



MINUTES REGULAR MEETING  
CITY COUNCIL CHAMBERS  
448 E. 1<sup>st</sup> Street

Salida, Colorado

May 4, 2010

6:00 p.m.

The meeting was called to order at 6:01 p.m.

**PLEDGE OF ALLEGIANCE –**

Led by Mayor Chuck Rose.

**ROLL CALL -**

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

**CITIZEN PARTICIPATION -**

Those citizens who did sign up indicated that they wanted to speak during the request for extension of the Mira Monte Final Plat, which is an item that is on the agenda

**PRESENTATIONS –**

There were no scheduled presentations.

**SCHEDULED ITEMS-**

1. Consent Agenda
  - a. Approval of Agenda
  - b. Approval of Minutes: Minutes April 20, 2010
  - c. City Property requests: None
  - d. Special Event Liquor Permit requests: 1.) Shriners
  - e. Liquor Licenses: 1.) Modification of Premises by Salida Café and Roastery  
2.) H & R liquor license application by 216 Ferraro's, 216 N. F Street  
3.) Beer & Wine license application by Reigning Wine, 130 W. 1<sup>st</sup> Street
- d. Special Event Liquor Permit requests: (Public Hearing if needed.)
  - 1.) MON-ARK SHRINE CLUB is requesting a Special Event Liquor Permit on Saturday

June 19, 2010 from 9:00 a.m. to 6:00 p.m. at 129 West Sackett Street, Salida, CO 81201

This event is held on private property. There is no amplified sound permit or street closures are requested. No public comments were received to date. There is no record of prior violations.

e. Liquor Licenses:

1. Modification of Premises by Salida Café and Roastery-

ABC River Corp. dba Salida Café & Roastery is requesting a "Modification of Premises". The diagram of the modification is attached for Council review. This change has been reviewed by Fire and Police, and they are fine with the change in premises.

2. Hotel & Restaurant liquor license application by 216 Ferraro's, 216 N. F Street., Salida, CO 81201

Arthur A. Ferraro, and Emily S. Ferraro dba 216 Ferraro's, 216 N. F Street., has submitted an application for a Hotel and Restaurant Liquor License w/ Concurrent review to sell Malt, Vinous & Spirituous Liquor for consumption on the premises.

After receipt of the application, the clerk then places it on the agenda of the local authority for a meeting, (the date of the meeting establishes the date of receipt of the application for the purposes set forth in the statutes). The receipt will be considered May 4, 2010.

Staff request City Council set a Public Hearing date as June 15, 2010.

3.) Beer & Wine license application by RavenKat, LLC dba Reigning Wine, 130 W. 1<sup>st</sup> Street, Salida, CO 81201.

RavenKat, LLC dba Reigning Wine, 130 W. 1<sup>st</sup> Street, Salida, CO 81201, has submitted an application for a Beer & Wine Liquor License w/ Concurrent review to sell Malt, Vinous & Spirituous Liquor for consumption on the premises.

After receipt of the application, the clerk then places it on the agenda of the local authority for a meeting, (the date of the meeting establishes the date of receipt of the application for the purposes set forth in the statutes). The receipt will be considered May 4, 2010.

Staff requests City Council set a Public Hearing date as June 15, 2010 to consider approval of a Beer & Wine License for Raven Kat, LLC dba Reigning Wine, 130 W. 1<sup>st</sup> Street.

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. **229 F Street Historic Preservation Commission Appeal –(Public Hearing)**

City Attorney, Karl Hanlon said that Mr. Kahn is withdrawing his appeal. This item needs no action by Council. Dara MacDonald, Community Development Director included written materials that are included in the packet for the record.

**3. Las Casitas zoning – 1<sup>st</sup> reading**

Ordinance 2010-02 rezoning a 4.55 acre area of land known as Erbsen Tract and Las Casitas as Medium Density Residential (R-2)

Attorney Hanlon noted that Councilor McCormick was removing himself from the room for this Item, due to a conflict of interest. Council Member McCormick left the Council Chambers.

Dara MacDonald, Community Development Director, presented written information that is included in the packet for the record.

The request is to rezone the Las Casitas and Erbsen properties from High Density Residential (R-3) to Medium Density Residential (R-2). Both properties are located on West Crestone Avenue. The applicants are David and Jill Erbsen, 305 Poncha Blvd. and Western Management, 225 G Street, Salida, CO 81201.

