



MEETING MINUTES OF THE CITY COUNCIL
City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, November 17, 2015 6:00 p.m.

I. REGULAR MEETING CALLED TO ORDER –

II. PLEDGE OF ALLEGIANCE – Led by Mayor Jim Dickson

III. SWEAR IN NEWLY ELECTED OFFICIALS & APPRECIATION FOR OUTGOING OFFICIALS

City Clerk Schwitzer presented plaques to Mayor Dickson as well as Council Members Baker and Yerkey. Following the presentation of the plaques in appreciation of the outgoing members' service, the newly elected officials were sworn in.

IV. ROLL CALL – Mayor Jim LiVecchi

All staff and Elected Officials were present with the exception of the Treasurer because the position was vacant.

Mayor LiVecchi gave an introduction and described what changes and consistency he would like to see. He thanked the previous Council Members and Mayor. He also said that he would like the council to address the chair and each other by name when speaking.

V. PRESENTATION

Larcom Mural Request – Mary Hay

Ms. Hay congratulated the Mayor and new Council Members. She continued to state that Larcom has been trying for a number of years to paint a mural at the Super Lanes Bowling Alley. She stated that she would like to discuss the City's creative design policy.

Lisa Marvel spoke and stated that there was conversation to consider murals public art rather than a sign. She felt that it should be brought up for the Public Art Commission.

The Council was in agreement that they would like to see an ordinance brought back for consideration to modify the code and allow Mr. Larcom to complete his mural at the bowling alley after such change.

VI. CITIZEN PARTICIPATION – 3 minute time limit. *Citizen participation is for items not on the agenda and for agenda items that are not scheduled public hearings.*

Mary Roberts of Salida stated that she has taught swimming and uses the pool on a regular basis. She spoke in favor of the soaking pools at the Salida Pool. She stated that an outdoor pool would increase capacity for all of the groups that she works with. Roberts stated that she overheard a desk clerk tell a guest that the hotel at the Princeton resort was completely sold out. She felt an outdoor pool that was marketed would bring in a lot more tourism to Salida. She stated that everyone will benefit. She asked the Council to allow the pools to be completed.

Shark Landon of Salida stated that he agreed with the previous speaker. He stated that the pool is currently a wasted resource because people are going down the road to Buena Vista for the soaking pools. He stated that if he is allowed to continue consulting he can bring additional income to the community.

Bob Grether of Salida welcomed the new Mayor and Council Members and thanked the outgoing Council Members and Mayor for everything that they had done. He stated that over the last ten years Tom Yerkey was critical to making a lot of projects happen. He stated that there was very little progress in the 30 years preceding when the outgoing council served.

Tom Pokorny of Salida stated that he brought forward a new subdivision up on the mesa and all but one lot has sold. He stated that the demand for housing in Salida is reflected in the housing prices. He stated that after the infrastructure is in place on the Vandaveer it will open up the property for builders to purchase property. He recommended that the Council move forward with the letter of intent.

Monika Griesenbeck of Salida stated that she is very hopeful that things will go much better. She stated that she noticed that the three new Council Members took an oath to uphold ordinances. She referenced 4-3-50 and stated that the ordinance states that water lines will be paid for out of those funds and not out of the water and sewer fund. She stated that the funds should be returned to the water fund.

Jeff Auxier of Salida stated that people should be able to speak. He stated that the water fund purchased the Vandaveer Ranch and it would be transferring those funds to Lowry for the infrastructure. He stated that he wanted the Council to be aware that in October and November of 2014 the proposed budgets included the outdoor pool and locker rooms. He stated that they were different items then, but it was treated as a change order in September.

Lori Law of Salida stated that she was in support of the Lowry land trade. She stated that she was concerned about outsourcing it and felt if Lowry did it then local builders would have the opportunity to development. She also stated that she hoped the Council will seriously look at not putting the Harrington Ditch in a pipe.

VII. NEW BUSINESS

Bowers stated that recently there was a restriping on HWY 50. He stated that the removal of the old lines cause the old lines to grab the tires of vehicles. Bowers would like to see the divots somehow filled in to resolve the issue. Granzella agreed that the quality of work could have been better.

Hallett made a motion to send out an rfp for a local attorney. Brown seconded the motion.

Granzells stated that he would like to spend more time on this item and know the pros and cons of the proposal.

Bowers stated that he has had constituents indicate that they would like to see a local attorney.

Brown stated that the subject first came up two years ago in discussion to reduce legal cost to the City. He stated that there was some feedback that it would be difficult to find a local attorney because of potential conflicts. He stated that there are a lot of indicators that there is broad support by the legal community.

