



## REGULAR MEETING OF THE CITY COUNCIL

City Council Chambers  
448 East 1<sup>st</sup> Street, Room 190  
City of Salida, Colorado  
**Tuesday March 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 pro tem Cheryl Brown-Kovacic

### **III. ROLL CALL**

**Council Members Present:** Justin Critelli, Harald Kasper, Michael Bowers, Dan Shore, Cheryl Brown-Kovacic (serving as Mayor pro tem)

**Council Members Absent:** Rusty Granzella and Mayor PT Wood.

### **IV. PRESENTATION-Habitat for Humanity-Dale Shoemaker**

Shoemaker presented on Habitat for Humanity.

**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.*

- No one present for Citizen Participation.

### **VI. SCHEDULED ITEMS**

#### **1. Consent Agenda** – (Lynda Travis)

- a) Approval of Agenda
- b) Approval of Meeting Minutes-February 20, 2018
- c) Community Easter Egg Hunt-March 31 at Thonoff Park

**Critelli motioned to combine and approve the Consent Agenda. Shore seconded the motion. With all in favor, THE MOTION CARRIED.**

#### **2. Ordinance 2018-02 Adopting International Building Codes by Reference, Second Reading & Public Hearing** (Glen Van Nimwegen)

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Shore motioned to approve Ordinance 2018-02 to adopt the 2015 International Building Codes, 2006 Energy Conservation Code and 1997 Uniform Code for the Abatement of Dangerous Buildings as presented by staff and to include the amendments. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

**3. Ordinance 2018-03 Water Conservation Measures & Procedures for Enacting Mandatory Water Use Restrictions, First Reading (David Lady)**

Kasper motioned to Approve Ordinance 2018-03 on First Reading and set the Public Hearing for March 20, 2018. Bowers seconded the motion.

**4. Resolution 2018-05 Improvement Agreement for Angel View**

Resolution 2018-05 Improvement Agreement for Angel View brought back from January 16, 2018 and February 6, 2018 Regular Meeting. (Glen Van Nimwegen)

Van Nimwegen provided background information regarding the improvement agreement.

Shore motioned to approve Resolution 2018-05 approving the Improvements Agreement for Angel View Town Homes subject to the developer making changes to the improvements as required by the Public Works Department. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

**5. Ordinance 2018-04 Salida Crossing Planned Development, 2<sup>nd</sup> Reading & Public Hearing-continued to March 20, 2018 Regular Meeting (Glen Van Nimwegen)**

Van Nimwegen stated the applicant, Duane Cozart, is requesting the 2<sup>nd</sup> Reading & Public Hearing be continued to the March 20, 2018 regular meeting.

Mayor pro tem opened the public hearing and stated the 2<sup>nd</sup> Reading and Public Hearing would be continued to the next regular meeting.

Lornie Lowry stated she offered her property in exchange for the proposed site for the Salida Crossing development. She stated Mr. Cozart was not interested. She also expressed concern regarding the impacts the retail stores within the development would have on downtown businesses and further stated that removing them would allow the building to be lower. Mrs. Lowry stated she also offered to pay \$8,000 to perform a Letter of Map Amendment (LOMA).

Duane Cozart stated he wanted to elaborate on some of Mrs. Lowry's statements. He stated the \$8,000 mentioned by Mrs. Lowry regarding the LOMA study would be used for a base flood elevations study that would then indicate whether to proceed with a LOMA study. He further stated receiving a LOMA is not guaranteed.

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Shore asked how long it takes to complete a LOMA study. Cozart stated it could be done within 6-12 months with costs from \$20-50K. He emphasized the core issue is the time it takes to get to a viable piece of property and that is not a guaranteed outcome.

Lorentzen stated FEMA might also require a Letter of Map Revision (LOMR) instead of a LOMA. Bowers stated he thought Mr. Lowry's might have already started doing some of the work to correct the potential problem. Lorentzen answered that it is possible that Mr. Lowry did do some work with FEMA but that he did not know. Lorentzen added that time and costs could be doubled if a LOMR is required.

**Critelli motioned to continue the 2<sup>nd</sup> reading and public hearing on the Salida Crossing to the March 20, 2018 Regular meeting. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.**

**6. Ordinance 2018-05 Amendment to Chapter 16 regarding the Highway 50 Corridor Overlay, 2<sup>nd</sup> Reading and Public Hearing (Glen Van Nimwegen)**

Van Nimwegen provided background information.

Brown-Kovacic opened the public hearing. No one was present to speak.

**Kasper motioned to approve Ordinance 2018-05 amending Section 16-5-50 of the Salida Municipal Code regarding architectural standards for the Highway 50 Corridor Overlay. Critelli seconded the motion. With all in favor, THE MOTION CARRIED.**

**7. Ordinance 2018-07-Approving Amendment to Chapter 16 regarding Downtown Street Patios, First Reading (Glen Van Nimwegen)**

Van Nimwegen provided background information and addressed all of council's questions and concerns.

**Kasper motioned to approve Ordinance 2018-07 approving amendments to Chapter 16 regarding Downtown Street Patios on first reading and setting a public hearing and second reading of the proposed ordinance for March 20, 2018. Shore seconded the motion. In a 3-1 roll call, THE MOTION CARRIED. Bowers had the dissenting vote.**

**Brown-Kovacic requested staff re-insert the missing "snow removal" language for the 2<sup>nd</sup> reading of the Ordinance.**

**8. Ordinance 2018-08 Approving the Abandonment of a Segment of Alley Right-of-Way, First Reading (Glen Van Nimwegen)**

Van Nimwegen provided background information.

