



MINUTES REGULAR MEETING
CITY COUNCIL CHAMBERS
448 E. 1st Street

Salida, Colorado

July 5, 2011

6:00 p.m.

The meeting was called to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE –

Led by Mayor Charles Rose

ROLL CALL -

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

Absent was City Administrator Jack Lewis.

CITIZEN PARTICIPATION -

Nancy Dominick brought a bag full of debris she called “goodies” to show Council. Ms. Dominick is upset that no one from the City came to look at her property since the last meeting. Several Councilors said they have looked at her property. She is not satisfied with the well the city drilled on her property and is dissatisfied with the water that she gets out of the well and the problems she has had with the construction of the well. Dominick would like to get something resolved soon.

Vern Davis asked Council about the history of the well on Ms. Dominick’s property. He said he was accused of being out of context when reading emails during the last meeting. Davis feels that this well project is an experiment. If the City didn’t know about the sand, then why would Lonnie Oversole, Water Plant Supervisor, recommend a timing system if it wasn’t to flush out the sand.

PRESENTATION –

1. Proclamation – National Parks and Recreation Month

Theresa Casey, Salida Recreation Manager, introduced Maggie Murdoch, Salida Recreation Coordinator. Mayor Rose proclaimed July 2011 as Parks and Recreation Month in Salida. Ms. Murdoch thanked Council for recognizing the City’s recreation efforts. She gave an overview of the programs available in the community, stating that the programs offered through the Recreation Department are affordable recreation opportunities in Salida. Ms. Casey said that there are two upcoming ice cream socials held by the Recreation Department and encouraged everyone to attend.

SCHEDULED ITEMS-

1. Consent Agenda –

- a. Approval of Agenda
- b. Approval of Minutes: May 17, 2011
- c. City Property Requests: 1) Dog Daze 2) Search & Rescue Car Show 3) Stage Left Productions 4) Bike Trials 5) Diabetic Association Walk
- d. Final Settlement for the 2010 Sewer Line Improvements Project –

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

c. City Property Requests:

- 1.) Salida Recreation is hosting Dog Daze an event sponsored by the Salida Dog Club.

The request is to allow dogs in Alpine Park during the Dog Daze Event on Monday, July 7, 2011 from 10:00 a.m. to 1:00 p.m.

- 2.) Chaffee County Search & Rescue is hosting the 20th Annual Car Show on Saturday, August 6, 2011 from 7:00 p.m. to 10:00 p.m. and on Sunday, August 7, 2011 from 8:00 a.m. to 3:00 p.m.

Mike Bowers is heading up the Cruise on Saturday afternoon, followed by a band/dance in Riverside Park on Saturday night. The Car Show is Sunday, August 7th from 8:00 a.m. to 3:00 p.m.

This request includes street closures on F Street from 1st to the cul-de-sac and to close Sackett Street from G to D Streets on Sunday only. A street closure petition is included in the packet.

- 3.) Devon Jenks/Stage Left Productions/High Country Fine Arts are requesting to use Riverside Park to hold “Shakespeare in the Parks” on Saturday, August 20, 2011 from 4:00-6:00 p.m., and for dress rehearsal on Friday, August 19, 2011 from 3:00 – 7:00 p.m.

- 4.) Chris J. Hertrich is requesting to use Riverside Park on September 24, 2011 from 9 a.m. – 5:00 p.m. to hold the Central Colorado Bike Trials event. This event will include using the rocks on the rivers edge of the Whitewater Park.

- 5.) Janet Smith is requesting to use Centennial Park to hold a Diabetic Association fundraising walk on Saturday, August 27, 2011 from 8:00 a.m. to Noon.

d. Final Settlement for the 2010 Sewer Line Improvements Project Pridemore Construction, Inc -

The request is to authorize final payment to Pridemore Construction, Inc. for the work they performed for the Salida 2010 Sewer Line Improvements Project. The final payment is for retainage and totals \$18,114.04. The project came in \$9,455.96 less than bid. A cover memo from Rob Vance, Public Works Director, is included in the packet.

Damman made a motion to remove 3. GOCO grant & IGA with School District R-32J – RESOLUTION 2011-48 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, THE GRANT APPLICATION FOR A LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD OF THE GREAT

OUTDOORS COLORADO FOR THE SALIDA SCHOOL DISTRICT TURF PROJECT, from the agenda, and combining and approving the remaining items on the consent agenda. Moore seconded the motion. With all in consensus, THE MOTION CARRIED.

