



REGULAR MEETING OF THE CITY COUNCIL

City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, February 6, 2018 6:00 p.m.

The City Council may take action on any of the following agenda items as presented or modified prior to or during the meeting, and items necessary or convenient to effectuate the agenda items.

I. REGULAR MEETING CALLED TO ORDER

II. PLEDGE OF ALLEGIANCE – Led by Mayor P.T. Wood

III. ROLL CALL-Council Members Present: Justin Critelli, Michael Bowers, Cheryl Brown-Kovacic Dan Shore, Rusty Granzella and Harald Kasper; Mayor PT Wood. Quorum was present.
Staff Present: Larry Lorentzen, Jodi McClurkin and Lynda Travis

IV. PRESENTATION-A group of local veterans requested funding from local governmental agencies, including the City of Salida, for 8 new flag poles at the Veterans Park in Poncha Springs. Council approved their request for \$1707.50.

V. 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.*

Jim Miller of Salida publicly opposed the appointment of Monica Griesenbeck due to some concerns he had regarding her ability to get along with others. He also reminded Council that Griesenbeck lost in the recently held election and urged Council to fulfill the will of the people.

Steve Borbas of Salida spoke in support of Monica Griesenbeck as City Clerk, spoke of her qualifications and urged Council to appoint her tonight.

Louise Fish of Salida said she has changed her mind regarding her previous opinion to not vote for Monica Griesenbeck as City Clerk. She stated she is now in support of Griesenbeck, reminded Council they had the option to remove her if needed and stated she liked the idea of inclusiveness.

Joseph Jordan of Salida stated that a Deputy City Clerk position had been created by the City and reminded Council of the important duties of the City Clerk's office. He stated an appointed City Clerk cannot be easily removed and expressed concern regarding the ability to balance inclusivity with the need to have a productive City government.

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Robin NeJame of Salida stated she is in support of Monica Griesenbeck participating in government in her current capacity. She stated that Griesenbeck is more powerful by speaking from behind the podium than she would be in the City Clerk position. She then stated that Griesenbeck represents citizens, brings a diverse voice and holds Council accountable.

Mike Harvey of Salida spoke in opposition to the appointment of Monica Griesenbeck as City Clerk. He expressed concern regarding comments she made in the local paper and stated the City Clerk position is not political.

Read McCulloch of Chaffee Housing Trust spoke regarding affordable housing. He urged Council to create a benchmark for all new housing developments with 1 out of 8 units at 80% area median income (AMI) being the policy.

VI. SCHEDULED ITEMS

1. Consent Agenda – Lynda Travis

- a) Approval of Agenda
- b) Approval of Meeting Minutes – January 16, 2018
- c) Special Event Liquor License Request-Salida Elk's Lodge #808-February 17-18, 2018
- d) E911 Authority Promissory Note for Purchase of 911 Equipment
- e) 2018 Concrete Maintenance Project Bid Award

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

2. Public Discussion of Marijuana Code Relating to Transfer of Licenses -Larry Lorentzen

Mayor Wood opened Public Discussion.

Dibby Olson from Family Youth Initiatives spoke regarding Communities that Care. She provided data regarding availability of marijuana and other substances amongst youth. She stated data was collected by a statewide survey of youth and the purpose for it was to create strategies with local entities to reduce use which is higher locally than at the state level.

Sterling Stoudenmire the CEO of Pure Greens advocated for local ownership in the event of acquisition of a local marijuana retail establishment. He stated he serves on a Chaffee county board that determines the allocation of collected marijuana excise tax and that monies collected were given to Chaffee Housing Trust, FYI, Boys & Girls Club, etc. He offered assistance to City Council if they had any questions regarding marijuana laws and stated he thought a marijuana license was a property right.

Bowers asked Stoudenmire what security company they used and how many security officers they employed.

Brown-Kovacic told Stoudenmire that legal council had advised Council against giving preference to local applicants. She stated that a lottery is an option for selecting applicants but as long as an applicant is in good standing with the state then the City could not impose additional restrictions based upon them being local or not.

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Bill Smith of Salida stated he does not believe the local marijuana license is a property right. He stated the value comes from the limited number of licenses and it should be the City who benefits from the sale of the license and not the licensee.

Kat McQuillan of Tender Health Collective stated she is present to deliver the signatures of artists, small business owners, and purchasers of marijuana in the area. Mayor Wood directed her to submit them to staff.

Granzella asked Lorentzen if too large of a fee could be considered a tax under TABOR and therefore be required to go before the voters for approval. Lorentzen confirmed the fee would need to be supported by documentation of staff time.

Bowers stated he served on council at the inception of the marijuana licensing. He stated the desire at that time was to have only 2 licenses. He stated 3 licenses were approved later with the understanding that if one of the licenses closed that the number of licenses available would revert to 2. He stated he is in opposition to transfers and believes a change to the code would undo previous City Council and the community's wishes. He stated he preferred to take the matter to a vote of the people.

