



**MINUTES REGULAR MEETING
CITY COUNCIL CHAMBERS
125 E. 3rd Street**

Salida, Colorado

June 16, 2009

6:00 p.m.

A regular meeting of the Salida City Council was held this date in Council Chambers. The meeting was called to order at 6:02 p.m. by Mayor Chuck Rose.

PLEDGE OF ALLEGIANCE –

Led by Mayor Chuck Rose.

ROLL CALL -

Present at roll call were Mayor Chuck Rose, Council Members Keith Baker, Scott Damman, Jay Moore, Jim McCormick, Tom Yerkey and Hugh Young. Also present were City Administrator Jack Lewis, City Clerk Janella Martinez, and Attorney's Karl Hanlon and Cassia Furman.

Absent was City Treasurer Greg Amidon.

CITIZEN PARTICIPATION – 3 minute time limit

Cyril Granzella, 223 Blake Street, a Salida resident was a member of the volunteer Fire Department with the City of Salida for 30 years. He asked why there wasn't a flag flying at the Salida Police Department or in Riverside Park on Memorial Day and Flag Day. He asked what he could do to help remedy this situation. The City should honor our country by flying the flag at all municipal buildings. He would like to see the Police Department, all City buildings and parks to fly the flag especially on Memorial Day. City Administrator Jack Lewis noted that the flag flies everyday at City Hall. He said he can't speak for the one at Riverside Park or here at the SPD.

James Henry, 136 North C Street, read an article in the local paper noting that the City is planning to build a new trail on the river. The section that enters into the underpass should not be used. He recommended Council Members go view this location. In the past he shot about 30 rattlesnakes. It is extremely dangerous in his opinion to put people in this underpass. Mr. Henry suggested locating the trail in the area on the south west side of town. He feels that if the trail goes through the underpass the city will be responsible for insurance coverage for people injured when accessing the underpass.

PRESENTATIONS –

1. Southwest Conservation Youth Corps presentation by Heather MacSlarrow

Heather McStarrow came to the meeting to thank the City for the generous support shown to the Upper Arkansas Trail Crew. Funding by the City allowed the Youth Corp to hire 6 people that were able to start early in the season and were known as the Upper Arkansas Crew. These six youth will be able to work at Arkansas Headwaters and at the BLM. Ms. MacSlarrow has heard a number of positive comments regarding the trails. She said the City made a difference by their financial support. She presented the City with a framed picture taken on the trail showing the crew building

a large rock wall. Ms. McStarrow said they have learned that naming the tools used by the youth cause them to take better care of them. She then presented Mayor Rose with a sledge hammer named Chuck Rose.

Mayor Rose noted what a wonderful job was done. He noted that this type of project could be funded with money from 2B, but was actually funded with Conservation Trust Fund monies. He noted that there will be a bike race held on these trails in about two weeks.

SCHEDULED ITEMS-

- a. Approval of Agenda
- b. Approval of Minutes: June 2, 2009
- c. Liquor Licenses: Quincy's – Change of Manager

BACKGROUND:

1.) A request by Quincy's Inc., 710 Milford, to change its manager. The new manager is Roxane Nickerson. The Police Department has run a background check and there are no problems.

- d. Special Event Liquor Permits

BACKGROUND:

- 1) Salida Circus Outreach Foundation, 140 N. C St, Salida, CO 81201 is requesting a Special Events Permit for June 26-28th, 2009 to hold a "beer garden" in conjunction with Salida's Art Walk. The event will be held at 145 F St on Bobby Hartsliel's property. Food will be served by a caterer. A copy of the application is attached for Council's review. The property was posted and there were no comments submitted to date.
- 2) Heart of the Rockies Chamber of Commerce, 406 W. Hwy 50, Salida, CO 81201 is requesting the City grant a Special Event Liquor permit for Saturday July 11th, 2009 from 8:00 a.m. to 6:00 p.m. to host the 13th Annual Colorado Brewers Rendezvous at Riverside Park. The property was posted and there were no comments submitted to date.
- 3) Friends of the SteamPlant, 8002 CR 140, Salida, CO 81201, is requesting a Special Events Permit for June 25th-27th, 2009 from 3:00 p.m. to 10 p.m. to hold a benefit for the Steamplant and the Missoula Children's Theatre at Pinon real estate offices at 201 F. Street. This event is held in conjunction with Art Walk festivities. The property was posted and there were no comments submitted to date.

- e. Public Property requests:

BACKGROUND

- 1) The Salida Chamber of Commerce is requesting permission to close Sackett Street between F and E Streets on Thursday June 25th from 3:00 p.m. to 7:00 p.m. to hold a Dented Chevy Car Club. There will be no amplified sound nor food, merchandise or liquor sales.
- 2) Respond is requesting the use of Riverside Park on Sunday July 5th from 7:00 a.m - 10:00 pm for all day church worship and service. It is part of a nationwide gathering to pray. There will be amplified sound.

