



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

Salida, Colorado

October 19, 2010

5:00 p.m.

The meeting was called to order at 5:10 p.m.

**EXECUTIVE SESSION**

A motion was made by Baker to go into Executive Session for a conference with the City attorney for the purpose of receiving legal advice on specific legal questions under C. R. S. Section 24-6-402(4)(b); AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: To discuss the Unique Theater, and for the purpose of determining positions relative to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R. S. Section 24-6-402 (4)(e); AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: To discuss the Unique Theater. The motion was seconded by Moore. With all in consensus, THE MOTION CARRIED.

Mayor Rose announced the time as 5:04 p.m.

Following the motion to go into Executive Session and after taking roll call, Deputy Clerk Martinez left the session at 5:14 p.m.

Those present during the executive session were Mayor Chuck Rose and Council Members Keith Baker, Scott Damman, Jim McCormick, Jay Moore, and Steven Stewart. Also present were City Administrator Jack Lewis, City Attorney Karl Hanlon, Finance Director Jan Schmidt and Community Development Director Dara MacDonald.

Councilor Tom Yerkey arrived at 5:25 p.m.

Executive Session concluded at 5:55 p.m. No decisions were made.

**Following the conclusion of the Executive Session the  
regular meeting will continue at 6:00 p.m.**

The regular meeting continued at 6:06 p.m.

**PLEDGE OF ALLEGIANCE –**

Led by Mayor Charles Rose.

## **ROLL CALL -**

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

Mayor Rose noted that the three minute time limit will be enforced this evening.

## **CITIZEN PARTICIPATION -**

Darcy Harris, thanked City Council for continuing to fund Chaffee County Housing Trust. She said she is here to speak tonight representing parents of the community with young children. The Early Childhood Center needs a different cross walk than the one on the south side of the building. She understands that the parking situation is as a result of the School District, but that most of the families park to bring their children on the east side of the building. If there was a crosswalk on that side of the building it would make more sense. The center serves over 100 families per day and increased use is expected. Some of the children stay until 5:00 p.m. Currently the speed isn't a problem because police officers do a great job by remaining visible to the public in the morning. Ms. Harris requested more police presence in the later part of the day.

Ms. Harris pointed out that there is no changing table in the Tabor Building family bathroom. She thought there should be a changing table in there.

Vickie Sue Vigil, Salida Business Alliance, said that she isn't here to ask for one penny. Ms. Vigil is present because the request for Holiday Park and the Parade of Lights is on the Consent Agenda this evening. She wanted to thank Council for supporting SBA.

Katy Grether, owns property in Salida and is interested in heritage for the Salida area. The Historic Preservation Commission (HPC) now has only two members. Ms. Grether and her husband recently took a road trip and while driving across the country went through several major cities. She said they all looked very generic and even looked similar to each other. There has been so much done in Salida to keep our local history vital. She feels it is important to keep our Historic Preservation Commission intact, and applauds those who served in the past and future. She urged Council to staff it and to consider lowering the required number of board members. Ms. Grether said she feels the status of our Certified Local Government might be in jeopardy without an active commission. The possible loss of the ability for local land marking might be in jeopardy.

Jim Miller echoed what Ms. Grether said. He feels the HPC is a valuable and urged City Council members to meet with the remaining members of the commission.

Marianne Kattc noted that the front of the Oddfellow Lodge was completed and wondered if anyone on Council noticed that the work was done. Mayor Rose said he did.

## **PRESENTATIONS -**

### **SCHEDULED ITEMS-**

#### 1. Consent Agenda

- a. Approval of Agenda
- b. Approval of Minutes: September 7, 2010
- c. City Property requests: 1.) Salida Business Alliance

## 2.) Chaffee County Running Club

### BACKGROUND:

#### c. City Property requests:

1. The Salida Business Alliance (SBA) is requesting to hold "Light up Salida! Holiday Parade" on Friday, November 26, 2010.

