



MEETING OF THE CITY COUNCIL
City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, January 21, 2014 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 Dickson

III. ROLL CALL

IV. CITIZEN PARTICIPATION – 3 minute time limit

V. PRESENTATION

1. **2013 Building Department Activity Report** – Dan Swallow, Chaffee County Development Services Manager of Operations
2. **Salida Golf Board Update** – Mike Patrick, President
3. **2013 Year-End Wrap Up** – Dara MacDonald, City Administrator

VI. SCHEDULED ITEMS

1. **Consent Agenda** (Audrey Gilpin)
 - a. Approval of Agenda
 - b. Approval of Minutes: January 7, 2014
 - c. Property Requests & Special Event Liquor Permits: None.
2. **Amending Chapter 2 Juvenile Sentencing 2nd Reading and Public Hearing** (Terry Clark)
Ordinance 2014-01 amending Salida Municipal Code Section 2-5-120 Sentencing Procedures and 2-5-130 Juvenile Sentencing for violations of the municipal code.
3. **Recreation Scholarship Program** (Theresa Casey)
Resolution 2014-06 approving the development of a recreation department scholarship fund and authorizing the recreation department to manage the program.
4. **Formation of Budget Task Force** (Dara MacDonald)
Resolution 2014-07 approving formation of and appointments to a budget task force.
5. **Stipulation Auxier/Fritz Case, Case No. 13CV30003** (Jeffrey J. Conklin)
Resolution 2014-08 approving a stipulation between the City of Salida and Jeff Auxier in Case No. 13CV30003, District Court, Chaffee County, Colorado.

Agenda January 21, 2014

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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. 1st Street, Ste. 112, Salida, CO 81201, 719-530-2630 at least 48 hours in advance.

6. **Amended Stipulation for Dominick** (Dara MacDonald)
Resolution 2014-09 approving an amended stipulation between applicant City of Salida and opposer Nancy Dominick in Case No. 04CW125, District Court, Water Division No. 2, Colorado.
7. **Dominick Infiltration Gallery Bid Award** (Dara MacDonald)
Resolution 2014-10 approving the award of a construction agreement for the Dominick Irrigation Infiltration Gallery Project and authorizing the City Administrator to enter into a construction services agreement between the City of Salida and Y&K Construction, Inc.
8. **Amendment to Ordinance 2013-31 Lowry Property Purchase** (Dara MacDonald)
Ordinance 2014-02 amending Ordinance 2013-31.
9. **Administrator/City Attorney/Deputy City Clerk**
 - a. City Administrator Report – Dara MacDonald
 - 1.) Direction on H Street width
 - b. City Attorney Report – Karp, Neu, Hanlon, PC
 - c. Deputy City Clerk Report – Audrey Gilpin
10. **Elected Official Reports**
 - a. City Treasurer – Cheryl Brown-Kovacic
 - b. City Clerk – Betty Schwitzer
 - c. Mayor – Jim Dickson
 - d. City Council- Keith Baker, Michael Bowers, Melodee Hallett, Eileen Rogers, Hal Brown and Tom Yerkey.

VII. ADJOURN –

[SEAL]

Mayor

City Clerk



CHAFFEE COUNTY Development Services Department

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SALIDA, CO 81201

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January 21, 2014 Salida City Council Report and Update

A. Permit Activity

1. Total building permit revenue countywide collected in 2013 was \$486,080.89 compared to \$359,417.25 for the 2012 calendar year. This represents a 35% increase in 2013 building permit revenue over 2012 building permit revenue. In 2013 we issued 1,767 permits countywide. Of this total, 570 were permits within the City Limits of Salida with an associated revenue of \$157,951.33. By comparison, in 2012 we issued 459 permits in Salida with building permit revenue of \$95,910.61. The majority of the increase in the revenue in 2013 is attributed to the Salida Elementary School project which generated about 50K in permit fees.
2. We issued 24 single family dwelling permits within the Salida City Limits in 2013 compared to 22 single family dwelling permits in 2012. Countywide, in 2013 we issued 99 single family dwelling permits compared to 91 in 2012.

B. New Projects in Salida

1. The Salida Elementary School is still installing footings and foundations. The masonry walls for the gym are nearing completion. Structural steel should be on site within the next few weeks and the erection of building steel will closely follow.
2. The First Presbyterian Church in Salida has completed most of the framing and the electrical, plumbing, and mechanical trades are in the rough-in stage currently.
3. Construction on the Twitchell Building on 1st and F Streets is underway but they are still in the demolition stage.

C. Administrative projects currently in process

1. I am beginning work on the winter newsletter which I hope to have out in February.
2. I am continuing to monitor code change proposals for the 2015 code cycle. We received the 2014 National Electric Code last week and we have begun our analysis of the changes.
3. Classroom and field cross-training of inspectors is still ongoing.

D. Process changes and improvements we have made in 2013 in the Chaffee County Development Services Department:

1. The new County Land Use Code was approved by the BOCC on January 7, 2014. While this code will not apply to any properties within the City of Salida (nor Poncha Springs and Buena Vista) it will go into effect for properties in unincorporated areas of the County in mid-February.
2. Building Permit forms were revamped and now include all required inspections. This will help homeowners understand what inspections they will be required to request. Once the inspection is approved the inspector will sign and date next to the appropriate inspection so the property owner will have a written record of our approval.
3. New building permit applications were implemented as of the first of the year. We removed superfluous information from the applications and simplified it to make them more user friendly.
4. We started a monthly contractor meeting in mid-2013 to open a dialogue between the Development Services Department and the building community and provide a venue to discuss issues anyone may be experiencing, discuss code issues, and provide general information to the contractors in the county.

Development Services Monthly Update
May 2013

5. We started a quarterly department newsletter to address changes we are making, discuss code issues we are seeing in the field and general updates for the building community.
 6. We are in the process of cross-training our inspectors and pursuing additional certification for inspection personnel to allow our staff to perform multiple phase inspection rather than sending several inspectors to a single site for rough-in or final inspections. This will help improve our efficiency as well as minimize any inconvenience to property owners.
 7. Plan review turn-around time has been dramatically improved in 2013 with the addition of technical staff.
 8. We recently developed a simple spreadsheet to log our daily inspections. Once we assign the inspections to the appropriate inspectors each morning we post the spreadsheet on our website so contractors or citizens can refer to our website to see if their inspection has been scheduled and which inspector will be performing the inspection.
- E. Goals/Projects for 2014
1. We have been discussing developing a spreadsheet to track the review of new construction projects. In concept, we would create a spreadsheet and upload it to a file sharing program such as Google Drive so the county and each of the municipalities could view and manipulate the data. When a permit application is submitted to the city, city staff would input the information into the spreadsheet and date it, once the city staff approved the application, they would update the spreadsheet, record the date of approval and then forward it to the county. County staff would then follow the same process. This would allow staff in any of the municipal jurisdictions and county staff to access the information at any time to see where a particular project was in the review process. This will also allow us to better track actual review time and better identify possible bottlenecks. Once the system is beta tested and working smoothly, we could also post this information to our website to allow the public to access the same information electronically.
 2. We will be required to adopt the 2014 National Electric Code this year once the State Electrical Board adopts it. Salida will be required to adopt it as well per State Statute.
 3. Currently, we have two licensed electricians on the inspection staff, we are providing training, support and monetary incentives to the other inspectors to pursue residential electrical inspection certifications to improve inspector versatility and department efficiency. We hope to have additional staff get this certification in 2014.
 4. Changes were made to State Statute in the 2013 plumbing sunset review process. As a result, inspectors performing plumbing inspections must now either be licensed plumbers or must be certified plumbing inspectors. Currently we have only one certified plumbing inspector on staff so we will be pursuing additional plumbing inspection certifications for our inspectors. This change will become effective July 1, 2014.

Permit Count Valuation and Fee Building Only - Salida

2013

AUTHORITY NAME	PROJECT DESCRIPTION	PERMIT DESCRIPTION	PERMIT NO	PERMIT AMOUNT	PERMIT FEE
SALIDA	ACCESSORY	RESIDENTIAL	1	\$4,179.42	\$50.00
	ACCESSORY	COMMERCIAL	1	\$63,498.24	\$253.99
	ALTERATION	COMMERCIAL	10	\$869,233.00	\$7,102.69
	ALTERATION	RESIDENTIAL	11	\$409,391.07	\$2,872.48
	BP RENEWAL	COMMERCIAL	1	\$6,000.00	\$50.00
	BP RENEWAL	RESIDENTIAL	3		\$250.00
	CHANGE OF OCCUPANC	COMMERCIAL	1	\$3,000.00	\$50.00
	COMMERCIAL ADDITION	COMMERCIAL	10	\$1,927,452.22	\$10,211.52
	COPIES	COMMERCIAL	1		\$8.25
	DEMOLITION PERMIT	COMMERCIAL	1		\$0.00
	DEMOLITION PERMIT	RESIDENTIAL	10		\$50.00
	DEMOLITION PERMIT		1		\$0.00
	DUPLEX	RESIDENTIAL	2	\$260,000.00	\$0.00
	ELECTRICAL	COMMERCIAL	33		\$2,715.50
	ELECTRICAL	Fee Correction	1		\$3.25
	ELECTRICAL	Mobile Home	1		\$65.00
	ELECTRICAL	RESIDENTIAL	119		\$10,274.75
	FEE CORRECTION	COMMERCIAL	1		\$59.00
	FEE CORRECTION	RESIDENTIAL	7		\$313.41
	GARAGE	RESIDENTIAL	13	\$2,884,485.92	\$2,473.25
	IRC-Modular	RESIDENTIAL	1	\$128,929.32	\$354.69
	MECHANICAL	RESIDENTIAL	70		\$7,300.00
	MECHANICAL	COMMERCIAL	26		\$5,503.73
	MOBILE HOME	RESIDENTIAL	2		\$100.00

AUTHORITY NAME	PROJECT DESCRIPTION	PERMIT DESCRIPTION	PERMIT NO	PERMIT AMOUNT	PERMIT FEE
	NEW COMMERCIAL	COMMERCIAL	2	\$8,971,796.46	\$49,174.43
	OTHER	COMMERCIAL	1		\$83.00
	OTHER	RESIDENTIAL	1		\$5.00
	PLAN CHANGE	COMMERCIAL	10		\$480.00
	PLAN CHANGE	RESIDENTIAL	27	\$2,455.00	\$805.00
	PLUMBING	COMMERCIAL	13		\$4,605.00
	PLUMBING	RESIDENTIAL	88		\$15,910.00
	Porch/Deck	RESIDENTIAL	2	\$6,381.00	\$100.00
	REINSPECTION	Mechanical Inspection	1		\$50.00
	REINSPECTION	RESIDENTIAL	1		\$50.00
	REPAIR	RESIDENTIAL	2	\$3,500.00	\$100.00
	Re-Roof	COMMERCIAL	1	\$15,000.00	\$82.50
	Re-Roof	RESIDENTIAL	27	\$143,303.00	\$1,618.35
	ROOF REPAIR	COMMERCIAL	8	\$264,065.00	\$1,230.86
	ROOF REPAIR	PERMIT RENEWAL	1		\$50.00
	ROOF REPAIR	RESIDENTIAL	22	\$122,757.00	\$1,234.88
	SF DWELLING ADDITION	RESIDENTIAL	7	\$133,375.42	\$928.29
	SINGLE FAMILY DWELLIN	RESIDENTIAL	24	\$4,603,622.72	\$27,637.90
	SOLAR Roof Mount	RESIDENTIAL	2		\$410.00
	TOWNHOUSE	RESIDENTIAL	3	\$557,337.05	\$3,334.61
Sum			570	\$21,379,761.84	\$157,951.33