Mayor Wood stated he had forwarded information regarding how state manages marijuana transfers to all council members.

3. Resolution 2018-07 Appointing City Treasurer-Larry Lorentzen

Lorentzen provided background information regarding the City Treasurer position.

Mayor Wood provided background information regarding how the appointments had been handled in the past. He stated traditionally it had been done by a paper vote but deferred to council regarding how they wanted to proceed.

Bowers expressed concerns regarding the paper vote and stated he preferred a public and verbal vote. Mayor Wood stated that he preferred a paper vote.

The contents of the paper votes were collected and read aloud by Deputy City Clerk Travis with the following results:

Critelli, Granzella, Brown-Kovacic, Kasper, Shore and Bowers all voted in favor of Carol Johnson as the appointee in Resolution 2018-07.

Granzella made a motion to approve Resolution 2018-07 appointing Carol Johnson as City Treasurer until the next regular election. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

4. Resolution 2018-08 Appointing City Clerk-Larry Lorentzen

Brown-Kovacic stated it is important to select persons who are most qualified for positions and who will work well with staff. She stated political appointments were made in the past and it did not serve the City well. She stated she supports Alisa Pappenfort because she is the most qualified for the position and stated that Mrs. Pappenfort is related to a member of staff but that it is not a concern since they

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would not be working together in a supervisory capacity. She stated the Deputy City Clerk and Assistant Deputy City Clerk report directly to the City Administrator.

Bowers thanked both applicants for applying. He spoke in favor of Monica Griesenbeck and stated he believes she will work well with Deputy City Clerk Lynda Travis. He stated she is intelligent, a good researcher and could assist the City with staying in compliance with the laws. He stated he could not think of any reason why Mrs. Griesenbeck would not do the job well and again reiterated his support for her to be appointed City Clerk.

Shore shared his regrets with the community regarding his previous decision for City Clerk. He stated he has had a lot of conversations with citizens that are not always easy but that he is happy to see the high level of engagement. He stated the decision to appoint a City Clerk happened quickly and he wishes he had more time to solicit public feedback. He stated his intentions were to help heal the community but in many ways he feels like he contributed to more controversy. He praised Monica Griesenbeck for her courage to come forward for the position despite the negative response from others. He stated Monica Griesenbeck, despite some people's opinions of her, has a passion for this community and has a history of being involved with the City Council meetings. He stated he regrets, in any way, contributing to her being treated poorly by others. He stated citizens told him they voted for change, that "extending the olive branch" was a good concept but not at this time and that his decision will affect many. He encouraged citizens to ask themselves what inclusivity means and to get out of their comfort zone. He acknowledges that some citizens are going to be upset with his decision, stated that he is willing to accept that and thanked everyone for listening.

Critelli stated Shore's words inspire him to change his mind on decisions he thought were clear. He acknowledged that passions are high, and that democracy is not "getting along 100%." He stated he hopes there will be some healing from the situation and thinks there already has been. He stated its important to not always take the easy route and stated that is what democracy is all about.

Kasper stated he got to know Mrs. Pappenfort during his campaign. He stated she is not a divisive person and conveyed support for Council's decision after the last meeting. He concluded by stating he agrees with Brown-Kovacic that the appointment should not a political one.

Granzella stated he believes the appointment brings an opportunity for healing in the community. He stated he is in support of Mrs. Griesenbeck and if the appointment is successful he expects constructive reciprocation. He stated he believes the City Clerk position assists with creating and amending the city code and elections and that her knowledge of the past is of substantial value.

A paper vote was taken. The contents of the paper votes were collected and read aloud by Deputy City Clerk Travis with the following results:

Critelli, Granzella, and Bowers voted for Monica Griesenbeck
Brown-Kovacic, Kasper, and Shore voted for Alisa Pappenfort.
Mayor Wood broke the tie vote and voted for Alisa Pappenfort as the appointee in Resolution 2018-08.

Granzella made a motion to approve Resolution 2018-08 appointing Alisa Pappenfort as City Clerk until the next regular election. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.

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5. Resolution 2018-09 Appropriating Water Right for Golf Course Ponds & Filing a Water Court Application & Request for Substitute Water Supply Plan-Larry Lorentzen

Lorentzen provided background information regarding the Resolution. He stated it would grant permission to apply to water court to allow the City to store Briscoe water in the ponds and allow the water engineer to apply to the state engineer for a substitute water supply plan so that the City can continue using the water in the ponds until the matter is dealt with in court.

Lorentzen stated staff is also looking to use the Briscoe ditch water for irrigation of the golf course to ensure those water rights are not lost.

Kasper made a motion to approve Resolution 2018-09 appropriating water right for Golf Course Ponds & filing a water court application & request for substitute water supply plan. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.

6. Ordinance 2018-04 Salida Crossing Planned Development, First Reading-Glen Van Nimwegen

Van Nimwegen provided background information and answered all of City Council's questions.

