate in the defense of any such action, proceeding or claim at its own expense. Licensee shall give written

notice to the City within ten (10) days after Licensee's actual knowledge of any matter giving rise to the obligation contained in this paragraph.

6. Severability. Should any portion of this Agreement be declared invalid or unenforceable by a court of competent jurisdiction, then the remainder of this Agreement shall be deemed severable, shall not be affected, and shall remain in force and effect.

7. Entire Agreement. This Agreement is the entire agreement of the parties, and neither party has relied on any promises or representations except as expressly described herein.

8. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. The District Court in and for Chaffee County, Colorado, shall be the exclusive venue for any dispute arising hereunder. In the event of such a dispute, the prevailing party shall be entitled to reasonable expenses, including attorney fees.

9. No Liens. Licensee shall keep the Encroachment free and clear of any mechanic's or materialmen's liens for labor performed or material furnished at the instance or request of Licensee or anyone claiming under Licensee.

10. Recordation. This Agreement shall be recorded in the Office of the Chaffee County Clerk and Recorder's Office.

11. Fees and Expenses. Licensee agrees to reimburse the City promptly upon receipt of a billing for all of the City's costs and expenses relating to the negotiation, drafting, enforcement, and performance of this Agreement, including but not limited to recording fees, engineering fees, and attorney fees.

WHEREFORE, the parties have executed this agreement effective as of the date first written above.

CITY OF SALIDA, COLORADO

By: \_\_\_\_\_  
Charles P. Rose, Mayor

ATTEST:

\_\_\_\_\_  
Janella Martinez, Deputy City Clerk

WADE VEAZEY  
\_\_\_\_\_

BLAKE VEAZEY

\_\_\_\_\_

STATE OF COLORADO )  
 ) ss.  
COUNTY OF CHAFFEE )

Acknowledged, subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2011, by Charles P. Rose, as Mayor, and Janella Martinez, as Deputy City Clerk, on behalf of the City of Salida, Colorado.

WITNESS my hand and official seal. My Commission expires: \_\_\_\_\_.

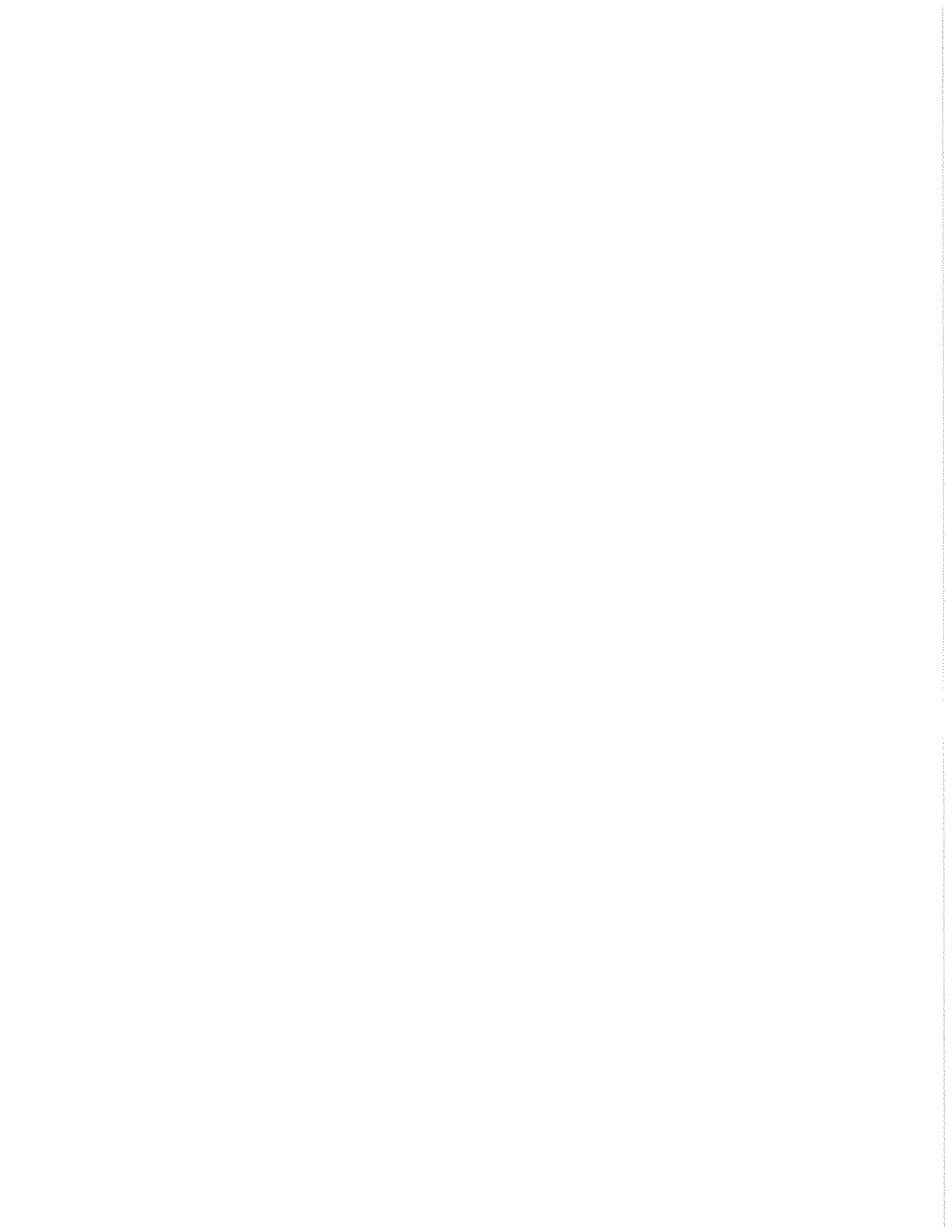
\_\_\_\_\_  
Notary Public (SEAL)