Permit Count Valuation and Fee Building Only - Poncha Springs

AUTHORITY NAME	PROJECT DESCRIPTION	PERMIT DESCRIPTION	PERMIT NO	PERMIT AMOUNT	PERMIT FEE
PONCHA SPRINGS					
	ALTERATION	COMMERCIAL	2	\$4,145.65	\$50.00
	BP RENEWAL	COMMERCIAL	1		\$50.00
	BP RENEWAL	RESIDENTIAL	1		\$50.00
	ELECTRICAL	COMMERCIAL	3		\$245.00
	ELECTRICAL	RESIDENTIAL	19		\$1,765.00
	GARAGE	RESIDENTIAL	2	\$80,220.48	\$561.54
	MECHANICAL	RESIDENTIAL	8		\$760.00
	MOBILE HOME	RESIDENTIAL	1	\$1,400.00	\$50.00
	PLAN CHANGE	RESIDENTIAL	6		\$180.00
	PLAN CHANGE	COMMERCIAL	1		\$30.00
	PLUMBING	COMMERCIAL	1		\$625.00
	PLUMBING	RESIDENTIAL	9		\$2,375.00
	Re-Roof	COMMERCIAL	1	\$3,000.00	\$50.00
	Re-Roof	RESIDENTIAL	2	\$20,940.00	\$176.00
	SF DWELLING ADDITION	RESIDENTIAL	4	\$133,236.57	\$972.69
	SINGLE FAMILY DWELLIN	RESIDENTIAL	3	\$716,691.02	\$4,572.74
Sum			64	\$959,633.72	\$12,512.97

Permit Count Valuation and Fee Building Only - Buena Vista

AUTHORITY NAME	PROJECT DESCRIPTION	PERMIT DESCRIPTION	PERMIT NO	PERMIT AMOUNT	PERMIT FEE
BUENA VISTA					
	ALTERATION	RESIDENTIAL	2	\$30,000.00	\$450.00
	ALTERATION	COMMERCIAL	1	\$4,000.00	\$50.00
	COMMERCIAL ADDITION	COMMERCIAL	6	\$3,231,657.75	\$17,418.16
	DEMOLITION PERMIT	COMMERCIAL	1		\$50.00
	DUPLEX	RESIDENTIAL	1	\$14,500.00	\$500.00
	ELECTRICAL	COMMERCIAL	12		\$1,155.00
	ELECTRICAL	Permit Renewal	1		\$50.00
	ELECTRICAL	RESIDENTIAL	33		\$2,724.25
	FEE CORRECTION	COMMERCIAL	2		\$556.00
	FEE CORRECTION	Penalty Fee	1		\$65.00
	FEE CORRECTION	RESIDENTIAL	3		\$145.20
	GARAGE	COMMERCIAL	1	\$22,942.08	\$137.65
	GARAGE	RESIDENTIAL	1	\$21,447.36	\$132.58
	MECHANICAL	RESIDENTIAL	20		\$2,055.00
	MECHANICAL	COMMERCIAL	1		\$710.00
	MOBILE HOME	RESIDENTIAL	2	\$10,000.00	\$100.00
	NEW COMMERCIAL	COMMERCIAL	6	\$1,507,239.00	\$6,506.43
	PLAN CHANGE	COMMERCIAL	2		\$60.00
	PLAN CHANGE	RESIDENTIAL	6		\$180.00
	PLUMBING	COMMERCIAL	4		\$2,460.00
	PLUMBING	RESIDENTIAL	24	\$2,950.00	\$5,715.00
	Porch/Deck	RESIDENTIAL	1	\$2,880.00	\$50.00
	REPAIR	COMMERCIAL	2	\$45,000.00	\$242.50
	Re-Roof	COMMERCIAL	3	\$16,976.22	\$157.35

AUTHORITY NAME	PROJECT DESCRIPTION	PERMIT DESCRIPTION	PERMIT NO	PERMIT AMOUNT	PERMIT FEE
	Re-Roof	RESIDENTIAL	9	\$55,627.29	\$550.49
	ROOF REPAIR	COMMERCIAL	2	\$62,500.00	\$328.00
	ROOF REPAIR	RESIDENTIAL	16	\$93,528.56	\$860.21
	SF DWELLING ADDITION	RESIDENTIAL	6	\$99,556.71	\$641.72
	SINGLE FAMILY DWELLIN	RESIDENTIAL	11	\$2,787,813.08	\$18,833.50
Sum			180	\$8,008,618.05	\$62,884.04

January 21, 2014
 2012 BLDG ONLY: 359,417.25
 2013 BLDG ONLY: 480,000.99
 DIFF: 120,603.64 -
 359,417.25
 35.2% ↑

Permit Count Valuation and Fee Building Only Totals

2013 Year End

BUDGET/GRUOP	PROJECT DESCRIPTION	PERMIT DESCRIPTION	#	VALUATIONS	PERMIT FEE
Building - Other					
	ELECTRICAL		3		\$281.50
	ELECTRICAL	AG	1		\$117.00
	ELECTRICAL	Agriculture	1		\$65.00
	ELECTRICAL	COMMERCIAL	72		\$6,646.00
	ELECTRICAL	Fee Correction	1		\$3.25
	ELECTRICAL	Mobile Home	1		\$65.00
	ELECTRICAL	Permit Renewal	1		\$50.00
	ELECTRICAL	RESIDENTIAL	380		\$39,519.17
	MECHANICAL	RESIDENTIAL	281	\$26,316.60	\$28,520.00
	MECHANICAL	COMMERCIAL	37		\$7,763.73
	OTHER	COPIES	11		\$225.50
	OTHER		12		\$163.45
	OTHER	COMMERCIAL	1		\$83.00
	OTHER	RESIDENTIAL	3	\$37,500.00	\$280.00
	OTHER	BOOK SALES	1		\$68.00
	PLAN CHANGE	Solar	1		\$30.00
	PLAN CHANGE		1		\$0.00
	PLAN CHANGE	COMMERCIAL	14		\$600.00
	PLAN CHANGE	RESIDENTIAL	86	\$32,794.64	\$2,947.16
	PLUMBING	REPAIR	1		\$125.00
	PLUMBING	COMMERCIAL	27	\$24,000.00	\$10,615.00

BUDGET/GROUP	PROJECT DESCRIPTION	PERMIT DESCRIPTION	#	VALUATIONS	PERMIT FEE
	PLUMBING	RESIDENTIAL	225	\$15,450.00	\$52,870.00
	PLUMBING		1		\$135.00
	REINSPECTION	COMMERCIAL	1		\$30.00
	REINSPECTION	Mechanical Inspection	1		\$50.00
	REINSPECTION	RESIDENTIAL	10		\$430.00
Summary for 'BUDGET/GROUP' = Building - Other (26 detail records)					
Sum			1174	\$136,061.24	\$151,682.76
Building Permits					
	ACCESSORY	RESIDENTIAL	3	\$83,511.42	\$605.42
	ACCESSORY	COMMERCIAL	1	\$63,498.24	\$253.99
	ALTERATION	RESIDENTIAL	26	\$816,559.95	\$5,727.51
	ALTERATION	COMMERCIAL	16	\$1,480,378.65	\$10,079.69
	BP RENEWAL	RESIDENTIAL	15	\$793,181.20	\$6,428.54
	BP RENEWAL	COMMERCIAL	4	\$81,300.00	\$564.15
	BP RENEWAL	Final & Final Elect Fee	1		\$100.00
	CHANGE OF OCCUPANCY USE	COMMERCIAL	2	\$3,000.00	\$100.00
	CHANGE OF OCCUPANCY USE	RESIDENTIAL	2	\$91,328.20	\$491.92
	COMMERCIAL ADDITION	COMMERCIAL	19	\$5,632,163.97	\$29,521.89
	COPIES	COpies	1		\$10.00
	COPIES	Other	1		\$11.75
	COPIES	COMMERCIAL	4		\$28.00
	COPIES	RESIDENTIAL	17		\$460.75
	DEMOLITION PERMIT		1		\$0.00
	DEMOLITION PERMIT	COMMERCIAL	2		\$50.00

BUDGET/GROUP	PROJECT DESCRIPTION	PERMIT DESCRIPTION	#	VALUATIONS	PERMIT FEE
	DEMOLITION PERMIT	RESIDENTIAL	18		\$100.00
	DUPLEX	RESIDENTIAL	3	\$274,500.00	\$500.00
	FEE CORRECTION	RESIDENTIAL	35		\$2,220.85
	FEE CORRECTION	Penalty Fee	1		\$65.00
	FEE CORRECTION	COMMERCIAL	4		(\$198.40)
	GARAGE	COMMERCIAL	1	\$22,942.08	\$137.65
	GARAGE	RESIDENTIAL	53	\$4,525,743.52	\$13,153.73
	GARAGE ADDITION	RESIDENTIAL	4	\$52,480.66	\$382.23
	HUD - Modular	RESIDENTIAL	1	\$416,327.70	\$291.43
	IRC-Modular	RESIDENTIAL	6	\$727,374.92	\$2,143.09
	MOBILE HOME	RESIDENTIAL	7	\$11,400.00	\$350.00
	NEW COMMERCIAL	COMMERCIAL	20	\$13,204,317.58	\$67,277.39
	Porch/Deck	RESIDENTIAL	6	\$37,306.00	\$425.00
	REPAIR	RESIDENTIAL	3	\$6,500.00	\$150.00
	REPAIR	COMMERCIAL	2	\$45,000.00	\$242.50
	Re-Roof	COMMERCIAL	8	\$74,076.22	\$663.80
	Re-Roof	RESIDENTIAL	56	\$377,578.47	\$3,580.08
	ROOF REPAIR	COMMERCIAL	12	\$339,765.00	\$1,658.86
	ROOF REPAIR	RESIDENTIAL	71	\$480,902.58	\$4,089.02
	ROOF REPAIR	REFUND	1	(\$20,766.00)	(\$124.60)
	ROOF REPAIR	PERMIT RENEWAL	1		\$50.00
	SF DWELLING ADDITION	RESIDENTIAL	45	\$2,729,602.06	\$18,086.94
	SINGLE FAMILY DWELLING	RESIDENTIAL	99	\$24,872,616.15	\$158,465.34
	SOLAR Pole Mount	RESIDENTIAL	7	\$7,900.00	\$350.00

BUDGET/GROUP	PROJECT DESCRIPTION	PERMIT DESCRIPTION	#	VALUATIONS	PERMIT FEE
	SOLAR Roof Mount		1	\$18,000.00	\$245.00
	SOLAR Roof Mount	RESIDENTIAL	10		\$2,325.00
	TOWNHOUSE	RESIDENTIAL	3	\$557,337.05	\$3,334.61
Summary for 'BUDGET/GROUP' = Building Permits (43 detail records)					
Sum			593	\$57,805,825.62	\$334,398.13
Grand Tota			1767	\$57,941,886.86	\$486,080.89



MINUTES OF THE CITY COUNCIL
City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, January 7, 2014

I. JOINT MEETING WITH PLANNING COMMISSION – 6:00 p.m.

1. Land Use Code Re-adoption (Michael K. Yerman)

Yerman referenced a memo provided in the city council packet for the record.