The applicant is requesting to close F Street from 4<sup>th</sup> to Sackett from 4:00 p.m. until 8:00 p.m. The request includes closing Tenderfoot Mountain Road starting November 1, 2010 through March 1, 2011 to accommodate decorating Christmas Mountain USA during the Holiday season. SBA is also requesting assistance from the Salida Police Department to clear F Street prior to the parade. The Salida Fire Department is requested to assist with lighting Christmas Mountain and setting off fireworks. Also included in the packet are requests for amplified sound from 4-9 p.m. and a street closure petition.

Vickie Sue Vigil, Holiday Park Committee Member is also requesting to use Riverside Park for the 6<sup>th</sup> consecutive year from November 1, 2010 through January 7, 2011.

2. Chaffee County Running Club is requesting to close J Street between 7<sup>th</sup> and 8<sup>th</sup> Streets from 3:30 p.m. to 4:00 p.m. on Friday October 29, 2010 to hold the Goblin Gallop Children's Run.

A motion was made by Damman to combine and approve the items on the consent agenda. The motion was seconded by Baker. With all in consensus, THE MOTION CARRIED.

2. **Award Bid for Stabilization of the Unique Theater Building –**  
Resolution 2010-66 A resolution of the City Council of the City of Salida, Colorado, authorizing the City Administrator to enter into a construction agreement if and when needed between the City of Salida and Diesslin Structures, Inc.

Councilor Damman recused himself from Council Chambers before this item was discussed.

Jack Lewis, City Administrator presented written materials that are included in the packet for the record. The request is to approve the construction agreement with Diesslin Structures, Inc.

Upon investigation of the Unique Theater (the "Theater"), the Chaffee County Building Official, acting as the Building Official for the City of Salida, determined the property to be "dangerous" under section 202 of the International Building Code ("IBC") and a nuisance under section 18-9-20 of the Salida Municipal Code (the "Code"). As a result, Salcat was issued a notice of violation on May 20, 2010 and required to repair or demolish the structure within 90 days. Salcat failed to take any action to abate or demolish the Theater by August 30, 2010.

By failing to comply with the notice of violation, the City is authorized under section 113.3 of the IBC and section 7-1-90 of the Code to enter the Theater and abate the nuisance conditions. Consequently, the City intends to abate the nuisance conditions of the Theater under this authority.

In an effort to abate the safety issues in a timely manner the City has sought and received a bid from local contractor Diesslin Structures, Inc for stabilization of the building. Diesslin has submitted their

bid of \$34,382.03 based on the plans provided by the City's engineer and the bid has been reviewed by that engineer and is found to sufficiently address the plans. The construction agreement is being drafted and will be available for review prior to the Council meeting.

The City continues to investigate the environmental hazards in the building and should have more information about the scope and timing of that clean-up by the regular meeting on Tuesday, October 19<sup>th</sup>. Diesslin Structures will begin work immediately once any environmental concerns have been addressed.

The owner of the property, Salcat, LLC represented by Philip Hartsliel has recently contacted City staff to discuss the possibility of making necessary improvements to the building. If the owner proceeds with abatement action, a contract with Diesslin will not be necessary.

Administrator Lewis said there have been a couple of good conversations with the current owner, Bobby Hartsliel, of the Unique Theater. Mr. Hartsliel is not going to put any more money in the Unique, but has offered to sell the building to the City or to any other buyer for that matter. He would actually turn the building over if someone is interested in taking over the current debt. City Council has discussed the Unique in executive sessions. Lewis wants direction from Council whether or not to have staff pursue ownership in Unique.

Administrator Lewis also needs clear direction on what type of abatement Council wants to pursue. During the last meeting Council indicated stabilization is the preferred option, is this still the direction we are moving?

After having an Industrial Hygienists come in to start their work at \$3,225, which will take a couple of weeks. Then the actual clean up, which could take about 3 weeks, is estimated to be cost \$20,000, although it will most likely cost more than that. This will allow the owner to allow interested purchasers to enter the building without needing protective gear.