STATE OF COLORADO )  
 ) ss.  
COUNTY OF CHAFFEE )

Acknowledged, subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2011, by Wade Veazey and Blake Veazey.

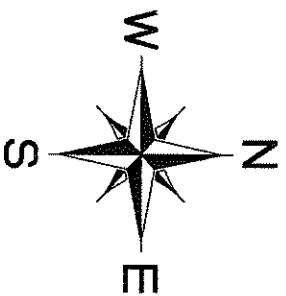
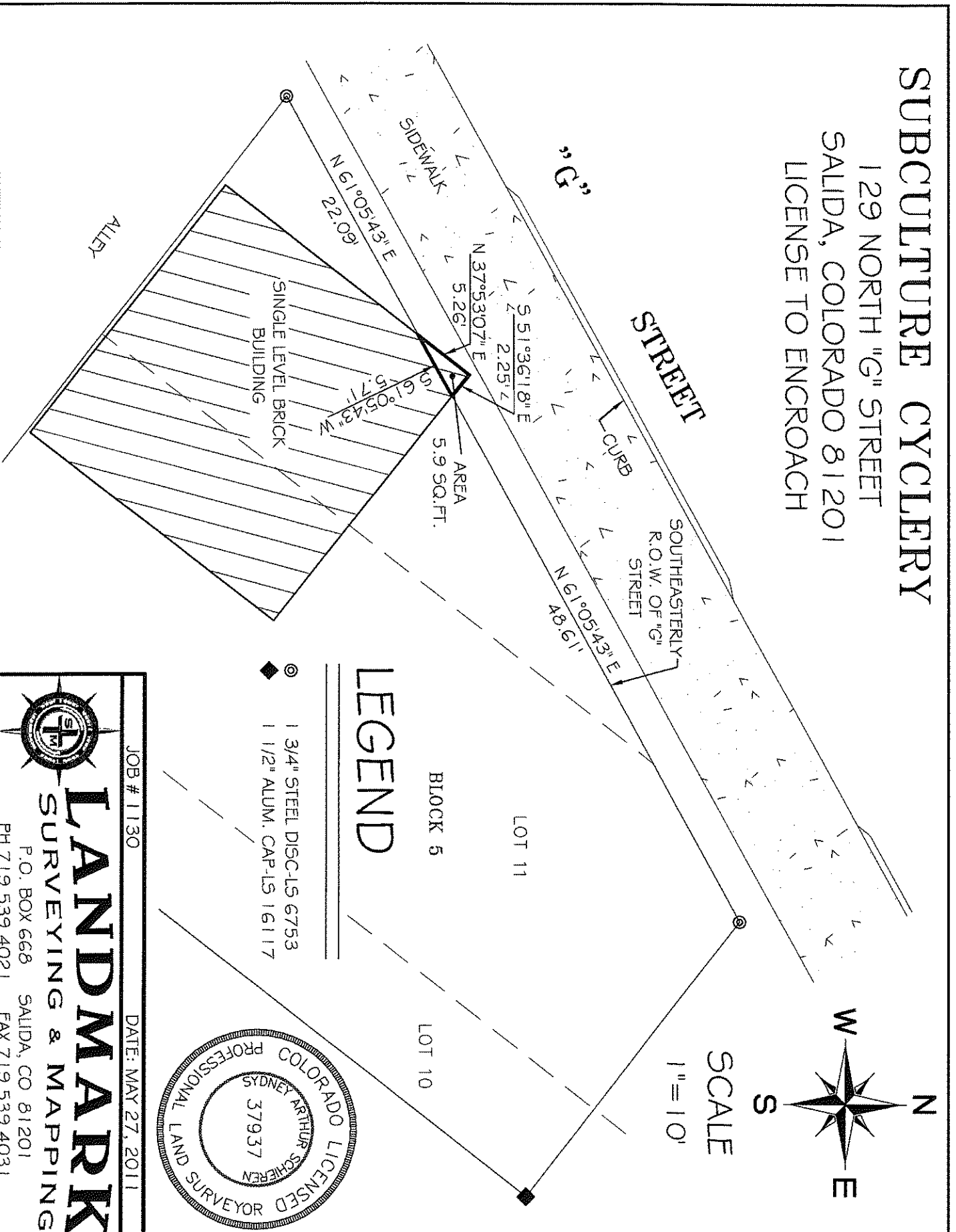
WITNESS my hand and official seal. My Commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public (SEAL)