2. Conceptual Review of Major Impact Review for Forest Glen (Michael K. Yerman)

Yerman referenced a memo provided in the city council packet for the record.

3. Conceptual Review for Major Impact Review for D Street Right-of-Way Vacation
(Michael K. Yerman)

Yerman referenced a memo provided in the city council packet for the record.

II. REGULAR MEETING CALLED TO ORDER – 7:00 p.m.

III. PLEDGE OF ALLEGIANCE – Led by Mayor Jim Dickson

IV. ROLL CALL

Present were Mayor Jim Dickson and Council Members Mike Bowers, Hal Brown, Tom Yerkey, Eileen Rogers, Keith Baker and Melodee Hallett. Also present were City Treasurer Cheryl-Brown Kovacic, City Clerk Betty Schwitzer, City Attorney Karl Hanlon, City Administrator Dara MacDonald and Deputy City Clerk Audrey Gilpin.

Rogers commented on tension in council chambers. She referenced the December 17, 2013 council meeting and the disparaging remarks about specific people. She asked how those involved would have been perceived if a classroom teacher brought his or her class to the last meeting as an example of local government. She asked council members, staff and citizens to stop for a moment and reflect on their behavior. She said, if necessary, disagree without rancor and have a good atmosphere in 2014.

V. CITIZEN PARTICIPATION – 3 minute time limit

Jeff Auxier of Salida handed out documents to council for the record. He said he has fundamental disagreements with council and staff, so it is hard not to butt heads. He said Ordinance 2013-31 is unlawful. He said there is a rancor in the city and represents a mindset that started with the city attorney, city administrator and city council.

Ray Kitson of Salida said council is doing an outstanding job. He said the groover cleaner is a good decision. He said he speaks having 25 years of outfitter experience and that river outfitters are a major contributor to the community. He said the fact that other communities may not offer this service only lets Salida set the standard.

Monika Griensenbeck of Salida said thanked Rogers for lecture on civility but said she needed to direct her

comments to council members.

Cathy Chochon of Salida said she could not find that the applicant for Forest Glen was legally registered with the state. She said she hopes the goals set out in the Salida Energy Plan aren't mandated for citizens. She referenced a neighbor's land use application on Dodge and her desire to appeal a decision but said she doesn't think she should have to pay for an appeal.

Billy Carlisle of Salida said he believes the NRCDC board's role is expanding and that the NRCDC is not a separate entity from the city. He said the NRCDC board needs outside legal counsel.

Nancy Dominick of Salida said in an hour she obtained many signatures from people that agree with her that the sewer plant stinks.

Vern Davis of Salida asked Dickson if the sewer plant is now complete.

MacDonald said staff is working on completing the water pipe.

VI. PRESENTATION

1. Introduce Emily Johnson, Community Development Intern

Michael Yerman introduced Emily Johnson.

VII. SCHEDULED ITEMS

1. Consent Agenda (Audrey Gilpin)

- a. Approval of Agenda
- b. Approval of Minutes: December 17, 2013
- c. Property Requests & Special Event Liquor Permits: None.
- d.

Yerkey motioned to combine and approve the consent agenda. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.

2. Amending Chapter 2 Juvenile Sentencing 1st Reading (Terry Clark)

Ordinance 2014-01 amending Salida Municipal Code Section 2-5-120 Sentencing Procedures and 2-5-130 Juvenile Sentencing for violations of the municipal code.

Hanlon thanked Monika Griesenbeck for bringing to his attention juvenile sentencing needed to be addressed.

Baker made a motion to approve Ordinance 2014-01, an ordinance of the City Council of the City of Salida, Colorado, amending sections of the Municipal Code Section 2-5-120 sentencing procedures and 2-5-130 juvenile sentencing for violations of the municipal code setting the public hearing for January 21, 2014 and ordering the ordinance be published in full. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.

3. Designating a Public Posting Place (Audrey Gilpin)

Resolution 2014-01 designating the place for the posting of public notices for City Council meetings and other city business.

Gilpin referenced a memo provided in the city council packet for the record.

Brown made a motion to approve Resolution 2014-01, a resolution of the City Council of the City of Salida, Colorado, designating the place for the posting of public notices for the City Council meeting and other City business. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.

4. Energy Plan Adoption (Emily Katsimpalis)

Resolution 2014-02 adopting the Energy Focus Plan.

Emily Katsimpalis referenced a memo provided in the city council packet for the record.

Katsimpalis said the plan is a non-binding resolution referencing Cathy Chochoy's comment during citizen participation.

Brown said he is impressed with the readability of the document. He said he thinks the plan should be binding for the City but not for citizens and asked for specific recommendations.

MacDonald referenced four energy audits.

Yerkey asked if the City could set goals for the government buildings.

Brown recommended tracking these goals and progress in the quarterly financial report.

Yerkey made a motion to approve Resolution 2014-02, a resolution of the City Council for the City of Salida, Colorado to adopt the Salida Energy Focus Plan. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

5. Fry-Ark Excess Capacity Contract (Dara MacDonald)

Resolution 2014-03 authorizing the City Administrator to execute a temporary water storage contract with the Southeastern Colorado Water Conservancy District and the United States Bureau of Reclamation for the storage of non-project municipal and industrial water in the Fryingpan-Arkansas Project.

Yerkey made a motion to go past 8 p.m. Baker seconded the motion. Bowers amended the motion to not go past 10 p.m. Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.

MacDonald referenced a memo provided in the city council packet for the record.

Brown asked why the cost increased.

Hanlon said it's likely due to operational cost.

Yerkey made a motion to approve Resolution 2014-03, a resolution of the City Council of the City of Salida, Colorado, authorizing the City Administrator to negotiate and execute a temporary water storage contract with the Southeastern Colorado Water Conservancy District and the U.S. Bureau of Reclamation for if and when storage space in the Fryingpan-Arkansas Project. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.

6. SNRCDC Board Appointments (Dara MacDonald)

Resolution 2014-04 appointing members to serve on the Board of Directors of the Salida Natural Resource Center Development Corporation.

MacDonald referenced a memo provided in the city council packet. She said she made a mistake in the memo, and she clarified that all members of the board can be residents of Chaffee County.

Bowers asked if the positions were publicized.

MacDonald said the practice has been if the city has members that are interested in serving again, the position is typically not advertised.

Bowers said he would like to see if there is interest. He said there might be a conflict of interest having City Council members on the board.

Hanlon referenced a requirement in the IRS ruling for a 63-20 corporation. He said the makeup of the board is at council's discretion.

Discussion continued.

Brown said the City should dispel the rumors by explaining the relationship between the government and the NRCDC.

Hanlon said that wouldn't be a problem and there has been numerous memos in the last four years and presentations on what the NRCDC is.

Discussion continued.

Bowers asked why board members outside of Salida are allowed on the board. He said he would like the appointment postponed.

Rogers said that the newest members of the board have only been serving since March 5, 2013.

Discussion continued.

Brown asked if it's acceptable to extend terms.

Yerkey motioned to table Resolution 2014-04, a resolution of the City Council of the City of

Salida, Colorado, approving appointments to the board of the Salida Natural Resource Center Development Corporation. and extend terms through March 18, 2014. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

7. Airport Board Appointments (Dara MacDonald)

Resolution 2014-05 appointing members to serve on the Salida/Chaffee County Airport Board.

MacDonald referenced a memo provided in the city council packet for the record.

Bowers said the City should advertise the positions.

Yerkey motioned to approve Resolution 2014-05, a resolution of the City Council of the City of Salida, Colorado, appointing members to serve on the Salida/Chaffee County Airport Board. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

8. Administrator/City Attorney/Deputy City Clerk

a. City Administrator Report – Dara MacDonald

1.) Appoint Mayor Pro-Tem

Baker recommended Brown serve as Mayor Pro-Tem. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

2.) Urban Deer – Next Steps

MacDonald referenced a memo provided in the city council packet.

3.) Date for Council Retreat

Council gave direction to have the council retreat March 10, 2014.

4.) Update on IT change

MacDonald updated council on the City's IT service change to Orion Integration Services.

5.) Other Updates:

MacDonald said three firefighters were promoted to senior firefighter.

She said Salida Recreation is trying to create a youth scholarship program for Friday enrichment. She asked for council direction. Council gave direction to pursue the program.

MacDonald asked if council would be willing to have a joint meeting with the Salida School Board. Council gave direction to schedule the meeting in mid-February.

MacDonald said the City will be seeking \$60,000 for various entities to match the GOCO grant for the Salida River Trail.

MacDonald said the Economic Development Corporation Annual Meeting is a luncheon January 21, 2014.

MacDonald said the ice rink at Centennial Park is now open.

b. City Attorney Report – Karp, Neu, Hanlon, PC

Hanlon referenced a memo distributed to council.

Hanlon asked for direction regarding Ordinance. 2013-31. He said it is more of a political issue than a legal one. Brown agreed and said whether it's there or not doesn't change the intent. Brown recommended deleting the section regarding "such other purposes as the City Council may from time to time determine is in the best interests of the City."

Hanlon said he will draft a supplement ordinance for review at the January 21 meeting.

c. Deputy City Clerk Report – Audrey Gilpin

Gilpin said that Mayor Dickson brought to her attention that a council person is interested in a Robert's Rules work shop.

Bowers, Brown and Hallet expressed interest. Gilpin said she would schedule the work shop.

Bowers said he would like to see the morning work sessions return.

Gilpin asked council to let her know if they are interested in attending the CML Effective Governance Training in Denver Feb. 24, 2014.

9. Elected Official Reports

a. City Treasurer – Cheryl Brown-Kovacic – No report.

b. City Clerk – Betty Schwitzer – No report.

c. Mayor – Jim Dickson

Dickson said he would like to move the caboos that is currently at the Chamber to the F Street turnaround to keep the railroad alive.

d. City Council- Keith Baker, Michael Bowers, Melodee Hallett, Eileen Rogers, Hal Brown and Tom Yerkey.

Bowers said he is concerned about narrowing H Street. He complained about the dips on First Street and 13th and I.

Brown said the drain pan at 13th and I Street is severe. He asked how agenda items get to be agenda items.

MacDonald said when a majority of council would like to see an item on the agenda, the item is placed on the agenda except for routine items.

Yerkey thanked Eileen for her discussion and doing the best to abide by the request. He thanked Jan Sebastian for writing an apology letter to Theresa Casey.

Hallett asked to review the City's legal counsel.

