



MINUTES REGULAR MEETING
CITY COUNCIL CHAMBERS

448 E. 1st Street

Salida, Colorado

August 2, 2011

6:00 p.m.

MEETING CALLED TO ORDER –

Mayor Rose called the meeting to order at 6:02 p.m.

PLEDGE OF ALLEGIANCE –

Led by Mayor Rose

ROLL CALL -

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

Absent were Council Members Tom Yerkey and City Administrator Jack Lewis.

CITIZEN PARTICIPATION –

Nancy Dominick, 6508 CR 105, distributed a picture of the sand that she said came out of the screened water in just five hours. She also brought a bag with more debris in it. Ms. Dominick will continue to share her frustration about the well the city drilled on her property. She is dissatisfied with the water she gets out of the well and the problems she has had with the construction of the well. She wants her topsoil back on her property. Councilors Damman, McCormick and Moore visited her property. Ms. Dominick stated that Administrator Lewis visited her property at the beginning of July, but that she is not in constant communication with him.

Vern Davis stated appreciation for Lonnie Oversole, Water Plant Supervisor, and his crew for coming out and helping Dominick when they get behind on the ditches.

Colleen Kunkle, co-owner of Tenderfoot Health Collective (THC), recently received a packet for Medical Marijuana licensing from the City that requests the owner provide copies of the State license application. These documents contain a lot of personal and private information and she is wants to know if there is a city policy about confidentiality and how to secure such sensitive information. Employees at THC have all undergone extensive background check and it would cost almost \$900 for them to have another one done with the City. Ms. Kunkle wanted to know if the City can just

use the information from the State. She will give Council a packet that includes the contact information of the person doing her personal background check .

Dick Russell, 9985 Piute Drive, wanted to know if anyone has ever polled local businesses to see if the bicycle events held in Salida are bringing business into the community or if they are impacting businesses negatively. He feels it created a lot of chaos and additional cost for services by our local Police, Chaffee County Sherriff and EMS

Councilor Damman said that one of the local sponsors of a team for the Salida Classic Bike Race, reported that some of the best money she spent is by sponsoring a local bike team for that event. There wasn't a hotel room or vacation rental available in Salida on Saturday due mostly to this race. Significant sales tax revenue is generated from events such as the Salida Classic and the City depends on sales tax for its revenue.

John Diesslin, Diesslin Structures, was hired to put in an irrigation well at the Dominick property. He thought everyone understood that the only way to do the project was to dig a trench. Diesslin Structures knew how sensitive an issue this was to Ms. Dominick. Mr. Diesslin distributed pictures of the project from trenching to completion. When the trench was dug the clay was full of water. When returning the soil to the trench it needs to be dry, so he felt that using the soil in a meadow by the river where grass was growing would be suitable. Mr. Diesslin feels that the grass would grow if there wasn't sand on it. Diesslin followed the engineers design for installation of the pump. Ms Dominick is correct that the well isn't working correctly and it isn't designed to pump sand to run through it. He is willing to haul more topsoil to Ms. Dominicks property, but thinks that the sand is the problem, not the soil replaced by his company. Mr. Diesslin requested that if Ms. Dominick had any other issues that were caused by Diesslin Structures he would be happy to rectify them if she would call him to let him know.

Mike Corn, 733 West Sackett Avenue, would like to see the morning City Council work sessions recorded on a DVD and then broadcast on Channel 10. This way the meetings and the work sessions could be played back to back and not just have the meetings running over and over again.

Mr. Corn stated that with the recent financial downfall of the FAA, he hopes that the recent grant application for the Harriet Alexander Airport goes away. He doesn't think it makes any sense improving an airport that is 20 minutes away from another airport just north of Salida.

The School Grant that was approved by Council for \$300,000 for using the field for four games a year isn't a good use of money according to Mr. Corn. He encouraged the City to turn down the grant. Council should allow the school district to dig a well or perhaps give the School District free water rights to the district like the City does with several others in the community.

PRESENTATIONS

1. Proclamation - Grand Masonic Lodge of Colorado by Mayor Charles Rose

Mayor Rose read the proclamation for the Masonic Lodge proclaiming August 2011 Colorado Masonic Month in the City of Salida, Colorado.

2. Presentation by Division of Wildlife Area Wildlife Manager, Jim Aragon - local deer issues.

Jim Aragon, DOW, thanked Council for inviting him to come and speak about local deer issues. Deer are managed by limited licenses. The number of licenses issued is based on data analysis based on population and herd objectives per unit. Hunting Seasons are structured so that fawns are independent of their mothers. Pilot projects are being tried in Buena Vista to see what the impact will be on the number of deer in town. An extended season is issued, and only private land licenses are being implemented. Once that data is gathered and if successful, it can be tried in Salida.