2. Vandaveer Ranch Extension of Overall Development Plan – (Dara MacDonald)

Resolution 2011-46 extending the time period for the Vandaveer Ranch Overall Development Plan.

Dara MacDonald, Community Development Director, presented written materials that are included in the packet for the record. The request is to extend for one additional year the Overall Development Plan adopted for the Vandaveer Ranch in December, 2006 and extended until July 5, 2011.

There has been interest for several years in the creation of a Natural Resource Center (“NRC”) in the Salida area. The NRC would provide for the space sharing of federal, state and local agencies allowing for operational efficiencies for each agency and an enhanced visitor experience for the traveling public and local residents. The Salida Natural Resource Center Development Corporation (“NRCDC”) was formed at the direction of City Council in November of 2009 with the sole purpose of pursuing development of the NRC.

The U.S. Forest Service has accepted the response of the NRCDC to their Solicitation for Offers (“SFO”) seeking new office and shop space for it’s facilities in southern Chaffee County. The U.S. Forest Service facility would serve as the cornerstone for the larger NRC. The NRCDC is in the process of responding to the U.S. Forest Service lease proposal and is in lease negotiations with the Colorado Division of Wildlife.

The Vandaveer Ranch Overall Development Plan was adopted by the City Council on December 18, 2006 with Ordinance 2006-19. The Council approved a resolution on July 6, 2010 extending the vesting for one year, or until July 5, 2011. Typically vesting for development plans lasts for three years.

Section 16-10-90 of the Salida Municipal Code addresses expiration of development approval. The code allows that, “...the approving body may reconfirm and extend the time period for compliance or approve modification to such development plan, upon good cause shown by the owner. Such reconfirmation, extension or modification shall be at the discretion of the approving body.”

At this time the owner of the property remains the City of Salida. Under the Development Agreement between the NRCDC and the City of Salida, title to a portion of the land will transfer to the NRCDC once a lease agreement has been executed with the USFS.

The NRC is a priority acknowledged by both the City of Salida and Chaffee County in the MOU executed by both parties in August, 2009. The potential economic impact for both Salida and southern Chaffee County would have lasting positive effects and the site and proposed zoning both lend themselves to this type of development.

Damman made a motion to approve RESOLUTION 2011-46 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, EXTENDING THE TIME PERIOD FOR THE VANDAVEER RANCH OVERALL DEVELOPMENT PLAN.

Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.

~~3. GOCO grant & IGA with School District R-32] (Jan Schmidt) ————— Materials pending
— Resolution 2011-48 a resolution of the City Council of the City of Salida, Colorado, the Grant
Application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great~~

~~Outdoors Colorado for the Salida School District Turf Project.~~

4. Salida Natural Resources Center Development Corporation Board appointment–

Resolution 2011- 49 Resolution appointing two Council members (TBD) to serve on Salida Natural Resources Center Development Corporation Board

City Attorney Karl Hanlon presented written materials that are included in the packet for the record.

When City Council created the Salida Natural Resource Center Development Corporation (“SNRCDC”) it set up a body of five directors. Current board members are Tim Glenn, Jack Lewis, and Dara MacDonald. As we move towards actual development through the SNRCDC, it would be a good idea to appoint two more members, specifically a couple of elected officials, to that board. During the initial solicitation with the Forest service the City was ordered not to give information to anyone, but we are now beyond that point in time. City Council has always had the authority to appoint and remove board members at any time. There seems to be a great interest by City Council and it is certainly efficient to have those members of Council, who are willing to, sit on the board in order to have information disseminated more efficiently. SNRCDC board members serve a one year term.

Councilor Stewart moved to approve RESOLUTION 2011- 49 RESOLUTION APPOINTING TWO COUNCIL MEMBERS TO SERVE ON SALIDA NATURAL RESOURCES CENTER DEVELOPMENT CORPORATION BOARD.

Attorney Hanlon recommended that the motion includes who Council wants to appoint names are included the motion. There was no second on the motion. Stewart rescinded his motion. A discussion followed.

Councilor McCormick proposed that Yerkey be appointed to the SNRCDC Board. Councilor Yerkey proposed that Baker be appointed to the SNRCDC Board. Further discussion followed.