Baker said attorney is an employee of council, and he would like to see that discussion take place in executive session.

Hanlon said he would be happy to discuss legal services and situations that have driven legal cost.

Baker motioned at 9:30 p.m. 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 for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators, under C.R.S. Section 24-6-402(4) (e). AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: (1) specifically to discuss Auxier v. City of Salida et al Case No. 13CV030003 (2) specifically to discuss Valdez v. City of Salida, Shavano Imports and Jeff Delaney and (3) specifically to discuss the Dominick Water Supply matter. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.

Mayor Dickson announced the time as 9:40 p.m.

Present at the executive session were Mayor Jim Dickson, Council members Mike Bowers, Hal Brown, Tom Yerkey, Eileen Rogers, Keith Baker and Melodee Hallett. Also present were City Attorney Karl Hanlon and City Administrator Dara MacDonald.

Executive Session concluded at 10:02 p.m.

VIII. REPORT/ACTION ON EXECUTIVE SESSION MATTERS

Council reconvened in city council chambers.

Hanlon asked council to confirm the direction regarding the three lawsuits discussed in executive session. He said regarding Auxier v. City of Salida et al Case No. 13CV030003 direction is to pursue settlement on cost recovery. Regarding Valdex v. City of Salida, Shavano Imports and Jeff Delaney, CIRSA is handling the case and the settlement mediation is Thursday, January 9. Regarding the Dominick Water Supply matter, Hanlon said the water attorney will provide a counter offer in the next couple of days to try to fully resolve that case. Council confirmed.

Baker made a motion to adjourn at 10:15 p.m. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

IX. ADJOURN –

[SEAL]

Mayor

City Clerk



CITY COUNCIL AGENDA ITEM

MEETING DATE: January 21, 2014
AGENDA ITEM TITLE: Amendment to SMC 2-5-120 & 2-5-130
PRESENTED BY: Terry Clark, Police Chief
AGENDA SECTION: Scheduled Items

REQUEST:

To approve amending Salida Municipal Code Section 2-5-120 and 2-5-130 to remove jail to be consistent with Ordinance 2013-35.

BACKGROUND REVIEW:

Current law requires an indigent person charged with a misdemeanor, petty offense, traffic offense, or municipal or county ordinance violation, for which there is the possibility of a jail sentence, to meet with a prosecuting attorney prior to being appointed legal counsel. House Bill 13-1210 repealed that requirement. When this bill becomes effective January 1, 2014, the City would be in a position to appoint counsel to subjects in our municipal court who are found to indigent. Thus, the City would be responsible for the cost of legal counsel.

Approval of Ordinance 2013-35 necessitates we amend 2-5-120 and 2-5-130 (sentencing of juveniles) in order to be consistent.

RECOMMENDATION:

Staff suggests adopting the proposed code changes to SMC 2-5-120 and 2-5-130.

ACTION:

A Council person should make a motion “to approve Ordinance 2014-01, an ordinance of the City Council of the City of Salida, Colorado, amending sections of the Municipal Code Section 2-5-120 sentencing procedures and 2-5-130 juvenile sentencing for violations of the municipal code and ordering the ordinance be published by title only.”

Followed by a second and then a roll call vote.

**CITY OF SALIDA, COLORADO
ORDINANCE NO. 1
(Series of 2014)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO
AMENDING SALIDA MUNICIPAL CODE SECTION 2-5-120 SENTENCING
PROCEDURES AND 2-5-130 JUVENILE SENTENCING FOR VIOLATIONS OF THE
MUNICIPAL CODE.**

WHEREAS, recent changes in state law require the appointment of a public defender for all cases where a defendant is indigent and the possible penalty for conviction includes jail time; and

WHEREAS, previously a prosecutor could waive seeking jail time for such offenses when in the prosecutor's discretion jail time was unwarranted removing the requirement to appoint a public defender; and

WHEREAS, in order to avoid unnecessary costs associated with municipal prosecution the Municipal Judge has recommended that jail time be removed as a possible penalty for municipal violations; and

WHEREAS, by Ordinance 35, Series of 2013 Council removed jail time as a penalty for Municipal Code violations; and

WHEREAS, Sections 2-5-120 and 130 of the Municipal Code need to be amended to be consistent with Ordinance 35, Series of 2013.

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

1. The aforementioned recitals are hereby fully incorporated herein as findings of the City Council.

2. Section 2-5-120 of the Salida Municipal Code is amended as follows:

(a) Restitution. As a condition of a suspended sentence, deferred sentence agreement or sentence to probation, the Municipal Court may provide that the defendant make restitution to the victim of his or her conduct or to a member of the victim's immediate family for the actual damages which were sustained by the victim as a result of the defendant's criminal conduct. The amount of such restitution shall be based on actual, pecuniary damages sustained by the victim, the ability of the defendant to pay, and the defendant's obligation to support his or her dependents and to meet other family obligations. The Court shall fix the time and manner of performance. For the purposes of this Section, immediate family includes the victim's spouse, and the victim's parent, sibling or child who is living with the victim. If the defendant fails to pay ordered restitution, he or she shall be returned to the Municipal Court which, upon proof of failure to pay, may: (a) modify the amount of restitution; (b) extend the time of probation;

City of Salida, Colorado
Ordinance No. XX, Series of 2014
Page 2 of 2

~~(c)order the defendant committed to jail with work release privileges;~~ or ~~(d)(c)~~ revoke probation and impose the sentence which had been suspended during the term of probation. As used in this Section, the term victim means the party immediately and directly aggrieved by a defendant who is convicted of a criminal act and who is granted probation.

3. Section 2-5-130 of the Salida Municipal Code is hereby amended as follows:

~~(a) The Municipal Court shall not impose jail sentences upon juveniles. except for traffic violations and contempt of court. Jail sentences imposed upon juveniles shall be served in a juvenile detention facility or temporary holding facility as authorized by state statute and shall not exceed forty-eight (48) hours. One (1) jail sentence may be imposed for each separate traffic violation or each separate act or omission for which the Municipal Court finds a juvenile in contempt.~~

INTRODUCED ON FIRST READING, on January 7, 2014, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the ____ day of _____, 2014, and set for second reading and public hearing on the ____ day of _____, 2014.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the ____ day of _____, 2014.

CITY OF SALIDA, COLORADO

Mayor

[SEAL]

ATTEST:

City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the ____ day of _____, 2014, and BY TITLE ONLY, after final adoption on the ____ day of _____, 2014.

City Clerk/Deputy City Clerk



CITY COUNCIL AGENDA ITEM

MEETING DATE: January 21, 2014

AGENDA ITEM TITLE: Recreation Scholarship Program

PRESENTED BY: Theresa Casey, Recreation Manager

REQUEST:

The request is to approve development of a Scholarship Program to provide assistance to youth whose ability to participate in City recreation offerings are limited by family income.

BACKGROUND:

In order to help youth participate in the wide range of recreation and aquatic offerings as well as boost participation numbers by enabling more youth to participate, Salida Recreation requests approval of its Scholarship Fund.

Funds are currently available, amassed from donations collected at Salida Recreation events as well as private donations. Funds are distributed based on need, as defined by income level. Eligible families shall meet the same income requirements of the National School Lunch Program, which is 130 – 185% of the federal poverty guidelines. Eligible families can receive up to \$100 per calendar year per child under 18. Scholarships are available for all types of Salida Recreation youth programming including swim passes. Proof of income may be requested.

RECOMMENDED MOTION:

A Council person should make a motion to approve “Resolution 2014-06 a resolution of the City Council of the City of Salida, Colorado, approving the development of a Recreation Department Scholarship Fund and authorizing the Recreation Department to manage the program.”

Followed by a second and then roll call vote.

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 6
(Series 2014)**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO,
APPROVING THE DEVELOPMENT OF A RECREATION DEPARTMENT
SCHOLARSHIP FUND AND AUTHORIZING THE RECREATION DEPARTMENT TO
MANAGE THE PROGRAM.**

WHEREAS, over 50% of Salida's youth qualify for free or reduced meals through the National School Lunch Program; and

WHEREAS, families who qualify for this make 130 – 185% of the federal poverty guidelines; and

WHEREAS, many of Salida's youth cannot participate in Salida Recreation Programs due to financial hardship; and

WHEREAS, community members and businesses have contributed funding for the Scholarship Fund; and

WHEREAS, the Salida Recreation Staff has developed a policy and guidelines to govern the disbursement of funds using criteria from the National School Lunch program; and

WHEREAS, the City Council recognizes the value of providing a Scholarship Program to assist Salida youth in participating in Salida Recreation Programs.

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. Development of a City of Salida Recreation Department Scholarship Fund, authorizing the Recreation Department to manage the fund, is hereby approved.

RESOLVED, APPROVED, AND ADOPTED this 21st day of January, 2014.

CITY OF SALIDA

By: _____
Mayor

[SEAL]

ATTEST: _____
City Clerk/Deputy City Clerk

SALIDA RECREATION YOUTH SCHOLARSHIP APPLICATION

APPLICATIONS MUST BE RETURNED AT LEAST 1 WEEK PRIOR TO DESIRED PROGRAM.
APPROVED APPLICANTS ARE ELIGIBLE TO RECEIVE UP TO \$100 PER CALENDAR YEAR.
PLEASE SEE SCHOLARSHIP GUIDELINES AND ELIGIBILITY CRITERIA.

FAMILY INFORMATION

Parent or legal guardian name(s):

Phone:

Phone 2:

Email:

Current address:

City:

State:

ZIP Code:

CHILDREN IN HOUSEHOLD TO RECEIVE SCHOLARSHIPS

Name

Date of Birth

Name

Date of Birth

Name

Date of Birth

Name

Date of Birth

Name

Date of Birth

Name

Date of Birth

SIGNATURE AND STATEMENT OF ELIGIBILITY

By signing this form, I acknowledge that I have read the Youth Scholarship guidelines and I attest that my family meets the eligibility requirements.

Signature of parent or guardian:

Date:

PLEASE BRING OR MAIL THIS FORM TO:

SALIDA HOT SPRINGS AQUATIC CENTER
ATTN RECREATION PROGRAMS SUPERVISOR
410 W HWY 50
SALIDA, CO 81201

SALIDA RECREATION YOUTH SCHOLARSHIP GUIDELINES

Salida Recreation Youth Scholarships are awarded on a first come, first served basis. Families that meet the income requirements are eligible for up to \$100 in assistance per child under 18 per year. Scholarships are available for all types of youth programming including swim passes. A program fee of \$5 will be assessed for each program or pass in which a child is enrolled.

WHO QUALIFIES?

Children must be under the age of 18 to receive scholarship funds. Please review the income eligibility requirements. Proof may be requested to complete your application.

Household Size	Annual Income must be less than:
2	\$21,257
3	\$28,694
4	\$36,131
5	\$43,568
6	\$51,005
7	\$65,879
8	\$73,316
Each additional family member add:	\$7,437

HOW TO APPLY:

Please fill out the Salida Recreation Youth Scholarship application and return to Salida Recreation Programs Supervisor. Applications may be dropped off at or mailed to the Salida Hot Springs Aquatic Center (410 W. Hwy 50, Salida, CO 81201). Please mark envelope ATTN Programs Supervisor. Only one application is necessary per family.