# SUBCULTURE CYCLERY

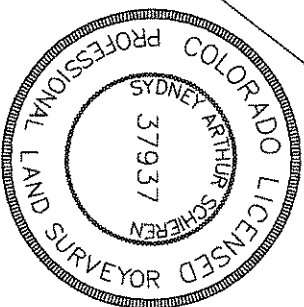
129 NORTH "G" STREET  
 SALIDA, COLORADO 81201  
 LICENSE TO ENCROACH



SCALE  
 1" = 10'

## LEGEND

- ⊙ 3/4" STEEL DISC-LS 6753
- ◆ 1 1/2" ALUM. CAP-LS 16117

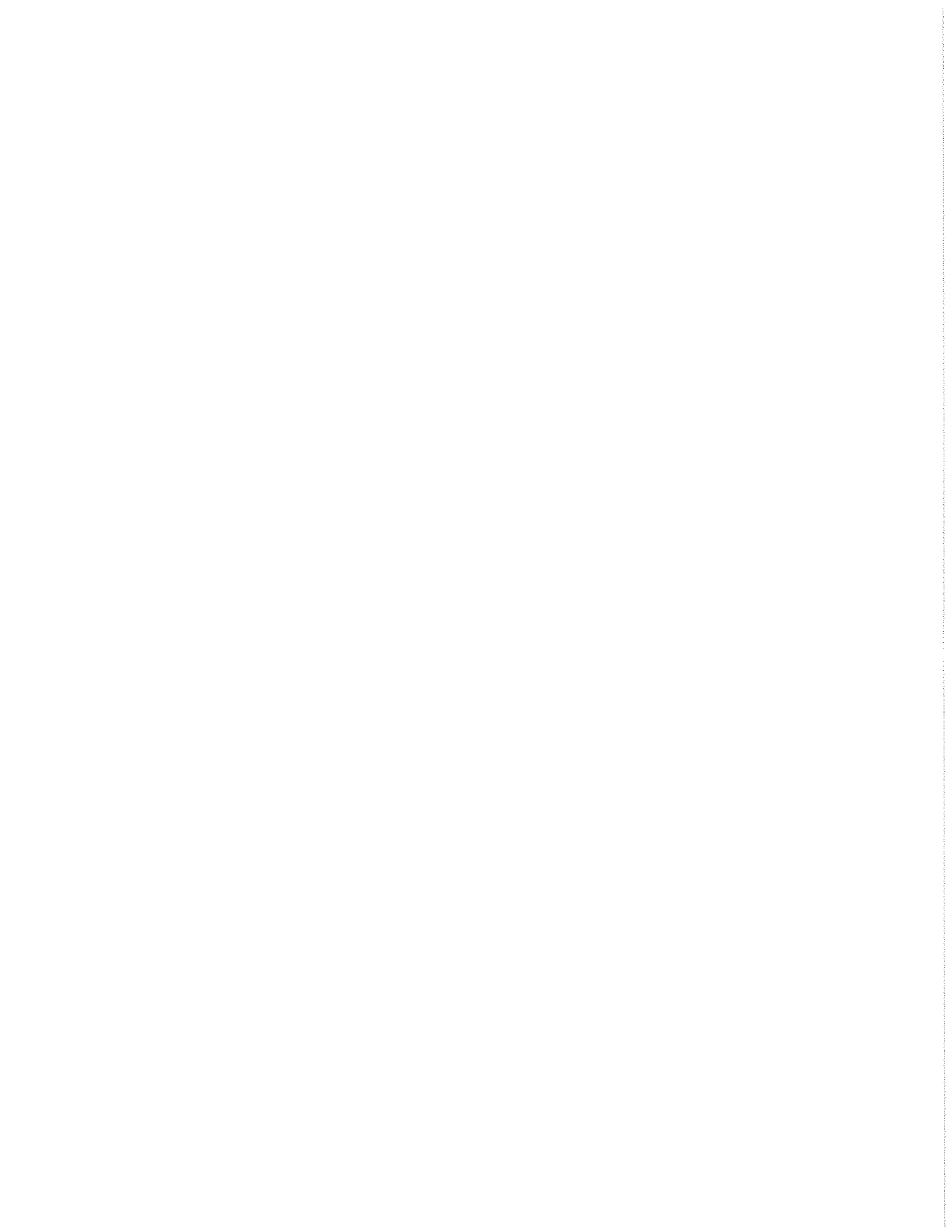


JOB # 1130

DATE: MAY 27, 2011

**LANDMARK**  
 SURVEYING & MAPPING

P.O. BOX 668 SALIDA, CO 81201  
 PH 719.539.4021 FAX 719.539.4031





**LEGAL DESCRIPTION  
OF A  
LICENSE TO ENCROACH**

A TRACT OF LAND LOCATED WITHIN THE RIGHT-OF-WAY OF "G" STREET IN THE CITY OF SALIDA, CHAFFEE COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY OF "G" STREET AND THE NORTHEASTERLY LINE OF THE ALLEY IN BLOCK 5, TOWN (NOW CITY) OF SALIDA, BEING MARKED BY A 1 ¾" STEEL DISC STAMPED LS 6753, FROM WHENCE A 1 ¾" STEEL DISC STAMPED LS 6753 BEING LOCATED ON SAID SOUTHEASTERLY RIGHT-OF-WAY OF "G" STREET BEARS NORTH 61°05'43" EAST, A DISTANCE OF 76.41 FEET;

THENCE NORTH 61°05'43" EAST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY OF "G" STREET, A DISTANCE OF 22.09 FEET TO THE EDGE OF A SINGLE LEVEL BRICK BUILDING AND THE POINT OF BEGINNING;

THENCE NORTH 37°53'07" EAST, ALONG THE EDGE OF SAID BUILDING, A DISTANCE OF 5.26 FEET TO THE BUILDING CORNER;

THENCE SOUTH 51°36'18" EAST, ALONG THE EDGE OF SAID BUILDING, A DISTANCE OF 2.25 FEET TO THE SAID SOUTHEASTERLY RIGHT-OF-WAY OF "G" STREET;

THENCE SOUTH 61°05'43" WEST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY OF "G" STREET, A DISTANCE OF 5.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.90 SQUARE FEET.





## CITY COUNCIL AGENDA ITEM

MEETING DATE: June 7, 2011

AGENDA ITEM TITLE: Citizen Appointment to the Planning Commission

PRESENTED BY: Dara MacDonald, Community Development Director

REQUEST: A resolution of the City Council for the City of Salida, Colorado approving citizen appointments to the Planning Commission.

### BACKGROUND REVIEW:

With the resignation of Verl Curtis, there is one open position on the Salida Planning Commission. We have received one application for a new member from Karen Karnuta. Richard Leavitt's term has expired and he has expressed an interest in being reappointed. The current makeup of the commission is as follows. The Commission is made up of seven regular members and two alternate positions.

