



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

Salida, Colorado

November 2, 2010

4:00 p.m.

The meeting was called to order at 4:01 p.m.

**EXECUTIVE SESSION**

A motion was made by Damman to go into Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: and specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Personnel matters. The motion was seconded by Moore. With all in consensus, THE MOTION CARRIED.

Mayor Rose announced the time as 4:10 p.m.

Those present during the executive session were Mayor Chuck Rose and Council Members Scott Damman, Jim McCormick, Jay Moore, and Steven Stewart. Also present were City Administrator Jack Lewis and City Attorney Karl Hanlon.

Council Member Keith Baker arrived at 4:13 p.m. Councilor Tom Yerkey arrived at 4:28 p.m.

Executive Session concluded at 5:40 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 6:01 p.m.

**PLEDGE OF ALLEGIANCE -**

Led by Mayor Chuck Rose.

**ROLL CALL -**

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

## **CITIZEN PARTICIPATION -**

Mayor Rose said those wishing to speak would be limited to 3 minutes.

Councilor Damman left the room for the citizen participation section.

Claudia Deets-Rogers, is a Salida resident that retired here from Colorado Springs. Her background includes a passion for affordable housing especially for homeless senior citizens. She understands the importance of the efforts of the Chaffee County Housing Trust (CCHT) and thanked Council for the City's continued support. Ms. Deets-Rogers was involved in Greccio Housing in Colorado Springs, which is for people who have an income, but can't afford housing. Greccio Housing started from scratch, much like CCHT, trying to achieve affordable rentals for the first four years, and was almost ready to throw in the towel. It took the organization five years before it had its first residence. Greccio Housing recently celebrated 20 years and now has 371 units, serving 600 people. Ms. Deets-Rogers currently sits on the advisory board for Chaffee County Housing Trust. She really appreciates what the City supports, and thanked City Council Members.

Jerry Mallet, Chair of the Advisory Board for CCHT, expressed appreciation to Council for supporting the Housing Trust. The CCHT Director took ¼ cut in his working hours to continue to move through the organization process. Mr. Mallet hopes that the economy will turn around soon. Some of those on the CCHT Board met with the County Commissioners and are hopeful the County will match the City contribution.

Dwight Cocovinus was present to speak about the Unique Theater. He thanked City Council and the various groups that have expressed their interest in preserving the theater. With stabilization of this building, and removal of the boards, the owner might find a buyer. He feels the theater building is a gem. Mr. Cocovinus wonders why the City isn't exercising its powers on the owner. He thinks Mr. Hartsliel is hindering the efforts to get a historic grant. He wants to know why the City isn't exercising daily fines, or doing whatever options are available.

Administrator Lewis explained that the grant requires the property owners signature. If the property is sold in five years the owner will have to pay back the grant.

Greg Follet, CHT board member, wants to thank Council for supporting Chaffee Housing Trust. He understands that the budget is tight and they have hard decisions to make. We all do our best to live within our means. Those of us with CHT feel our work is important. CHT is working to become an asset to the city, not a drain to it.

Councilor Damman returned to the room to proceed with City business.

## **PRESENTATION –**

### **SCHEDULED ITEMS-**

1. **Consent Agenda –**
  - a. Approval of Agenda
  - b. Approval of Minutes: October 5, 2010
  - c. City Property requests: None

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

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

**2. Vacation of Streets and Alleys within the Salida High School and Middle School campus –**

An ordinance of the City of Salida, Colorado, approving the vacation of certain rights-of-way within the City in the vicinity of and underlying property owned by the R-32-J School District.

Dara MacDonald, Community Development Director presented written materials that are included in the packet for the record. The request is to approve vacation of nine alleys and one street within the Salida High School and Middle School campus.

The Salida School District has requested the City's assistance with clearing up some outstanding issues on their property where the high school and middle school are located. There are several alleys and streets that were platted through what is now the school campus and these should be abandoned in order to clear up the title and allow construction of the new high school.

An attempt was made to complete this process in 1983 when the Council passed Ordinance 1983-12, however, there is no record that this ordinance was ever recorded. The City attorney has advised that a new ordinance should be prepared for Council review and approval. The new ordinance does contain more rights of way for abandonment than the previous ordinance. In an effort to clarify this issue only once, this ordinance includes all of the alleys and streets within the campus rather than just those adjacent to the high school.

The alleys and street proposed for vacation are highlighted in red on the attached maps. Included are the following:

Alleys within:

Block 98, Haskells Addition

Block 110, Haskells Addition

Block 6, Roberd's 2<sup>nd</sup> Addition

Block 7, Roberd's 2<sup>nd</sup> Addition

Block 8, Roberd's 2<sup>nd</sup> Addition

Block 19, Roberd's 2<sup>nd</sup> Addition

Block 20, Roberd's 2<sup>nd</sup> Addition

A lane that was platted in 1904 between State Street and New Street and generally aligns with Illinois Ave. This lane is labeled as "Illinois Lane" on the attached maps.