OTHER IMPORTANT INFORMATION:

- Children receiving scholarships are required to attend at least 80% of all class or program meetings. Failure to do so will result in termination of eligibility unless approved by the Recreation Supervisor.
- Children must be residents of Chaffee County and under the age of 18 to be eligible.
- Household size is determined by parents/guardians and dependents all living at the same address.
- Scholarships can be applied to any Salida Recreation or Hot Springs Aquatic Center activity, program, event or pass. Scholarships may not be applied to park rentals or point of sale items.
- Scholarships may not exceed \$100 per child per calendar year.
- Scholarship awards do not constitute enrollment in a program. You must register for any programs separately once approved.
- Please apply for the scholarship at least one week prior to the beginning of desired program. Scholarships are not retroactive.

CONFIDENTIALITY:

Salida Recreation will use the information on the application only to decide if your child qualifies to receive a scholarship for eligible activities. Confidentiality will be maintained at all times. Applicants are guaranteed that personal finances will not be discussed outside of the department management. Coaches, instructors or program leaders will not be informed of a participant's financial or scholarship status.



**SALIDA RECREATION YOUTH
SCHOLARSHIP
POLICY**

Introduction or Purpose:

The Salida Recreation Scholarship policy of the City of Salida (the “City”) is established to provide assistance to youth whose ability to participate in recreation offerings are limited by family income.

In order to help youth participate in the wide range of recreation and aquatic offerings as well as boost participation numbers by enabling more youth to participate, Salida Recreation collects donations for its scholarship fund and distributes the funds based on need.

Over 50% of Salida’s youth qualify for free or reduced meals through the National School Lunch Program. Families who qualify for this make 130 – 185% of the federal poverty guidelines. Qualification for the scholarship fund follows this same guideline.

Scope:

Scholarships are available for all types of Salida Recreation and Hot Springs Aquatic Center youth programming including swim passes.

Policy:

Salida Recreation Youth Scholarships are awarded on a first come, first served basis. Families that meet the income requirements are eligible for up to \$100 in assistance per child under 18 per year. Scholarships are available for all types of youth programming including swim passes. A program fee of \$5 will be assessed for each program or pass in which a child is enrolled.

WHO QUALIFIES?

Children must be under the age of 18 to receive scholarship funds. Please review the income eligibility requirements. Proof may be requested to complete your application.

Household Size	Annual Income must be less than:
2	\$21,257
3	\$28,694
4	\$36,131
5	\$43,568
6	\$51,005
7	\$65,879
8	\$73,316
Each additional family member add:	\$7,437

HOW TO APPLY:

Please fill out the Salida Recreation Youth Scholarship application and return to Salida Recreation Programs Supervisor. Applications may be dropped off at or mailed to the Salida Hot Springs Aquatic Center (410 W. Hwy 50, Salida, CO 81201). Please mark envelope ATTN Programs Supervisor. Only one application is necessary per family.

OTHER IMPORTANT INFORMATION:

- Children receiving scholarships are required to attend at least 80% of all class or program meetings. Failure to do so will result in termination of eligibility unless approved by the Recreation Supervisor.
- Children must be residents of Chaffee County and under the age of 18 to be eligible.
- Household size is determined by parents/guardians and dependents all living at the same address.
- Scholarships can be applied to any Salida Recreation or Hot Springs Aquatic Center activity, program, event or pass. Scholarships may not be applied to park rentals or point of sale items.
- Scholarships may not exceed \$100 per child per calendar year.
- Scholarship awards do not constitute enrollment in a program. You must register for any programs separately once approved.
- Please apply for the scholarship at least one week prior to the beginning of desired program. Scholarships are not retroactive.

CONFIDENTIALITY:

Salida Recreation will use the information on the application only to decide if your child qualifies to receive a scholarship for eligible activities. Confidentiality will be maintained at all times. Applicants are guaranteed that personal finances will not be discussed outside of the department management. Coaches, instructors or program leaders will not be informed of a participant's financial or scholarship status.

Reference:

National School Lunch Program Eligibility: <http://www.fns.usda.gov/cnd/governance/notices/iegs/iegs.htm>

Salida Recreation Scholarship Application and Policy:

Attached

Will also be posted at <http://salidarec.com/register> upon approval.

Approvals:

Date	Name	Signature
	Department Head	
	City Administrator	

Revision History:

Version	Date Revised	Reason for Change



CITY COUNCIL AGENDA ITEM

MEETING DATE: January 21, 2014

AGENDA ITEM TITLE: Budget Task Force – A resolution of the City Council of the City of Salida, Colorado, approving formation of and appointments to the Budget Task Force.

PRESENTED BY: Dara MacDonald, City Administrator

REQUEST:

The request is to approve a resolution creating a budget task force and appointing five members to that special committee.

BACKGROUND:

During the discussions prior to adoption of the 2014 budget the Council discussed the possible formation of a special budget committee or task force to address two issues. The specific tasks of the task force would be:

- Evaluate the city's rate and fee schedule for water and sewer in 2014
- Review the city's 2014 merit pay plan

Members of the task force would consist of three elected officials and two members of city staff:

Hal Brown
Eileen Rogers
Cheryl Brown-Kovacic
Dara MacDonald
Jan Schmidt

Section 2-7 of the Salida Municipal Code allows for the formation of special committees for the purpose of advising the City Council on particular matters. Such committees shall be formed by resolution of the City Council.

As discussed during the December 3rd meeting of the City Council, the task force should have a defined purpose and timeframe in which to accomplish their task. The resolution proposes a purpose of evaluating the city's rate and fee schedule for water and sewer in 2014 and review the city's 2014 merit pay plan. The task force hopes to prepare and present findings and recommendations on water and sewer rates not later than March 4, 2014. They will then focus on merit pay and report back to the Council by the end of June, 2014.

A final decision to take action on any of the options or to modify the budget or fee schedules would remain with the full City Council.

RECOMMENDED MOTION:

A Council person should make a motion to approve “Resolution 2014-07 a resolution of the City Council of the City of Salida, Colorado, approving the formation of and appointments to a Budget Task Force.”

Followed by a second and then voice vote.

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 07
(Series of 2014)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA,
COLORADO APPROVING FORMATION OF AND APPOINTMENTS TO A
BUDGET TASK FORCE**

WHEREAS, the City Council desire to evaluate the city's rates and fees for water and sewer in 2014 and review the city's 2014 merit pay plan; and

WHEREAS, the City Council desires to establish a Budget Task Force to serve until June 30, 2014 by which time they shall provide a report on their findings to the Council; and

WHEREAS, Section 2-7-70 of the Salida Municipal Code provides for the City Council to establish special committees for the purpose of advising the City Council; and

WHEREAS, the Budget Task Force is a special committee created to evaluate the city's rate and fee schedule for water and sewer in 2014 and review the city's 2014 merit pay plan.

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

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

2. The Budget Task Force is hereby created to serve until June 30, 2014 and for the express purpose of evaluating the city's rate and fee schedule for water and sewer in 2014 and reviewing the city's 2014 merit pay plan and presenting to Council their findings.

3. The appointment of the following members to the Budget Task Force are hereby approved:

Hal Brown

Eileen Rogers

Jan Schmidt

Cheryl Brown-Kovacic

Dara MacDonald

RESOLVED, APPROVED and ADOPTED this 21st day of January, 2014.

CITY OF SALIDA

[SEAL]

Mayor

City of Salida, Colorado
Resolution No. 07, Series of 2014
Page 2 of 2

ATTEST:

City Clerk/Deputy City Clerk

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 8
(Series of 2014)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING A STIPULATION BETWEEN THE CITY OF SALIDA AND JEFF AUXIER IN CASE NO. 13CV30003, DISTRICT COURT, CHAFFEE COUNTY, COLORADO.

WHEREAS, the City of Salida (the “City”) is a Defendant in Chaffee County District Court Case No. 13CV30003; and

WHEREAS, Jeff Auxier (“Auxier”) is the Plaintiff in this case; and

WHEREAS, the City desires to enter into a Stipulation with Auxier as set forth hereto as Exhibit A to resolve the remaining trial court claims between 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 Salida City Council hereby approves the Amended Stipulation between the City and Auxier as set forth on Exhibit A.

RESOLVED, APPROVED, AND ADOPTED this 21st day of January, 2014.

CITY OF SALIDA, COLORADO

By _____
Mayor

[SEAL]
ATTEST:

City Clerk/Deputy City Clerk

<p>DISTRICT COURT, CHAFFEE COUNTY, COLORADO Court Address: 132 Crestone Avenue Salida, CO 81201</p> <hr/> <p>Plaintiff: JEFF AUXIER</p> <p>Defendants: DARA MACDONALD, in her capacity as Administrator for the City of Salida; PLANNING COMMISSION, CITY OF SALIDA; CITY COUNCIL, CITY OF SALIDA; the CITY OF SALIDA; JON FRITZ; JULIA FRITZ, and CHALK CREEK INITIATIVE, LLC</p> <hr/> <p><i>Attorneys for "City Defendants":</i> Karl J. Hanlon, #27320 Jeffrey J. Conklin, #40194 KARP NEU HANLON, P.C. 201 14TH St., Suite 200 P.O. Drawer 2030 Glenwood Springs, CO 81602 Telephone: (970) 945-2261 Facsimile: (970) 945-7336 kjh@mountainlawfirm.com jjc@mountainlawfirm.com</p>	<p><input type="checkbox"/> COURT USE ONLY <input type="checkbox"/></p> <p>Case No. 2013CV30003</p>
<p style="text-align: center;">STIPULATION FOR DISMISSAL</p>	

City Defendants¹ and Plaintiff, by and through their respective attorneys and in consideration of \$10.00 paid to City Defendants by Plaintiff, receipt of which is hereby acknowledged, hereby stipulate to dismissal with prejudice of the City of Salida's Counterclaim against Plaintiff asserted on August 6, 2013 and of Plaintiff's Sixth Claim for Relief asserted in his March 25, 2013 Amended Complaint.

It is only the disputes about the parties' obligations and rights under the reimbursement agreements that the parties herein resolve. The parties shall bear their own costs and fees as regards City Defendants' counterclaim and Plaintiff's Sixth Claim for Relief.

¹ The "City Defendants" are: Dara MacDonald, in her capacity as Administrator for the City of Salida ("Defendant MacDonald"); Planning Commission, City of Salida (the "Planning Commission"); City Council, City of Salida ("City Council"); and the City of Salida ("City").

In the District Court of Chaffee County, Colorado
Case No.2013CV30003
Stipulation of Dismissal
Page 2 of 3

This Stipulation for Dismissal in no way diminishes or affects Plaintiff's claims against Defendants Jon and Julia Fritz, Chalk Creek Initiative, LLC, and Collegiate Peaks Bank nor Plaintiff's claims against the City Defendants with regards to any of Plaintiff's claims that were earlier dismissed and / or denied and might yet be appealed by Plaintiff.

Respectfully submitted this day of January, 2014.