Don Stephens	4/16/13
Harald Kasper	4/16/12
Richard Leavitt	<b>4/16/11</b>
P.T. Wood	4/16/12
Cheryl Brown-Kovacic	4/16/13
Lisa Malde	4/16/13
Tim Kennedy (Alternate)	4/16/12
Mike Wilbur (Alternate)	4/16/13

### RECOMMENDATION:

If council wishes, it may appoint one regular member for a term to expire 4/16/14 and two alternate members.

### ACTION:

A Council person should make a motion "to approve Resolution No. 36, 2011, a resolution of the City Council for the City of Salida, Colorado approving the appointment of \_\_\_\_\_ as a regular member and \_\_\_\_\_ (and \_\_\_\_\_) as an alternate member of the Planning Commission for terms specified in the Resolution."

Followed by a second and voice vote



**RESOLUTION NO. 36**  
**(Series 2011)**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO  
APPROVING CITIZEN APPOINTMENTS TO THE PLANNING COMMISSION**

**WHEREAS**, the Mayor for the City of Salida, Colorado, in accordance with Section 2-1-1b of the Salida City Code, as amended, has selected and appointed the following person to serve as a regular member of the City of Salida Planning Commission for the specified term:

\_\_\_\_\_ (term to expire 4/16/14)

**WHEREAS**, the Mayor for the City of Salida, Colorado, in accordance with Section 2-1-1b of the Salida City Code, as amended, has selected and appointed the following person to serve as an alternate member of the City of Salida Planning Commission for the specified term:

\_\_\_\_\_ (term to expire 4/16/14)  
\_\_\_\_\_ (term to expire 4/16/14)

**WHEREAS**, in accordance with Section 2-1-1b of the Salida City Code, as amended, City Council shall confirm the appointments by majority vote;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO THAT:

1. The City Council incorporates the foregoing recitals as findings by the City Council.
2. Appointment of \_\_\_\_\_ to the Planning Commission as a regular member and \_\_\_\_\_ and \_\_\_\_\_ as an alternate member, is hereby approved

**RESOLVED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of June, 2011.**

CITY OF SALIDA

By: \_\_\_\_\_  
Mayor

[SEAL]

ATTEST: \_\_\_\_\_  
City Clerk





APPLICATION FOR CITY OF SALIDA COMMITTEES, BOARDS, AND COMMISSIONS

DATE 5-9-11
NAME KAREN EARNUTA
ADDRESS 668 W. SACKETT AVE
CITY SALIDA STATE CO ZIP 81201
TELEPHONE # (home) 719 539 4847 (work)
(cell)
FAX # E-MAIL

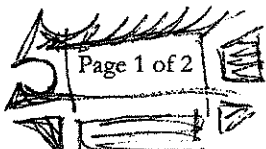
APPLYING FOR:

- Board of Adjustment
Board of Appeals
Historic Preservation Commission
Planning Commission
Recreation Advisory Board
Salida/Chaffee County Airport Board
SteamPlant Commission
Tree Board
Other

Please fill out the following information about yourself and why you are applying for this position. (Attach resume or extra sheets if necessary)

BACKGROUND AND/OR EXPERIENCE (Business and/or Personal):

WORK IN CONSTRUCTION FEILD IN CITY OF SALIDA. SEVERAL (4 OR 5?) YEARS ON BOARD OF ADJUSTMENT. WAS BREIFLY ON P+Z BEFORE BUT HAVE MORE FREE TIME NOW TO DEVOTE TO THE COMMISSION.



PERSONAL AND JOB RELATED INTERESTS:

OUTDOOR RECREATION.

REASONS FOR APPLYING:

TO SUPPORT MY COMMUNITY AND BE INVOLVED  
IN DIRECTION CITY IS GROWING.

**Thank you for applying. Salida City Council**

**Please return the completed application to:**

**[Jmartinez@cityofsalida.com](mailto:Jmartinez@cityofsalida.com)**

**- Or -**

**Deputy City Clerk**

**City Hall**

**124 E Street**

**P.O. Box 417**

**Salida, CO 81201**





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## CITY COUNCIL AGENDA ITEM

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**MEETING DATE:** June 7, 2011

**AGENDA ITEM TITLE:** Award of City of Salida 2011 Poncha Hot Springs Thermal Gradient Drilling Project and – A resolution of the City Council of the City of Salida, Colorado, approving the contract between the City and American Drilling Service for the Drilling of up to five (5) holes to test the gradient temperatures around the Hot Spring Source.