Nichols Ave between State Street and Milford Street.

As shown on the attached aerial map, there are existing structures over several of these rights of way and they are all contained within the existing school campus. There is a sewer main in the alley on Block 98 of Haskell's Addition. This is a continuation of the line that runs in part beneath the existing high school. Public Works is confirming whether there are any additional utilities within any of the other streets or alleys proposed for abandonment.

Where any utility mains are located within these rights of way, easements will be recorded to ensure access for maintenance prior to recording of the vacation easement. These easements will be presented with second reading of this ordinance.

A motion was made by Moore to approve Ordinance 2010-18, an ordinance of the City of Salida, Colorado, approving the vacation of certain rights-of-way within the City in the vicinity of and underlying property owned by the R-32-J School District, setting the public hearing date for November 16, 2010 and ordering that the ordinance to be published in full. The motion was seconded by Baker.

### **3. 2011 Budget – Public Hearing**

Finance Director, Jan Schmidt, presented written materials that are included in the packet. A request for council's approval of the 2011 budget will be presented at the November 16, 2010 meeting.

State law requires that council is presented with an estimated budget on or before October 15th. The City of Salida complied with that requirement by providing council members with a proposed budget on September 21st, which was publicly presented at the October 5th council meeting.

A "Notice of Budget" was published in the Mountain Mail on October 12th that announced the availability of the budget and date / time of the public hearing. This notice and a copy of the proposed budget are also posted on the city's website.

#### **NOTICE OF BUDGET**

Notice is hereby given that: a proposed 2011 budget has been submitted to the Salida City Council. A copy of the proposed budget is available for public inspection at City Hall, located in the Touber Building at 448 E. 1st Street, Suite 112 in Salida. The proposed budget will be discussed at the council work session scheduled for Tuesday, October 19<sup>th</sup> to be held at City Hall. A public hearing on the entire proposed budget will be held at the regular Council meeting scheduled for November 2, 2010 to be held at Council Chambers in the Touber Building. Any interested person of the City of Salida may inspect the proposed budget and file or register any objections at City Hall at any time prior to the final adoption of the budget scheduled for November 16, 2010.

State law also requires a public hearing for the adoption of the budget, at which time the city council may consider the objections of the electors and revise, alter, increase or decrease items as it deems necessary in view of the needs of the various offices and departments and in view of the anticipated income. Council may continue the hearing but must adopt the budget by December 31st.

Staff recommends that council continue the hearing until November 16th to allow time to consider the public input received during this meeting and to make necessary reductions in spending should Proposition 101 pass.

No formal action of the City Council is requested at this time.

Mayor Rose opened the Public Hearing and asked anyone to come forward. No one came forward to Speak. Mayor Rose asked for a motion to continue the public hearing.

A motion was made by Yerkey to continue the public hearing for the 2011 budget. The motion was seconded by Damman. With all in consensus, THE MOTION CARRIED.

**4. Discuss Code definitions of Recreational Vehicles and related zoning. Granting an easement for BLM on Vandaveer-**

City Administrator Jack Lewis presented this item to Council. Letters were sent to a number of people who have Recreation Vehicles improperly parked within the City. In some cases these RV's are located in mobile home parks with water, sewer, and electrical. We have also seen some located in the back of businesses. City zoning does not allow living in an RV within City limits. We have a number of those now. The definition of code section of the Land Use Code was distributed to Council Members. Administrator Lewis read the definition of an RV. Administrator Lewis wants to know how Council feels about this section of the code. Is it okay if a person has a commercial property that had proper zoning and recreational hook ups and was living on a long term basis in an RV? How does Council wish to proceed? There has been some discussion as whether or not to charge a sewer or a water tap to allow living in an RV in a commercial zone. A discussion followed.

Most members of Council didn't understand why living in an RV isn't allowed in a Mobile Home Park, but feel that it might not be acceptable in a residential area. Community Development Director Dara MacDonald said that a Mobile Home Park already has internal operating plans. She will review other land use codes and bring back some recommended changes.

Administrator Lewis is not requesting a motion, but would like direction for how staff should proceed with this issue. Council Members indicated their approval to proceed with samples and look into some revisions. We will not pursue some of the letters that were sent out notifying property owners with this code violation.

**5. Discussion and direction regarding the possible sale of 123 E third and 125 E. Third Street. – (Jack Lewis)**

City Administrator Jack Lewis presented this item to City Council. Our citizens voted to allow us to sell the old Police Annex and the old Police Department/City Council buildings. Lewis spoke with four local realtors who are willing to show these properties as open listings. The value for the Police Department came in \$140,000 and the Annex came in at the \$110,000 range. He will be finding out if this is the appraised value that is required by CRS. Does Council wish to sell both buildings?