Mayor Rose reviewed the costs involved for legal expenses, engineering expenses, stabilization costs and clearing out the hazardous debris. A discussion followed about the liens against the property. Mayor Rose said his understanding is that tonight Council needs to decide whether or not the City should mitigate the issues at the Unique or purchase the building. Administrator Lewis said the City is ready to enter into a contract with Diesslin Structures for abatement. There was some of the discussion about whether deconstruction of the rear of the building would help make it sellable.

Mayor Rose asked if anyone present would like to speak.

Jim Miller feels the building might be more valuable if left intact. He reminded Council that the organization, Save the Unique will apply for a \$10,000 stabilization grant. He does not believe it is the City's place to demolish even part of a building. The City is obligated to do what is necessary; to choose the option that would be at the least cost to our citizens.

Katy Grether said Historic Salida Inc. (HSI) is not in the business of buying property. HSI had a gentleman approach their organization that seemed to have things on track and was interested in purchasing the Unique.

Councilor Yerkey said he was on the board when the SteamPlant got off the ground. The SteamPlant Board was under aggressive leadership at that time and they raised a large sum of money.

Dwight Cocovinus, 325 G Street, said as a developer he looked at the building himself. He has discussed with SalCat's attorney and with investment partners about a possible purchase. Mr. Cocovinus feels that the least costly alternative makes sense for the City. If the grant money secured by HSI is offered this even makes more sense.

Further discussion followed. John Diesslin of Diesslin Structures, Inc. (DSI) said if stabilization is the way Council chooses to go, we can get in and do what is needed to do.

A motion was made by Baker to approve Resolution 2010-66 a resolution of the City Council of the City of Salida, Colorado, authorizing the City Administrator to enter into a construction agreement if and when needed between the City of Salida and Diesslin Structures, Inc. The motion was seconded by Stewart. A discussion followed.

Bill Smith, attorney for SalCat, Inc., entered Council Chambers and requested to speak. He was watching the meeting at home and wanted to respond to what he feels is a misrepresentation of Mr. Hartsliet. The City lent Mr. Hartsliet \$135,000 for stabilization of the building. Mr. Hartsliet also borrowed \$50,000 to use on the building. Mr. Hartsliet hasn't turned down any great offers. There has been some interest, but no serious offers.

Mayor Rose noted that there was a motion on the floor and asked for a roll call vote. He thanked everyone for their input.

With all in consensus, THE MOTION CARRIED.

**3. Lease with Western State College – 2<sup>nd</sup> reading (Jack Lewis)**  
Ordinance 2010-17 lease agreement with Western State College

City Administrator Jack Lewis presented this item to Council. This is second reading of Ordinance 2010-17 approving a lease agreement with Western State College. Tonight Council will hold a public hearing. This ordinance was put in place to help facilitate the small business center otherwise known as the Business Incubator with WSC.

Mayor Rose opened the public hearing asking anyone wishing to speak to come forward. No one spoke. Mayor Rose closed the public hearing.

Councilor Moore made a motion to approve ORDINANCE 2010-17 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO APPROVING A LEASE AGREEMENT WITH WESTERN STATE COLLEGE, ordering the ordinance to be published by title only. The motion was seconded by McCormick. With all in consensus, THE MOTION CARRIED.

**4. Citizen appointment to the Planning Commission – (Dara MacDonald)**  
Resolution 2010-63 approving citizen appointments to the Planning Commission.

Community Development Director Dara MacDonald presented written materials that are included in the packet for a permanent record. With the removal of Mr. Webster and the resignation of Chris Tracy, there are two open positions on the Salida Planning Commission. We have received two applications for a new member. One is from Timothy Kennedy and the other from Michael Wilbur. Mr. Kennedy currently serves on the Board of Adjustment. The current makeup of the commission is as follows. The Commission is made up of seven regular members and two alternate positions.