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**Shore motioned to approve Ordinance 2018-08 approving the vacation of a segment of alley right-of-way on first reading and setting a public hearing and second reading of the proposed ordinance for March 20, 2018. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.**

**9. Ordinance 2018-09 Amending the River West Planned Development, First Reading (Glen Van Nimwegen)**

Van Nimwegen provided background information and addressed all of council's questions and concerns.

Applicant, Jason Tundermann, gave a presentation on the matter. He stated he was present on behalf of the River West HOA.

Discussion continued amongst council and the applicant.

Kasper motioned to approve Ordinance 2018-09 approving the substantial amendment to the River West planned development on first reading and setting a public hearing and second reading on the proposed ordinance for March 20, 2018. Shore seconded the motion.

Brown-Kovacic opened the discussion amongst council members.

Kasper spoke in favor of the motion stating the intention of the Short-Term Rental regulations were to control the impact on the existing neighborhoods and the potential of taking away affordable and workforce housing. He stated this project is an isolated neighborhood, a Planned Development and the housing in this development will not go to workers but stay empty most of the time.

Critelli spoke in opposition explaining it is not just Safeway workers and teachers unable to find housing, but Doctors and others making significant money. He would like to see tightening of the Short-Term Rental restrictions.

Bowers spoke in opposition to the ordinance stating there was an issue of fairness if this project was given additional licenses and residents in other areas could not get a license as the maximum number per the code had been issued.

Shore spoke in opposition to the 14 units being used for short term rentals but stated he would not be opposed to considering Tundermann's situation alone. Brown-Kovacic stated the issue before council now was the 14 units but that Tundermann could file an appeal of a staff decision if he so chooses.

Brown-Kovacic provided background information regarding the request and, explaining Two Rivers had received additional short-term rentals but it was part of the overall Planned Development negotiation with the City with the City getting public good in exchange for any relief from regulations. In this case no additional public good was being offered in requesting additional Short-Term Rental units.

Brown-Kovacic then brought forth the motion:

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**Kasper motioned to approve Ordinance 2018-09 approving the substantial amendment to the River West planned development on first reading and setting a public hearing and second reading on the proposed ordinance for March 20, 2018. Shore seconded the motion. In a 2-3 roll call vote, THE MOTION FAILED. Critelli, Bowers, and Brown-Kovacic had the dissenting vote.**

#### **10. TABOR Refund (Larry Lorentzen)**

Lorentzen provided background information.

He stated Finance Director, Jodi McClurkin, is advising the TABOR liability to be paid through a utility bills credit, for the March billing cycle, in the amount of \$23.33. McClurkin further clarified the amount being credited could decrease depending on whether new utility customers sign up.

**Bowers motioned to approve the TABOR liability refund through the utility's credit as proposed by staff. Kasper seconded the motion. In a voice vote, the ayes carried it.**

#### **11. Community Funding Recommendations to City Council (Jodi McClurkin & Lynda Travis)**

Brown-Kovacic expressed concern the recommendations did not appear in the packet. She stated continuing the recommendations would allow them to appear in the upcoming packet and would give the public more time.

**Bowers motioned to continue the community funding recommendations. Shore seconded the motion. In a voice vote, the ayes carried it.**

Discussion continued, staff addressed council's questions and concerns and the recommendations were continued to the March 20, 2018 regular meeting.

#### **12. Administrator/Deputy City Clerk**

- City Administrator Report – Larry Lorentzen
  - 3 major street fund related projects are being advertised this week.
  - Short term rental updates given. Notices have been sent to licensees and review of the vacation rental websites has been initiated by the Municipal Court Clerk.
  - Point of view regarding Item #9 on the agenda and short-term rentals was given.
  - Topics of discussion given for upcoming joint work session items.
  - Palmer right-of-way update given.
- Finance Director-Jodi McClurkin
- Deputy City Clerk – Lynda Travis

#### **13. Elected Official Reports**

- City Clerk – Alisa Pappenfort
- City Treasurer – Carol Johnson (McClurkin to report on her behalf as needed)
- City Council – Kasper, Bowers, Brown-Kovacic, Granzella, Critelli, and Shore.
- Mayor – PT Wood

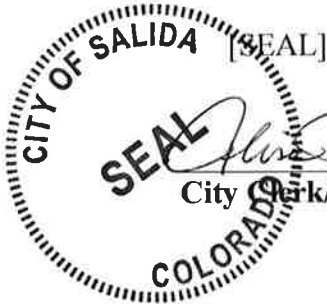
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- **Kasper** stated staff was receiving a lot of CORA requests and had recently received one asking for his emails for the past half year. He offered to meet with the public, stated he is available on Tuesdays and stated he felt tying up staff time with responding to all the CORA requests was unfair.
- **Bowers** expressed concern regarding the water galleries and how the water was being used.
- **Bowers** stated he is impressed with the equipment put into Centennial Park.
- **Shore** stated he attended the Upper Arkansas Area Council of Governments (UAACOG) meeting and has forwarded the information to Mayor Wood and to the City Administrator.
- **Brown-Kovacic** requested the water assistance program be put in place and be considered during water rate discussions.
- **Brown-Kovacic** gave a review of the recently passed public meeting on deed restrictions including stating a monkey survey had been released to the public.


**VII. NEW BUSINESS**

**VIII. OLD BUSINESS**

**IX. ADJOURN - 8:51 p.m.**



**SEAL** [SEAL]  
*Shirley Rappoport*  
City Clerk/Deputy City Clerk



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**Mayor PT Wood**