The bottom line is that deer go where there is food and where there are no natural predators. There is no easy solution to mitigating the problem. Within city limits discharge of fire arms is not allowed, but a successful way to keep the deer out of yards is by installing fencing.

Mayor Rose asked if there were any comments by Council Members.

Councilor Baker feels that the number of deer in herds has dwindled since the 50's and 60's. He feels that with the creation of dog licensing and leash laws have increased the number of deer in town. Baker isn't sure if increasing hunting just outside of the city might even drive them further in town.

Aragon said that there are many factors related to the number of deer in town including feeding deer. Many people don't realize it is illegal to feed wildlife, until it becomes a problem and they are threatened by the animals. It can also bring predators into town.

Councilor Damman asked how likely it is for a large buck to become a danger to his 6 year old daughter.

Aragon said it is a wild animal and if it feels threatened, trapped or is injured it can lash out at people. He advised spraying deer with water or making loud noises to scare them away.

The cost of trap and release is expensive and not very successful. If the deer are moved just outside of town, they might return and if they are moved too far away, the chances of their survival are slim. Other methods used are archery hunts in town or euthanizing deer. Both are costly alternatives.

Mayor Rose asked for the citizens present who wished to speak to do so.

Mike Sugaski, 204 W. Park Avenue, has lived here since 1992 and has seen the population of local deer increase dramatically. He would like to see an ordinance by the City Council along with the DOW to come up with a solution for solving this issue. He feels threatened by deer when walking.

Bob Engel feels that it is a public health issue with the amount of waste in yards.

Jim Elmore says that there are now 40 deer in his yard. At first watching the deer was enjoyable now it's become a nuisance and he wants the City to do something about it.

Monika Griesenbeck said she would hate to see a tragedy occur before something is done to fix what she feels is a serious problem. She wants her local government to do something to help.

Richard Russell suggested the city have an authorized bow hunt to take out deer.

Linda Gibas asked if there was a way to bait deer out of an area. Mr. Aragon said there are ways to trap deer by baiting them with clover, and some other alternatives are labor intensive and to

remember that there are associated costs with any of these methods. Meat from euthanized animals can be donated to Hunters for the Hungry.

Ms. Griesenbeck said council should have a discussion with the Salida Police Department who are professionals with weapons who could help with honing a herd.

A lone proponent of deer said that citizens should try deer resistant plants and landscaping. Fences can keep unwanted deer out of property. He feels that the discussion about safety is somewhat exaggerated.

Councilor Damman said that if this Council allocates spending \$40,000- 50,000 on deer mitigation that other city services would need to be cut. Damman asked Mr. Aragon how long it would take for another hunting season to be set up.

Mr. Aragon said it could take around a year before an alternative season would come to fruition.

Councilor Stewart thanked everyone for coming tonight and especially the lone voice of support for deer for coming and speaking his opinion, noting it is hard to speak against a room full of opposition to this issue.

Mayor Rose encouraged everyone interested in the topic of deer mitigation to Google it and see what options are available, including the costs for doing any of those mentioned. Where exactly does our citizenry want us to spend City money?

SCHEDULED ITEMS –

1. Consent Agenda

- a. Approval of Agenda
- b. Approval of Minutes: July 19, 2011 Minutes
- c. City Property Requests: 1.) Triathlon/Duathlon
- d. Final Settlement for the Touber Building exterior rehabilitation project.

Deputy City Clerk provided written materials that are included in the packet for the record.

- d. Final Settlement for the Touber Building exterior rehabilitation project.

The request is to authorize final payment to UpScale Builders, Inc. for the work they performed for the Touber Building rehabilitation project. The final payment includes \$1,499.73 for the final bill and \$22,657.60 for retainage and totals \$24,157.33. The contract came in \$42,175.73 over the contracted price due to changes in the scope and unexpected conditions of some materials. The project as a whole came in \$9,121.75 under the total budget or \$254,070.25.

In August of 2009, the City of Salida was awarded \$190,745 in funding through the State Historical Fund for exterior rehabilitation of the oldest portion of the Touber Building at 448 E. First Street. The City and Chaffee County agree to share in the \$72,447 required match. The total budget was projected at \$263,192.

The scope of work for the project included the fabrication of two exterior doors on the First Street elevation, removal of the drop ceiling on the front porch and restoration of the original ceiling, repair and painting of the columns on the front porch, replacement of the balustrade on the second story porch, painting of the cornice and guard rails, replication and installation of decorative frieze panels and extensive masonry replacement and repair.

The project has been inspected and found to be satisfactory by both the architect, Belinda Zink, and by staff from the State Historical Fund. Proper notice of final settlement has been given and no one has filed an objection.

Councilor Damman moved to Authorize staff to make final payment to UpScale Builders, Inc. for \$24,157.33; which includes payment of the final bill and all retainage being held, and to combine and approve the consent agenda. Councilor Stewart seconded the motion. With all in consensus, the motion carried.