**PRESENTED BY:** Jack D. Lewis, Salida City Administrator

**REQUEST:**

The request is to award the bid of the 2011 Poncha Hot Springs Thermal Gradient Drilling Project bid and to approve the contract for construction services with American Drilling Service.

**BACKGROUND:**

For many years the Poncha Hot Springs has provided a source of enjoyment for those living and visiting this beautiful valley. For almost as many years there has been talk of the potential of the hot springs. The City was fortunate enough to be given a grant to explore at least one potential, Geothermal energy, for the hot springs. That grant gives us the ability to drill a series of test holes to get a better idea of the possible temperature of the hot springs source. These test holes will provide us a glance at what is underneath the ground and based on the temperatures found if a more in depth project is in order. The holes have been carefully selected by experts and again verified by the bidding contractors. Project scope was to drill up to five test holes approximately 250 feet deep. Then the contractor will install a small diameter pipe into the well casing to allow temperature monitoring. The project was bid in May with an opening date of May 25<sup>th</sup>. There were three (3) qualified bidders. The high bid was \$63,000 and the low bid was for \$47,437.32. This bid belonged to American Drilling. They each brought back written quotes for the project. After review it is staff's recommendation to award the bid to American Drilling Service for a sum not to exceed \$47,437.32 (Forty-seven Thousand Four Hundred Thirty-seven Dollars and 32 cents).

**RECOMMENDED MOTION:**

A Council person should make a motion to approve "Resolution 2011-37 a resolution of the City Council of the City of Salida, Colorado, Awarding the Bid of the 2011 Poncha Hot Springs Thermal Gradient Drilling Project and to approve the City Administrator to enter into a construction services agreement with American Drilling Service for the Poncha Hot Springs Thermal Gradient Drilling Project.

Followed by a second and then roll call vote.

Attachments: Resolution 2011-37

**CITY OF SALIDA, COLORADO**  
**RESOLUTION NO. 37**  
**SERIES OF 2011**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONSTRUCTION SERVICES AGREEMENT BETWEEN THE CITY OF SALIDA AND AMERICAN DRILLING SERVICE.**

WHEREAS, the City of Salida, Colorado (the "City") has agreed to enter into a contract with American Drilling Service ("ADS"), a Colorado company with a principal address of 9934 Highway 50, Howard CO 81233, for the purpose of drilling up to 5 test wells and related work as known as the 2011 Poncha Hot Springs Thermal Gradient Drilling Project, and

WHEREAS, the City agrees to pay American Drilling Service a sum not to exceed Forty-seven Thousand Four Hundred Thirty-seven Dollars and 32 cents (\$47437.32) for drilling of up to five test wells, subject to the terms and conditions of the Construction Services Agreement to be executed by the parties.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO THAT:

1. The Salida City Council incorporates the foregoing recitals as its conclusions, facts, determinations, and findings.

2. The Construction Services Agreement with American Drilling Service for the 2011 Poncha Hot Springs Thermal Gradient Drilling Project is hereby approved, and the City Administrator is authorized to sign the contract on behalf of the City.

RESOLVED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of June, 2011.