Brown-Kovacic stated that she would like to follow Granzella's suggestion to have the discussion in a work session. She stated that she was also concerned about finding someone locally who has the expertise in local municipal law.

Granzella stated that he is not against working on an RFP.

LiVecchi asked if Hanlon charges mileage.

Hanlon stated that he charges mileage, but does not charge for his time or for overnight stays. He stated that he felt it was important to take the time to figure out what it is that they want. He felt it was important to discuss what their expectations are for an attorney.

Rogers was in agreement with Granzella and felt the conversation should be in a work session.

Hallett stated that it is at least the third time that she has requested this and the Council decided to keep the current attorney. She stated that she has been blocked access to legal counsel. She stated that the work has had numerous errors.

Brown asked if Hallett would consider an amendment to say bring forward a draft RFP to discuss and proceed forward.

Hallett stated that she would be in agreement if it was done at the next meeting. Bowers seconded the amendment.

Brown-Kovacic stated that she would like to know more about why the change is needed and she stated that she would like background information.

Hanlon stated that Council had decided to route communication through the mayor. He wanted Council to know that it was a decision by Council rather than a decision that was made by himself.

LiVecchi was in agreement to have more time.

Hallett was in agreement for the motion to be for a draft RFP that staff will bring forward.

Rogers stated that she was concerned that there would not be an opportunity for input. MacDonald stated that Council could give her the feedback.

Bowers was concerned about some of the legal information that he has been provided. Bowers wanted the work session on December 14th.

Granzella was concerned about limiting it to local attorneys.

With all in favor, THE MOTION CARRIED.

Brown asked about an agreement being brought forward for the Audit Committee consulting services. Hanlon suggested that the effective date be on January 1, 2016 contingent on the budget. Brown also mentioned that there is a vacancy on the budget committee.

Bowers was concerned about Granzella being on the NRCDC Board.

Granzella submitted a resignation letter to Administrator MacDonald resigning from the NRCDC Board.

VIII. OLD BUSINESS

Hallett asked if there is a new member on the audit committee and if the consultants are set up. MacDonald stated that she was under the impression that the Audit committee would be making a recommendation at the December 1 Meeting.

Bowers stated that two members of the airport commission have left. He asked if the positions will be filled.

IX. APPOINTMENT OF MAYOR PRO-TEM

Bowers made a motion to appoint Hal Brown as the Mayor Pro-Tem. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.

X. SCHEDULED ITEMS

1. **Consent Agenda** (Christian Samora)
 - a) Approval of Agenda
 - b) Approval of Minutes: October 20, 2015

- c) Luke Donovan Family & Friends Recognition at Riverside Park
- d) Final Settlement for H Street Project Phase II
- e) Final Settlement for 2015 Water Plant Project
- f) Final Settlement for 2015 Sidewalk Project

Brown motioned to combine and approve the items on the Consent Agenda. Rogers seconded the motion. With all in favor, THE MOTION CARRIED.

2. Lease Agreement with Colorado Department of Motor Vehicles, 2nd Reading and Public Hearing (Jan Schmidt)

Ordinance 2015-17 approving a lease agreement for property located at 448 East 1st Street with the Colorado Department of Revenue, Division of Motor Vehicles

MacDonald gave an introduction and suggested holding the public hearing.

Rogers motioned to table the ordinance indefinitely. Brown seconded the motion. With all in favor, THE MOTION CARRIED.

3. Pedestrian Crossing Agreement with Union Pacific, 1st Reading (Dara MacDonald)

Ordinance 2015-19 approving the new pedestrian at-grade crossing agreement between the Union Pacific Railroad Company and the City of Salida

MacDonald gave an introduction and stated that the City has been working for a number of years to obtain legal access across the property.

Bowers asked if it is approved, how it will affect the current trespassing issues. MacDonald stated that it is addressed in the agreement, which states that the City will proactively discourage trespassing on the adjacent property.

Bowers stated that he would not like to see the public's access to the river restricted. MacDonald stated that it is the firm position of the railroad that people are trespassing.

Bowers made a motion to approve Ordinance 2015-19, an ordinance of the City Council, City of Salida, approving the new pedestrian at-grade crossing agreement between the Union Pacific Railroad Company and the City of Salida. Brown-Kovacic seconded the motion.

Mayor LiVecchi stated that there was a motion and there needs to be discussion then a vote.

Bowers was in favor of the crossing.

Hallett stated that some have access to information that the rest of Council does not have access to regarding the difficulty of dealing with the railroad. Brown-Kovacic stated that she had first-hand knowledge from personal experience while serving on boards and commissions in the community.

With all in favor, THE MOTION CARRIED.