2. Special Events Liquor Permit: Salida Arts Festival and declared as an event of City-Wide Interest.

Resolution 2011-53 a resolution of the City Council of the City of Salida, Colorado declaring Salida Riverside Fine Arts Festival 2011 an event of City Wide Interest.

Written materials are included in the packet for the record. This item was tabled during the July 19, 2011 City Council meeting and if Council wishes to consider approval of the Special Events Liquor Permit and park use for this event, action must be taken during tonight's meeting to meet the State Liquor Enforcement Division's timeline for the liquor permit.

As a Statutory City sales tax is collected by the Colorado Department of Revenue, before it is distributed back to the City of Salida. Sales tax for the City of Salida is 3.0%, the State of Colorado at 2.9% and 2.0% for Chaffee County, or a total of 7.9%. The event coordinator is responsible for collecting a copy of vendor's current COLORADO sales tax licenses for the City of Salida, along with each vendor's contact information. Vendors are responsible for reporting sales taxes collected. Many vendors hold a Special Events Sales Tax license and are required to know the correct sales tax rate to collect in each municipality where they are doing business. This information is provided to the vendors by Ms. Tullis with the application packet distributed to them prior to the event.

Several of the vendors reported sales taxes and other vendors reported no sales within the City.

The Salida Riverside Fine Arts Festival is holding a sanctioned event in Riverside Park along the Arkansas River on Saturday, August 13th from 9:00 a.m. to 10:00 p.m. and on Sunday, August 14, 2011 from 9:00 a.m. to 5:00 p.m. Event coordinators, Danna & Clyde Tullis, are organizing this event. This has become an annual event that includes local and regional artists. The Host sponsor is Salida ArtWorks. This event will include music, a special event liquor permit, street closures and food vendors.

Street closures requested are;

F Street from Sackett to the cul-de-sac.

Sackett from F to D Streets

E Street from Sackett to the alley

A completed Events Check list by City Departments is attached for Council review.

The diagram is included in the packet for Council review.

According to Sec. 6-2-20(a) of the Salida Municipal Code, the City Council can declare an event of City-wide interest thereby exempting from licensing peddlers, solicitors, transient merchants, and vendors permits.

Sec. 6-2-20. License required; food and health regulations.

(a) It is unlawful for any peddler, solicitor or transient merchant to engage in any such businesses within the City without first obtaining a license therefore in compliance with the provisions of this Article; provided, however, that the City Council, by resolution, may exempt from licensing peddlers, solicitors or transient merchants selling at locations approved in said resolution during an event declared to be of City-wide interest; provided further that the sponsor of such exempted event shall file with the City Clerk prior to such event a list of the names, social security numbers and addresses of any participating peddler, solicitor or transient merchant, along with a copy of a current Colorado sales tax license.

Moore made a motion to approve the city property use, the Special Events Liquor Permit including RESOLUTION 2011-53 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, DECLARING SALIDA RIVERSIDE FINE ARTS FESTIVAL 2011 AN EVENT OF CITY WIDE INTEREST. Stewart seconded the motion. With all in consensus, THE MOTION CARRIED.

3. Transfer of real property to the Salida Natural Resources Center Development Corporation

Ordinance 2011- 14 approving the transfer of the real property to the Salida Natural Resource Center Development Corporation.

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

Ordinance No. 14 Series of 2011 approving the transfer of Tract 2, Vandaveer Subdivision Exemption per plat filed under Reception No. 343953, Chaffee County, CO (the "Property") to the Salida Natural Resource Center Development Corporation (SNRCDC) is included in the packet. State statute requires that the City approve the transfer of property via ordinance when the property has not been put to public use. Due to an error in my office, we failed to run this Ordinance parallel with the Resolution authorizing the Mayor to sign the special warranty deed transferring the Property in accordance with the terms of the Development Agreement by and between the City and the SNRCDC. Hanlon apologized for any confusion that this may have caused.

Consistent with any ordinance, Ordinance No. 14 will require two (2) readings and a public hearing and become effective thirty (30) days after publication at which time we will record both the Ordinance and the special warranty deed. Unfortunately, the special warranty deed was recorded inadvertently as Hanlon was out of town and unavailable at the time of recordation. While this is unfortunate, it is not a material defect to the process. If Council is disinclined to transfer the Property via ordinance, the City could record an instrument to that effect to remove any potential cloud on title. There will be a second reading and a hearing. Comments will be taken on second reading

Bob Engel, Monika Griesenbeck and Mike Corn asked questions about the SNRC.

