



REGULAR MEETING OF THE CITY COUNCIL
 448 E. 1st Street, Room 190
 Salida, Colorado 81201
 Tuesday, February 4, 2020 – 6:00 p.m.
MINUTES

1. Call to Order
 - a. Pledge of Allegiance – Led by Mayor P.T. Wood
 - b. Roll Call – Councilmembers Justin Critelli, Harald Kasper, Alisa Pappenfort, Mike Pollock, Jane Templeton, Mayor Pro-Tem Dan Shore, and Mayor P.T. Wood were present.
2. Consent Agenda
 - a. Approval of Agenda
 - b. Approval of Meeting Minutes –January 21, 2020
 - c. Approval of Elks Annual Sweetheart Dance Special Event Liquor License
 - d. Approval of Chaffee County United Special Event Liquor License
 - e. Approval of 2019 Sewer Reconstruction Project Phase I Final Settlement
 - f. Approval of 2020 Concrete Maintenance Project
 - g. Approval of 2020 Sewer Rehabilitation Point Repair Project
 - h. Approval of 2020 Employee Compensation Methodology Report

Critelli made a motion to combine and approve the items on the consent agenda. Seconded by Kasper. With all in favor, THE MOTION PASSED.

3. Citizen Comment
 - Planning Commissioner Johann Steimle addressed the City Council with regard to questions about his law enforcement career.
4. Unfinished Business / Action Items
 - a. Ordinance 2020-03 An Ordinance Regarding Amending Chapter 6 of the Salida Municipal Code by the Addition of a New Article VII Concerning Offenses, Raising the Minimum Age to Purchase or Consume Tobacco to Twenty One Years, Second Reading and Public Hearing

City Administrator Drew Nelson refreshed Council on the three components to the Ordinance: First, to establish the age limit for purpose of possession and consumption to be twenty one years of age; second, to require a license to sell tobacco products in the City of Salida, and third, to ban flavored tobacco

products. Nelson noted that staff and Council have received a lot of feedback on this item.

Kasper asked if the Ordinance would prohibit all flavors, Nelson confirmed. Templeton asked if the fee schedule had been determined. Nelson stated that the fee would be minimal and that it had not been determined. Mayor Pro Tem Shore stated it is his understanding that the licensing fee will not be treated as a tax and will not be subject to Tax Payer Bill of Rights, Nelson confirmed. Pappenfort asked what give Council the authority to regulate tobacco. Nelson explained that a state law was passed in 2019 to regulate tobacco products in the State of Colorado. Pollock asked if there was a tobacco sales tax shareback from the state and where that money is applied. Nelson explained that is in the General Fund and is approximately twenty-thousand dollars annually.

The Mayor opened the public hearing.

Liz Sielalycki, Cassie Staum, Sydney Johnson, Daemon Kerrigan, Rebecca Rice, Andrea Carlstrom, Bev Orrill (passed copies of an old tobacco advertisement to Council), David Blackburn, and Jenna Metzinger spoke in support of the Ordinance.

Victoria Reynolds, Art Way, Maurine Des Jarine, Daniella Riggis, Twyla Rains, Aubrey Barber-Wilkins, Tom Petty, Randy McFarland, Daryl Huschka, J. Amy Ringer, Brandon Becker, Shelby Cox, Matt Rhoads, and Zack Meier spoke in opposition of the Ordinance.

The Mayor opened Citizen Comment for Kaya Rhoads. She stated that the pool should be open to children at all times. Mayor Wood asked Parks and Recreation Director Diesel Post to review the pool hours for children.

Kasper stated he received a lot of feedback and it has changed his opinion. He supported a licensing program as a tool to control tobacco and protect those under twenty one. Mayor Pro Tem Shore stated he does not want the Ordinance to be punitive to businesses. He preferred to hold off on the flavor ban and review again in one year. Critelli agreed with increasing the age of purchase to twenty one years of age. He supported requiring the tobacco industry to be locally regulated like alcohol and marijuana. Pappenfort is in favor of the Ordinance to protect youth from the tobacco industry and their marketing. Templeton stated there is not the right to smoke tobacco in the Constitution. She stated this is a public health emergency and that no study has shown that e-cigarettes help tobacco users to quit. She supported the Ordinance. Pollock stated that there is a high burden of proof necessary when government takes away citizen rights. He had concerns with the licensing program as it would target low and moderate income people. Mayor Wood stated the age restriction is to bring the municipal code in line with the federal standard.

Kasper made a motion to approve Ordinance 2020-03 on second reading. Seconded by Templeton.

Critelli motioned to add an amendment to Ordinance 2020-03 with the deletion to sub sections 6-7-20, b., c., and d., and all corresponding definitions and title language. Kasper seconded. With Kasper, Critelli, Shore, and Pollock in favor, and Pappenfort and Templeton opposed, THE AMENDMENT TO THE MOTION PASSED.

On the original motion to approve the amended Ordinance 2020-03, with Pollock, Kasper, Shore, Critelli and Pappenfort in favor, and Templeton opposed, THE MOTION PASSED.

Kasper was excused to leave.