Bill Smith, 16 Trailside, isn’t sure what the purpose of the expanding the board is, but, if the purpose is to have elected officials sit on the board then seats should be allotted for elected officials. If the elected official leaves office that member could be replaced.

A discussion followed regarding the reason for extending the number of members of the SNRCDC Board.

Jim Miller, citizen of Salida, thinks that adding elected officials to the board is the appropriate thing to do, but is concerned that the using the entire Vandaveer property as collateral is not a good idea.

Further discussion followed.

Stewart moved to approve RESOLUTION 2011- 49 RESOLUTION APPOINTING TWO COUNCIL MEMBERS TO SERVE ON SALIDA NATURAL RESOURCES CENTER DEVELOPMENT CORPORATION BOARD and for those members to be BAKER AND YERKEY. The motion was seconded by Moore. With all in consensus, THE MOTION CARRIED.

5. Transfer of real property to the Salida Natural Resources Center Development Corp.

Resolution 2011-50 authorizing the transfer of the real property to the Salida Natural Resource Center Development Corporation and approving an amendment to the Development Agreement for the Salida Natural Resources Center.

City Attorney Karl Hanlon presented this Resolution to City Council. Hanlon gave an overview of the project financing to City Council Members. The type of classification of financing is requiring that some of the land be held as collateral. When starting from construction of the project until build out, at least from a regulatory standpoint there is a gap that needs to be filled. The Division of Parks and Wildlife need a minimum of 34 acres for the project. A lengthy discussion followed.

Mayor Rose asked for public input.

Bill Smith, a citizen of Salida, thought originally the City planned have get the property developed by the Natural Resource Center without putting the City at risk. He encouraged Council to table this resolution that gives the NRC the entire Vandaveer property wjocj would then be encumbered by a lien for a lengthy period of time. Mr. Smith thought previous discussions involved only 34 acres.

Councilor Yerkey stated that the intent of this project is to help with economic development. With the NRC locating on one piece of the Vandaveer property, other development will follow. This Council has put a lot of thought into bringing economic development to a small town by supporting this project.

Mr. Smith is not opposed to the NRC project, but reminded Council that he doesn't have the information that happens behind closed doors. Citizens are complaining about the lack of transparency surrounding this project. It has never been discussed before that the 194 acres would be put at risk.

Attorney Hanlon said that property negotiations are commonly held in executive session. Information needs to be given to Council so that when it is time to make a decision, they have been given adequate information. This change was made by the lender after the last meeting with Council. Everyone involved is trying to figure out how to make the project work.

Mayor Rose noted that there were several citizens present that might want to speak. He asked if anyone wanted to speak.

Al Brown, 155 Mesa Circle, read an article about the recent increase in water bills. The article said that meetings were held for a year before Council approved this increase and that no one shows up for the meetings. That's why he is here tonight. Mr. Brown thinks that since there is new information that hasn't been widely disseminated, it might be a good idea to give the public time to understand this new information and not approve the resolution tonight.

Jim Miller noted that Mr. Smith covered several points that he generally agrees with. He is pleased the City is using a local lender, but the terms seem a little excessive and this is probably not the only lending source available. Perhaps this should be tabled until the next meeting.

A discussion followed regarding the timeline for release of property. Attorney Hanlon said an amendment to the agreement can be subject to release of the property timeline.

Yerkey moved approval of RESOLUTION 2011-50 AUTHORIZING THE TRANSFER OF THE REAL PROPERTY TO THE SALIDA NATURAL RESOURCE CENTER DEVELOPMENT CORPORATION and approving an amendment to the Development Agreement for the Salida Natural Resources Center in the sixth Whereas changing the word "authorize" to "will consider" and to amend the language on page 2 of the agreement in line six to say "The City further agrees to conveyance of a portion..." The motion was seconded by

Baker. With all in consensus, THE MOTION CARRIED.

A brief discussion followed.

5. USA Pro Cycling Challenge Agreement – (Jan Schmidt)

Resolution 2011-51 approving the USA Pro Cycling Challenge City Participation Agreement.

Jan Schmidt presented this agreement to City Council. Approval of this agreement will designate the City of Salida as host city for the USA Pro Cycling Challenge. There has been a lot of back and forth discussions with CIRSA, the City and the Sponsor mostly around the liability and language in the agreement. The City is comfortable with the agreement, and staff requests that Council approves the agreement so it can be sent to the race organizing entity for signature as well.