KARP NEU HANLON, P.C.
Attorneys for City Defendants

Jeffrey J. Conklin, #40194

JEFF AUXIER
Attorney for Plaintiff

Jeff Auxier, #23500

In the District Court of Chaffee County, Colorado
Case No.2013CV30003
Stipulation of Dismissal
Page 3 of 3

CERTIFICATE OF SERVICE

I certify that on October 25, 2013, I served a true and correct copy of the foregoing via Integrated Colorado Courts E-filing System (ICCES) on the following:

Jeff Auxier, Esq.
2056 S. Preston Street
Louisville, KY 40217

Michael Scott
PO Box 1360
Salida, CO 81201

s/ Jeffrey J. Conklin_____

In accordance with C.R.C.P. 121 Section 1-26(9), a printed copy of this document is being maintained by the filing party and will be made available for inspection by other parties or the Court upon request.

MOSES, WITTEMYER, HARRISON AND WOODRUFF, P.C.

MEMORANDUM

TO: Salida City Council
cc: Dara MacDonald

FROM: Richard J. Mehren, Esq.
Anne D. Bensard, Esq.

RE: Case No. 04CW124 – Amended Stipulation Between the City of Salida
and Ms. Dominick

DATE: January 16, 2014

The City of Salida (the “City”) and Nancy Dominick have been working towards completion of an Amended Stipulation to be filed in Case No. 04CW124. In Case No. 04CW124, the City changed its interest in the Tensassee Ditch water rights to allow the water rights to be used for the City’s municipal uses. Once this Amended Stipulation is executed by the City and Ms. Dominick, and filed with the Water Court, the City and Ms. Dominick can move forward with construction and installation of the infiltration gallery.

The infiltration gallery is the agreed-upon alternate delivery system for delivery of Ms. Dominick’s interest in the Tensassee Ditch water rights to her irrigated lands that are located at the end of the Tensassee Ditch. As provided in the Amended Stipulation, upon successful operation of the infiltration gallery, the City and Ms. Dominick will proceed with prosecuting to a final decree the application in Case No. 09CW131 to change the point of diversion for Ms. Dominick’s Tensassee Ditch water rights to the alternate delivery system.

On October 8, 2013, the City Council approved a previous version of the Amended Stipulation. The most recent version of the Amended Stipulation is attached hereto and has also been provided to Ms. Dominick’s attorney. We have asked Ms. Dominick to respond to the offer set forth in the Amended Stipulation on or before January 20, 2014. As of the date of this memo we have not received any response from Ms. Dominick.

Since the October 8, 2013 City Council meeting, the following substantive changes to the Amended Stipulation have been proposed by Ms. Dominick and her attorney, or by us in response. We wanted to bring these changes to the City’s attention as it considers this matter.

1. The City would agree to pay Ms. Dominick an additional \$14,000 to help her offset the electricity costs associated with operating the alternate delivery system. The payment would be made within 30 days of the first City Council meeting following the date upon which the City and Ms. Dominick file the Amended Stipulation with the Water Court. *See Amended Stipulation, Paragraph 16.g.*

Memorandum to Salida City Council
Page 2

2. The following deadlines have also been revised. Ms. Dominick must designate areas on her property for use by construction personnel during construction of the infiltration gallery by **January 27, 2014**. *See Amended Stipulation, Paragraph 16.a.* The estimated construction start date is now **February 3, 2014**, contingent upon favorable construction conditions, with the goal of completing the construction and testing the flow capability of the infiltration gallery by **March 10, 2014**. To the extent that construction and flow testing cannot be completed by this date, the City has agreed that construction and flow testing will be completed as soon as reasonably possible, but no later than **March 31, 2014**. *See Amended Stipulation, Paragraph 7.*
3. Finally, the City has agreed to ensure that no mechanics' liens or other encumbrances are filed against Ms. Dominick's property as a result of any contracted work for construction of the infiltration gallery. *See Amended Stipulation, Paragraph 16.f.*

Please let us know if the City has any questions about the Amended Stipulation or any of the items discussed in this Memorandum.

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 09
(Series of 2014)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING AN AMENDED STIPULATION BETWEEN APPLICANT CITY OF SALIDA AND OPPOSER NANCY DOMINICK IN CASE NO. 04CW125, DISTRICT COURT, WATER DIVISION NO. 2, COLORADO.

WHEREAS, the City of Salida was the Applicant in Case No. 04CW125, in the District Court in and for Water Division No. 2, State of Colorado; and

WHEREAS, Nancy Dominick (“Dominick”) was an Opposer in this case; and

WHEREAS, on May 7, 2009, the City and Dominick entered into a Stipulation in this case (“2009 Stipulation”); and

WHEREAS, the City and Dominick have agreed that modifications and additions to the terms and conditions of the 2009 Stipulation are required; and

WHEREAS, the City desires to execute an Amended Stipulation with Dominick as set forth hereto as Exhibit A.

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 City Council hereby approves the Amended Stipulation between the City and Dominick as set forth on Exhibit A.

RESOLVED, APPROVED, AND ADOPTED this 21st day of January, 2014.

CITY OF SALIDA, COLORADO

By _____
Mayor

[SEAL]
ATTEST:

City Clerk/Deputy City Clerk

<p>DISTRICT COURT, WATER DIVISION NO. 2, COLORADO 207 Judicial Building 320 West 10th Street Pueblo, Colorado 81003-2940 (719) 583-7048</p> <hr/> <p>CONCERNING THE APPLICATION FOR WATER RIGHTS OF CITY OF SALIDA</p> <p>IN CHAFFEE COUNTY</p> <hr/> <p>Richard J. Mehren, #32231 Anne D. Bensard, #45316 MOSES, WITTEMYER, HARRISON AND WOODRUFF, P.C. P. O. Box 1440 Boulder, Colorado 80306-1440 (303) 443-8782 rmehren@mwhw.com abensard@mwhw.com</p> <p>Stuart B. Corbridge, #33355 VRANESH AND RAISCH, LLP 1720 14th Street, Suite 200 Boulder, Colorado 80302 (303) 443-6151 sbc@vrlaw.com</p>	<p><input type="checkbox"/> COURT USE ONLY <input type="checkbox"/></p> <hr/> <p>Case Number: 04CW125</p>
<p>AMENDED STIPULATION BETWEEN APPLICANT CITY OF SALIDA AND OPPOSER NANCY DOMINICK</p>	

Applicant, City of Salida (“Salida”), and opposer, Nancy Dominick (“Opposer”), by and through their undersigned attorneys, hereby amend their stipulation dated May 7, 2009 in this matter (“2009 Stipulation”). Salida and Opposer shall be referred to collectively as the “Parties” for the purposes of this amended stipulation (“Amended Stipulation”). A description of the grounds for the amendment and the changes made are set forth as follows:

1. The 2009 Stipulation included a requirement that an alternate system would be constructed for delivery of Opposer’s 0.24375 cfs Tenassee Ditch interest (“Alternate Delivery System”), and described an anticipated design for this system including a sump to be constructed on Opposer’s property and a pump and pipeline system to pump water collected in the sump and deliver it for irrigation use on Opposer’s property.

2. During the initial construction of the Alternate Delivery System in April of 2010, the Parties determined that the originally planned sump and pipeline design would not deliver Opposer's Tennessee Ditch interest on a daily continuous basis in accordance with the requirements of the 2009 Stipulation.

3. In accordance with its obligation under the 2009 Stipulation, Salida modified the design for the Alternate Delivery System to include a sealed wet well in the location of the planned sump ("wet well") and a river collection box and pipeline from the river collection box to the wet well (collectively "River Collection Box"). This design was constructed in April of 2010. As part of this modification, by letter from James R. Montgomery to Stuart B. Corbridge dated April 15, 2010 ("April 2010 Letter"), Salida agreed to certain additional maintenance and warranty obligations related to the wet well and the River Collection Box.

4. The Alternate Delivery System, utilizing the River Collection Box and wet well, has been tested and discussed by the Parties and their engineers during the irrigation seasons of 2010, 2011, 2012, and 2013. Based on these tests and discussions, the Parties have determined that the River Collection Box does not provide Opposer's Tennessee Ditch interest to the wet well in a manner that is acceptable to the Parties or in accordance with the 2009 Stipulation, and that modifications to the design of the Alternate Delivery System are therefore required.

5. Based on the determination to modify the design of the Alternate Delivery System, the Parties have agreed that modifications and additions to the terms and conditions of the 2009 Stipulation are also required, and that written expression of such modifications and additions is in the best interest of the Parties to provide clarity moving forward. The purpose of this Amended Stipulation is to set forth the modifications and additions to the terms and conditions of the 2009 Stipulation agreed to by the Parties, and the obligations of the Parties concerning the 2009 Stipulation and the Alternate Delivery System from the date of this Amended Stipulation forward. The Parties therefore agree that the 2009 Stipulation is amended as follows.

6. All paragraphs of the 2009 Stipulation not expressly addressed by this Amended Stipulation remain in full force and effect.

7. New Paragraph 4.a. is added to the 2009 Stipulation:

Prior to the 2014 irrigation season, Salida shall design and install an infiltration gallery in the Arkansas River adjacent to Opposer's property as a replacement for the River Collection Box, shall connect the infiltration gallery to the wet well, and shall test the infiltration gallery to ensure that it provides sufficient water to the wet well so that Opposer can pump at a daily continuous flow rate of 0.24375 cfs when entitled to do so under her Tennessee Ditch interest. The estimated construction start date is February 3, 2014, contingent upon favorable construction conditions, with the goal of completing the construction and testing the flow capability of the infiltration gallery prior to March 10, 2014. To the extent that construction and flow testing cannot be completed by this date, Salida agrees that such construction and flow testing shall be completed as soon as reasonably possible, but no later than March 31, 2014.

8. Paragraph 5 of the 2009 Stipulation is replaced with the following paragraph:

The general design of the Alternate Delivery System originally contemplated by the Parties is described in Paragraph 5.a. The proposed general design for modification of the existing Alternate Delivery System is set forth in a Memorandum from SGM Inc. to Dara MacDonald, dated August 1, 2013, and in the subsequent Summary of Work and Project Specifications document included in the bid proposal materials issued by Salida for the construction of the infiltration gallery described in Paragraph 4.a., a copy of which is attached as **Exhibit C**. That general design is summarized in Paragraph 5.e.

9. New Paragraph 5.e. is added to the 2009 Stipulation:

The infiltration gallery will be connected by pipeline to the wet well, and will include two sets of collection pipes to allow one set to be turned off for maintenance while the second set continues to operate. The infiltration gallery design will also include a fabric liner and back-flushing system to prevent sedimentation and blockages from interrupting operation of the Alternate Delivery System. Details for the design are included in **Exhibit C**. In addition to the infiltration gallery, a return flow pipe will also be installed in the wet well to return overflow water to the Arkansas River.

10. Paragraph 5.d. of the 2009 Stipulation is replaced with the following paragraph:

To the extent that on-site conditions during the construction process dictate changes to the design of the Alternate Delivery System, Salida shall confer with Opposer about any necessary changes and shall provide a design memorandum or other documentation of any proposed changes for review and comment by Opposer and her consultants prior to installation of any components or materials. Salida shall also have a continuing obligation to confer with Opposer about the design, location, and specifications of all equipment and materials related to the Alternate Delivery System prior to any changes or installation.