Councilor McCormick feels that the annex is on property that should be a part of the Senior Citizen Center. He is fine with selling the old Police Department/Council Chambers building. Councilor Damman agrees with McCormick. Councilor Stewart and Moore are inclined to favor this option also.

Councilors Yerkey and Baker prefer to sale both buildings.

Dwight Cocovinus, 325 G Street, asked if the property could have the alley vacated. Administrator Lewis said no, that the sewer line runs down that alley.

Mayor Rose said it seems like the majority of Council would like to sell the old PD/Council Chambers, and keep the Annex building.

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

- a. Administrator's Report –

1. Administrator Lewis said a request for a letter of support for a grant by Stageleft Theater at the Salida SteamPlant Theater and Event Center. This \$5,000 is used for a theater workshop, and requires two letters of support. Michael Varnum, SteamPlant Director recommends approval for this letter of support that will require the Mayor's signature. Susan Bavaria wrote this request to Council asking for a letter of support from the City.

Council Members indicated approval for submitting a letter of support of a \$5,000 grant application by Stageleft Theater.

2. A request from SHS swim team to cap fee for next season to cap their fee at \$500.

Salida High School swim team pays a fee for the use of the Hot Springs Pool. Sandy Love, SHS Swim Team coach, noted that SHS has a total of \$2,000 budgeted. She is requesting the City cap the fee at \$500 to keep this an affordable sport for her team. Swimsuits and uniforms run about \$60 per participant. Ms. Love clarified that this request is for the High School swim team not the Salida Cyclones. All students that join sports in school pay a \$50 fee. She doesn't want to ask them for more than that.

A motion was made by Baker to modify the fee for the SHS swim team at a \$500 cap. The motion was seconded by Damman. With all in consensus, THE MOTION CARRIED.

3. Excess water storage discussion -

Administrator Lewis said in 2001 the City entered into a water storage agreement with Southeastern Conservation group, also known as the Fryark group, for excess capacity in Pueblo Reservoir. The City along with several other entities signed on to look at a new project. For a whole host of reasons this project is moving forward rapidly. The SECD estimates a total of \$1.6 million dollars to get thru water studies to see if this study is feasible. If the city chooses to continue 2000 acre foot of storage within the Fryark system which is in Pueblo Reservoir, Twin Lakes, and Turquoise Lake. It is a part of our water master plan which would allow us to store excess water from the Vandaveer water rights. It fits into our long term water augmentation plan. The cost of city to get into project over next year and a half is \$77,000. Roughly \$20,000 is needed from the 2010 budget that will come out of the water fund. After that, our annual storage cost would be \$15,640 a year. Even though these numbers seem high, it is really an inexpensive way to gain storage. This seems like a good deal for the City and it fits into our long term master plan. We need to tell them by Friday, if we wish to move forward with this study.

Councilor Moore said, as we discussed this issue this morning at our work session this is much cheaper than building our own storage. The cost is cheap. \$15,000 a year comes to \$7.50 and acre foot. There are contracts out there for \$50 an acre foot. Moore doesn't see how we could refuse this storage.

Councilor Baker noted that water storage is paramount to any kind of situation. It may sound like your water sits in ponds, although this is an insurance policy that gets us water at probably the best rate that we could get.

Councilor Stewart said the current financial climate is variable and it seems that in the future it will continue to be variable.

A motion was made by Yerkey to fund the excess water storage. Councilor Damman seconded the motion. With all in consensus, THE MOTION CARRIED.

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

City Attorney Karl Hanlon had nothing further to report. Although he noted that at one of the next two meetings Attorney Furman will attend on behalf of Karp, Neu, Hanlon PC.

c. Deputy City Clerk -

Deputy Clerk, Janella Martinez reported that 43 alcohol beverage servers attended the training given by Brian Osterhouse, State Liquor Enforcement.

7. Elected Official Reports -

a. Treasurer-

Eileen Rogers had nothing to report this evening.

b. Mayor –

Mayor Rose extended congratulations to the High School sports teams. He sent a special Congrats to Josh Noriega, for his persistence and discipline place first in State Cross Country. Thank


Mayor Rose thanked all of our citizens for voting in this year's election.

c. City Council-


Councilor Damman noted that Salida High School also competed in Mountain Biking at the state level and Issac Stackonis and Sage Kitson won their divisions for a State Title. Congratulations go out to them.

**ADJOURNMENT –**

A motion was made by Moore to adjourn the meeting at 7:05 p.m. The motion was seconded by Baker. With all in consensus, THE MOTION CARRIED.

  
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Mayor

[SEAL]

  
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Deputy City Clerk

Respectfully submitted by Janella Martinez, Deputy City Clerk