CITY OF SALIDA, COLORADO

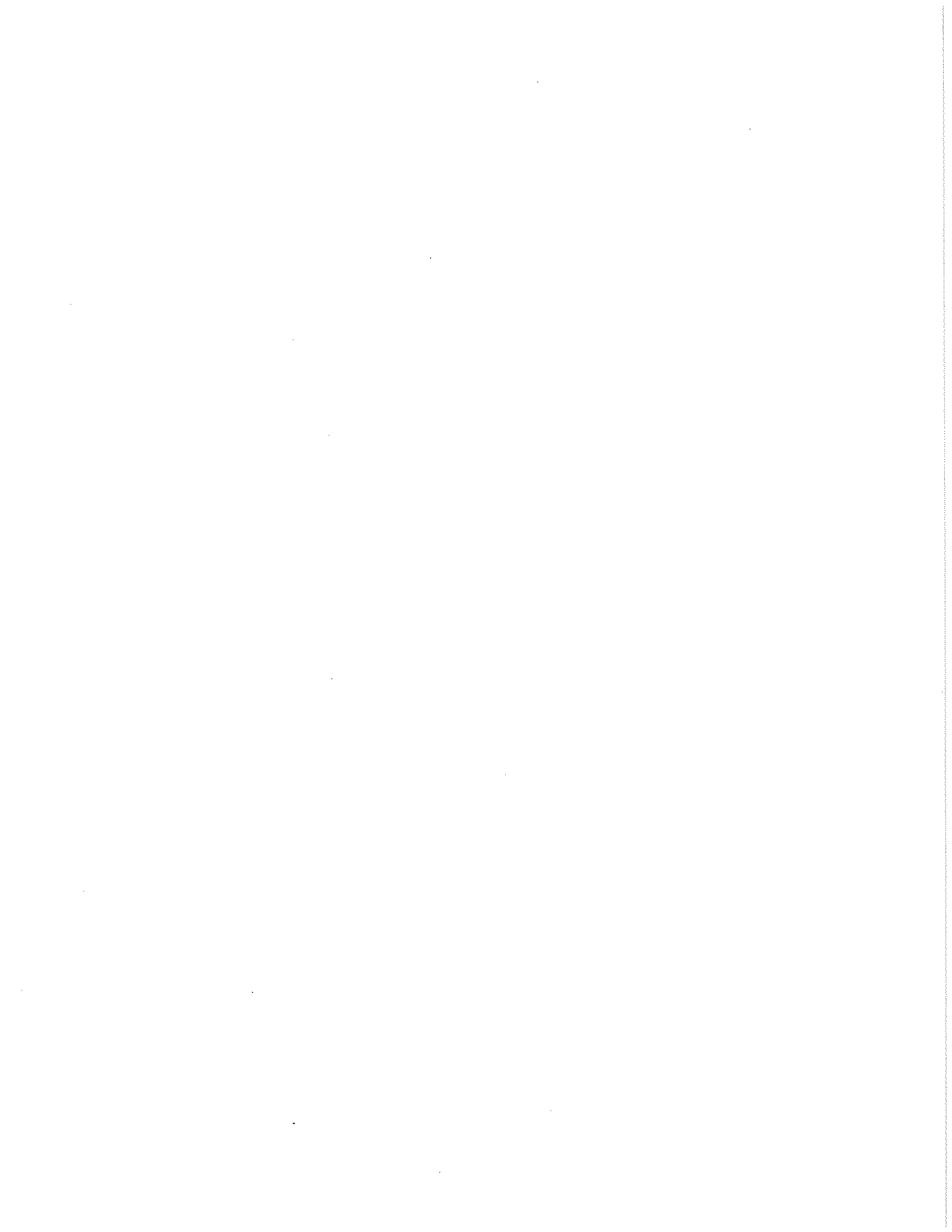
[SEAL]

By \_\_\_\_\_

Mayor

ATTEST:

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



# Gradient Drilling Bid Tabulation

5/2/11

- BID ITEMS**
1. Mobilization
  2. Drilling Test Holes
  - 2A. Well Casing
  3. Water Chemistry
  4. Well Piping
  5. Demobilization

	Williams Drilling	American Drilling	ASAP Well
1. Mobilization	\$ 1,500.00	\$ 3,258.92	\$ 7,000.00
2. Drilling Test Holes	\$ 43,750.00	\$ 25,000.00	\$ 31,250.00
2A. Well Casing	\$ 11,250.00	\$ 15,000.00	\$ 18,750.00
3. Water Chemistry	\$ -	\$ -	\$ -
4. Well Piping	\$ 1,250.00	\$ 2,500.00	\$ 1,250.00
5. Demobilization	\$ 3,000.00	\$ 1,678.40	\$ 4,750.00
<b>BID TOTAL</b>	\$ 60,750.00	\$ 47,437.32	\$ 63,000.00

Apparent Low Bidder

### SALIDA HOT SPRINGS GRADIENT DRILLING

#### BID OPENING

5/25/11 @ 2:00 p.m.