Damman moved to approve RESOLUTION 2011-51 APPROVING THE USA PRO CYCLING CHALLENGE CITY PARTICIPATION AGREEMENT. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.

Councilor Baker said Angela Damman should be credited for the hard work that she put into making this event possible in our community.

6. Administrator/City Attorney/Deputy City Clerk

a. Administrator's Report –

Jan Schmidt, Acting City Administrator, gave an update about the Waste Water Treatment Facility project. A mandatory pre-bid meeting was held a week ago and five different firms attended the meeting. This item will be coming to Council for bid award sometime next month.

The County is proposing a ballot measure asking for a ½ % sales tax increase. Following a discussion with staff it was suggested that the City propose that we bring the County-wide sales tax proposal back to the table. Currently 2% of the County sales tax is allocated to the municipalities, which would be rescinded. The City would keep their remaining 1%. All residents of the County and municipalities would pay the same taxes for purchases and services. We would like to move forward with that proposal. Mayor Rose and Ms. Schmidt were unable to get to the County meeting in time to participate in the tax proposal discussion. Following the County meeting Ms. Schmidt spoke to Dan Short, County Finance Director, who said that there is some willingness to consider that proposal, and the City should discuss it with all of the involved entities and see if there is a proposal that will work for everyone. A brief discussion followed.

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

City Attorney, Karl Hanlon, has been working on the fee agreements for accessory structures that will be available soon. The agreements are based on the Council's decision for not wanting to penalize a homeowner that has an exterior bedroom as opposed to a rental unit and how this is treated with system development fees. If someone has an exterior structure with a bedroom and a bathroom that is not renting it out to generate income, the owner can sign an agreement and pay the single unit service fee. This document will have covenants that are deed restricted and will be recorded. This will show up in the chain of title if the property sells. In the case of an accessory structure that will be rented out the system development fee will be charged as a multi-family unit. These agreements are nearing completion.

Councilor Damman requested that Deputy Clerk Martinez email a copy to Council when these agreements become available.

c. Deputy City Clerk -

Deputy Clerk, Janella Martinez, noted that the deadline for letting the County Clerk know if the City of Salida is participating in the November 1, 2011 election is Friday, July 22, 2011. This written notice must contain what type of issue, if any, we will be placing on the ballot. There will be four seats available. The 2011 City election ballot will list the Mayor position open for a two-year term. Three (3) City Council positions open which include, one (1) seat for a four-year term for Ward One; one (1) seat for a four-year term for Ward Two; and, one (1) seat for a four-year term for Ward Three.

12. Elected Official Reports -

a. Treasurer-

City Treasurer, Eileen Rogers, had nothing to report

b. Mayor -

Mayor Rose had nothing to report.

c. City Council -

Councilor Yerkey stated that an interested citizen asked him questions concerning water used by the City. Yerkey researched this question and found out that the city meters at every park and pays to the enterprise zone. The High Zone tank holds 31 feet capacity or about one-million gallons. But Lonnie told me he keeps the tank at 29 ft. This tank services the High Zone, the Hospital and also helps with fire-flow needs for other parts of town. The \$300,000 that was used to build the Public Works Building was paid off with funds generated by the sale of the previous Public Works site. The Golf Course gets its water for the greens from the Briscoe Ditch, which is raw water. He feels that the public should know that the City and the Enterprise Zone are at arms length.

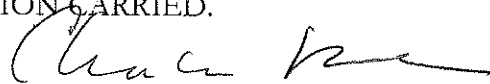
Councilor McCormick said the 4th of July Fireworks show was great and thanked the Fire Department for the fine show.

Councilor Moore said his appointment as a regular board member of the Upper Arkansas Water Conservancy District ("UAWCD") noted that there should be a representative for the City sitting on the UAWCD Board.

Damman moved to appoint Stewart as the City representative to the UAWCD board. Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.

Attorney Hanlon said that work is proceeding at the Unique Theater, but he is unsure if a demolition permit has been processed, or not, at this time.

A motion was made by Moore to adjourn the meeting at 8:10 p.m. The motion was seconded by Damman. With all in consensus, THE MOTION CARRIED.



Mayor

[SEAL]



Deputy City Clerk

Respectfully submitted by Janelle Martinez, Deputy City Clerk