The property is currently zoned High Density Residential (R-3). The applicants have requested that the property be rezoned as Medium Density Residential (R-2) to be more compatible with the immediately surrounding properties such as Cottonwood Green and Las Casitas Filing No. 1.

Western Management has a pending application for final plat approval to subdivide the Las Casitas portion of this site into 8 lots. The applicant would like to covenant restrict the lots so that only single-family homes will be built on each lot. The other applicants, David and Jill Erbsen, own a 0.33 acre parcel of land adjacent to the Las Casitas subdivision.

In August of 2008 the Planning Commission recommended approval of this rezoning. Following this recommendation, Western Management submitted an application for final plat approval. The Planning Commission recommended approval of the final plat in July of 2009.

No public comment has been received regarding this rezoning.

Staff would suggest passing the ordinance rezoning a 4.55 acre area of land known as Erbsen Tract and Las Casitas as Medium Density Residential (R-2).

Mayor Rose opened the public hearing. He asked if there was anyone in the room opposed to this request or supporting this request to come forward.

A motion was made by Baker to approve to Ordinance 2010-02 an ordinance of the City Council for the City of Salida, Colorado rezoning a 4.55 acre area of land known as Erbsen Tract and Las Casitas as Medium Density Residential (R-2), and ordering the ordinance to be published by title only. The motion was seconded by Moore. With all in consensus, THE MOTION CARRIED.

**4. Las Casitas subdivision - (Dara MacDonald)**

Resolution 2010- 29 Approving the Las Casitas Filing No. 2 Major Subdivision

Dara MacDonald, Community Development Director, presented written information that is included in the packet for the record. The request is for final plat approval to subdivide the existing property into eight (8) parcels to be known as Las Casitas Filing No. 2, Salida, CO.

The applicant is Las Casitas, Inc., 225 G Street, Salida, CO 81201.

This application is in the final plat phase of the three-step process (sketch, preliminary, and final) for a major subdivision. The purpose of the final plat review is to assure the conformance of the application with all applicable provisions of the Land Use Code.

A public hearing was conducted by the Planning Commission on July 27, 2009, after public notice in a newspaper of general circulation and posting on the property 15 days prior. The staff report from the Planning Commission final plat review is attached with additional information. The Commission recommended approval of the final plat in subject to the following ten (10) conditions:

1. That the applicant shall submit or revise the engineered plans to meet the requirements detailed in letters from the City Engineer Schmueser Gordon Meyer dated July 21, 2009.
2. The applicant shall revise their final plat to reflect the changes outlined in the letter from the City Attorney dated July 23, 2009.
3. The infrastructure requirements outlined in the memorandum from Public Works Director Rob Vance dated June 26, 2009 be completed as part of Subdivision Improvements, including installation of curb, gutter, sidewalks, widening of the pavement to allow for on street parking and relocating meter pits to the parkways.
4. The applicant shall agree to enter into a subdivision agreement with the City at the time of final subdivision plat. The subdivision agreement will discuss, among other items as may be applicable, payment of appropriate development and impact fees, extension of utilities to serve the project, the requirement to secure any onsite or offsite public improvements through a line extension agreement or subdivision improvements agreement, and the applicant's agreement to be bound by the Salida Municipal Code subdivision and development regulations at such time as a site plan or other development application is submitted, which obligation shall extend to the applicant's successors in interest and be included as a plat note on the final subdivision plat.
5. The applicant shall submit a letter of credit for all public improvements for this subdivision prior to the recording of the final plat.
6. Engineered foundations be required prior to issuance of each building permit in the subdivision.
7. Street trees, adjacent to each lot must be installed prior to Certificate of Occupancy for homes on each lot.

8. The applicant shall add a plat note for future architectural development that reads, "Pursuant to Section 16-14-80(11) of the Salida Municipal Code no residential façade elevation shall be repeated more than once every five (5) lots in the Las Casitas Filing No 2. Mirror images of the same residential façade shall not count as two distinctly different façades."
9. Payment of fee in lieu for parks, trails and open space that are in effect at the time of approval of the final plat are due prior to the recording of the final plat.
10. The final plat must be recorded within six months of the final plat approval by City Council or the approval will expire.