Shore asked if deed restricted units would be integrated rather than segregated within the project.

Critelli asked about height requirements and average height.

Brown-Kovacic asked about the area median income requirements and the size of the deed restricted units.

Kasper asked about additional view restrictions.

Critelli asked if the height-based approaches to density would create a problem for future developments by setting a precedent.

Granzella asked if there would be a long-term maintenance plan of the proposed property and if the City could add anything to the agreement to ensure continued maintenance.

Shore asked how the HOA would affect the deed restricted units.

Duane Cozart answered all of City Council's questions.

Two motions were made:

Kasper motioned to open the discussion to public participation. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.

Erna Sanchez of Salida spoke in opposition to the project. She stated Lorna Lowry is her sister and that she is speaking on her behalf.

Jim Miller of Salida asked the Council to further review the project before approval.

Dwight Cocovinis spoke in opposition to the project.

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Lori Loff spoke in opposition to the project.

Read McCulloch of Chaffee Housing Trust spoke regarding the project at the request of Mayor Wood.

Brown-Kovacic requested more public input before approval of the project. Kasper agreed and provided suggestions.

Mayor Wood stated the project has already gone through two joint work sessions with City Council and Planning Commission, one hearing with Planning Commission only, and will go through two hearings with City Council.

Shore made a motion to approve Ordinance 2018-04 an ordinance of the City Council of the City of Salida approving the Salida Crossing planned development on first reading and setting a public hearing on February 20, 2018. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

7. Ordinance 2018-03 Angel View Planned Development, First Reading-Glen Van Nimwegen

Van Nimwegen provided background information and answered all of City Council's questions.

Brown-Kovacic made a motion to allow the meeting to continue until 9:30 p.m. Shore seconded the motion. With all in favor, THE MOTION CARRIED.

Walt Harder provided information regarding the project.

Bowers expressed concerns regarding the affordability and the conduciveness of the project.

Critelli expressed concern regarding how the project will affect future policy making.

Shore stated he would like to see lower AMI's.

Kasper suggested a staff recommendation and expressed concern regarding the AMI.

Critelli made a motion to approve Ordinance 2018-03, an ordinance of the City Council of the City of Salida approving the Angel View planned development on first reading and setting a public hearing for February 20, 2018. Shore seconded the motion.

Brown-Kovacic made a motion to amend the existing motion to require 9 units at 80% AMI. Critelli seconded the motion. In a 4 to 2 voice vote, THE MOTION CARRIED. Granzella and Bowers had the dissenting votes.

Kasper made a motion to open the discussion to public comment. Bowers seconded the motion. A voice vote was taken, and ALL WERE IN CONSENSUS.

Earl Walker, Jason Hutchinson and George Paar, spoke in favor of the project.

Read McCulloch spoke in opposition to the project.

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Jim Miller of Salida suggested City Council have a work session for the project and that ample time be set aside on the next meeting to discuss the matter.

Motion Wood called for the vote to approve Ordinance 2018-03, amended to include a requirement for 9 units at 80% AMI, an ordinance of the City Council of the City of Salida approving the Angel View planned development on first reading and setting a public hearing for February 20, 2018. In a 5:1 roll call vote, THE MOTION CARRIED. With Bowers dissenting.

8. Resolution 2018-05 Improvement Agreement for Angel View-Glen Van Nimwegen

Bowers made a motion to move the Resolution 2018-05 to the next meeting. Shore seconded the motion. A voice vote was taken, and ALL WERE IN CONSENSUS.

9. Ordinance 2018-02 Adopting International Building Codes by Reference, First Reading - Glen Van Nimwegen

Van Nimwegen provided background information.

Critelli made a motion to approve Ordinance 2018-02 on first reading and set the public hearing for March 6, 2018. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

10. Ordinance 2018-05 Amendment to Chapter 16, First Reading- Glen Van Nimwegen

Kasper made a motion to move Ordinance 2018-05 Amendment to Chapter 16, First Reading to the next Regular meeting. Shore seconded the motion. A voice vote was taken, and ALL WERE IN CONSENSUS.

11. Administrator/Deputy City Clerk

- City Administrator Report – Larry Lorentzen
- Deputy City Clerk – Lynda Travis

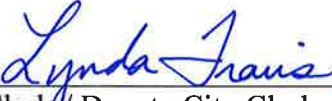
12. Elected Official Reports

- City Clerk – Lynda Travis
- City Treasurer – Jodi McClurkin
- City Council – Michael Bowers, Harald Kasper, Cheryl Brown-Kovacic, Rusty Granzella, Dan Shore and Justin Critelli.
 - Bowers reported he had received some noise complaints on the west end of town and requested the Police Chief assist with this matter.
- Mayor – P.T. Wood

VII. NEW BUSINESS

VIII. OLD BUSINESS

IX. ADJOURN-9:29 p.m.



City Clerk/ Deputy City Clerk



Mayor

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