11. Paragraph 6 of the 2009 Stipulation is replaced with the following paragraph:

The descriptions of the Alternate Delivery System and the proposed modifications described in this Stipulation, as amended, and in **Exhibit C** represent Salida's and Opposer's current engineering assessment, as of September 17, 2013, of a design for the Alternate Delivery System that will allow Opposer to utilize her Tennessee Ditch interest on a daily continuous basis to irrigate her property. Whether the design, as proposed, will actually meet this requirement cannot be finally determined until the modifications have been made and the system has been tested for a period of time under varying river conditions. For purposes of this Stipulation, as amended, the varying river conditions under which the system

shall be tested include all of the following flow rate ranges: (1) less than 200 cfs; (2) 200-3000 cfs; and (3) greater than 3000 cfs. Notwithstanding the design modifications described in **Exhibit C**, Salida shall be responsible for providing Opposer with an Alternate Delivery System that will allow her to divert and utilize her entire Tensassee Ditch interest on a daily continuous basis under all of the flow rate conditions described above, and shall be responsible for the work and costs associated with any changes to the design or location for the Alternate Delivery System, should such changes be necessary to meet the requirements of this Stipulation, as amended.

12. Paragraph 11 of the 2009 Stipulation is replaced with the following paragraph:

Salida shall pay for the design and installation costs for the Alternate Delivery System, and shall also provide training for Opposer, as necessary, concerning the operation and maintenance of the Alternate Delivery System. Salida shall be responsible for all approvals required under the terms of this Stipulation, as amended. As part of this obligation, Salida shall provide to Opposer at least 5 business days prior to the start of construction of the infiltration gallery, copies of any necessary federal, state, or local written approvals or permits concerning installation of the infiltration gallery in the Arkansas River, or if no such approvals or permits are deemed necessary by Salida, a letter from Salida's attorneys documenting that fact and explaining the basis for this conclusion. Salida shall be responsible for the legal costs and consultation expenses for representation of Salida and Opposer as joint applicants by Salida's water attorneys and water rights consultants in Case No. 09CW131 and any related Substitute Water Supply Plan filings. Opposer may elect, at her own cost, to have independent legal counsel or water rights consultants in connection with these matters.

13. Paragraph 12 of the 2009 Stipulation is replaced with the following Paragraphs 12.a, 12.b, and 12.c:

- a. For a period of five years beginning on April 1 of the year following the first year after installation of the infiltration gallery in which the Alternate Delivery System has "successful operations" as described in this paragraph, and for any additional one-year periods until such time as the system has been operated and tested under all of the flow rate ranges described in Paragraph 6, if this has not occurred during the five-year period, if the Alternate Delivery System fails to produce the daily flow required by this Stipulation, as amended, because of improper design, construction, depth, or location of the system, Salida shall repair or modify the system at its cost as necessary to provide the daily flow rate attributable to Opposer's Tensassee Ditch interest. For purposes of this paragraph, "successful operations" shall mean that the Alternate Delivery System provides Opposer with her 0.24375 cfs interest in the Tensassee Ditch on a daily continuous basis for the entire irrigation season, when water is legally and physically available in the Arkansas River, such that Opposer

does not have to provide the notice described in Paragraph 12.b that requires alternate water delivery or repair or modification of the system by Salida in response to such notice. Until the end of the described period, Salida shall also be responsible for all maintenance to the Alternate Delivery System concerning the infiltration gallery and related components located between the wet well and the Arkansas River. Such maintenance shall include, but is not limited to, back-flushing operations, rehabilitation or replacement of any of the components of the infiltration gallery, and removal of excess sediment in the wet well that results from operation of the Alternate Delivery System. To accomplish such maintenance, Salida has the right to access Opposer's property during reasonable business hours (including Saturdays and Sundays) for the limited purpose of maintaining the Alternate Delivery System, subject to the requirement that Salida shall provide at least one day's notice to Opposer of its intent to access the property, unless such requirement is expressly waived by Opposer.

- b. Salida shall not be responsible for any failure or inadequate performance of the Alternate Delivery System caused by Opposer's improper operation or failure to maintain the system upgradient of the wet well, or act of God. In the event the Alternate Delivery System cannot provide the required flow rate on a daily continuous basis due to a system failure or component defect for which Salida is responsible pursuant to this Stipulation, as amended, Salida agrees to deliver the required daily flow rate by any means legally available to Salida within three business days after the date on which Salida has been notified by Opposer that the Alternate Delivery System cannot provide the required flow rate. Opposer agrees to contact Lonnie Oversole, at lonnie.oversole@cityofsalida.com or (719) 539-6721 or, if he is unavailable, Dara MacDonald, at dara.macdonald@cityofsalida.com or (719) 530-2629, within 24 hours of identifying or otherwise learning of any such failure or defect. Salida shall notify Opposer in writing of any changes to this contact information.
 - c. If, during the period described in Paragraph 12.a, the triggering conditions of that paragraph occur and Salida is required to modify the design of the Alternate Delivery System, the Parties agree that they shall, as part of the design modification process, enter into a new written agreement concerning the warranty period(s) for any modified design. If, during this period, the triggering conditions occur and Salida is required to conduct repairs on the infiltration gallery and related components, as described above, the Parties agree that they shall confer in good faith as to whether an extension of the period is required based on the completed repairs. To the extent such an extension is agreed upon, the Parties shall set forth that agreement in a written, signed document.
14. Paragraph 13 of the 2009 Stipulation is replaced with the following paragraph:

Except as set forth in this Stipulation, as amended, Opposer shall be responsible for operation and maintenance costs associated with use of the Alternate Delivery

System. During the period described in Paragraph 12.a, Opposer shall be responsible for maintenance of the Alternate Delivery System components located to the west/upgradient of the wet well in accordance with all manufacturers' recommendations. Opposer shall also be responsible for any accounting and/or measurement of her 1/32 interest in the Tensassee Ditch at the Alternate Delivery System that may be required by the Division Engineer.

15. Paragraph 14 of the 2009 Stipulation is replaced with the following Paragraphs 14, 14.a, and 14.b:

14. Salida contemplates that the Vandaveer Farm will be developed in the future. Opposer agrees that, subject to the requirements of this Stipulation, as amended, when the Alternate Delivery System is physically and legally capable of providing her Tensassee Ditch interest as provided in this Stipulation, Salida or its successor shall have the right to discontinue operation of the Tensassee Ditch through the Vandaveer Farm, and Opposer shall thereafter not be able to deliver her Tensassee Ditch interest to her farm lateral through the Tensassee Ditch structure. Opposer's rights and obligations concerning her easement interest in, and use of, the Tensassee Ditch structure are as follows:

14.a. Until at least two years of the period described in Paragraph 12.a have passed without the occurrence of the triggering conditions set forth in that paragraph, the Tensassee Ditch structure shall remain open to Opposer's property. During this period, Opposer shall have full use of the ditch and its related diversion and measuring equipment to deliver her Tensassee Ditch interest to her property, should such use be necessary to provide water to Opposer's property due to a failure of the Alternate Delivery System and/or Salida's failure to provide another acceptable method for delivery of water.

14.b. Once the requirement set forth in Paragraph 14.a has been met, and after a final and unappealable decree has been entered authorizing Opposer's use of the Alternate Delivery System as provided in this Stipulation, as amended, if requested by Salida, Opposer shall execute and deliver to Salida a quit claim deed relinquishing any claim of Opposer to an interest in the Tensassee Ditch structure and its related diversion and measuring equipment located on the Vandaveer Farm property, and to any easement on or across the Vandaveer Farm property for use, operation, or maintenance of the Tensassee Ditch structure.

16. The following additional provisions are added to the 2009 Stipulation:

- a. To the extent that the Alternate Delivery System is unable to provide Opposer's Tensassee Ditch interest as required by this Stipulation, as amended, during the period from installation of the infiltration gallery through the end of the period described in

Paragraph 12.a of the Stipulation, the Parties have agreed that, during that period, a portable pump system that draws water directly from the Arkansas River will provide the primary back-up source for the delivery of water to Opposer. Salida shall be responsible for providing the portable pump system, and shall also be responsible for any additional costs associated with operation of this pump system, including, but not limited to, gas and/or electrical costs. Salida and Opposer shall confer in good faith concerning the calculation of any electrical costs associated with operation of the pump system, as necessary. Such pump system shall be able to operate and provide water to the wet well continuously for at least six hours without the need for monitoring or other activity by Opposer (gas tank re-fills, flow rate monitoring, etc.). Should conditions in the Arkansas River be such that the portable pump system will not provide Opposer's Tennessee Ditch interest as required, Salida shall be responsible during the period described in this paragraph and pursuant to the timeline set forth in Paragraph 12.b. of the Stipulation, as amended, to provide Opposer's interest by another means.

- b. During the period described in Paragraph 12.a of the Stipulation, if Opposer identifies or learns of a system failure or component defect in the Alternate Delivery System for which Salida is responsible, and Opposer believes that such system failure or component defect has caused damages to Opposer's property (either real or personal), Opposer shall, within 7 days of identifying the property damage, provide notice to Salida of such damage and the connection between the damage and the system failure or component defect. Salida shall have 30 days from the date of notice by Opposer to provide a response to Opposer indicating either: 1) that it will repair the damage at its cost, or 2) that it does not believe that the damage was the result of the system failure or component defect. Notwithstanding the timelines set forth above, if Opposer determines that immediate action is necessary to address the existing or any potential ongoing damage from the system failure or component defect during the period for Salida's response, Opposer may, but is not obligated to, take such action, and in so acting shall not be deemed to have waived any right to seek reimbursement from Salida for the cost of such action. If Opposer takes such action, she shall provide follow-up notice to Salida. In agreeing to the process set forth above, neither Opposer nor Salida waives its right to seek judicial resolution of any property damage claim or issue.
- c. Salida shall purchase a replacement pump for the existing wet well, which shall be provided to Opposer and installed and tested by Salida prior to March 24 of the year following the first year of successful operations as described in Paragraph 12.a. The replacement pump shall be comparable in quality, operation, and capacity to the existing pump.
- d. No later than January 27, 2014, Opposer shall designate areas on her property for use by construction personnel during construction of the infiltration gallery. Such designation shall be done in a manner to minimize the amount of damage to

Opposer's property from any construction activities. The designated area shall be sufficiently large to allow a tracked excavator (such as a Cat 325) and a 10 cubic yard dump truck to access the infiltration gallery area at the Arkansas River through Opposer's property. The parties anticipate that the excavator will be approximately 13 feet long and 11 feet wide, with a weight of approximately 60,000 pounds. The designated area shall also include an area adjacent to the excavated area where excavated material may be stockpiled and used during excavation.