These conditions of approval have been met with the current submittal. The subdivision improvements agreement is attached for Council review. The applicant will be required to execute this agreement, submit financial guarantee and pay the fee-in-lieu for parks, trails and open space prior to recording of the final plat. Engineered foundations, street trees and payments for fee-in-lieu of land dedication for public schools will be addressed with the building permit for each lot.

No public comment has been received regarding this subdivision.

Staff would suggest passing the resolution to subdivide the existing 4.22 acre property into eight (8) parcels to be known as Las Casitas Filing No. 2, Salida, CO.

MacDonald said another item of note is that the R-O-W is 80 feet and the centerline of the street is somewhat offset. There have been discussions with the applicant about the appropriate location of the sidewalk. Typically there is a 60 ft. R-O-W; the street is 38 ft., and then a curb, a 4 ½ foot parkway and then a 5 ft sidewalk. In this case, there would be extra space, as much as 20 foot where the sidewalk would follow the property line. Just beyond where the Erbsen property currently exists, the R-O-W width is down to 60 ft. Staff would want that to line up with the sidewalk on the Las Casitas side. Revising the Improvement Agreement will address the issue and move the sidewalk to maintain that 4 ½ ft. line and as a result it will hug the curb. Staff is comfortable recommending approval of the subdivision with the sidewalk location defined in the revised application.

Councilor Yerkey asked if the City won't be enlarging the lots. MacDonald said no, the City will still own the property between the lot and the property line. Baker noted that the property owner will still maintain the area. Councilor Stewart asked if staff would anticipate enforcement issues if some property owner in the future if they wanted to put something in R-O-W down the road.

Currently if anyone wishes to put landscaping or hardscaping in the R-O-W they are required to get a permit from the Public Works Director.

Councilor Moore asked how much extra space there is in the R-O-W. MacDonald said that when you get to the far west end of the property there is as much as 20 feet. The center line is pretty offset.

Councilor Yerkey asked if the builder would need a permit to tie in the walk from his front door. MacDonald said yes.

Mayor Rose explained that the permit is required to help prevent costly repairs for the property owner

when Public Works employees need to access the meter pit and valve boxes. If the property owner lays cement over the City R-O-W Public Works employees might need to cut and remove it for repairs and the City is not required to replace it. Irrigation issues caused by certain types of materials that are put in the R-O-W.

Public Works Director Rob Vance said the maps presented to Council show the meter pit in the sidewalk area. The amended plat shows the pit located on private property.

Mayor Rose noted that Robert Biglow wished to speak. Mr. Biglow requested to approach the dias to present a revised plat map to Council. MacDonald and Vance approached the dias. Mayor Rose noted that the final location had not yet been defined with the applicant. Vance said he recommended the meter pits and valves need to be located outside of the sidewalk area, and would be comfortable with Council passing the presented Resolution with this condition included.

Mayor Rose asked Mr. Biglow if he was representing the applicant would they agree to this condition. Biglow indicated they would.

A motion was made by Baker to APPROVE RESOLUTION 2010-29 A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO APPROVING THE LAS CASITAS FILING NO. 2 MAJOR SUBDIVISION IN THE CITY OF SALIDA. With the condition that lots 7 & 8 have the meter pit and the water shut offs removed from the sidewalk area. The motion was seconded by Moore. With all in consensus, THE MOTION CARRIED.

Councilor McCormick returned to dias to participate in the remainder of the meeting.

5. **Mira Monte extension of final plat** – Resolution 2010 – 30 granting a one year extension for recording of the final subdivision plat for Mira Monte Planned Development and one year extension for completion of the public improvements for the property.

Council Member Damman stated that he had a potential conflict of interest with the next item for consideration and left the room.

Dara MacDonald, Community Development Director presented written materials that are included in the packet for the record.

The developers of the Mira Monte project have requested an additional one year extension on the recording of the final plat and for completion of construction of the associated public improvements such as streets, utilities, sidewalks and parks. They have cited the continued national economic slow-down and credit crunch as reasons for delay of the project.

This project was approved by the City Council on June 16, 2008. A one-year extension was granted on March 3, 2009. The applicant submitted a request for an additional extension on April 23, 2010.