Attorney Hanlon gave an overview of the history of the Natural Resource Center (NRC) and the formation of the Natural Resource Center Development Board (NRCDB) a 63-20 Corporation. The 63-20 is an IRS revenue rule that was created in 1963. It allows an entity effectively controlled by sponsoring entity of a certain kind without creating debt to sponsoring entity. Hanlon said that originally the City tried to sell the Vandaveer Property to a Courgeaux and this deal fell through due to the economic environment. Tim Glenn, a former County Commissioner, was instrumental in putting the NRC together. City Council formed the 63-20 Corporation, whose goal is to have an entity other than the City fund the deal for the NRC. By having the NRC bring utilities to the Vandaveer it will be more affordable for developers in the future. Currently the land is going to be developed and just recently two members of Council were brought on as Board Members. The idea is that by adding members of Council it will bring better communication between Council and the NRCDCB. A discussion followed.

Damman moved to extend the meeting beyond 8:00 p.m. to finish City Business. Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.

Further discussion followed.

Stewart made a motion to adopt ORDINANCE 2011-14 APPROVING THE TRANSFER OF REAL PROPERTY TO THE SALIDA NATURAL RESOURCE CENTER DEVELOPMENT CORPORATION. Setting the public hearing as August 16, 2011 and ordering the Ordinance to be published in full. Yerkey seconded the motion.

A brief discussion followed.

Mayor Rose asked for a roll call vote.

With all in consensus, THE MOTION CARRIED

4. Awarding the bid for the Waste Water Treatment Plant Project –
Resolution 2011-54 – approving an award of a construction contract for the Salida Wastewater Treatment Facility and authorizing the City Administrator to enter into a Construction Services Agreement between the City of Salida and Moltz Construction.

Stewart made a motion to approve Resolution 2011-54 – approving an award of a construction contract for the Salida Wastewater Treatment Facility and authorizing the City Administrator to enter into a Construction Services Agreement between the City of Salida and Moltz Construction. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.

Mayor Rose requested a five minute recess at 8:20 p. m.

Meeting resumed at 8:27 pm

5. Implementing a loan program the City retirement plan –
Resolution 2011-55 implementing a loan program to the City retirement plan.

Jan Schmidt, Finance Director, presented written materials included in the packet. This is supplemental to an action that Council approved as new retirement plan with ICMA. ICMA

requires that we approve a loan program. The City has several employees that have outstanding loans.

Moore made a motion to approve RESOLUTION 2011-55 IMPLEMENTING A LOAN PROGRAM TO THE CITY RETIREMENT PLAN. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.

6. Administrator/City Attorney/Deputy City Clerk

a. Administrator's Report – Acting Administrator Jan Schmidt

Jan Schmidt, Acting Administrator, noted that as a follow-up from this morning's worksession, she requested Council appoint someone as a representative to the Chaffee County Development Corporation.

A discussion followed regarding the repairs needed on the Fire Truck. Fire Chief, Don Taylor, gave Council the details about repairs needed for the truck, which will come to around \$15,000. The truck is unsafe and will be parked if not repaired.

Chief Taylor presented an Appreciation Certificate to City Council as a thank you for support of the Fireworks show put on with Dave McCann's efforts.

Schmidt noted that Administrator Lewis is working with the City engineer for solving the issues at the Dominick property. Another alternative will be tried and if that doesn't work we will do another.

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

Attorney Hanlon noted that City Council needs to schedule a worksession to discuss the 2011 budget amendment as well as employee compensation plans.

c. Deputy City Clerk Report – Janella Martinez

The 2011 City election ballot will list the Mayor position open for a two-year term. In addition three (3) City Council positions will be listed as open including, 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. The City of Salida is considering a Tabor Issue.

August 2, 2011, today, is the first day to pick up nomination petitions at the City Clerk's office and begin circulating. August 22, 2011, is the last day to file nomination petitions with the City Clerk's office.

Elected Official Reports-

a. City Treasurer -

City Treasurer, Eileen Rogers had nothing to report

b. Mayor –

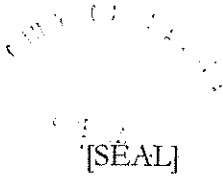
Mayor Rose thanked the Law Enforcement officers involved for their quick response to the recent bank robbery.


c. **City Council-**

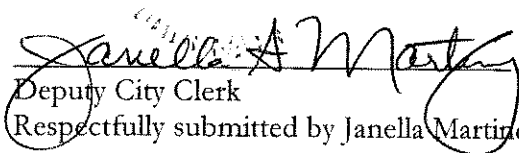
Councilor Damman asked if in order to be elected to City Council is it a requirement by State Statute to be a resident of your Ward for at least twelve months. Hanlon said it is. Damman will be leaving his position soon.

ADJOURN –

Moore made a motion to adjourn at 7:37. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.




Mayor


Deputy City Clerk
Respectfully submitted by Janella Martinez, Deputy City Clerk