- e. Salida shall repair any damage to Opposer's property from the construction activities to install the infiltration gallery, and shall also be responsible for ensuring that the property restoration described in the letter agreement attached as **Exhibit D** is completed and that all obligations described in that letter are fulfilled. All necessary repairs and property restoration shall be completed as soon as reasonably possible in light of weather and property conditions, but shall be completed no later than March 31, 2014.
- f. Construction work on the Alternate Delivery System, including construction of the infiltration gallery, will be done on property owned by Opposer. Salida shall not suffer or permit any mechanics', vendors', laborers', or materialmen's statutory or similar liens (collectively "mechanics' liens") or other encumbrance to be filed against the property of Opposer by reason of any work, labor, services, or materials supplied or claimed to have been supplied to Salida for any work done on the Alternate Delivery System for which Salida is the contracting entity (the "contracted work"). Salida shall ensure that no mechanics' lien or other encumbrance is filed against the property of Opposer as a result of any contracted work, and shall protect and keep the property free and clear from the filing of any such mechanics' lien or other encumbrance. If any mechanics' lien or other encumbrance is filed against Opposer's property, Salida shall procure the release and discharge of such lien or other encumbrance within thirty (30) days after the filing of record of such lien or other encumbrance, and shall defend and indemnify Opposer from any and all such mechanics' liens, other encumbrances, or actions arising in any manner from the contracted work.
- g. Salida agrees to pay Opposer \$14,000 to help Opposer offset her electricity costs. This cash payment shall be made within 30 days of the first Salida City Council meeting following the date upon which Salida and Opposer file this amended stipulation with the Court. In addition to such payment, Salida agrees to pay Opposer \$7,500.00 in exchange for a reduction in the minimum number of years of the warranty period described in Paragraph 12.a from ten years to five years. This additional cash payment shall be made within 60 days of the end of the first year of successful operations described in Paragraph 12.a..
- h. By Order dated December 18, 2103, the Court has ordered the Parties to file a stipulated or disputed Modified Case Management Order under ULC 11(c) by August 14, 2014. The Parties shall confer in good faith no later than August 1, 2014

concerning the infiltration gallery and its operations during the 2014 irrigation season. If the Parties jointly determine that the Alternate Delivery System has performed in an acceptable manner during this period, they shall, no later than August 31, 2014, jointly file an amended application in Case No. 09CW131, Water Division No. 2, which amended application shall describe the infiltration gallery as the point of diversion for Opposer’s Tenassee Ditch interest. As soon as reasonably possible after that filing, and as allowed by the Court, Salida and Opposer shall move for entry of a proposed decree in Case No. 09CW131. The proposed decree submitted in Case No. 09CW131 shall include a retained jurisdiction provision that will allow the case to be reopened within the period described in Paragraph 12.a, in the event the Alternate Delivery System is modified in such a way as to require modification of the decree. To the extent Case No. 09CW131 must be re-opened, the terms and conditions set forth in Paragraph 11 of the Stipulation, as amended, concerning the payment of costs and expenses shall apply.

- i. In agreeing to amend the 2009 Stipulation, neither Salida nor Opposer is confessing any issue concerning whether the Alternate Delivery System installed prior to the date of this Amended Stipulation, or any future modification to the Alternate Delivery System, either does or does not satisfy the requirements of the 2009 Stipulation, as originally entered or as amended. The Parties agree that any breach of the terms and conditions set forth in this Amended Stipulation will also constitute a breach of the 2009 Stipulation.
- j. The parties agree that this Amended Stipulation supersedes any maintenance and warranty obligations agreed to by Salida in the April 2010 Letter.
- k. A copy of this Amended Stipulation shall be filed with the court in Case No. 04CW125.

DATED this _____ day of January, 2014.

MOSES, WITTEMYER, HARRISON AND
WOODRUFF, P.C.

VRANESH AND RAISCH, LLP

By _____
Richard J. Mehren, #32231
Anne D. Bensard, #45316

By _____
Stuart B. Corbridge, #33355

ATTORNEYS FOR APPLICANT, CITY
OF SALIDA

ATTORNEY FOR OPPOSER, NANCY
DOMINICK

E-FILED PURSUANT TO C.R.C.P. 121

Duly signed original on file at the law offices of Moses, Wittemyer, Harrison and Woodruff, P.C.



CITY COUNCIL AGENDA ITEM

MEETING DATE: January 21, 2014

AGENDA ITEM TITLE: Award of bid for the Dominick Infiltration Gallery Project

PRESENTED BY: Dara MacDonald, City Administrator

REQUEST:

The request is to award the bid for the Dominick Infiltration Gallery Project.

BACKGROUND REVIEW:

Under the May 7, 2009 stipulation between the City and Ms. Dominick the City agreed that an alternate system would be constructed for delivery of Ms. Dominick's 0.24375 cfs Tennesee Ditch interest. The stipulation included an anticipated design for the system including a sump to be constructed on the property and a pump and pipeline system to pump water collected in the sump and deliver it for irrigation use on the property.

During the initial construction of the Alternate Delivery System in April of 2010, the parties determined that the originally planned sump and pipeline design would not deliver Ms. Dominick's Tennesee Ditch interest on a daily continuous basis in accordance with the requirements of the 2009 Stipulation.

In accordance with its obligation under the 2009 Stipulation, Salida modified the design for the Alternate Delivery System to include a sealed wet well in the location of the planned sump ("wet well") and a river collection box and pipeline from the river collection box to the wet well (collectively "River Collection Box"). This design was constructed in April of 2010.

The Alternate Delivery System, utilizing the River Collection Box and wet well, has been tested and discussed by the parties and their engineers during the irrigation seasons of 2010, 2011, 2012, and 2013. Based on these tests and discussions, the parties have determined that the River Collection Box does not provide Ms. Dominick's Tennesee Ditch interest to the wet well in a manner that is acceptable to the parties or in accordance with the 2009 Stipulation, and that modifications to the design of the Alternate Delivery System are therefore required.

Salida was in discussions with Ms. Dominick's representatives for several months in the summer and fall of 2013. We worked during this time to design an infiltration gallery in the Arkansas River adjacent to Ms. Dominick's property as a replacement for the River Collection Box. The infiltration gallery will be connected to the wet well. A test pipe was installed in September, 2013 and was flow tested with very favorable results. The gallery should provide more than enough water to the wet well so that Ms. Dominick can pump at a daily continuous flow rate of 0.24375 cfs when entitled to do so under her Tennesee Ditch interest.

The infiltration gallery will be connected by pipeline to the wet well, and will include two sets of

collection pipes to allow one set to be turned off for maintenance while the second set continues to operate. The infiltration gallery design will also include a fabric liner and back-flushing system to prevent sedimentation and blockages from interrupting operation of the Alternate Delivery System. In addition to the infiltration gallery, a return flow pipe will also be installed in the wet well to return overflow water to the Arkansas River. Ms. Dominick's representatives have reviewed the plans and bid documents and their comments have been incorporated into the design.

There was one bid received for the project. It was submitted by Y&K in the amount of \$52,264. This item was brought to the Council in October, 2013 but no action was taken at that time because agreement had not been reached with Ms. Dominick on the terms of the amended stipulation. Ms. Dominick renewed negotiations on the amended stipulation in late December, 2013. In the meantime a trial date has been set on the matter for November 17-20, 2015.

I have spoken recently with Donnie Kaess from Y&K Construction and they are prepared to proceed with construction in early February under the specs of the bid from last fall.

RECOMMENDATION:

A Council person should make a motion to approve "Resolution 2014-10, a resolution of the City Council of the City of Salida, Colorado, approving the award of a construction contract for the Dominick Infiltration Gallery project and authorizing the City Administrator to enter into a construction services agreement between the City of Salida and Y&K Construction Inc. for \$52,264.

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 10
SERIES OF 2014**

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO APPROVING THE AWARD OF A CONSTRUCTION AGREEMENT FOR THE DOMINICK IRRIGATION INFILTRATION GALLERY PROJECT AND AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONSTRUCTION SERVICES AGREEMENT BETWEEN THE CITY OF SALIDA AND Y AND K CONSTRUCTION INC.

WHEREAS, the City Council of the City of Salida, Colorado (the “City”) has agreed to enter into a contract, with Y & K Excavation located at 309 Blake St. for the purpose of constructing the Dominick Infiltration Gallery; and

WHEREAS, the City agrees to pay Y &K Excavation the sum of \$52,264.0 for construction of the Dominick Infiltration Gallery 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 FOR THE CITY OF SALIDA, COLORADO THAT:

1. The City Council of the City of Salida incorporates the foregoing recitals as its conclusions, facts, determinations, and findings.
2. The Construction Services Agreement with Y & K Excavation for the construction of the Dominick Infiltration Gallery is hereby approved, and the City Administrator is authorized to sign the contract on behalf of the City.

RESOLVED, APPROVED, AND ADOPTED this 21st day of January, 2014.

CITY OF SALIDA

[SEAL]

By: _____
Mayor

ATTEST:

City Clerk/Deputy City Clerk



CITY COUNCIL AGENDA ITEM

MEETING DATE: January 21, 2014

AGENDA ITEM TITLE: Amendment to Ordinance 2013-31 Lowry Property Purchase

PRESENTED BY: Dara MacDonald, City Administrator

REQUEST:

The request is to modify Ordinance 2013-31 to clarify the intent of the Council for use of the 80-acres purchased from Fred and Lornie Lowry.

BACKGROUND REVIEW:

The City Council approved Ordinance 2013-31 to purchase 80-acres of vacant land from Fred and Lornie Lowry north of the Union Pacific tracks. During the regular meeting of January 7th the Council directed staff that they would like to amend the ordinance to direct that the land only be used for recreational purposes.

RECOMMENDATION:

A Council person should make a motion to approve "Ordinance 2014-02, an ordinance of the City Council of the City of Salida, Colorado, amending Ordinance 2013-31, setting the public hearing for February 4, 2014 and ordering the ordinance be published in full."

**CITY OF SALIDA, COLORADO
ORDINANCE NO. 2
(Series of 2014)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO
AMENDING ORDINANCE 31, SERIES 2013.**

WHEREAS, the City Council for the City of Salida wishes to amend Ordinance 31, Series 2013.

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

1. The aforementioned recitals are hereby fully incorporated herein as findings of the City Council.

2. The City Council for the City of Salida hereby amends Section 2 of Ordinance 31, Series 2013 to read as follows:

The City Council of the City of Salida hereby approves the purchase of the property identified on Exhibit A for recreational purposes.

INTRODUCED ON FIRST READING, on January 21, 2014, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the ____ day of _____, 2014, and set for second reading and public hearing on the ____ day of _____, 2014.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the ____ day of _____, 2014.

CITY OF SALIDA, COLORADO

Mayor

[SEAL]

ATTEST:

City Clerk/Deputy Clerk

City of Salida, Colorado
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PUBLISHED IN FULL in the Mountain Mail after First Reading on the ____ day of _____, 2014, and BY TITLE ONLY, after final adoption on the ____ day of _____, 2014.

City Clerk/Deputy City Clerk

City of Salida, Colorado
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EXHIBIT A

80 acres in the West Half of the Northeast Quarter of Section 4, Township 49 North, Range 9
East of the NMPM
Chaffee County, Colorado

Assessor Parcel No. 380704100001

known as vacant land