The code does not provide an exact mechanism for this type of request. The reason that the developer does not wish to go ahead and record the final plat is that the subdivision improvements agreement requires that a letter of credit or other financial guarantee for all proposed public improvements be provided to the city prior to recording of the final plat. Since the developers are not ready to begin construction yet, they do not yet wish to make that financial commitment.

When an applicant requests an extension of a vested right, the code directs the city to consider whether a 'longer or extended vesting period will serve the public interest and welfare in view of all pertinent circumstances, including, but not limited to, the size and phasing of any given development, economic cycles or market conditions' (Section 16-14-120(5)b).

Staff has found that given the continued economic slowdown both locally and nationally that an extension for the construction of public improvements in the subdivision is appropriate and subsequently the recording of the final plat. There have been no significant changes in the surrounding neighborhood that would influence the project approval and thus no harm can be found in granting of the requested extension.

Mayor Rose asked if those present wanted to speak about this development extension.

George Lohen, representing Mira Monte said they have worked diligently to obtain financing for the project. This is a problem nationwide. They have invested close to \$450,000 in the project already and would appreciate Council granting an extension. No plans have changed for the quality of the project and he hopes Council will allow a one year extension of the project.

Mayor Rose asked for those wishing to speak to come forward.

Lana Miller, President of Rainbow Ridge homeowners Association, was asked to represent the owners that are unable to be present this evening. They are requesting that Council denies the one year extension. There are over seventy homes on the market under \$270,000 in the Salida area. Personally she has a home on the market and Mira Monte has hurt her. Respectfully requested again, that this extension is denied

Don Moore, President of the Cottonwood Green homeowner Association, newcomer to the area and feels the zoning there is an anomaly. The number of homes for sale in Salida is shocking. He hardly thinks that's fair to the other property owners with real-estate for sale in the area.

Rick Ramsey 7475 N. CR 160, says the zoning for this development has changed and he doesn't see how this fits into the picture of the existing neighborhood. If Council decides to approve the request for extension, Mr. Ramsey would like to see a sunset provision added to the approval. He doesn't feel the developer will get funding anytime soon.

Cheryl White, lives in Rainbow Ridge, which is right next to Mira Monte. She presented a zoning map. She pointed to the area where Mira Monte will be located and said this is a massive high density spot. They are proposing 77 units on 13 acres. Ms. White urged Council to stand up and preserve the neighborhood.

Cheryl Ramsey, 7475 CR 160 asked why Mira Monte is listed for sale with Pinon Realty. She requested Council turn down the request for extension.

Jane Pinto, realtor at Pinon Real estate said this is a particularly hard issue for her and she can't speak as an adjoining property owner. She doesn't know what is right and what's wrong, but knows there are a couple of people here who have invested a lot of money in this project. Please consider both sides of the story.

Rick Costa, Mira Monte, spoke about the expiration date. He said the application was dated June 6, 2008 so he assumed that the expiration would be in June, and was caught off guard when he missed the March deadline.

Drew Smith, 2 Silver Spruce Drive, Cottonwood Circle, said there was a lot of discussion when this was approved two years ago. He feels that since they haven't started any work to date, and have the property for sale, the conditions have changed and enough is enough. If someone wants to do something in the future the Planning Commission can revisit this site and see what to do with the property.

Lordes Smith, built a house three years ago, then Mira Monte came in and proposed a high density development. It just doesn't fit in the area. There are many houses available for sale. She requested Council deny this request for extension. To her this development is a nightmare.

Mayor Rose requested a motion.

Councilor Baker made a motion to deny extension of the Mira Monte final plat. The motion was seconded by Moore. A discussion followed.

Councilor Baker said he has never liked the project but does not want to do damage to the neighbors. He feels there is ample affordable housing in the community

Councilor Yerkey noted that Council went through a very extensive process when this project was approved. We are looking at the extension tonight, and he doesn't want to revisit the approval process.

Councilor Stewart echoed Yerkey's comments. The financial climate is very bad and he is not inclined to deny the extension at this time. However, he does like the idea of putting a timeline on the extension.

Councilor Moore disagreed with the project in the beginning and believes it will cost the City more over time and he will again vote against it again.

Councilor McCormick is leaning toward the people with single family homes living next to two story homes. He believes adjoining property values will decrease. A brief discussion followed.