5. Liquor Licensing Authority
 - a. Public Hearing – New Hotel & Restaurant Liquor License for Ramon Herrera Santana, 136 E 2nd Street, DBA Tacos El Tapatio

City Administrator Nelson entered staff comments into the record and recommended approval. The Mayor opened the public hearing, there were no comments, and the Mayor closed the public hearing. Shore motioned to approve, Templeton seconded, with all in favor, THE MOTION PASSED.

- b. Public Hearing – New Hotel & Restaurant Liquor License for Sweeties Bakery & Deli LLC, 129 W. Sackett Units C and E, DBA Sweeties Sandwich Shop & The Biker and The Baker

City Administrator Nelson entered staff comments into the record. Staff recommended approval upon receipt of a Certificate of Occupancy and passage of Police and Fire inspections. The Mayor opened the public hearing. Hearing no comments, the Mayor closed the public hearing. Mayor Pro Tem Shore motioned to approve, Critelli seconded, with all in favor, THE MOTION PASSED.

- c. Public Hearing – Transfer Hotel & Restaurant Liquor License to JSClinton LLC, 404 Grant Street, DBA The Gallery

City Administrator Nelson entered staff comments into the record and recommended approval. The Mayor opened the public hearing. Hearing no comments, the Mayor closed the public hearing. Critelli asked why the drawing encompassed the entire golf course. Applicant stated that liquor would be allowed on the golf course. Mayor Pro Tem Shore motioned to approve, Pappenfort seconded, with all in favor, THE MOTION PASSED.

6. New Business / Action Items
- a. Resolution 2020-04 Appointment to the Planning Commission

Community Development Director Glen Van Nimwegen stated there are two open positions and an alternate asking to join the Commission. Mayor Pro Tem Shore asked if he should recuse himself since he is a friend to one of the applicants. The Council did not feel that was necessary. Templeton motioned to approve the Resolution to appoint Michelle Walker, as a regular member, term expiring November 7, 2021 and Judith Dockery, as a regular member, term expiring April 21, 2023. Pappenfort seconded. Mayor Pro Tem Shore thanked the applicants for applying and expressed his support for alternate Johann Steimle to become a full member. Critelli commended Steimle for attending the work session the day of surgery. Mayor Pro Tem Shore motioned to amend Templeton's motion and to appoint Steimle, as a regular member, to the term expiring November 7, 2021, to appoint Judith Dockery, as a regular member, to the term expiring April 21, 2023, and appoint Michelle Walker as the alternate, term expiring June 7, 2020. Critelli seconded the amendment to the original Motion. With all in favor, the amendment to the original Motion passed. With all in favor, the AMENDED MOTION PASSED.

- b. Resolution 2020-05 Appointment to the Historic Preservation Commission

Community Development Director Van Nimwegen stated there was a vacancy for a regular member and a vacancy for an alternate. Pappenfort motioned to approve the Resolution appoint Jack Chivvis, as a regular member, to the term expiring March 21, 2020, and to appoint Steve Chapman, as an alternate member, to the term expiring January 1, 2022. Mayor Pro Tem Shore seconded, and with all in favor, THE MOTION PASSED.

- c. Resolution 2020-06 Adoption of the Chaffee County Community Wildfire Protection Plan

Envision Chaffee County Board President Cindy Williams and Salida Fire Chief Doug Bess spoke about the Wildfire Protection Plan. Chaffee County, South Arkansas Fire Protection District and other local entities had signed the plan. Critelli motioned to approve the Resolution, Templeton seconded, with all in favor, THE MOTION PASSED.

7. Councilors, Mayor, and City Treasurer Reports
- Pollock had nothing to report.
 - Shore stated the Z Foundation will hold a meeting at the Steamplant Annex on February 11, 2020, at 4:00 p.m., and at A Church, at 7:00 p.m., regarding Salida's Sister City status.
 - Pappenfort thanked the public for their outreach regarding Ordinance 2020-03.
 - Templeton had nothing to report.
 - Critelli had nothing to report.

- Mayor Wood
 - o Expressed gratitude for the civil outreach, correspondence, and discussion during the tobacco ordinance hearing. He thought the comments were well thought out. He stated it was an emotional, highly charged issue.
 - o Attended the CAST meeting and found it very insightful.
 - o The City sent a letter of support to state representatives for Senate Bill 20-010, Repealing the Prohibition of Local Government Regulation of Plastics.
 - o Will keep council aware of upcoming legislation that would have a local impact.
 - o Welcomed Council to attend a CC4CA board meeting via phone at his office on Friday at 9:00 a.m.
 - o The next Work Session, 5:00 p.m. on February 18th, will precede the City Council Meeting due to President's Day.
- Treasurer Bergin
 - o Finance committee meeting has been moved to February 13th at 3:30 p.m. due to President's Day.
- City Administrator
 - o Asked Council to look at schedules in order to accommodate a future retreat date.
 - o Thanked Council for their response to the results of the Compensation Survey.

Adjourned at 8:17 p.m.



Emm Kelley

City Clerk

P.T. Wood

Mayor P.T. Wood