4. Auxier/Carlisle Referendum Petition (Betty Schwitzer/Christian Samora)

Reconsideration of Ordinance 2015-16 providing for a change in disposition of sales tax revenue and amending Chapter Four of the Salida Municipal Code

Schwitzer gave an introduction and background on the agenda item.

Bowers made a motion to repeal Ordinance 2015-16. Brown seconded the motion.

Bowers stated that the referendum needs to be honored with the 292 signatures that were collected. He stated that he was in favor of repealing the ordinance.

Brown was in agreement with Bowers and further added that he did not feel it would be a good thing for the City to call for another special election at this time. He stated that they are well underway to get a budget in place under the current code and a precedent has already been set to submit changes in tax allocation to the voters.

Granzella was in agreement with Brown and stated that a more comprehensive question could be brought to the voters.

Rogers agreed that it should be repealed so that there is time to educate the Council and the Community about the various allocations of revenue.

Brown-Kovacic was in agreement with repealing the ordinance. She was concerned about the cost of a special election and felt that the time needed to be taken to do it right. She felt it would be an opportunity to solve any issues.

Hallett felt it would give time to live with the ordinance and give time to work the philosophical elements of the current ordinance.

With all in favor to repeal, THE MOTION CARRIED.

5. Trust Agreement with Pueblo Bank and Trust (Jan Schmidt)

Resolution 2015-87 approving a custody agreement with Pueblo Bank and Trust to establish an account where 2A funds may be held in trust pursuant to Ordinance 2014-28

MacDonald gave an introduction and provided background on the agenda item.

Hallett stated that it is just a figurative procedure to how the funds are held separately.

Brown-Kovacic was curious if there is a way to pass an ordinance to clarify how the funds are held.

Hanlon suggested using an ordinance for the clarification.

Brown-Kovacic motioned to move forward with an ordinance to clarify the language. Rogers seconded the motion.

Brown stated that establishing a trust is not a prudent use of the citizens' money. He stated that they are faced with an interpretation or to change the language. He stated that he would support an ordinance that would only clarify that language.

With all in favor, THE MOTION CARRIED.

6. Letter of Intent to Purchase Vandaveer Property (Dara MacDonald)

Resolution 2015-89 approving a non-binding letter of intent for the purchase and sale of land

MacDonald gave an introduction and background information.

Brown asked if the letter of intent authorizes any work to be done on the property.

Hanlon stated that it is basically an agreement to talk and reach an agreement.

Bowers stated that he was recently informed that there is an outfit that would like to buy the whole property.

MacDonald stated that the additional letter of intent excludes the property that is the subject to the Lowry Letter of Intent.

Larry Sherwood spoke and stated that they would like to start development. He stated that they would like

see municipal utilities go into a new development.

Rogers motioned to approve Resolution 2015-89, a resolution of the City Council, City of Salida, approving a non-binding letter of intent for the purchase and sale of land. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.

- 7. Amending Lease Agreements with Tenderfoot Communication Site Tenants, 1st Reading (Dara MacDonald)**
Ordinance 2015-20 amending certain telecommunications lease agreements relating to the Tenderfoot Communication Site

MacDonald gave an introduction and background on the agenda item.

Brown asked if the tower is overloaded. MacDonald stated that there is no immediate failure and Verizon would be working to strengthen the tower to support the load on the structure.

Rogers motioned to approve Ordinance 2015-20, an ordinance of the City Council, City of Salida, amending certain telecommunications lease agreements relating to the Tenderfoot Communication Site. Brown seconded the motion. With all in favor, THE MOTION CARRIED.

8. Administrator/City Attorney/Deputy City Clerk

- City Administrator Report –Dara MacDonald
- City Attorney Report – Karp, Neu, Hanlon, PC
- Deputy City Clerk Report – Christian Samora

9. Elected Official Reports

- City Clerk – Betty Schwitzer
- City Treasurer -
- Mayor – Jim LiVecchi
LiVecchi stated that he wants to be consistent with the public hearings.
- City Council- Michael Bowers, Hal Brown , Cheryl Brown-Kovacic, Rusty Granzella, Melodee Hallett and Eileen Rogers.

XI. EXECUTIVE SESSION

Brown motioned to adjourn into executive session For a conference with an 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: Case # 2015 CV 30043 Steve Tafoya v. City of Salida Granzella seconded the motion. With all in favor, THE MOTION CARRIED.

Hanlon stated that Council was updated on the litigation.

The Council was in agreement to consider cancelation of said contract at the next Council meeting and notify Tami Tanoue to notify the opposing Council.

XII. ADJOURN –

Rogers motioned to adjourn at 9:28 p.m. Brown seconded the motion. With all in favor, THE MOTION CARRIED.

[SEAL]

City Clerk

Mayor

Meeting Minutes November 17, 2015