These requests have been reviewed by Police and Fire prior to being placed on the agenda. When a written review is submitted to the clerk prior to the packet deadline is included in the packet for Council Member review. Staff recommends combining and approving the items on the consent agenda.

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

2. Designating Emergency Response Manager

Resolution 2009- 31 appointing Don Taylor as Emergency Response Manager

City Administrator Jack Lewis presented written information that is included in the packet for the record. The code of the City of Salida does not recognize any staff member as the City's designated Emergency Response Manager. For a long time it was assumed that this duty fell to the Chief of Police as one of his other duties as assigned. After careful examination and consideration I have concluded that since the City's code does not designate anyone specifically for this assignment the most appropriate member of the Staff to be assigned this duty is Fire Chief Don Taylor. Chief Taylor is highly trained in this arena and is willing to accept this important position. He will be our first line of communication with all other agencies regarding an emergency management event.

A motion was made by Damman to pass RESOLUTION 2009-31 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPOINTING FIRE CHIEF DON TAYLOR AS THE CITY'S EMERGENCY RESPONSE MANAGER. The motion was seconded by Moore. With all in consensus, THE MOTION CARRIED.

2. Property Maintenance Code - 1st reading
Ordinance 2009-10 amending section 18-14-40 of the Salida Municipal Code regarding violations of the International Property Maintenance Code.

Community Development Director Dara MacDonald presented written information that is included in the packet for the record. The request is to adopt changes to the Municipal Code that would allow the City to make maintenance repairs and collect expenses for such repairs.

The City Council adopted the 2006 International Property Maintenance Code ("IPMC") in the fall of 2007 with an effective date of January 1, 2008. The IPMC applies to all buildings within the city with the exception of one and two-unit residential structures.

In the fall of 2008 staff began enforcement of the IPMC in the downtown. Last winter, owners of approximately 26 buildings were notified about violations on the exterior of the buildings and invited them to enter into a voluntary compliance agreement with the City. Most owners chose to work with the City and create a schedule whereby they would complete the required maintenance. Several owners chose not to respond to repeated mailings and those files were subsequently turned over to the Police Department for enforcement.

There are seven properties that have not entered into a voluntary compliance schedule:

1. Unique Theater – Façade work underway
2. Sherman Hotel – No response
3. A.T. Henry - Ownership being transferred, will work with the new owners
4. Benson's – No response from owners, business owner will make repairs after FIBArk
5. 132 W. 1st Street – No response
6. 232 F Street – Owner making repairs
7. 133 E First – Repairs completed

The only remedy for the City under the current code is to bring noncompliant owners to municipal court and fine them up to \$1,000 per day or sentence them to time in jail. Neither of these options accomplishes the goal of the city adopting the IPMC.

The goal of enforcement of this code is maintenance of structures. The best result is that the repairs are made. In the case of non-responsive owners, the City is faced with prosecution which may not result in the desired repair. With the proposed ordinance the City will be able to make the necessary repairs or maintenance and then recover the funds expended along with a 10% administration fee.

Staff would suggest adopting the proposed code changes to allow the City to make maintenance repairs and collect expenses for such repairs.

A discussion followed regarding how the current property maintenance procedure works. Community Development Director Dara MacDonald explained the first step in the process was that the City Planner and the Code Enforcement Officer walked the downtown district and noted violations. These were then reviewed by the Police Chief and Community Development Director to decide what properties needed owner notification. The City Planner then contacted property owners by phone or in person. Some of the buildings only required painting but most owners were given a six month time frame to complete the maintenance. If there was no contact made by the planner, the owners were notified by registered mail.

This ordinance will allow the Community Development Department to maintain its goal of maintenance of structures and if they don't comply the City will be able to recover the funds spent to do the repairs. Attorney Furman said this would create a 3rd option for a property owner who couldn't afford to do the repairs, the City could work out a deal with property owner to do the repairs and then create an agreement for future payments, thus meeting the goal of the Community Development Department as well.

A motion was made by Moore to approve ORDINANCE 10, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, AMENDING SECTION 18-14-40 OF THE SALIDA MUNICIPAL CODE REGARDING VIOLATIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE setting the public hearing date for July 7, 2009, and ordering the ordinance to be published in full. The motion was seconded by Baker.

A brief discussion followed.

Council Member Young said that he only received this ordinance today, but due to the fact this was first reading it would allow him time within the next couple of weeks to have his concerns addressed.

Council Member Baker said maintenance at the downtown buildings have never been enforced and felt this was a step in the right direction.

Mayor Rose asked for a roll call vote. With all in consensus, THE MOTION CARRIED.

10. City Administrator & Department Reports

a. Administrator's Report –

There was no report.

