



# CITY COUNCIL REGULAR MEETING

448 E. 1st Street, Room 190 Salida, Colorado 81201

November 17, 2020 - 6:00 PM

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## MINUTES

### CALL TO ORDER

### Pledge of Allegiance

### Roll Call

#### PRESENT

Council Member Alisa Pappenfort

Council Member Dan Shore

Council Member Harold Kasper

Council Member Jane Templeton

Council Member Justin Critelli

Council Member Mike Pollock

Mayor PT Wood

Treasurer Merrell Bergin

### CIVILITY INVOCATION

### CONSENT AGENDA

Administrator Nelson advised the Elk's Special Event Applications had been withdrawn from the Consent Agenda.

Council Member Shore moved to remove the Community Center Construction Contract Discussion to the first item on New Business, Seconded by Council Member Kasper.

Voting Yea: Council Member Pappenfort, Council Member Templeton, Council Member Critelli, Council Member Pollock

The Motion Passed.

Council Member Shore motioned to combine and approve the amended Consent Agenda, Seconded by Council Member Critelli.

Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

The Motion Passed.

1. Approve Agenda

*Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph. 719-530-2630 at least 48 hours in advance.*

2. Approve November 2, 2020 Meeting Minutes
3. Approve 2021 Chaffee County Search and Rescue Car Show
4. Approve Chaffee County Services Contract for Recycling

### **CITIZEN COMMENT**—Three (3) Minute Time Limit

Letter from Chaffee County Hospitality Inc.

Adam Martinez gave a PROST Board Update.

### **NEW BUSINESS / ACTION ITEMS**

#### Community Center Discussion

Council Member Templeton moved to approve the ICON Community Center Construction Contract with a contingency for radon and sound mitigation at a later date. Seconded by Council Member Shore.

Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli,

Voting Nay: Council Member Pollock

The Motion Passed.

### **LIQUOR LICENSING AUTHORITY**

Public Hearing – A Hearing to review a Transfer of a Hotel and Restaurant Liquor License from Quincy's Inc. dba Quincy's to Santa Fe Trail Bar and Grill dba Santa Fe Trail Bar and Grill for the City of Salida, 710 Milford Street.

Mayor Wood, acting as presiding officer of the Authority, opened the public hearing. City Attorney Williams entered the City Administrator and City Clerk's Administrative Report and Investigative Findings into the record on behalf of the City and, based upon all the documentation and evidence set forth therein, as well as the applicable statutory and case law, recommended not approving the Liquor License Transfer. City Police Chief Johnson then testified that it was the conclusion of the Police Department that the approval of the liquor license transfer was not appropriate due to Andrew Romero's extensive criminal history, and several cases involving alcohol and serving minors. After the City presented its evidence and witnesses, Mayor Wood called the Applicant to present its case. The Applicant did not attend the hearing, or present testimony or evidence, either in Council chambers in-person or remotely on the GoToWebinar forum. The Mayor then called for any public comment, or testimony from parties in interest. There

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were no comments, and no oral or written testimony submitted, and the Mayor then closed the public hearing. The members of the Authority then deliberated, asked pertinent questions and considered all evidence and testimony in front of them.

Council Member Critelli moved to deny the application as of November 17, 2020, for a Transfer of Ownership Hotel and Restaurant Liquor License for Santa Fe Trail Bar and Grill LLC dba the Santa Fe Bar and Grill located at 710 Milford Street, Salida, Colorado, for the following reasons:

1. A public hearing has been held and the Authority has considered all the evidence in the record, and testimony given; all reasonable State and local requirements of this transfer application; and all other pertinent matters affecting the qualifications of the Applicant for the conduct of the type of business proposed.
2. State liquor law prohibits a liquor license to be issued or held by a person (or a business entity with interest by a person) whose character, record and reputation are not satisfactory to the licensing authority. When determining these factors, a licensing authority must take into consideration relevant criminal convictions, and pertinent circumstances connected with such convictions, that affect the qualifications of the applicant for the conduct of the proposed business. The licensing authority must also consider any information the applicant provides regarding your criminal records, including character references, educational achievements and evidence of rehabilitation, especially those pertaining to the period of time between the applicant's last criminal conviction and the consideration of his application for a license. Misrepresentations of material fact on the liquor license application also are likely factors to disqualify the applicant.
3. The record and testimony established at the public hearing demonstrates that the sole member of the Applicant LLC has relevant criminal convictions, and pertinent circumstances connected with such convictions, that will likely affect Applicant's qualifications to conduct the proposed business, has relationship to the sale and service of alcohol, are crimes of moral turpitude, and tend to show that the Applicant cannot comply with his duties under the Liquor Code.
4. The Applicant has not submitted mitigating information, documentation, or evidence regarding the criminal history record of Andrew Romero.
5. Additionally, the Applicant made a significant misrepresentation of material fact regarding Andrew Romero's criminal conviction history in the submitted Individual History Record, which was signed, under oath and declared "under penalty of perjury that [the] application and all attachments are true, correct, and complete to the best of my knowledge."
6. These egregious misrepresentations of material fact, made and affirmed under penalty of perjury, are additional relevant factors disqualifying the Applicant from holding a liquor license."

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Seconded by Council Member Kasper. Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

The Motion Passed Unanimously.

## **COUNCILORS, MAYOR AND CITY TREASURER REPORTS**

### **Council Reports**

Pollock relayed that he had worked and volunteered at the Community Center for years. He said he appreciated the work they do and was committed to partnering with them going forward.

Pappenfort wished the community a happy and safe Thanksgiving, asking that the community wear masks, wash hands, and take precautions to slow the spread of the virus.

Shore advised that a \$5,000 grant was awarded for an Elected Officials and Community Facilitated Program.

Kasper asked if the Public Art Commission could work towards art pieces for the City that would symbolize an inclusive and hate-free community.

Templeton seconded Pappenfort's comments and expressed dismay at individuals that weren't following basic virus precautions.

Critelli also agreed with Pappenfort and felt discomfort and confusion with employers that weren't requiring employees to wear masks or follow public health capacity guidelines.

### **Mayor Report**

Wood said that on a recent CML call, regarding the virus, it was shared that small group gatherings were the cause of recent spikes.

He also joined a CC4CA call where they discussed greener outdoor heater options rather than using propane.

### **Treasurer Report**

Bergin relayed that City sales tax was up 33% in September, the highest ever recorded. Retail driving the tax growth along with Accommodation and Food Service, Manufacturing, and Construction sectors. The City was \$800,000 under budget due to reduced spending by City Departments.

## **EXECUTIVE SESSION**

For the purpose of discussing the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest in accordance with C.R.S. Section 24-6-402(4)(a), with the following additional details for identification purposes: regarding a lease of City property.

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Council Member Shore moved to enter into Executive Session, Seconded by Council Member Kasper.

Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

The Motion Passed.

Council entered Executive Session at 7:31 p.m. and returned to the regular meeting at 7:48 p.m.

**ADJOURN**

Adjourned at 7:49 p.m.



A handwritten signature in blue ink, reading "Erin Kelley", is written over a horizontal line.

City Clerk | Deputy City Clerk

A handwritten signature in blue ink, reading "P.T. Wood", is written over a horizontal line.

Mayor P.T. Wood