BIDDER	BOND	ADDENDUM	TOTAL PRICE
Williams Drilling	Yes	Yes	\$ 60,750
American Drilling	Yes	Yes	\$ 47,437 <sup>32</sup>
ASAP Drill	Yes	No	\$ 63,000 <sup>00</sup>
<i>James</i>	<i>James Murphy</i>		

Report to [Khemant@khemantmail.com](mailto:Khemant@khemantmail.com)  
Colby Madernoff

**CITY OF SALIDA, COLORADO**  
**ORDINANCE NO. 12**  
**(Series of 2011)**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY APPLICATION FOR THE TRANSFER OF A LICENSED MEDICAL MARIJUANA BUSINESS INTO THE CITY THROUGH JUNE 30, 2012.**

WHEREAS, by Ordinance No. 3, Series of 2010, the City of Salida imposed a temporary moratorium on medical marijuana dispensaries as a permitted use in the City of Salida C-1 Zone District and the acceptance, processing, and approval of any application for a medical marijuana-related business through June 30, 2011; and

WHEREAS, in the time since Salida enacted its moratorium, the Colorado state legislature has further regulated the medical marijuana industry through the adoption of House Bill 11-1043, a bill that amends the Colorado Medical Marijuana Code at §§12-43.3-101, *et seq.*, C.R.S. ("CMMC") and extends the statewide moratorium on new medical marijuana license applications through June 30, 2012; and

WHEREAS, the House Bill 11-1043 amendments include a new subsection (III) to C.R.S. §12-43.3-103(2)(d) permitting existing medical marijuana licensees who have lost their location due to a ban to apply for a new license in a different jurisdiction prior to the termination of the extended statewide moratorium on new licenses; and

WHEREAS, since adopting the temporary moratorium on applications for medical marijuana businesses, the City has considered and adopted Ordinance No. 5, Series of 2011, which creates a local licensing authority and adopts regulations for the medical marijuana industry in Salida; and

WHEREAS, notwithstanding the adoption of Ordinance No. 5, Series of 2011, to avoid the impacts of an influx of medical marijuana businesses from municipalities and counties that have banned such operations, the City wishes to impose a temporary moratorium on the acceptance, processing, and approval of any application for the transfer of a medical marijuana center, optional premises cultivation operation, or infused products manufacturer license from a location outside of the City into the City through June 30, 2012; and

WHEREAS, the City Council declares the subject matter of this ordinance to be an emergency due to the need to impose the temporary moratorium on the acceptance, processing, and approval of license transfers from outside the City prior to the expiration of the City's current moratorium.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO:

1. Incorporation of Recitals. The aforementioned recitals are hereby fully incorporated herein.

2. Temporary Moratorium. There is hereby imposed a temporary moratorium on the acceptance, processing, and approval of any application for the transfer of a medical marijuana center, optional premises cultivation operation, or infused products manufacturer license from a location outside of the City into the City through June 30, 2012.

3. Emergency Declaration. Pursuant to C.R.S. §31-16-105, it is hereby declared that, in the opinion of the Salida City Council, an emergency exists; that there is a need for the immediate preservation of the peace, health, and safety of the City of Salida, and its residents and guests; and, this temporary moratorium provides the time necessary to implement the City's adopted medical marijuana regulations without an influx of transfer applications following bans in other communities.

4. Effective Date and Duration of Moratorium. This ordinance shall become effective immediately upon passage and shall terminate on June 30, 2012, unless extended by a duly adopted ordinance of the Salida City Council.

5. Severability. If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portions thereof.

6. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED AS AN EMERGENCY ORDINANCE ON FIRST READING, ADOPTED by at least seventy-five percent (75%) of the Council members present, and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the 7<sup>th</sup> day of June, 2011 and set for second reading and public hearing on the 21<sup>st</sup> day of June, 2011.



INTRODUCED ON SECOND READING, FINALLY ADOPTED by at least seventy-five percent (75%) of the Council members present, and ORDERED PUBLISHED IN FULL, by the City Council on the 21<sup>st</sup> day of June, 2011.

CITY OF SALIDA, COLORADO

\_\_\_\_\_  
Mayor

[SEAL]

ATTEST:

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

PUBLISHED IN FULL in the Mountain Mail after First Reading on the \_\_\_\_ day of \_\_\_\_\_, 2011, and PUBLISHED BY TITLE ONLY, after final adoption on the \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Janella Martinez, City Clerk