7. Elected Official Reports -

a. City Clerk

Two water samples were submitted dated 5/04/09(2). All tested safe as reported by the Colorado Department of Health.

b. Treasurer

Finance Director Jan Schmidt presented information for City Treasurer Greg Amidon who was

unable to attend the meeting. Sales tax collected in June, which is based on April sales, is down 3.7% that is a little better than predicted. Ms. Schmidt is very pleased to see that.

She gave an update on the Occupational Lodging Tax noting that so far \$11,523 has come in. A number of lodgers have reported late and there are still some that have not reported to date. Ms. Schmidt said overall there has been very good compliance. The CTF funds may be needed to help pay for projects that we have underway.

c. Mayor –

Mayor Rose noted Monarch Mountain made a major contribution to the SteamPlant and the City had to make some changes to the existing contract. Monarch Mountain has supported and encouraged others to do the same. The city appreciates the support; and we hope that the SteamPlant breaks even in the future. He encouraged citizens to attend the numerous events scheduled at the SteamPlant. There is a branding exercise underway thanks to the efforts of Monarch Mountains Marketing Director Greg Ralph.

Mayor Rose noted that a road project is currently underway. He didn't want to go into details about the chip-seal process but said it does take a week or two of pain before completion of the project. He encouraged citizens to slow down during the projects that will help lengthen the life of the roads. He expressed appreciation to the Public Works crew for keeping a close watch on the program.

Mayor Rose described one of the problems Salida is having with Poncha Springs Town Board in our efforts for placement of the Salida Hot Springs Pool water line. The City has been told that until we decide to stop pursuing the lawsuit for the sewer billing dispute the Poncha Springs Town Administrator won't allow the City of Salida to obtain the needed easement through Little River Ranch.

Administrator Lewis said he attended the Poncha Springs Town Board meeting and that he agrees with Council that the billing dispute and realigning the hot water line are two separate issues. But, it is clear that the Poncha Town Board's opinion is that these two issues are bundled together, which Lewis thinks is an unfortunate move on their side. There will be more discussion in Executive Session.

There is the possibility of locating the line down the old 1930's hot water line alignment. The City would need to get a larger construction easement that would handle future maintenance of the line, if needed. This may cost a little more and means more negotiations with land owners. Administrator Lewis will give Council more details on this option at a later date.

Mayor Rose recommended everyone go see the trails in the Tenderfoot Mountain area. He thanked council and the citizens for support in completing the two new sections of trail from the parking lot road at Tenderfoot Mountain road to Cottonwood. Those citizens who walk or ride mountain bikes will appreciate the trails, and they will be a great asset to the City as well.

Mayor Rose said the improvements to the Hot Springs Pool locker rooms are great.

d. City Council-

Council Member Damman thanked the local volunteers helping with the two events that are coming to Salida this week. Ride the Rockies will stop here and some of our citizens allow riders to stay in their homes. FIBArk brings another 10,000 people to Salida. Both of these events are beneficial to the community and couldn't happen without the many citizens who volunteer with these events.

Council Member Young said he was glad to hear complaints about the recent street chip seal

project that is currently underway. Young's helped Council bring the funding issue to increase sales tax by 1% on the ballot as solution to help fund the street repairs, and so he would rather hear the complaints about the work over the complaints about the bad condition of the roads. Council Member McCormick said during the CDOT meeting it was explained that it is ten times more expensive to replace roads as it is to maintain the roads we have.

Council Member Yerkey said he attended the pool reopening that showcased the improved locker rooms which he felt are fantastic. He said it is great for our citizens and the funds were well spent.

Council Member Moore agreed that the trail work by Tenderfoot Mountain is absolutely fantastic. He and his wife Marilyn went hiking and said the views are wonderful. Council Member Baker said the trails are a moving point to the City.

EXECUTIVE SESSION –

Motion was made by Moore to move 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: a. To discuss legal issues. The motion was seconded by Young. With all in consensus, THE MOTION CARRIED.

A motion was made by Young to take a five minute recess. The motion was seconded by Moore. With all in consensus, THE MOTION CARRIED.

Mayor Rose announced the time as 7:00 p.m.

Those present during Executive Session were Mayor Chuck Rose, Council Members Jim McCormick, Hugh Young, Tom Yerkey, and Jay Moore. Also present were Interim City Administrator Jack Lewis, City Clerk Janella Martinez, and Attorneys Cassia Furman and Karl Hanlon.

Council reconvened in regular session at 8:46. No decisions were made.

ADJOURNMENT –

A motion was made by Damman to adjourn the meeting at 9:16 p.m. The motion was seconded by Moore. With all in consensus, THE MOTION CARRIED.

[SEAL]

Mayor

City Clerk

Respectfully submitted by Janella S. Martinez