Mayor Rose asked for a roll call vote on the motion to deny the extension for Mira Monte. Those voting YEA were Baker, Moore and McCormick. Those voting Nay were Yerkey and Stewart. The motion to deny CARRIED.

## **6. Chaffee County Energy Plan Adoption – (Jack Lewis)**

City Administrator Jack Lewis presented information that is included in the packet for the record. The Chaffee County Energy Plan has been looked at for quite sometime and we have had discussions about it. Mr. Damman and Lewis were on the committee to bring this plan forward for approval.

This is a guiding document that in theory as we go thru all different type of exercises in the City and County and other municipalities have adopted. The City should be more conscious of ways to conserve or produce energy. This document will give us another tool as we bring project for Council consideration. A brief discussion followed.

A motion was made by Stewart to adopt the Chaffee County Energy Plan. The motion was seconded buy Damman. With all in consensus, THE MOTION CARRIED.

## **7. Administrator/City Attorney/Deputy City Clerk**

a. Administrator's Report – (Jack Lewis)

1.) Salida Business Alliance request for \$1000

City Administrator Lewis said the next two items are on the agenda and he believes the two entities need a decision this evening.

Vickie Sue Vigil, President of Salida Business Alliance wanted to confirm that Council received the letter she wrote requesting the funding for the 4<sup>th</sup> of July celebration. Council indicated they did. Councilor Yerkey said he sat through a meeting this morning and knows the City needs to cut about \$380,000 from the budget, and he recommends this money not be dedicated to the event.

Damman and Stewart felt like this event does benefit the community and would support this minimal request.

A motion was made by Damman to approve giving SBA \$1000 for the 4<sup>th</sup> of July event. Stewart seconded the motion. Those voting Yea were Moore, Stewart, Damman, and McCormick. Those voting Nay were Baker, and Yerkey. THE MOTION CARRIED.

2.) Chaffee County Housing Trust request for \$15,000

Administrator Lewis noted the money for support of the Chaffee County Housing Trust was included in the budget

Read McCulloch, Director of CCHT did get a financial statement to Council following the last meeting. He said the need for affordable housing remains in Chaffee County. Most of the funds to date have been used for legal support and helping qualify families for the housing project.

A motion was made Damman to dedicate \$7500 to CCHT now and another \$7500 in September. The motion was seconded by Stewart.

McCulloch was asked if Council committed \$5000 today and then gave him another \$10,000 in October would that keep him running. He said \$7500 would be more helpful now and September was set as the deadline.

The motion was amended to give CCHT \$7500 now, and another \$7500 in September And Council will review the viability update by CCHT at this time. The motion was seconded by McCormick. With all in consensus, THE MOTION CARRIED.

Mayor Rose asked for a roll call on the previous motion. With all in consensus, THE MOTION CARRIED.

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

Attorney Hanlon said Council may be revisiting the Medical Marijuana issue in June. Council may end up wanting to pass an emergency ordinance depending on the outcome of the new legislation in the house.

c. Deputy City Clerk -

Deputy Clerk Janella Martinez reported a letter from County Clerk was received and the deadline for letting the County know if we will be participating in the upcoming November election.

7. Elected Official Reports -

a. Treasurer -

Mayor Rose welcomed back Eileen Rogers, City Treasurer. She said it was great to be back.

b. Mayor -

Mayor Rose thanked City Staff for their involvement in the Grand Opening celebration of the Touber Building. It was a wonderful event and well attended

The ribbon cutting for the HWY 50 Corridor project is May 12, 2010 at 1:00 p.m. with CDOT. This project included a lot of staff time by our Planning Department, Public Works and with the Finance Department, but it has finally paid off. Mayor Rose said that we live in an amazing place.

c. City Council-

There were no comments by Council.

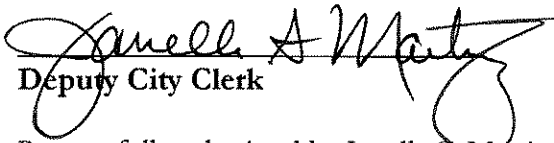
**ADJOURNMENT** -

A motion was made by Moore to adjourn the meeting at 7:58 p.m. The motion was seconded by Baker. With all in consensus, THE MOTION CARRIED.



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Mayor

[SEAL]



Deputy City Clerk

Respectfully submitted by Janella S. Martinez, Deputy City Clerk