Don Stephens (Chair – 12/19/07)	4/16/13
Harald Kasper	4/16/12
Richard Leavitt	4/16/11
P.T. Wood	4/16/12
Verl Curtis	4/16/11
Cheryl Brown-Kovacic	4/16/13
Lisa Malde (Alternate)	4/16/13

If council wishes, it may appoint Lisa Malde, Timothy Kennedy or Michael Wilbur as a regular member for a term to expire 4/16/13. If Lisa Malde is appointed as a regular member, Timothy Kennedy or Michael Wilbur may be appointed as an alternate member. There is room for all three to be on the Planning Commission. We have changed the process the applicants have been interviewed. Ms. MacDonald thanked Chris Tracy for the time he spent on this board.

A motion was made by Moore to approve Resolution 2010-63 A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO APPROVING THE APPOINTMENT OF Lisa Malde AS A REGULAR MEMBER AND Timothy Kennedy AND Michael Wilbur AS ALTERNATE MEMBERS OF THE PLANNING COMMISSION FOR TERMS SPECIFIED IN THE RESOLUTION. The motion was seconded by Stewart. With all in consensus, THE MOTION CARRIED.

**5. Certification of delinquent fees –**

Resolution 2010 – 65a certifying delinquent water, sewer and special charges to the Chaffee County Treasurer to be added to the 2010 tax roll.

Deputy Clerk, Janella Martinez, presented written materials that are included in the packet for the record.

Chaffee County Treasurer Diana Wood requires a certified list of delinquent water, sewer and special charges to be added to the 2010 tax roll and collected in the same manner as other taxes are collected. The attached Resolution authorizes this process. Ms. Wood is also requesting a signed Order that will be attached to the Resolution.

A motion was made by Moore to approve Resolution 2010-65 A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO CERTIFYING DELINQUENT CHARGES, ASSESSMENTS, AND TAXES TO THE CHAFFEE COUNTY TREASURER TO BE ADDED TO THE 2010 TAX ROLL, and authorizing the Mayor and City Clerk to sign the Order. The motion was seconded by Baker. With all in consensus, THE MOTION CARRIED.

**4. Administrator/City Attorney/Deputy City Clerk**

- a. Administrator's Report – (Jack Lewis) nothing to add.
- b. City Attorney Report – Karp, Neu, Hanlon PC

Attorney Hanlon had nothing else to add this evening.

- c. Deputy City Clerk -

Deputy City Clerk Martinez reported that there were 43 sellers and servers of alcohol who attended the

recent State Liquor training that was offered on October 26, 2010.

7. Elected Official Reports -

a. Treasurer-

City Treasurer, Eileen Rogers had nothing to report.

b. Mayor -

Mayor Rose reported that the local Elks Lodge will be bringing their annual Christmas Basket program for needy families in the community. If anyone is interested in providing support to them, they should call 539-6976.

A new addition has been added to Riverside Park thanks to Ginger and Allan Jones for donating Slowpoke. Slowpoke is a large turtle sculpture that will be enjoyed for years to come. 'The Jones' stated in an email to Mayor Rose that it was a pleasure to work with Rob Vance, Public Works Director and Theresa Casey, Recreation Manager. Noting Mr. Vance was courteous and operated with cheer.

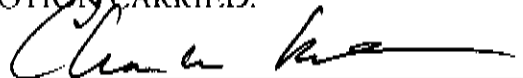
The Mayor request Councilors to stay long enough after the meeting to schedule the next budget meeting. Yerkey said he will be gone next week and wondered if there could be something scheduled later this week.

c. City Council-

McCormick stated that he started his business 50 years ago and wished he had help from today's Business Development Center. He feels this program is a great investment in our community. He thanked Council Members for approving the ordinance earlier this evening.

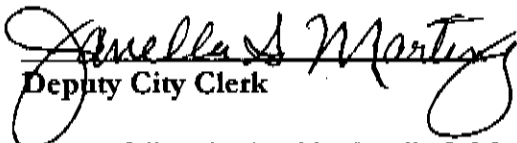
**ADJOURNMENT -**

A motion was made by Moore to adjourn the meeting at 7:43 p.m. The motion was seconded by Damman. With all in consensus, THE MOTION CARRIED.



Mayor

[SEAL]



Deputy City Clerk

Respectfully submitted by Janella S. Martinez, Deputy City Clerk